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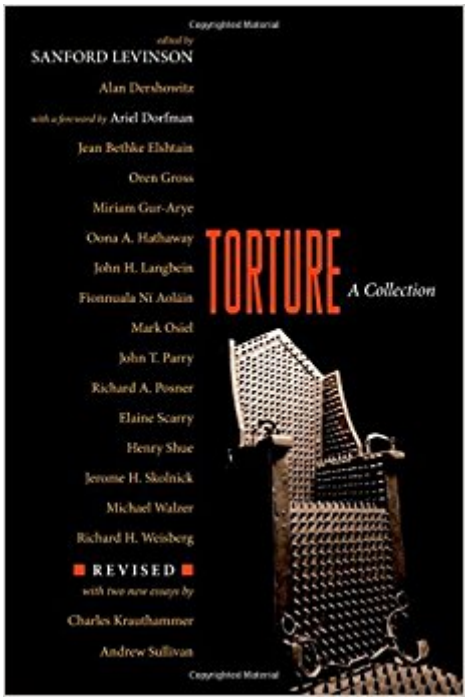
Torture: A Collection



Synopsis

Torture is perhaps the most unequivocally banned practice in the world today. Yet recent photographs from Abu Ghraib substantiated claims that the United States and some of its allies are using methods of questioning relating to the war on terrorism that could be described as torture or, at the very least, as inhuman and degrading. In terror's wake, the use of such methods, at least under some conditions, has gained some prominent defenders, notably from within the White House. In this revised edition, Torture: A Collection brings together leading lawyers, political theorists, social scientists, and public intellectuals to debate the advisability of maintaining the absolute ban and to reflect on what it says about our societies if we do--or do not--adhere to it in all circumstances. New to this edition are essays by Charles Krauthammer and Andrew Sullivan on the adoption in 2005 of the McCain Amendment, which explicitly bars the use of torture and other cruel methods of interrogation.

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Customer Reviews

While the legal prohibition on torture is among the most absoluteâ ”its status is akin to slavery and genocide in international lawâ ”many of the prominent lawyers, philosophers, political scientists and other thinkers contributing to this provocative yet sober collection acknowledge that torture can be an acceptable option in an extreme situation, such as the interrogation of a captured terrorist who has knowledge of a "ticking bomb." In four sections of three to six essays eachâ ""Philosophical Considerations

"This superior collection of essays by 17 leading scholars provides a timely, penetrating investigation into this morally challenging but important topic.... It is a pleasure to read an edited book in which the chapters speak to each other. This is a well-crafted study in political ethics."--Choice" Few of this book’s contributors want to engage in polemics, and few--to their credit--ever seem completely comfortable with their own conclusions."--The New York Times Book Review"[C]omprehensive and thought-provoking." --The American Lawyer"Sanford Levinson has done us all a tremendous service in compiling this rich set of essays on a highly compelling and timely topic." -- Ethics and International Affairs"Conceived wll before the Abu Ghraib story broke, Levinson’s collection of essays by philosophers and lawyers provides a cooler, though not dispassionate, look at the issues surrounding torture. Contributors include Jean Bethke Elshtain, Richard Posner, Michael Walzer, and the inevitable Alan Dershowitz.... The collection considers the conditions under which torture might nonetheless be acceptable--notably, the ’ticking bomb’ scenario, when the quick extraction of information can save many lives. Dershowitz argues that the normative case against torture remains strong but that under such conditions inhibitions will be overcome--and that it is best that any torturous interrogation be explicit and controlled. His critics denounce such a move as bringing torture into the realm of the legitimate. Other problems are raised, such as identifying the point at which pressure becomes torture."--Foreign Affairs"Closely argued, well written, and quite readable, these essays jointly constitute a valuable contribution to the field."--Library Journal

I give it five stars, because it achieves what it attempts to. This is a collection of influential pieces that are meant to familiarize individuals with the subject matter. However, like all collections it regrettably leaves out certain pieces, but this is a flaw of all collections. I recommend this product to anyone interested in the subject matter, but I do believe it shouldnÃ¢Â Â™t be the only material you reference for both your academic and personal beliefs

I didn’t read it myself, but my husband couldn’t put it down for like 2 weeks. So I’m gonna say he liked it.

