

The Myth of “Torture Lite”

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Since the terrorist attacks on September 11, 2001, the phrase “torture lite” has often appeared in public discourse, used by journalists, military intelligence personnel, and academics in discussions about the justifiability of the use of torture in the fight against terrorism.¹ Specifically, torture lite (and related terms, such as “enhanced interrogation” and “stress and duress”²) has been used to distinguish between the traditional concept of torture, which we think of as violent, physically mutilating, and brutal, and certain interrogation methods that are, it is claimed, less severe, more restrained, and physically less violent. For example, Joseph Lelyveld in the *New York Times* argued for this distinction, and claimed further that torture lite techniques might be permissible;³ Mark Bowden in the *Atlantic Monthly* argued that such techniques might be justified to fight terrorism;⁴ and U.S. Naval Intelligence Officer Wayne Madsen, when interviewed in the *Guardian*, claimed that only torture lite (and not *torture*) was being used by U.S. military personnel in Afghanistan and Guantanamo Bay.⁵

However, despite the frequency with which the term is used, the distinction between torture and torture lite is not one that is recognized in any of the international conventions dealing with torture, and it does not directly refer to the distinction that *is* made in international conventions between torture and cruel, inhuman, and degrading treatment.⁶ Why, then, has the phrase “torture lite” become part of the public discourse on torture?

WHAT IS TORTURE LITE?

The phrase “torture lite” is used to refer to a range of techniques that, unlike more traditional forms of torture, do not physically mutilate the victim’s body. Such techniques commonly include extended sleep deprivation, forced standing

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(also known as stress positions), isolation, manipulation of heat and cold, noise bombardment, personal humiliation, and mock execution. The frequent use of these techniques by democratic governments both now and throughout the past century highlights a difference between the torture methods that democracies tend to favor and those that tend to be used by authoritarian regimes. The fact that torture lite techniques rarely leave clear physical evidence on victims tends to make these techniques particularly useful to democratic states, as these states have a strong interest in maintaining public support and avoiding the attention of human rights organizations—an issue that is perhaps of less concern to authoritarian regimes.⁷ As David Luban points out, liberal democracies are typically committed to the rejection of political oppression and the protection of the dignity of the individual, and so the use of torture appears to be in direct opposition to these values: “Torture aims to strip away from its victim all the qualities of human dignity that liberalism prizes.”⁸ According to Luban, the liberal rejection of tyranny and cruelty as tools of political control means that liberal democracies accept the notion that torture cannot be justified as a form of punishment or as a way of suppressing political dissent.⁹ Consequently, when liberal democracies resort to torture they must attempt to justify its use in a way that separates it from its traditional associations with tyranny, cruelty, and repression. Often, this is done by claiming that the use of torture, while normally abhorrent, might be justified to save the state from an imminent and serious threat—an argument that usually appeals to some version of the “ticking bomb” scenario.¹⁰ Justified in this way, the resort to torture appears to be a form of “dirty hands”: torture is normally abhorrent, the argument runs, but sometimes good people must do bad things to prevent disaster.¹¹

Perhaps because of the liberal commitment to the rejection of overt cruelty and tyranny as tools of political control, liberal democracies that use torture tend to use less obviously violent torture methods than were used in the past. As Luban notes: “There is a vast difference . . . between the ancient world of torture, with its appalling mutilations . . . and the tortures that liberals might accept: sleep deprivation, prolonged standing in stress positions, extremes of heat and cold, bright lights and loud music—what some refer to as ‘torture lite.’ . . . [Liberals] tend to draw the line at forms of torture that maim the victim’s body. This . . . marks an undeniable moderation in torture, the world’s most immoderate practice.”¹² While Luban explicitly rejects the liberal justifications for the use of torture, by characterizing the shift from brutal torture to less physical techniques

as an “undeniable moderation,” he nonetheless seems to believe that torture lite methods are not as severe as more physically violent forms of torture. This is further suggested by his remark that “waterboarding, withholding pain medication from wounded captives, putting lit cigarettes in their ears, rape, and beatings all go much further”¹³ than the techniques described as torture lite. Other writers apparently share this belief. As Bowden has written: “A method that produces life-saving information without doing lasting harm to anyone is not just preferable; it appears to be morally sound. Hereafter I will use ‘torture’ to mean the more severe traditional outrages, and ‘coercion’ to refer to torture lite, or moderate physical pressure.”¹⁴

