

Torture Lite and the Normalisation of Torture*

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Abstract

Since the terrorist attacks on September 11, 2001, the phrase “torture lite” has appeared in public discourse about torture, used by journalists, military intelligence personnel, and academics to distinguish between two kinds of torture: *torture*, which is violent, physically mutilating, cruel and brutal, and torture *lite*, which refers to interrogation methods that are, it is claimed, more restrained and less severe than real torture. Techniques in the latter category, which are also described as “enhanced interrogation techniques” or “stress and duress methods,” include extended sleep deprivation, noise bombardment, and forced standing. In this paper I argue that the distinction between torture and torture lite is attractive to liberal democracies because it bolsters what David Luban has called the “liberal ideology of torture,” the myth that torture can be compatible with the basic commitments of liberal states. However, as I shall demonstrate, torture lite techniques are *torture*, for they are sufficiently cruel and severe to meet the definition of torture. Furthermore, the use of terms like “torture lite” and the nature of torture lite techniques encourage a moral psychology in which the violence and cruelty of torture is denied, the victim’s suffering is hidden, minimised and doubted, and the torturer’s responsibility is diminished. Far from referring to a milder form of torture, torture lite refers to techniques the use of which is likely to encourage the normalisation of torture and the perpetuation of the myth that is the liberal ideology of torture.

Introduction

Since the terrorist attacks on September 11, 2001, the phrase “torture lite” has appeared in public discourse about torture, used by journalists, military intelligence personnel, and academics in discussions about the justifiability of the use of torture in the fight against terrorism. In the public debate about torture, the term torture lite (and related terms such as “enhanced interrogation” and “stress and duress”¹) has been used to distinguish between two kinds of torture. There is *torture*, which is violent, physically mutilating, and brutal, and then there is torture *lite*, which refers to interrogation methods (such as extended sleep deprivation, noise bombardment, forced standing, and manipulation of heat and cold) that are, it is claimed, less severe, more restrained, and less physically violent than real torture. For example, Joseph Lelyveld in the *New York Times* argued for the distinction between torture and torture lite, and claimed that techniques that fall in the latter category might be permissible,² Mark Bowden in the *Atlantic Monthly* argued that torture lite techniques might be justified to fight terrorism,³ and in the *Guardian* US Naval Intelligence Officer Wayne Madsen distinguished torture from torture lite, and claimed that only the latter was being used in Afghanistan and Guantanamo Bay.⁴

However, despite the frequency with which the term is used,⁵ the distinction between torture and torture lite is not one that is recognised 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 cruel, inhuman, and degrading treatment, and torture.⁶ Why, then, has the phrase “torture lite” become part of the public discourse on torture?

In this paper I argue that drawing a distinction between *torture*, with the connotations of brutality and tyranny evoked by that word, and torture *lite*, which implies restraint and moderation, is attractive to liberal democracies because belief in the distinction bolsters what David Luban has called the “liberal ideology of torture,”⁷ the myth that the use of torture could be compatible with the basic commitments of liberal states. According to the liberal ideology of torture, it is possible for a state to resort to torture without this involving tyranny or political oppression. Instead, torture would be used only when absolutely necessary and performed in a professional manner.⁸ The portrayal of the interrogation techniques described as torture lite as inherently less cruel and harmful than other forms of torture plays an important role in entrenching this mythical picture of torture. The use of the term “torture lite” and terms like “enhanced interrogation” thereby enables the use of these methods to be more widely accepted by the general public than would be the case otherwise – a consideration that is important for liberal democracies, which rely on public support for their legitimacy.

However, as I shall demonstrate, the distinction between torture methods and torture lite methods does not refer to a genuine distinction in terms of the suffering of the victims or the cruelty of the techniques. Like all forms of torture, the techniques described as torture lite cause intense suffering and are extremely cruel. But, I shall argue, these techniques *are* different from more physically violent tortures in a morally significant way: the language used to describe them and the techniques themselves encourage a moral analysis of torture in which the violence and cruelty of torture is denied, the victim’s suffering is hidden, minimised, and doubted, and the torturer’s responsibility is diminished. Far from referring to an invariably milder form

of torture, torture lite refers to techniques the use of which (combined with the justification offered for this use) are likely to encourage the normalisation of torture and mask the extreme suffering that torture causes.