Torture A Collection, by Sanford Levinson (book review)Sanford Levinson the editor has been and is an eloquent voice against torture and his intention in drawing together this collection is clearly to educate and raise awareness of a difficult subject to think about let alone put into written words. His

introduction acknowledges that lawyers can only go so far in speaking about the reality of torture and he laments the fact that he could not get a professional Army investigator to contribute to this collection.Much of the writing in this book is post 9/11. This terrible event brought home to United States citizens their vulnerability to horrific terrorist attacks on a grand scale. Since terrorists by definition operate in secret, preventing attacks relies heavily on information gained before an attack. That raises the question, how to get the information? One of the ways is through interrogation of suspects who might have knowledge of imminent attacks. But if time is of the essence what is to be done with potential suspects in custody. If they will not voluntarily provide information can they be forced to give it up through pressure, coercive techniques or even torture, physical or mental. Sanford's book is intent on exploring this issue from as many sides as possible: i.e., political, philosophical, legal, moral, historical, even theological. The sincerity of the editor-author and contributors is further underlined by the fact that all royalties from this book will be donated to The Torture Abolition and Survivors Support Coalition otherwise known as TASSC International.This is a book for scholars, students, and laymen and concerned citizens. Since Mr. Levinson contributors have different views on the legality and morality of torture, any reader will find much to agree, or disagree, with the different perspectives presented here. I support a Zero Tolerance for Torture policy, thus, I would take strong issue with the articles by Jean Bethke Elshtain and Alan Dershowitz.Jean Bethke Elshtain for example purports to speak from a Catholic ethical point of view and introduces her readers to classic Jesuitical moral casuistry. My problem with her presentation is she is grounding her arguments on one strand of theological ethics and ignores an equally strong deontological strand of Catholic ethics which says some acts can be intrinsically evil and can never be permitted no matter what the circumstances. The Convention Against Torture and human rights advocates reflect this strand of Catholic tradition when they say that the right not to be tortured is nonderogable, meaning it can never be set aside no matter what the circumstances even in extreme emergency.Like Alan Dershowitz who in his book, Why Terrorism Works, Elshtain supports an absolute condemnation of terrorist acts but somehow she becomes a utilitarian (with sadness) when it comes to torture. Her contribution purports to be theological but Elshtain bases her arguments mostly on the Machiavellian ruminations of Michael Walzer's essay, "Reflection on the Problem of Dirty Hands", not on the Beatitudes of Jesus. In fact there are no scriptural references in her essay. One saying of Jesus she might have to overcome is "what does it profit one to gain (or save) the whole world but suffer the loss of ones immortal soul." Is not this the real condition of the policy maker and those who carry out the policies of a particular government, the torturers themselves ? Do not the arguments of Walzer, Elshtain, Posner, and Dershowitz lead the reader to a theory of

"just torture". Even if one thinks these writers are wrong, they can still serve as lighthouses in the darkness warning others to sail clear of the shoals.My only qualification in praise of this book is the lack of deep reflection by any of the authors post Abu Ghraib. It seems to me the revelations of torture in Iraq, Afghanistan, Guantanimo and the revelations of renditions to other countries by the United States, takes the debate about torture and puts it in a context that is more troubling than the authors seem to understand. For Abu Ghraib stands to the world as 9/11 stands to the United States.Now that we have seen what even Americans are capable of, we need to get this discussion off the academic and normative plane and into the empirical realm (to use a favorite Dershowitz distinction). Haven't we learned from all the ugly revelations of the wars in Afghanistan and Iraq just how sadistic and corrupt human beings really can be? Can Judge Richard Posner say to Alan Dorfman, as he does in his essay, that Dorfman's absolute prohibition against torture is "overwrought in tone and irresponsible in content." In the empirical realm the President, the Vice President, the Secretary of Defense, the Attorney General and the Secretary of State have all made the argument that the war on terrorism necessitates different tactics than any previously fought war--though they still make the dubious claim they do not engage in torture or violations of the ConventionAgainst Torture.Let Sanford's distinguished authors grapple with this issue directly as our leaders grapple with them. Our leaders see "ticking bomb terrorists" almost everywhere. Are they right or are they the ones who might be "overwrought in tone and irresponsible in content ? " After Abu Ghraib should we really struggle and then acquiesce to the distinction between torture and cruel, degrading and inhuman treatment as Attorney General Alberto Gonzalez seems to suggest in a recent interview in Houston where he said that most of what happened at Abu Ghraib does not rise to the level of torture.Maybe Mr. Levinson will honor us with a second volume that connects the discussion in this book with what has happened since Abu Ghraib. Meanwhile I suggest that "Torture a Collection" is essential reading for anyone who thinks about torture as a possible response to terrorism.Paul Ferris(...)