The distinction between the methods referred to as torture lite and so-called real torture serves a further aim: it is sometimes used to distinguish not only between types of torture methods but also between the *moral character* of torturers and their *motivations*. According to this view, torturers who use such methods as beatings and mutilations are clearly brutal and sadistic, whereas those who use torture lite techniques can be portrayed as professionals motivated by the need to gain intelligence essential for saving lives. An example of this distinction is the difference between the U.S. military’s response to the torture at Abu Ghraib and the attitude taken toward the interrogations at Guantanamo Bay. While the U.S. military decried the abuse at Abu Ghraib, there has been far less outcry within the military about Guantanamo Bay, where Army Major General Geoffrey Miller (who took command at Guantanamo in 2002) was given permission to use such interrogation techniques as sleep deprivation, stress positions, exposure to extreme heat and cold, and isolation.¹⁵ Unlike most of the abuse that took place at Abu Ghraib, the techniques practiced at Guantanamo Bay are defended as part of a legitimate interrogation process, performed by trained military interrogators, assisted by medical professionals, and authorized by the chain of command. The sharp distinction between the military’s attitude toward the torturers at Abu Ghraib and the torturers at Guantanamo Bay is clear from the decision to transfer the commander of Guantanamo Bay to Iraq to “clean up” the prisons there.¹⁶

But does this distinction between torture and torture lite techniques track a genuine difference in terms of the severity of harm caused by these methods? Is torture lite always or generally less harmful than “real” torture? Luban is right to point out that torture lite techniques do not necessarily maim or mutilate victims, but he is wrong to conclude that this demonstrates a moderation in torture. It is true that the techniques that Luban and Bowden refer to are less physically

mutilating than beatings and burns, but our judgment of whether an act constitutes torture should not focus on whether it leaves physical scars or not, but on whether it causes extreme suffering, and whether the torturer's aim is to cause extreme suffering—to “turn its victim into someone who is isolated, overwhelmed, terrorized and humiliated.”¹⁷ What, then, are the effects of torture lite?

THE IMPACT OF TORTURE LITE

To judge the veracity of the claim that torture lite does not harm a victim as greatly as more obviously violent forms of torture we need to assess its effects.¹⁸ A 2007 study of 279 torture survivors compared the long-term psychological effects of such techniques as isolation and forced standing with the effects of more physically violent tortures and found that the former “do not seem to be substantially different from physical torture in terms of the extent of mental suffering they cause, the underlying mechanisms of traumatic stress, and their long-term traumatic effects.”¹⁹ Instead, the factor that was most highly correlated with severe traumatic stress was not whether a torture method was physically violent, but the victim's distress and feelings of helplessness at the time of the torture.²⁰

Other studies have confirmed that the effects of torture lite methods on victims can be extremely severe and long lasting. A 1967 study of seventy-nine individuals who had been involved (without their consent) in experiments on sensory deprivation and manipulation in a Canadian hospital from the late 1950s to the early 1960s found that 60 percent continued to suffer from “persistent amnesia,” and 23 percent had “serious physical complications.” Some participants were still suffering from prosopagnosia (a brain disorder resulting in an inability to identify faces) nearly twenty years later.²¹ Similarly, fourteen Irishmen who were subjected to the “five techniques” (food deprivation, sleep deprivation, hooding, noise bombardment, and forced standing) by British forces in Belfast in 1971 experienced extremely traumatic effects. The techniques induced “a state of psychosis, a temporary madness with long-lasting after-effects.”²² Other studies have found similar results.²³ In addition, we should not forget that the use of torture lite methods has contributed to *deaths*: an Afghani prisoner froze to death after being stripped naked and left in an interrogation cell without blankets,²⁴ and Manadel al-Jamadi, whose body was photographed at Abu Ghraib, died after being beaten and then placed in a stress position.²⁵

Of course, the long-term effects of *any* kind of torture vary considerably and are hard to quantify. The length of imprisonment, the environment in which the torture occurs, the victim's level of education and prior psychological well-being, and the victim's access to support networks after release can all affect a torture victim's capacity to recover. However, the above studies clearly indicate that the widely held assumption that torture lite methods do not generally produce as long-lasting and severe harm as other forms of torture is without merit.