1. The liberal ideology of torture

Modern liberal democracies are typically committed to protecting the value and dignity of the individual and to the restraint of political power.⁹ Since torture is a violation of human dignity, if anything is, and since torture has long been associated with brutal oppression and authoritarian political regimes, most liberal democracies are signatories to international and local conventions banning the use of torture, such as the Geneva Conventions, the UN *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, and the European *Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*.

David Luban argues that this rejection of torture by liberal democracies stems from the recognition that torture is a “microcosm, raised to the highest level of intensity, of the tyrannical political relationships that liberalism hates most... Torture aims to strip away from its victim all the qualities of human dignity that liberalism prizes.”¹⁰ The use of torture is in direct opposition to the liberal conception of the value of persons – the belief that each person “possesses an inherent dignity regardless of their social situation.”¹¹ Jeremy Waldron similarly argues that the prohibition against torture is central to basic liberal democratic moral commitments. The norm against torture is what he calls a “legal archetype” – a norm whose significance lies not only in its direct content but in how it “sums up or makes vivid to us the point, purpose, principle, or policy of a whole area of law.”¹² The norm against torture is, he claims, “expressive of an important underlying policy of the law... Law is not brutal in its

operation... Law does not rule through abject fear or terror, or by breaking the will of those it confronts... Instead, there will be an enduring connection between the spirit of the law and respect for human dignity.”¹³ For a liberal democracy to use torture would, therefore, threaten the fundamental liberal democratic commitment to the separation of law from brutality.

Because of the liberal commitment to the protection of the value and dignity of the individual and the rejection of political tyranny, liberal democracies take pains to distinguish themselves from authoritarian states such as Iraq under Saddam Hussein, and one of the ways they do this is by highlighting the brutality and tyranny of authoritarian regimes in contrast to the manner in which citizens of liberal democracies are treated. For example, the extensive media coverage of the horrific torture chambers discovered in Iraq by US troops¹⁴ served to highlight the brutality of Saddam Hussein’s regime and thereby enhance the image of the US as the liberator of the Iraqi people.

Yet despite this overt rejection of torture, liberal democracies – including the US, the UK, Israel and France – have used torture against their perceived enemies in the past and some continue to do so. This blatant discrepancy between, on the one hand, the overt commitment to protecting the dignity of the individual and, on the other hand, the use of torture, cries out for justification. When liberal democracies resort to torture, the use of torture must appear to be justified in a way that separates torture from its traditional association with tyranny and repression, so that the use of torture does not so obviously conflict with liberal democratic commitments. How is this achieved?

According to Luban, the liberal rejection of tyranny and cruelty as tools of political control means that liberal democracies accept that torture cannot be justified as a form of punishment or as a way of suppressing political dissent.¹⁵ However, there is one use of torture that does not appear to be necessarily incompatible with the liberal commitment to the value of human dignity: torture for the purposes of gathering intelligence in order to prevent a serious threat to the state.¹⁶ As Luban puts it, this form of torture – torture “to forestall greater evils” – is the only use of torture that “bears no essential connection with tyranny.”¹⁷ 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.¹⁸ Often, the argument for torture is made using a variation of the “ticking bomb” scenario, in which torture is necessary to force a terrorist to reveal the location of a bomb that will kill thousands – even millions – of innocent people if it is not deactivated.¹⁹ In such scenarios, the resort to torture can appear almost honourable or praiseworthy, and even appear to be a moral duty.²⁰ As Stephen Holmes puts it, “The ticking time bomb fable... suggests the *quiet heroism* of those who, defying moral norms and legal conventions, choose torture.”²¹ In this picture of torture, torture would not be excessive, sadistic, or arbitrarily applied. Its use would be restricted only to cases that meet the stringent criteria of the ticking bomb scenario, in which the survival of thousands of people is at stake. Torture would only be used against the guilty terrorist, never against innocent people. The torture would cease as soon as the required information was revealed, and so the use of torture would not become widespread or misused, and would not become a form of tyranny. The torturer in this scenario would not be a sadistic monster who delights in the humiliation and suffering

of his victim, but an official – a “conscientious public servant”²² in Luban’s phrase – who deeply regrets what he has to do; he is a “kindly torturer” not a tyrant.²³ When the use of torture is portrayed in this way, “it becomes possible to think of torture as the last resort of men and women who are profoundly reluctant to torture.”²⁴