While President Obama ended the use of torture, the debate about it has continued. The Senate report this year on the inefficacy of torture in the capture of Bin Laden elicited heated criticism from Republicans, and the debate over torture may be renewed for the 2016 election. Sarah Palin told the NRA Convention in April 2014 that Ã¢Â Âœenemies of the United States carry out jihad. If I were in charge, they would know that waterboarding is how we would baptize terrorists.Ã¢Â Â•ItÃ¢Â Â™s timely, therefore, to review the collection of essays about torture by 17 scholars edited by Sanford Levinson, who reminds us that ending torture was offered as a reason to

invade Iraq. Ã¢Â ÂœThere is no way,Ã¢Â Â• writes Levinson,Ã¢Â Â• to avoid the moral difficulties generated by the possibility of torture. We are staring into the abyss, and no one can escape the necessity of a response.Ã¢Â Â•THE LAWIn a nation purportedly of laws and not of men, itÃ¢Â Â™s appropriate to look at the law. In 1948, torture was outlawed by adoption of the Universal Declaration of Human Rights. In 1975, the UN passed the Declaration against Torture. In 1976, two UN conventions against human rights violations were adopted making torture a crime against humanity.The US Senate ratified the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. A key article states that Ã¢Â Âœno exceptional circumstances whatsoeverÃ¢Â Â|may be invoked as a justification for torture.Ã¢Â Â• Another article bans rendition: Ã¢Â ÂœNo State Party shall, expel, return or extradite a person to another State where there are substantial grounds for believing he would be in danger of being subjected to torture.Ã¢Â Â• Art. 2, 3 reads: Ã¢Â ÂœAn order from a superior officer may not be invoked as a justification for torture.Ã¢Â Â•ItÃ¢Â Â™s not clear that the Convention has worked to deter and reduce the torture and cruel treatment of prisoners. Signing the Convention has not ended torture in such countries as Egypt, Cameroon and Mexico. On the other hand, countries that also ratify articles 21 and 22 with stronger enforcement provisions are far more likely to have better torture ratings than States that donÃ¢Â Â™t, per Yale Law Professor Ooona A. Hathaway. Oxford Professor Henry Shue agrees that torture is still widely practiced, despite the law and universal condemnation, and its use is growing according to Amnesty International.THE LESSER EVIL?The main defense of torture is the lesser evil argument. Killing is worse than torture, goes the argument, and killing is permitted during war, therefore torture is sometimes morally permissible too under the standards of just-combat killing. Obama wonÃ¢Â Â™t capture and waterboard a terrorist, but will use a predator drone to assassinate him.Shue points out, however, that one of the most basic principles for the conduct of war is that violence not be directed at noncombatants, that morality prohibits assaults upon the defenseless. All torture is an assault on the defenseless prisoner at the mercy of his captor. Consequently, the justification used for killing combatants who can kill is missing with torture.Ã¢Â ÂœThe manner in which torture is conducted is morally more reprehensible that the manner in which killing would occur is the laws of war were honored. In this respect, torture sinks below even the well-regulated slaughter of a justly fought war.Ã¢Â Â• In addition, most torture (e.g. in Syria) -- has the purpose of intimidation and deterrence of dissent, though sometimes it overlaps with securing information as well.The rarefied situations that can be imagined, which donÃ¢Â Â™t exist in the real world, do not provide a reason to either relax the legal prohibition or to violate the law. If a torturer believes the classic situation does exist, however, he should defend himself in court

