

The Utility of Torture in the War Against Terrorism

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The continuing silence of those interned as “material witnesses” in the United States since the attacks of 11 September has led to the suggestion that they should be tortured in order to reveal the information that some of them may possess (see Henry Porter, “Now the Talk is About Bringing Back Torture”, *The Observer*, 11 November 2001). This suggestion has been seriously discussed in the *New York Times* and *Wall Street Journal* and on CNN.

A specific example that has been used is that of Abdul Hakim Murad who, under torture by the Philippine authorities in 1995, revealed a murderous conspiracy to hijack American passenger jets and crash them into the Pacific.

On one side are those who argue that torture is an absolute moral evil that violates fundamental human rights. On the other are those who argue that causing calculated pain to a single individual is a lesser evil than permitting thousands to die horribly and in terror by fire, explosion, or disease. Although the proponents of torture remain in a small minority, a protracted war inevitably creates conditions in which expediency tends to overwhelm morality. Therefore, it is all the more important to examine the argument closely.

Over the twentieth century several European states sanctioned the use of torture against civilians suspected of terrorism as it was defined by the particular state at the particular time. Let’s define Europe loosely by the boundaries, say, of the Eurovision Song Contest. Within these limits a fairly random sample might include the Soviet Union with Stalin’s “Great Terror” in the 1930s, Germany against resistors to its territorial expansion in the 1940s, France against Algerian nationalists in the 1950s, Britain against Greek nationalists in Cyprus in the 1950s and Irish nationalists in the 1970s, Turkey against Kurdish nationalists, and Israel against Palestinian nationalists, the last two both up to the present day. In short, even within the continent for which Italian prime minister Silvio Berlusconi has recently claimed the halo of a higher civilisation, there is plenty of experience from which to assess the utility of torture as an instrument of counter-terror. What can we learn from this experience?

The first lesson is that *the authorities do not know in advance whom they should torture*. There are always many suspects relative to those that possess significant information. For example, the United States is today holding 1147 people in detention, but only some of them will turn out to have had guilty knowledge. A first group will have remained silent in order to conceal their guilty knowledge of terrorist conspiracies. A second group will have kept silent because they have something to hide but it is not what the authorities expect; perhaps they know nothing about terrorist conspiracies but they have other kinds of guilty knowledge concerning ordinary crimes which have given rise to an accidental association with terrorism.

And a third group will have kept silent because they have no guilty knowledge, only a purely accidental association with no real foundation. But to the authorities these three groups all look alike. In particular they share one essential common feature, their failure to give the authorities information of value about 11 September. Thus a decision to implement a policy of torture is likely to be aimed at all suspects who remain silent.

In implementing a policy of torture it is important to understand that torture is not an act but a process. This process apparently goes through at least two stages. In the first stage the pain that is inflicted remains bearable so those who have something to hide continue to say nothing, and those who have nothing to say continue to say so. In the second stage the pain is no longer bearable and this damages the personality of the suspect to the point where normal loyalties to family, to associates, to the truth, or to a moral or intellectual cause, are broken down. Of course, everyone is different so each person enters this second stage on an individual timescale. Some may reach it almost immediately, while a few people are strong enough to die first.

An important feature of the second stage of torture is that *once it is reached the victim will say anything to halt the process*. But what is now said will differ from case to case. Those in the first group that have guilty knowledge of terrorism will reveal it. Those in the second group with knowledge that is guilty but not about terrorism will also tell what they know. And those in the third group that have no guilty knowledge will lay claim to information that they do not possess and make it up.

This creates *a problem for the interrogator, who cannot tell truth from lies*. The interrogator knows that as the torture proceeds some suspects who are guilty, but not necessarily of terrorism, will continue to lie; some who have guilty secrets will start to reveal them, but the truth will not necessarily help the interrogator if it does not concern terrorism; finally, some who are innocent will start to lie. The size of the interrogator's problem is increased if the new information provided by a suspect is in conflict with the expectations he has formed as the result of interrogating the previous batch of suspects. The veracity of the information revealed under torture cannot be taken for granted and must be tested through further interrogation. Someone is lying, but while evidence relies on self-incrimination alone the interrogator's only way to find out is to combine continued torture of the current suspects with renewed interrogation of the suspects from the previous round.

Matching the interrogator's problem is therefore *the problem of the suspect, who must find out the "truth" that the interrogator desires*. The suspect wishes the torture to stop, but to achieve this it is not enough for her to tell the real truth. She must rather tell a version of facts that converges with and reinforces the interrogator's prior expectations. Since the interrogator will not reveal his expectations at the outset, she cannot establish a convincing confession immediately, but must find it out by trial and error during the second stage of torture. In other words the second stage cannot finish immediately when the suspect first confesses. Like the torture itself, confession involves protracted interaction between the suspect and the interrogator, during which the version of the truth that will finally satisfy the interrogator can be drafted and redrafted with literally painstaking care.

One consequence is that *torture is a self-reinforcing process*. It gives rise to a mixture of truths and lies, both of which may be used subsequently to justify the continued policy of torture. The truths that concern real terrorist conspiracies, such as those revealed by Abdul Hakim Murad, can be publicised as examples of the success of torture. The truths that concern other crimes can also be exploited in other ways. The lies that are woven in with the truths are also useful: they become the basis for

implicating wider circles of suspects and propagating further investigations that will randomly generate more claimed successes, more suspects, and more investigations.

A special twist to this self-reinforcing feedback is added when terrorist associations are communally based and suspects are selected for torture by their membership of a community or ethnic group. Under these circumstances *torture deepens the existing ethnic divisions in global society*, and also creates an opportunity for the terrorist organisation to pose as a defender of the community.

A final and most important consequence is that *the process of torture is corrupting*. Torture creates employment for the interrogators, and privileges that stem from the capacity to instill fear. The practice of torture also attracts those who find it enjoyable and use it as an instrument of self-gratification rather than investigation. Thus it gives rise to vested interests in its continuation that do not wish to be held accountable for their actions. These interests are helped by secrecy. Torture takes place in secret. Most people find the subject distasteful and do not wish to know about it, and this further strengthens the wall of secrecy. The result is a part of the state that exercises a cruel and tyrannical power over society, one that grows inevitably with the extension of torture and has the power to resist subsequent attempts to curb it.

To conclude, causing calculated pain to a single individual may well appear at first sight to be a lesser evil than permitting thousands to die horribly and in terror. The historical evidence shows, however, that the use of torture is incapable of being restricted to single individuals with guilty knowledge. It cannot give quick results, nor can it be a temporary measure. Rather, it is the start of a process that has no obvious limits. In short *torture is part of the process of terror*.