

features

Is torture ever justifiable? *Dr. Tiel argues that it actually is*



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Dr. Tiel's novel lecture on the ethical justification of torture drew curious minds to Ronk lecture hall on Tuesday 26.

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Police have captured a person who has planted a nuclear bomb in the city. The suspect has timed it to go off in exactly three hours. They know they only have so much time to locate and diffuse it, and are incredibly unlikely to do so without the cooperation of the suspect in custody.

Are the police justified in torturing the suspect to get the information they need?

Dr. Tiel says, absolutely.

Dr. Tiel does work in metaphysics and epistemology and is an associate professor of philosophy here at AU. He has published and presented numerous articles and papers related to military ethical themes including espionage ethics, the ethics of biological warfare, the neutrality of states in an age of terror war, military core values and journalism in psychological warfare.

He teaches a peculiar class on espionage which involves his students actively spying on other professors, their grade being determined on the information they can gather and whether they get caught.

“Twenty two years ago I was teaching at West Point there was the point of this great question: is there ever an instance where torture would be justifiable?” Tiel said. “After thinking about it that long, exploring a case where I think it is justified, a case which has some intriguing applications to the enhanced interrogation program that we saw in the Bush era.”

Like many of us, Tiel himself has no desire to torture or be tortured, in fact wishes to occupy a world in which torture is not only unnecessary but also unthinkable. He believes torture is repulsive, but believes his revulsion does not necessitate believing it to be categorically unethical.

War violates many of our sensibilities as humans, its horrors often exceeding many forms of torture, yet war may sometimes be justified.

“Torture museums in Europe leave one feeling slimy and disgusted, since it is impossible not to imagine those devices being employed on you or someone you love. It’s hard even to conceive of a culture capable of designing such instruments of agony. But none of this goes essentially to the ethical

question,” Tiel argues.

A word often associated strongly with murder is torture. Murder means unjustified killing. Tiel identifies many sources define torture as extreme physical compulsion, but the word “extreme” often equates to “immoral” in our minds.

Torture can also be mental and emotional, and may even be more productive than physical in some cases. As a culture, we seem to believe one type of torture is more immoral than the other.

“Why do many Western nations permit police detectives to interrogate suspects with mental and emotional coercion, often involving deceit, but severely restrict physical duress? The reason cannot be that physical coercion leaves marks, since emotional scarring is just as real as physical scarring. Nor is it clear why we think that placing someone into a cage for thirty years is moral, while whipping them at a post in the center of the town square for thirty minutes is immoral,” Tiel said.

Tiel defines torture as the employment of intense physical/emotional/mental compulsion (of degrees) to coerce a person either to provide information. He calls this coercive interrogative torture. He argues coercive interrogative torture of all degrees is sometimes ethically justified.

How?

In self defense cases, the defender is justified in killing his attacker because the attacker devalues his own life. This is called the principle of forfeiture in ethics: the attacker forfeits his right not to be harmed through his intention and action of committing a lethal harm.

Self defense and third party defense are called that because the goal is not to “stop the attacker”, but to protect the intended victim, and in most cases, that is done by stopping the attacker.

“In the ticking nuke case, the suspect is involved in the action of killing several hundreds of thousands of people, and police killing him won’t protect these people. Only their compelling him to identify the location of the bomb can protect the innocent,” Tiel said.

In the bomber’s threatening innocent people with death, they have forfeited their protections to life and liberty.

“We can now briefly turn to sketch a potential application of the foregoing arguments to the more general interrogations of actors involved with terrorist threats. 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,” he said.

If it is permissible to kill a man in self defense, then why would it be impermissible merely to harm him? Why not have a specially created, non-military unit of highly trained coercive interrogators? Especially when it comes to terrorists?

“The enhanced interrogation program formed a sequence of techniques at increasing degrees of severity, waterboarding being most extreme, brought it to congress and both majority and minority leadership authorized the use of all ten techniques. They were not classified as torture because the mission was to produce extreme discomfort, not extreme pain, and the definition of torture is about pain infliction not discomfort infliction,” Tiel said.

The goal of these techniques is compliance. Once they start talking, regular interrogation resumes. It is a tool in the interrogators toolbox to compel the conversation.

“We are used to thinking of the fifth amendment, the right not to self incriminate. It’s fundamental to being an American. Unless you’re an American soldier, they’re under a different law code. If they are put on trial they have to tell the truth. Why? Because we made a choice in our culture to protect the innocent over getting the guilty party,” Tiel said.

If the goal is to protect the innocent at all cost, nobody will ever be arrested. If the goal is to get the guilty, everyone will be arrested. Both are good goals. America is extreme on the protection of the innocent, but it is not to say America is morally superior to other countries.

“So if Lincoln, during the war, decides to suspend certain civil liberties, its because they are not morally mandatory. Justice is the idea that you get what you deserve,” Tiel said. “Once we make that distinction, then the American consti-

tution and its extraordinary set of protections which we highly value and apply to ourselves as members of our constitution, we understand they don’t apply to terrorists who have committed these horrific acts on foreign soil.”

So, what real reasons do people have for rejecting the transfer principle? If you believe it is permissible to kill in certain circumstances, why wouldn’t you believe it was permissible to harm? In other words, why do people reject torture?

Tiel believes it is because our culture is hedonistic, has identified pleasure with goodness, and if you put people in pain, it is intrinsically evil.

“As a society we have eliminated almost all forms of physical coercion and physical punishment. The only cases that we allow currently are drill sergeants and coaches. It is amazing what people will do for a coach in terms of allowing themselves to be put under tremendous protocols of suffering,” Tiel said. “We think the good to be affected is good.”

The fact that people make that distinction between good pain and bad pain means that pain is not inherently wrong, consequently neither is torture.

“Dr. Tiel is a formidable thinker. Agree or disagree, this was a compelling line of argument,” Dr. Wil-

liam Vaughan, professor of philosophy said.

Angel Frye, sophomore history major said after the lecture she understands the argument and reasoning, but “I can’t get myself to agree with justifying torture. I might be squeamish, I just can’t ethically justify torture.”

Michael Neff, a disabled 30 year army veteran, getting his degree in exercise science to reinvent himself after his army time, very much enjoyed the lecture.

“I find the opportunity to go to Ashland and study the thoughts on religion and ethics, it is relieving to have a nice honest discussion on something. We can talk about it [torture] here in its intellectual sense even though it’s a difficult subject,” Neff said.

Dr. Louis Mancha brought Dr. Tiel in because it is important to himself and the philosophy department to expose students to ideas and for them to be challenged in their moral presuppositions.

“Dr Tiel gives us very good reasons for situating our moral commitments, about things we have strong opinions about, like torture. We are here to get students to think carefully about their moral commitments because that affects our society, how we vote, how we judge others, and how we try to live good, meaningful lives,” Mancha said.



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Dr. Tiel’s books, including these two, are available online on Amazon.com.