But misconceptions about torture lite methods are not confined to the question of psychological damage. The common belief that torture lite techniques do not cause much *physical* damage to the victim is also highly questionable. Standing in a stress position for eighteen to twenty-four hours, for example, has the following effects: "ankles double in size, skin becomes 'tense and intensely painful,' blisters erupt oozing 'watery serum,' heart rates soar, kidneys shut down, and delusions deepen."²⁶ Torture lite methods may not cause physical *mutilation*, but there is nothing merely "psychological" about the symptoms described above, or about intense headaches and blackouts—all of which are among the common consequences of torture lite.

An implicit assumption behind the use of torture lite is that the moral wrongness of torture is partially based on the assessment of long-term physical and psychological effects and not just on the victim's immediate suffering. It is certainly true that the fact that torture can be reliably *expected* to cause long-term harm informs the general condemnation of torture, but it does not follow from this that our assessment of the moral wrongness of torture *at the time it is inflicted* will be significantly altered if the actual long-term effects vary from person to person. To pose an extreme example, if a victim is tortured for days and then given a drug that completely erases all memory of the experience, which in turn prevents any long-term harm, would we not still consider such torture to be a gross moral wrong? We generally do not wait to see how torture victims recover before condemning their torturers; we know that *all* forms of torture cause severe harm and distress, and are likely to have serious long-term physical and psychological effects. It is therefore untenable to conclude that torture lite techniques do not constitute "real" torture simply because they do not involve obvious immediate or long-term *visible* damage; and it is likewise untenable to conclude that torture lite is any less immoral than other forms of torture.

Neither does the distinction between torture lite and torture consistently reflect a genuine difference in the motivations governing the choice of these

techniques. A state's decision to use torture lite methods should not be taken as good evidence of a motivation or desire to reduce the severity or cruelty of torture. Of course, some of those who authorize or use torture lite techniques might be motivated by the (mistaken) belief that these methods are generally less harmful than more violent forms of torture, and would possibly reject them once they knew that they were in fact likely to be as harmful as other forms of torture. However, given the widely available evidence of the effects of these methods, it is hard to believe that those who authorize torture would be so unaware. Indeed, if they are so unaware, their ignorance is culpable.

In fact, the history of the development of these techniques indicates that one of the primary motivations for their use was not to reduce the harm of torture, but to find more successful and less visible ways of “breaking” the victim—and torture lite methods proved to be very effective in this regard. Extensive CIA-funded research in the 1950s and 1960s found that such techniques as extended sleep deprivation, manipulation of noise and heat, and forced standing were “devastatingly effective” in breaking down prisoners’ mental and physical integrity.²⁷ Drawing on this research, the CIA developed a two-step program of torture (outlined in the infamous *KUBARK Counterintelligence Interrogation* manual) that combined the techniques of sensory manipulation and deprivation with self-inflicted pain. This latter technique involves forcing victims to hold physical poses for many hours. In the words of the KUBARK manual: “It has been plausibly suggested that, whereas pain inflicted on a person from outside himself may actually focus or intensify his will to resist, his resistance is likelier to be sapped by pain which he seems to inflict on himself.”²⁸

As previously noted, torture lite techniques do not involve serious physical mutilation and rarely leave scars or other visible physical evidence. For this reason, these methods are a subset of the group of torture techniques that Darius Rejali refers to as “clean torture”—a category that also includes such techniques as electrocution and waterboarding.²⁹ According to Rejali, the use of torture lite (and other forms of clean torture) became widespread during the twentieth century because the lack of obvious scars on the victims made it easier for governments to hide their use of torture from human rights monitors.³⁰ As noted earlier, democracies are officially committed to the protection of human rights and require public support for their legitimacy, and thus this aspect of clean torture is extremely attractive to democratic states seeking to use torture and escape condemnation and prosecution.

THE MORAL PSYCHOLOGY OF TORTURE LITE

It is clear from the preceding discussion that the effects of torture lite are often extremely severe—severe enough to meet most standard definitions of “torture.” But this should not be taken to imply that there are therefore no distinctions to be made within the category of torture. Some torture methods are undoubtedly worse than others. The effects of a combination of extended sleep deprivation, forced standing, and noise bombardment, for example, may well be more severe than the effects of a violent but short-lived beating. Similarly, the effects of ongoing beatings, rape, and mutilation are very likely to be worse than the effects of short-term isolation and manipulation of heat and cold. In arguing that torture lite methods meet the criteria of torture, it would be false to then conclude that torture lite methods are all *equally* as bad or as cruel as the most violent tortures. Instead, the point is that our judgment of the severity of a particular torture technique should take into account such factors as its duration and effects (both immediate and long term), not simply whether the technique falls under one category of torture or another.

