
The Conditions And Means Of Terrorists Torture

After establishing when torture is justified, it is easier to answer who exactly should be tortured. Firstly, no innocent person should be tortured. As stated above, intelligence officers should not go “fishing” for information. Obviously, an innocent person does not have possession of information pertaining to an imminent threat, which does not pass the criteria listed above that justifies using torture. Further, if an individual is torturing an innocent person, it is reasonable to believe that the torturer is solely using this for punishment and to inflict pain. The only individuals that should be tortured are guilty ones! They are the ones who have knowledge of threats and created the attack. A terrorist is an example of this. By taking place in terrorist activities, the individual is no longer innocent. They are essentially “in the game”. Tiel (2019) elaborates on this: “Because a state of perpetual threat to the innocent persists, the terrorist actors have forfeited their rights and may be killed. It follows that their rights to liberty, health, and preservation of limb are likewise forfeit” (p. 39). When a terrorist willfully engages in an act that threatens innocent lives, they relinquish any rights that they had. They are putting completely innocent lives at risk. Allhof (n.d.) also supports this stance: “...we should not torture innocent people such that others may benefit...complicity in terrorist activities constitutes a forfeiture of innocence” (p. 131). When the U.S. catches high profile terrorists, and intelligence officers have legitimate reasons to believe that the individual knows of terrorist activities and future threats, then intelligence professionals are justified in using torture. But even here there is a line that must be drawn, specifically when it comes to family, friends, and other people within the terrorist’s life. Tiel (2019) defines specific ethical limits concerning individuals other than the terrorist:

Ethical limits on interrogative torture come into play when we look at threatening a terrorist’s innocent family, a question of targeting, or when we capture a person whose role remains unclear, a question of identification. Torture may not be used on people known to be innocent simply because they are valued by the bomb-planters... But where we have in our grasp a person known to have forfeited his natural rights to life, liberty, limb, and property, and where that person possesses information critical to safeguarding the lives of innocent people in our care, in such cases the only ethical limit on permissible coercion is the principle of non-gratuitous harm. (p. 39)

Even if the terrorist has a family, an intelligence officer is not justified in torturing the terrorist’s family if they are truly innocent. The innocent family should not have to be put in harm’s way because of the actions of the terrorist. There is already enough hardship that the innocent family of a terrorist faces. Essentially, torturing the innocent family is just another potential life along with the other innocent people in danger that can be hurt or taken because of the choice the terrorist has made. The argument stated at the beginning of this section applies to the family of a terrorist as well if they are innocent. They should be treated no differently from the other innocent lives involved. Just like there needs to be certain circumstances that justify torture, there also needs to be moral lines drawn when determining which individuals it would be morally justified to torture. Under no circumstances should an innocent person be tortured. Intelligence agencies need to have safeguards, like a weed-out process, that ensures no innocent person is tortured. Only individuals that are guilty, such as terrorists, who have given up their rights because they have taken part in causing a grave and imminent threat should be tortured.

What Means of Torture are Permissible?

Now that it has been determined when torture is permissible and who should be tortured, it is now time to turn to what types of torture should be ethical. Some forms of torture that are arguably more justifiable than other types. But firstly, it should be established that one should only use the least amount of torture necessary to obtain the information that is needed. An ethical/moral problem is raised when the torturer inflicts more pain than necessary on an individual. Obviously, torture is designed to cause the person subjected to it to be uncomfortable, to say the least. When the torturer crosses this line, he/she is no longer using the technique to solely gain the information needed to stop an imminent and grave threat, and now are just using torture for the sake of it. Olson (2006) created several scenarios with one being on what forms of torture are permissible and one person, Roxana Botea, said the following in response to the scenario:

It depends. While some of the interrogation techniques seem perfectly acceptable (1, 2, 3, 5, 8, 15, 19, and 20), others are problematic. Methods that cause permanent physical or psychological damage are not ethical under most circumstances. Several of the technique (4, 6, 13, 14, 16, 17, and 18) may fall in this category. (p. 219)

