

# Torture Is Mainstream Now

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As Rebecca Gordon notes in her new book, *Mainstreaming Torture*, polls find greater support in the United States for torture now than when Bush was president. And it's not hard to see why that would be the case.

Fifteen years ago, it was possible to pretend the U.S. government opposed torture. Then it became widely known that the government tortured. And it was believed (with whatever accuracy) that officials had tried to keep the torturing secret. Next it became clear that nobody would be punished, that in fact top officials responsible for torture would be permitted to openly defend what they had done as good and noble.

The idea was spread around that the torture was stopping, but the cynical could imagine it must be continuing in secret, the partisan could suppose the halt was only temporary, the trusting could assume torture would be brought back as needed, and the attentive could be and have been aware that the government has gone right on torturing to this day with no end in sight.

Anyone who bases their morality on what their government does (or how Hollywood supports it) might be predicted to have moved in the direction of supporting torture.

Gordon's book, like most others, speaks of torture as being largely in the past — even while admitting that it isn't really. "Bush administration-era policies" are acknowledged to be ongoing, and yet somehow they retain the name "Bush administration-era policies," and discussion of their possible prosecution in a court of law does not consider the control that the current chief perpetrator has over law enforcement and his obvious preference not to see a predecessor prosecuted for something he's doing.

President Elect Obama [made clear](#) in January 2009 that he would not allow torturers to be prosecuted and would be "looking forward" instead of (what all law enforcement outside of science fiction requires) backward. By February 2009, reports were coming in that torture at Guantanamo was [worsening](#) rather than ceasing, and included: "beatings, the dislocation of limbs, spraying of pepper spray into closed cells, applying pepper spray to toilet paper and over-forcefeeding detainees who are on hunger strike." In April 2009 a Guantanamo prisoner [phoned](#) a media outlet to report being tortured. As time went by the reports kept [coming](#), as the military's written [policy](#) would lead one to [expect](#).

In May 2009, former vice president Dick Cheney forced into the news the fact that, even though Obama had "banned torture" by executive order (torture being a felony and a treaty violation before and after the "banning") Obama maintained the power to use torture as needed. Cheney [said](#) that Obama's continued claim of the power to torture vindicated his own (Cheney's) authorization of torture. David Axelrod, White House Senior

Advisor, [refused repeatedly](#), to dispute Cheney's assertion — also supported by Leon Panetta's confirmation hearing for CIA director, at which he said the president had the power to torture and noted that rendition would continue. In fact, [it did](#). The *New York Times* quickly [reported](#) that the U.S. was now outsourcing more torture to other countries. The Obama administration announced a new policy on renditions that kept them in place, and a new policy on lawless permanent imprisonment that kept it in place but formalized it, mainstreamed it. Before long Obama-era rendition victims were alleging [torture](#).

As the Obama White House continued and sought to extend the occupation of Iraq, torture [continued](#) to be an Iraqi policy, as it has post-occupation. It has also [remained](#) a U.S. and Afghan [policy](#) in [Afghanistan](#), with [no end](#) in sight. The U.S. military has continued [to use](#) the same personnel as part of its torture infrastructure. And [secret CIA torture prisons](#) have continued to pop into the news even though the CIA was falsely said to have abandoned that practice. While the Obama administration has claimed unprecedented powers to block civil suits against torturers, it has also [used](#), in court, testimony produced by torture, something that used to be illegal (and still is if you go by written laws).

"Look at the current situation," Obama said in 2013, "where we are force-feeding detainees who are being held on a hunger strike . . . Is this who we are?" Well, it is certainly who some of us have become, including Obama, the senior authority in charge of the soldiers doing the force-feeding, and a human chameleon able to express outrage at his own policies, a trick that is perhaps more central to the mainstreaming of vicious and sadistic practices than we always care to acknowledge.

The mainstreaming of torture in U.S. policy and entertainment has stimulated a burst of torture use around the globe, even as the U.S. State Department has never stopped claiming to oppose torture when it's engaged in by anyone other than the U.S. government. If "Bush-era policies" is taken to refer to public relations policies, then there really is something to discuss. The U.S. government tortured before, during, and after Bush and Cheney ran the show. But it was during those years that people talked about it, and it is with regard to those years that people still talk about it.

As Rebecca Gordon's book, *Mainstreaming Torture: Ethical Approaches in the Post-9/11 United States*, recounts well, torture has been around. Native Americans and enslaved African Americans were tortured. The CIA has always tortured. The School of the Americas has long trained torturers. The war on Vietnam was a war of mass-murder and mass-torture. Torture is standard practice in U.S. prisons, where the torture of Muslims began post-9-11, where some techniques originated and some prison guards came from via the National Guard who brought their torturing to an international set of victims for the Bush-Obama era.