Similarly, attitudes about torture—whether it can be justified, how it is defined, how it affects victims—are shaped not only by arguments for and against torture but also by the specific torture techniques that are used and by the language that is used to describe what is being done. By creating a false distinction between *torture* (understood as violent, brutal, and physically mutilating) and *torture lite* (with its connotations of minimal harm, minimal force, and minimal violence), those who authorize the use of torture and those who carry it out are able to portray their actions (to themselves and to observers) as something other than *real* torture, with all the negative connotations of that word. In this manner, President George W. Bush and other members of the Bush administration continued to deny that they authorized the use of torture despite overwhelming evidence of the use of such techniques as noise bombardment and forced standing.³¹ Terms such as “torture lite” and “enhanced interrogation” neutralize the violence of these techniques and downplay the suffering they cause. Such euphemisms can also have a strong impact on how those using these terms (interrogators, public officials, and the general public) perceive the morality of the techniques thus described.

It has long been recognized that language can have a profound impact on how an individual understands the morality of his or her actions, and even on an individual’s willingness to commit violent acts. Using neutral or positive language

to describe aggressive actions, for example, has been found to increase an individual's willingness to engage in such acts and decrease his or her feelings of responsibility.³² In the military, the use of dehumanizing language to describe the enemy aids a soldier's ability to kill in combat, as does the use of nonmoral terms to describe acts of violence, such as "collateral damage" to refer to civilian deaths and "dealing with a target" to refer to killing an enemy soldier.³³ Likewise, when torture methods are described as "torture lite" or "enhanced interrogation," this encourages the belief that these forms of torture are not as harmful or severe as "real" torture, and so might be more easily justified, and that those who use these methods are therefore not as morally culpable as those who use more violent techniques. Thus Madsen's claim that U.S. intelligence officers used torture lite techniques, whereas prisoners sent to Pakistan and Egypt were likely to be subjected to "full-blown" torture.³⁴

It is interesting to note that the tactic of favorably comparing what one does against what is done by other, less civilized states is extremely common among torturers. The journalist John Conroy encountered this strategy several times in his interviews with torturers: "Bruce Moore-King [a Rhodesian torturer] told me . . . that the tortures he administered were mild compared to what was done to people who were sent to Rhodesia's Special Branch. Hugo Garcia [a Uruguayan torturer] told me that the Argentine torturers were far worse than the Uruguayan. Omri Kochva assured me that the men of the Natal battalion had not descended to the level of the Americans in Vietnam. A former U.S. Army interrogator who served and tortured in Vietnam told me how much worse the South Vietnamese National Police were."³⁵

Since torture is hard to justify and unpleasant to do, this process of favorable comparison enables torturers (and states that use torture) to believe that they, at least, are not as brutal and cruel as others, and that their motivation for using torture is different from, and morally preferable to, the motivations of other torturers. Using such terms as "torture lite" makes this process of favorable comparison even easier.

MAKING DISTINCTIONS

Torture lite techniques share two important features that differentiate them from more obviously violent tortures. First, many of these techniques change the intimate physical connection between torturer and victim that is the hallmark of

more traditional forms of torture. In such torture methods as beatings, burns, the use of electric shocks, and mutilations, the torturer inflicts physical violence directly on the victim's body. There is therefore an immediate and direct link between the torturer's actions and the victim's pain. In contrast, when torture lite techniques are used the nature of the physical contact between torturer and victim is very different. Some techniques, such as temperature manipulation, noise bombardment, and solitary confinement, do not require any physical contact between torturer and victim whatsoever. Other techniques, such as forced standing, require the torturer to physically place the victim in the desired position, and physical threats may be used to keep the victim in that position, but the agony of this torture arises from the victim's attempt to maintain the position, not from the torturer's direct use of force.

When torture lite methods are used, therefore, the nature of the torturer's physical relationship with the victim departs from the traditional conception of torture in which the torturer inflicts pain "one-on-one, deliberately, up close and personal, in order to break the spirit of the victim," as Luban has put it.³⁶ The torturer who uses torture lite techniques does not need to personally *inflict* pain at all. With some methods he can remain physically remote from and even invisible to the victim, and with all methods his actions need not be the direct physical cause of the victim's suffering.