just like someone who commits civil disobedience. If he can make the moral case that the torture he committed is justified, then the penalty should be suspended.Ã¢Â Âœlf itÃ¢Â Â™s reasonable to put someone through torture, it is reasonable to put someone else through a careful explanation of whyÃ¢Â Â|There is little need to be concerned about possible injustice to justified torturers and great need to find means to restrain totally unjustified torture.Ã¢Â Â•Whether the Bush administration used torture is addressed by John T. Parry, Professor at the University of Pittsburgh Law School. Early in the Afghanistan war there were reports of prisoner abuse by US troops. The Bush administration denied those reports. Bush insisted the US did not torture.The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture and also binds signatories to Ã¢Â Âœundertake to preventÃ¢Â Â|other acts of cruel, inhuman or degrading treatment or punishment, which does not amount to torture.Ã¢Â Â• That phrase Ã¢Â Âœshould be interpreted so as to extend the widest possible protection against abuses, whether physical or mental,Ã¢Â Â• according to the UNÃ¢Â Â™s Code of Conduct for Law Enforcement Officials.Ã¢Â ÂœWhether or not individual US interrogation practices (in Afghanistan and Iraq) are torture, most of them probably qualify as cruel, inhuman or degrading.Ã¢Â Â• Thus many of the methods used to interrogate suspected terrorists violate the Convention, even though many of them were not torture.The post 9/11 debate on torture has been vigorous. One of the most controversial yet original arguments is made by HarvardÃ¢Â Â™s Alan Dershowitz. In 2002, Dershowitz proposed that use of torture be limited and controlled by means of a warrant. His proposal elicited hostile responses accusing him of advocating torture.Rather than encouraging torture, Dershowitz contends he challenges those who use the ticking time bomb argument to set up a structure of advanced judicial approval so as to limit such interrogation to those few actual cases only. He argues it would be preferable to have a judge Ã¢Â Â“ rather than an individual in security Ã¢Â Â“ to make the decision and to take responsibility for it Ã¢Â Â“ something judges arenÃ¢Â Â™t wont to do. Better a neutral and visible institution make the decision instead of secret institutions who exercise their own discretion without accountability.Judge Richard Posner has less confidence in a judicial warrant system. A warrant is issued in an ex parte proceeding where the officer seeking the warrant has a choice of judges, and where the reasons for granting the warrants and the evidence offered would likely remain secret. In short, requiring a warrant might operate merely to whitewash questionable practices by suggesting there is firm judicial control over interrogations. Posner prefers to leave the general prohibition in place, but with the understanding it will not be enforced in extreme circumstances, and the executive officials involved will obtain political absolution for illegal conduct.Andrew Sullivan, editor of The Dish, makes an impassioned case for no legal exceptions.

Once torture is legal in a few cases, Ã¢Â Âœa Rubicon is crossed, because it marks the boundary between a free country and an unfree one.Ã¢Â Â• The hundreds of abuse and torture incidents during the Bush administration illustrate that once torture is permitted for someone somewhere, it has a habit of spreading. Prisoner abuse became endemic throughout Iraq, a theatre of war in which even Bush officials agreed the Geneva Conventions applied.Ã¢Â ÂœIn short, what was originally supposed to be safe, sanctioned and rare became endemic, disorganized and brutal. The lesson is that it is impossible to quarantine torture in a hermetic box; it will inevitably contaminate the military as a whole. Once you have declared that some enemies are subhuman, you have told every soldier that every potential detainee might be exactly that kind of prisonerÃ¢Â Â¦That is what the disgrace at Abu Ghraib proved. The only way to control torture is to ban it outright. Everywhere.Ã¢Â Â•The American public remains divided on the issue, but nearly two-thirds of Republicans and of white evangelicals support torture. The next president could revoke ObamaÃ¢Â Â™s executive order banning torture. In short, the debate will continue. ###

This book takes a broad look at torture, from its historical usage,its legality, current definitions, and philisophical thoughts on its usage. Can torture ever be justified? The book is well written enough that boths sides can find evidence and support for their side. As for me I agree with Camus, "Torture one feels, is never warrented; one should never fight for a good cause with evil weapons."

Even those who wield the implements of torture know that what they are doing is inhuman. This is a collection of essays that looks at various aspects of state sponsored torment and agony and is particularly valuable for the exchange between Alan Dershowitz and Ellen Scarry in which the author of "The Body in Pain" completely shreds Dershowitz’s specious and dangerous arguments in favor of torture.

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