One of Gordon's central points, and an important one, is that torture is not an isolated incident. Rather it is an institution, a practice, a collective endeavor that requires planning and organization. Defenders of torture often defend a widespread practice of purely vicious evil by reference to a single imaginary incident in which it would make sense to torture someone. Imagine, they say, that you knew for certain (as of course you would not) that many people were about to be killed unless a particular person revealed something. Imagine you were certain (as of course you would not be) that you had found that person. Imagine that contrary to accumulated wisdom you believed the best way to elicit the information was through torture, and that you were sure (as of course you would not be)

that the information would be revealed, that it would be accurate (nobody EVER lies under torture), and that it would prevent the greater tragedy (and not just delay it or move it), with no horrible side-effects or lasting results. Then, in that impossible scenario, wouldn't you agree to torture the person?

And doesn't that fantasy justify having thousands of people prepared to engage in torture even though they'll inevitably torture in all sorts of other situations that actually exist, and even though many thousands of people will be driven to hate the nation responsible? And doesn't it justify training a whole culture to support the maintenance of an apparatus of torture, even though uses of torture outside the fantasized scenario will spread like wildfire through local police and individual vigilantes and allied governments?

Of course not. And that's why I'm glad Gordon has tackled torture as a matter of ethics, although her book seems a bit weighed down by academic jargon. I come at this as someone who got a master's degree in philosophy, focusing on ethics, back before 9-11, back when torture was used as an example of something evil in philosophy classes. Even then, people sometimes referred to "recreational torture," although I never imagined they meant that any other type of torture was good, only that it was slightly less evil. Even today, the polls that show rising — still minority — support for torture, show stronger — majority — support for murder, that is for a president going through a list of men, women, and children, picking which ones to have murdered, and having them murdered, usually with a missile from a drone — as long as nobody tortures them.

While many people would rather be tortured than killed, few people oppose the killing of others as strongly as they oppose torturing them. In part this may be because of the difficulty of torturing for the torturers. If foreigners or enemies are valued at little or nothing, and if killing them is easier than torturing them, then why not think of killing as "cleaner" just as the Obama administration does? That's one ethical question I'd like to see taken up even more than that of torture alone. Another is the question of whether we don't have a duty to put everything we have into opposing the evil of the whole — that being the Nuremberg phrase for war, an institution that brings with it murder, imprisonment, torture, rape, injury, trauma, hatred, and deceit.

If you are going to take on the ethics of torture alone, *Mainstreaming Torture* provides an excellent summary of how philosophy departments now talk about it. First they try to decide whether to be consequentialist or deontological or virtue-based. This is where the jargon takes over. A consequentialist ethics is one that decides on the propriety of actions based on what their likely consequences will be. A deontological ethics declares certain actions good or bad apart from their consequences. And an ethics of virtues looks at the type of life created by someone who behaves in various ways, and whether that person is made more virtuous in terms of any of a long list of possible virtues.

A competition between these types of ethics quickly becomes silly, while an appreciation of them as a collection of insights proves valuable. A consequentialist or utilitarian ethics is easily parodied and denounced, in particular because supporters of torture volunteer such arguments. Would you torture one person to save the lives of two people? Say yes, and you're a simple-minded consequentialist with no soul. But say no and you're demonstrably evil. The correct answer is of course that it's a bad question. You'll never face such a situation, and fantasizing about it is no guide to whether your government should fund an ongoing torture program the real aim and results of which are to generate war propaganda, scare people, and consolidate power.

A careful consideration of all consequences, short- and long-term, structural and subtle, is harder to parody and tends to encompass much of what is imagined to lie outside the purview of the utilitarian simpleton ([or corporate columnist](#)). The idea of an ethics that is not based on consequences appeals to people who want to base their ethics on obedience to a god or other such delusion, but the discussions of deontological ethicists are quite helpful nonetheless. In identifying exactly how and why torture is as incredibly offensive as it is, these writers clarify the problem and move people against any support for torture.

The idea of an ethics based entirely on how actions impact the character of the actor is self-indulgent and arbitrary, and yet the discussion of virtues (and their opposite) is terrifically illuminating — in particular as to the level of cowardice being promoted by the policy of employing torture and any other evil practice in hopes of being kept safe.

I think these last two types of ethics, deontological and virtue — that is, ongoing discussion in their terms — have good consequences. And I think that consequentialism and principled integrity are virtues, while engaging in consequentialism and virtue ethics lead to better deontological talk as well as fulfillment of the better imperatives declared by the deontologists. So, the question should not be finding the proper ethical theory but finding the proper ethical behavior. How do you get someone who opposes torturing Americans to oppose torturing human beings? How do you get someone who wants desperately to believe that torture has in fact saved lives to look at the facts? How do you get someone who believes that anyone who is tortured deserves it to consider the evidence, and to face the possibility that the torture is used in part to make us see certain people as evil, rather than their evilness actually preceding and justifying the torture? How do you get Republicans loyal to Bush or Democrats loyal to Obama to put human rights above their loyalty?

As Gordon recounts, torture in reality has generated desired falsehoods to support wars, created lots of enemies rather than eliminating them, encouraged and directly trained more torturers, promoted cowardice rather than courage, degraded our ability to think of others as fully human, perverted our ideas of justice, and trained us all to pretend not to know something is going on while silently supporting its continued practice. None of that can help us much in any other ethical pursuit.

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