The second major difference is that, unlike more traditional torture techniques, torture lite methods do not produce their effects immediately. Instead, it usually takes time for these techniques to cause the victim severe suffering. This means that not only is the physical link between torturer and victim altered, but the temporal link between the torturer's actions and the victim's pain is also severed.³⁷ These two features of torture lite—the separation between the torturer's actions and the victim's suffering and the time lapse between the start of the techniques and their effect on the victim—can have profound consequences for how torturers interpret what they do and how they understand their responsibility for the victim's suffering.

As Thomas Nagel notes, our moral assessment of an action is affected by how it *feels* to do that action—what he calls the "moral phenomenology" of an act.³⁸ How it feels to deliberately cause pain to another person is an important element in our moral assessment of whether we should do so. We are more likely to judge an action wrong if we cannot bring ourselves to physically carry it out. This claim is supported by evidence of a strong correlation between the physical proximity

of a perpetrator and his victim and the perpetrator's awareness of (and willingness to inflict) the harm he is causing. In Stanley Milgram's famous experiments on obedience to authority, where subjects were instructed to administer what they believed to be increasing levels of electric shocks to a "learner," the subject's physical proximity to the learner was strongly correlated with lower rates of obedience to the instruction.³⁹ Notably, a 1970 version of Milgram's experiment came to the same conclusion.⁴⁰

Given this correlation, a torturer who has to physically assault his victim must find ways of reconciling the emotional distress caused by the act of torturing with the belief that the use of torture is justified—a process that can take some time. As a Chilean ex-torturer explained: "when you first start doing this job, it is hard . . . you hide yourself and cry, so nobody can see you. Later on, you don't cry, you only feel sad. . . . And after . . . not wanting to . . . but wanting to, you start getting used to it. Yes, definitely, there comes a moment when you feel nothing about what you are doing."⁴¹ Research has found that torturers use many strategies to enable themselves to "feel nothing" about their actions, such as dehumanizing and/or blaming the victim, diffusing responsibility, appealing to a "just cause," and becoming desensitized to the infliction of pain.⁴² Elaine Scarry notes that torturers often focus intensely on the act of questioning as a way of minimizing the fact of inflicting pain: "the sheer and simple fact of human agony is made invisible, and the moral fact of inflicting the agony in question is made neutral by the feigned urgency and significance of the question."⁴³ These strategies are characteristic of most forms of institutionalized torture; but when torture lite techniques are used the processes of normalization can become easier as the "fact of human agony" is hidden by the lack of visible wounds and the physical distance between torturer and victim.

As a result, someone using torture lite techniques does not need to go to the same psychological lengths to distance himself from his actions; he does not need to experience the "moral phenomenology" of the act of torture. Rather, the torturer can more readily see himself as a professional interrogator carrying out an unpleasant job that has to be done, a job that can be described in terms that make no reference to violence but instead focus more benignly on "intelligence gathering" or "interrogation." Such a deceptive description contributes to the myth that torture can be separated from cruelty and violence, and used only for "legitimate" forms of intelligence gathering. This allows the perpetuation of the

belief that the role of torturer may be, in certain circumstances, a legitimate professional role fulfilling important military or strategic goals.⁴⁴

These aspects of torture lite have clear advantages for those who practice and authorize torture, as was recognized by researchers who first investigated the efficacy of sensory manipulation and self-inflicted pain in the 1950s and 1960s. As one researcher noted, such techniques as isolation and sensory deprivation were not only highly effective, they had the added advantage that the interrogator “can delude himself that he is using no force or coercion.”⁴⁵ A torturer who does not feel responsible for the victim’s pain is more likely to continue torturing, and less likely to question the morality of his actions.

SHIFTING RESPONSIBILITY TO THE VICTIM

The features of torture lite that enable the torturer to deny responsibility for the victim’s pain shift responsibility to the victim instead. By severing the direct link between the torturer’s actions and the victim’s suffering, torture lite techniques encourage victims to feel responsible for their own suffering.⁴⁶ As a result of the indirect nature of many torture lite methods, the victim may feel that his suffering arises not from the torturer’s actions (blows, fists, weapons), but from his own inability to cope with the changes in his environment. Likewise, as a result of the gradual impact of these methods, the victim is likely to see the point at which they become unbearable as the point at which his body has betrayed him by its failure to bear the abuse, rather than as the point at which the torturer’s aim is achieved. As the CIA noted in the KUBARK manual, the victim’s resistance “is likelier to be sapped by pain which he seems to inflict on himself.”⁴⁷ In Elaine Scarry’s words, the prisoner’s body is made to be an “active agent” in the process of torture: “the eyes are only access points for scorching light, the ears for brutal noises. . . . The prisoner’s body—in its physical strengths, in its sensory powers, in its needs and wants . . . is, like the prisoner’s voice, made a weapon against him, made to betray him on behalf of the enemy, made to be the enemy.”⁴⁸