The key conclusion to be drawn from this quote is the sentence that states that any techniques that cause permanent physical or psychological damage are morally unacceptable. These forms of torture do not allow the victim even a chance to recover from them and permanently inhibit the victim from living out their daily life as they could before and prevent them from performing basic life tasks that they could previously do without a problem. The forms of torture that can be morally justified are the techniques that do not cause permanent damage to the individual. A few examples of this can include messing up the victim's sleeping pattern, making their environment disorienting, and removing objects from them that bring them some form of comfort or security. Certainly, some of these techniques and others that are not listed can cause the victim to feel discomfort, but if there is a reasonable expectation that the person can recover from them, then those specific techniques can be justified. But other forms of torture cannot be justified. In his paper, Allhoff (n.d.) divides torture into three categories, physical (for example, drowning or suffocating) psychological (techniques such as sleep deprivation, and bright lights), and torture directed at people other than the terrorist, and states that torture that is aimed at a someone other than the person in question in order to get them to talk is unacceptable (p. 135). This is a valid argument. Naturally, when this form of torture is used, it is aimed at someone who the terrorist or another captive in question cares about. Usually, these people are not in "the game", and any form of torture used against them to get to the terrorist is unjustified. Allhoff (n.d.) supports this line of reasoning: ...Why should some people bear the costs so that others may receive the benefits? I argued earlier that the complicity of the former would be a good reason – they created the risk (or were party to its creation) and therefore obviously not innocent bystanders...the innocent bystander should not have to endure torture so that we can coerce the terrorist. This bystander has not done anything to deserve the treatment, whereas the terrorist has.

Why should the innocent person pay for the guilty one's actions? They took no part in the terrorist's acts nor are they "in the game". The torturer has no reason to be causing any discomfort or pain to an innocent individual, especially when they know that the person is innocent. While it can be argued that this form of torture can be effective in ways that other

techniques cannot, it is highly controversial. The intelligence officer needs to use other techniques that can be morally justifiable. In summary, there are methods of torture that can be justified, but they need to be evaluated to see if they are morally justifiable by answering what their effects will be, are they permanent, and who are these techniques be used against. Forms of torture that causes permanent damage to an individual can never be justified. Nor can torture against individuals that are close to the terrorist but are innocent cannot be justified. Types of torture that do not cause permanent physical or psychological damage (the victim can recover from the ordeal) can be morally justifiable as long as it is directed at the person in question and no one else. Yet one might state wrestle with the objection that any type of torture could cause physical damage. In this case, it might be beneficial to judge each terrorist on a case by case basis to determine which technique will provide the best course of action

Conclusion

Torture is a controversial topic that has only become more prominent in the media around the world after the September 11 attacks on the World Trade Center as well as the Pentagon and the crashed plane in Pennsylvania. Presumably, torture will continue to be a grey area among the American public. To some degree, torture can be labeled as a necessary evil in this world. Torture can be permissible in some cases, but the intelligence officer must meet a narrow list of criteria in order to use it and not try to bend these lines in any way. The criteria listed include that torture should only be used to collect information that pertains to an imminent and grave threat to national security, and not just for the sake of punishment or to go looking for information. There has to be evidence that the person in question has this information. Further, the only people that should be tortured are terrorists and other actors who possess information that pertains to this imminent and grave threat. No innocent person should be tortured under any circumstance. Finally, torture should only be a last resort, the minimum amount as possible is employed, and no torture that inflicts permanent psychological or physical harm should be used on a person. The Intelligence Community should be careful concerning the use of torture. No intelligence officer should ever take pleasure in this method but must recognize that they are using it to defend innocent lives. As one can see, this is a topic that the Intelligence Community must wrestle with and as long as they continue to wrestle with this topic, it is a good sign that the intelligence community is on the right track.