This picture of torture is enticing in its presentation of torture as the lesser of two evils; a reluctant choice made by officials who recognise that torture is wrong but that to choose not to use torture could be worse. Such a view of torture means that, as Luban notes, “liberals can for the first time think of torture dissociated from cruelty – torture authorized and administered by decent human beings who abhor what circumstances force them to do.”²⁵ In the liberal ideology of torture, torture is a one-off emergency tactic that has nothing to do with the brutal and sadistic history of torture as it has been practiced in the real world.

As Luban and others point out, however, this liberal ideology of torture is a myth.²⁶ When liberal democracies use torture, they do not restrict its use to cases that meet the extremely stringent criteria of the ticking bomb scenario. Indeed, is doubtful that any cases just like the ticking bomb scenario have ever actually occurred.²⁷ Instead, the overwhelming evidence demonstrates that when torture is used by a state, democratic or otherwise, it becomes an institutionalised practice – “standard operating procedure,” in the words of one torturer.²⁸ This happened in the UK, when British troops tortured IRA suspects,²⁹ it happened in Israel, where, despite attempts at legal restraint, torture became widely used against Palestinian prisoners,³⁰ and it happened during the Vietnam War, when the US Phoenix Project became notorious for the widespread use of torture on suspected Vietcong prisoners.³¹ More recently,

revelations of the use of torture by US forces in Iraq, Afghanistan, and Guantanamo Bay paint a picture of widespread torture involving not only highly trained interrogators but also psychologists and medical personnel, backed by the support of the US administration.³²

Yet despite this evidence, the liberal ideology of torture persists in academic and public debates about torture. The role played by the liberal ideology of torture in the discourse about torture lies not in its relationship to reality, but in the fact that it seems to offer the possibility that the use of torture *could* (in theory at least) be separated from tyranny and cruelty and used in ways that are compatible with liberal democratic commitments, even if in the real world this almost never happens. By presenting this possibility, the liberal ideology of torture plays a central role in the public debate about torture by opening up a space in which torture becomes a legitimate topic for consideration by members of a liberal democratic state committed to human dignity and the restraint of political power.

2. The distinction between torture and torture lite

2.1 What is torture lite?

The term “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. Techniques commonly described as torture lite (or “enhanced interrogation”) include extended sleep deprivation, forced standing (also known as stress positions), isolation, manipulation of heat and cold, noise bombardment, personal humiliations, and mock executions. The frequent use of these techniques by democratic governments both

now and in the past highlights a difference between the torture methods that democracies tend to favour and those that tend to be used by authoritarian regimes.³³ The fact that torture lite techniques leave little physical evidence on the bodies of torture victims tends to make these techniques particularly attractive to democratic states, as these states have a strong interest in maintaining public support and avoiding the attention of human rights organisations – an issue that is perhaps of less concern to authoritarian regimes.³⁴ As Luban points out, democracies that use torture tend to use less obviously violent torture methods than were used in the past: “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.’”³⁵ Luban notes that 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.”³⁶ While Luban explicitly rejects the liberal ideology of torture and the liberal justifications for the use of torture, by characterising the shift from brutal tortures to more non-physical techniques as an “undeniable moderation” in torture, he does seem 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”³⁷ than the techniques described as torture lite. Other writers share the belief that torture lite methods are all less severe than genuine torture. Mark Bowden, for example, argues that: “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.’³⁸ As previously noted, the term “torture lite” is used frequently in the public discourse about torture to distinguish torture techniques that maim or seriously damage the victim’s body from those that do not necessarily leave obvious physical marks of violence, and that are, it is claimed, not as physically harmful as the former and generally do not cause lasting harm.