Here we see the deep cruelty of these methods. Far from always being more moderate and more humane than other torture methods, torture lite not only can cause extreme suffering but aims to make the victim feel responsible for it. David Sussman has argued that one reason why torture evokes such deep moral abhorrence is that it is a form of “forced self-betrayal” in which the victim is made to collude “against himself through his own effects and emotions, so that

he experiences himself as simultaneously powerless and yet actively complicit in his own violation.”⁴⁹ If this is true of physically violent tortures, it is no less true in cases of torture lite, where the methods are designed to make this process of forced self-betrayal even stronger.

The cruelty of torture lite is further compounded by the hidden nature of the victim’s suffering, which not only hides the visible signs of suffering from the eyes of the torturer but also conceals the evidence of torture from the victim’s community and other outside observers, thus making the victim’s testimony more likely to be disbelieved. As Rejali argues: “When torturers turn to covert torture, they deliberately induce a breakdown in one’s ability to show one’s pain to others, stripping their words of the marks that give the speaker credibility.”⁵⁰ This loss of credibility is compounded by the fact that victims, particularly in democracies, tend to be members of groups that are already ostracized and portrayed as suspicious or even dangerous.⁵¹ This makes it easy for outsiders to deny that torture lite methods are really torture, and undermines the victim’s ability to seek justice. In addition, attempts to prosecute torturers are hampered when there is little physical evidence.⁵² Thus, torture lite techniques protect the state that uses them by creating a barrier between victims and their communities and between victims and the law.

CONCLUSION

Torture lite techniques are torture. Like all forms of torture, torture lite aims to break down the victim’s mental and physical integrity, and is extremely successful in achieving this aim. The difference between torture and torture lite lies not in the intensity of the victim’s suffering, but in the moral attitudes and beliefs encouraged by these forms of torture and by the language used to describe them. The use of such terms as “torture lite” and “enhanced interrogation” downplays the harm of these methods and masks their cruelty. As noted, torture lite techniques can encourage torturers to feel less responsible for their actions, promote the belief (among torturers, policy-makers, and the general public) that what is being done to the victim is not really torture, make victims feel responsible for their suffering, and undermine the credibility of victims in the eyes of their community. The language of torture lite further corrupts public discourse by creating the illusion that there exists a special category of torture that is professional, restrained, and far removed from the brutal practices

of authoritarian and tyrannical regimes. This illusion allows us to replace the question of whether we *should* use torture with the question of what *kinds* of torture we should use. In a world in which torture is being seriously discussed as a legitimate weapon in the fight against terrorism, such a consequence is deeply troubling.

NOTES

- ¹ In this paper I focus exclusively on the issue of interrogational torture. However, my argument would also apply to the use of so-called torture lite techniques as forms of punishment.
- ² Much of what I say about torture lite would apply to these terms as well. One difference, however, is that the distinction between torture and torture lite is generally used to distinguish between kinds of torture, whereas terms like “enhanced interrogation techniques” deny that the interrogation techniques referred to are torture at all.
- ³ Joseph Lelyveld, “Interrogating Ourselves,” *New York Times Magazine*, June 12, 2005; available at www.nytimes.com/2005/06/12/magazine/12TORTURE.html; accessed October 22, 2008.
- ⁴ Mark Bowden, “The Dark Art of Interrogation,” *Atlantic Monthly*, October 2003; available at www.theatlantic.com/doc/200310/bowden; accessed October 22, 2008.
- ⁵ Duncan Campbell, “US Interrogators Turn to ‘Torture Lite,’” *Guardian*, January 25, 2003; available at www.guardian.co.uk/world/2003/jan/25/usa.alqaida; accessed October 22, 2008. Some commentators have used the term “torture lite” as a way of criticizing the use of such phrases as “enhanced interrogation.” However, I argue that since the distinction between torture and torture lite is a false distinction, the term “torture lite” should not be used at all in the discourse about torture.
- ⁶ For the purposes of this paper, I will accept the definition of torture used by the United Nations in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” (The full text of the convention is available at www.hrweb.org/legal/cat.html; accessed December 28, 2008.)
- ⁷ Darius Rejali, *Torture and Democracy* (Princeton, N.J.: Princeton University Press, 2007), pp. 8–11.
- ⁸ David Luban, “Liberalism, Torture, and the Ticking Bomb,” *Virginia Law Review* 91 (2005), p. 1430.
- ⁹ Luban, “Liberalism,” p. 1425.
- ¹⁰ A prominent example of the ticking bomb argument can be found in Alan Dershowitz’s book *Why Terrorism Works* (New Haven, Conn.: Yale University Press, 2002). For critiques of the ticking bomb argument, see Jean Maria Arrigo and Vittorio Bufacchi, “Torture, Terrorism and the State: A Refutation of the Ticking-Bomb Argument,” *Journal of Applied Philosophy* 23 (2006), pp. 339–57; and Jessica Wolfendale, “Training Torturers: A Critique of the ‘Ticking Bomb’ Argument,” *Social Theory and Practice* 32 (2006), pp. 269–87.
- ¹¹ The classic dirty hands argument for torture is offered by Michael Walzer, “Political Action: The Problem of ‘Dirty Hands,’” *Philosophy & Public Affairs* 2 (1973), pp. 60–180.
- ¹² Luban, “Liberalism,” pp. 1437–38.
- ¹³ *Ibid.*, p. 1437.
- ¹⁴ Bowden, “Interrogation.” Unlike Luban, Bowden argues that torture lite methods might be justified in certain cases.
- ¹⁵ Seymour Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib* (Melbourne: Allen Lane, 2004), p. 14.
- ¹⁶ *Ibid.*, p. 32.
- ¹⁷ Luban, “Liberalism,” p. 1430.
- ¹⁸ Vittorio Bufacchi pointed out to me that supporters of the distinction between torture and torture lite might be implicitly appealing to an understanding of violence as being primarily physical—which would be consistent with the view that torture lite methods are not violent since they do not involve direct physical attacks. However, definitions of violence could include psychological and other non-physical attacks, and legal definitions of torture, such as the definition used in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and

- in the Rome Statute, which established the International Criminal Court (ICC), typically include both physical and psychological suffering in the definition. The Rome Statute defines torture as the “intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused.” (The full text of the statute is available at untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm; accessed December 28, 2008.)
- ¹⁹ Metin Basoglu, Maria Livanou, and Cvetana Crnobaric, “Torture vs Other Cruel, Inhuman, and Degrading Treatment: Is the Distinction Real or Apparent?” *Archives of General Psychiatry* 64 (2007), p. 284.
- ²⁰ *Ibid.*, p. 277.
- ²¹ Alfred W. McCoy, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror* (New York: Henry Holt and Company, 2006), p. 45.
- ²² John Conroy, *Unspeakable Acts, Ordinary People: The Dynamics of Torture* (New York: Alfred A. Knopf, 2000), p. 6.
- ²³ For example, see Stefan Priebe and Michael Bauer, “Inclusion of Psychological Torture in PTSD Criterion A,” *American Journal of Psychiatry* 152 (1995), pp. 1691–92.
- ²⁴ Dana Priest, “CIA Avoids Scrutiny of Detainee Treatment: Afghan’s Death Took Two Years to Come to Light; Agency Says Abuse Claims Are Probed Fully,” *Washington Post*, March 3, 2005; available at www.washingtonpost.com/wp-dyn/articles/A2576-2005Mar2.html; accessed December 20, 2008.
- ²⁵ For a detailed account of the events leading up to al-Jamadi’s death, see Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (New York: Doubleday, 2008), chap. 10. I wish to thank an anonymous reviewer at *Ethics & International Affairs* for drawing my attention to these cases.
- ²⁶ McCoy, *A Question of Torture*, p. 48. The United States officially authorized only four hours of forced standing at any given time, which would not have such severe effects. However, the United States has used this method in conjunction with other methods (such as sleep deprivation, noise bombardment, and manipulation of heat and cold), a combination that can have devastating effects on the victims.
- ²⁷ McCoy, *A Question of Torture*, p. 49. The progress of this research is outlined in detail on pp. 21–59.
- ²⁸ Quoted in McCoy, *A Question of Torture*, p. 52. The full text of the KUBARK manual is available from www.kimsoft.com/2000/kubark.htm.
- ²⁹ Rejali, *Torture and Democracy*, p. 2.
- ³⁰ *Ibid.*, p.3.
- ³¹ In 2008, Bush continued to deny that torture was being used, instead claiming that the methods (such as waterboarding) used by the CIA and by the military in interrogations of terrorist suspects were forms of “harsh interrogation” (“Bush Vetoes Bill Banning Torture,” *CBS News*, March 8, 2008; available at www.cbsnews.com/stories/2008/03/08/national/main3919474.shtml; accessed October 20, 2008).
- ³² One study found that people become more aggressive if their actions were described in terms of a game than if their actions were described as forms of aggression. (Edward Diener, John Dineen, and Karen Andresen, “Effects of Altered Responsibility, Cognitive Set, and Modeling on Physical Aggression and Deindividuation,” *Journal of Personality and Social Psychology* 31 [1975], pp. 328–37).
- ³³ David Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston: Little, Brown & Co, 1995), p. 161. See also Daniel Muñoz-Rojas and Jean-Jacques Frésard, *The Roots of Behaviour in War: Understanding and Preventing IHL Violations* (Geneva: International Committee of the Red Cross, 2004), p. 9.
- ³⁴ Campbell, “US Interrogators Turn to ‘Torture Lite.’ ”
- ³⁵ Conroy, *Unspeakable Acts, Ordinary People*, p. 112.
- ³⁶ Luban, “Liberalism,” p. 1430.
- ³⁷ Bob Brecher pointed out to me that since the justification for torture in the standard ticking-bomb argument rests partly on the claim that there is no time to pursue other courses of action, it is hard to see how torture lite methods could be justified by this argument since such methods would be ineffective in the short time frame that is a standard feature of the scenario. In which case, we must wonder under what conditions these methods could be justified.
- ³⁸ Thomas Nagel, *The View from Nowhere* (New York: Oxford University Press, 1986), p. 180.
- ³⁹ Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper & Row, 1974), pp. 34–36. Milgram conducted at least twenty-one versions of the experiment during his research.
- ⁴⁰ H. A. Tilker, “Socially Responsible Behavior as a Function of Observer Responsibility and Victim Feedback,” *Journal of Personality and Social Psychology* 14 (1970), pp. 95–100.
- ⁴¹ Quoted in Ronald Crelinsten, “In Their Own Words: The World of the Torturer,” in Ronald D. Crelinsten and Alex P. Schmid, eds., *The Politics of Pain: Torturers and Their Masters* (Boulder, Colo.: Westview Press, 1993), p. 51.
- ⁴² For discussions of the training of torturers and their perceptions of their role, see Jessica Wolfendale, *Torture and the Military Profession* (Basingstoke, UK: Palgrave Macmillan, 2007), pp. 178–82; Martha Huggins, “Legacies of Authoritarianism: Brazilian Torturers’ and Murderers’ Reformulation of Memory,” *Latin American Perspectives* 27 (2000), pp. 57–78; and Crelinsten, “In Their Own Words.”

- ⁴³ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985), p. 29.
- ⁴⁴ A belief further encouraged by the presence of medical personnel, psychologists, and even lawyers at interrogations. It is also important to note that torture lite methods often do not remain “lite” in practice. In Abu Ghraib, for example, interrogators physically brutalized prisoners as well as using torture lite methods. This suggests that the use of the distinction between torture and torture lite in public discourse on torture encourages the belief that security or military forces using torture lite methods will keep their interrogation practices “lite.” I wish to thank an anonymous reviewer at *Ethics & International Affairs* for pointing this out.
- ⁴⁵ McCoy, *A Question of Torture*, p. 42.
- ⁴⁶ *Ibid.*, p. 8.
- ⁴⁷ Quoted in McCoy, p. 52.
- ⁴⁸ Scarry, *The Body in Pain*, p. 48.
- ⁴⁹ David Sussman, “What’s Wrong with Torture?” *Philosophy & Public Affairs* 33 (2005), p. 4.
- ⁵⁰ Rejali, *Torture and Democracy*, p. 30.
- ⁵¹ John T. Parry, “The Shape of Modern Torture: Extraordinary Rendition and Ghost Detainees,” *Melbourne Journal of International Law* 6 (2005), pp. 521–22.
- ⁵² Attempts to prosecute French torturers in Algeria failed partly because of the lack of physical evidence of torture on the victims (Rejali, *Torture and Democracy*, p. 47).