The distinction between the methods referred to as torture lite and “real” torture also serves a further aim – it is sometimes used to distinguish not only between types of torture methods but also between the character and motivations of torturers. Torturers who use methods like beatings and mutilations are clearly brutal and sadistic, but those who use torture lite techniques can be portrayed as professionals (Luban’s conscientious public servants)³⁹ motivated by the need to gain intelligence essential for saving lives. An example of this distinction is the difference between the US military’s response to the torture at Abu Ghraib and the attitude taken towards the interrogations at Guantanamo Bay. While the US military decried the abuse at Abu Ghraib, there has been relatively little outcry within the military about Guantanamo Bay, where Army Major General Miller (who took command at Guantanamo in 2002) was given permission to use interrogation techniques including sleep deprivation, stress positions, exposure to extreme heat and cold, and isolation.⁴⁰ Unlike most of the abuse that took place at Abu Ghraib, which was arbitrary and sadistic, the torture practiced at Guantanamo Bay is claimed to be part of a legitimate interrogation process, performed by trained military interrogators, assisted by medical professionals and authorised by the chain of command.⁴¹ The difference between the military’s attitude to 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.⁴² The way torture is used at Guantanamo Bay is the way it should be done.

So the distinction between torture and torture lite serves two purposes. First, it is used to distinguish torture techniques that are physically mutilating from techniques that do not rely on physical violence and that tend to leave few if any visible marks on the victim’s body. Second, the distinction is used to track differences in the motivations and justifications for torture. Torture *lite* methods are used by trained professionals whose aim is to gain crucial information, whereas *torture* is used by sadistic and cruel torturers whose aim is to terrorise their victims. The Abu Ghraib torturers were sadists, but the torturers at Guantanamo Bay are conscientious public servants.

But does the distinction between torture and torture lite techniques track a genuine difference in terms of the severity of harm caused by these methods? Are 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 the victim’s body, but he is wrong to conclude that this demonstrates a moderation in torture. The techniques that Luban and Bowden refer to are less physically mutilating than torture techniques such as beatings and burns, but our judgement 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.”⁴³

What, then, are the effects of torture lite?

2.2 The impact of torture lite

The use of terms like “torture lite” and “enhanced interrogation” implies that the methods referred to by these terms do not harm the victims as much as more obviously violent tortures. Yet the immediate and long-term impact of these techniques on the victims can be just as devastating as the impact of more traditional forms of torture. 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% still suffered from “persistent amnesia” and 23% 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.⁴⁴ Similarly, fourteen Irish men who were subjected to the “five techniques” (food deprivation, sleep deprivation, hooding, noise bombardment, and forced standing)⁴⁵ 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.”⁴⁶ Some of the men hallucinated; one saw his own funeral casket and heard hymns, another man’s tongue became so swollen that he could not swallow, and another lost the ability to spell his own name.⁴⁷ Some of the immediate after-effects of the treatment were horrific. One man lost the use of his hands, another lost his memory, and yet another could not stop crying and suffered from blackouts, intense headaches, insomnia, and nightmares.⁴⁸ Other studies have found similar results.⁴⁹ 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 the victim’s access to support networks after release can all affect a

torture victim's capacity to recover.⁵⁰ However, it is clear from the above studies that the widely held assumption that torture lite methods do not generally produce long lasting and severe harm is completely untenable.

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.”⁵¹ There is nothing merely “psychological” about these symptoms. It is equally difficult to dismiss the symptoms described earlier as psychological. Intense headaches, swollen limbs, and blackouts are all *physical* symptoms.⁵² It is clear that all forms of torture cause immediate severe harm and distress, and are likely to have very serious long-term physical and psychological effects. It is therefore untenable to conclude that so-called torture lite techniques do not constitute “real” torture just because they do not involve obvious immediate or long-term *visible* damage. The term “torture lite” is a serious misrepresentation of and disregard for the extreme suffering that such techniques cause.

As I have argued, the distinction between torture lite and torture does not reflect a genuine distinction in terms of the kinds of suffering caused by the different methods of torture. Nor does the distinction 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 authorise or use torture

lite techniques might be motivated by the (mistaken) belief that these methods are less harmful than more violent forms of torture, and would reject these techniques once they knew that they were in fact likely to be as harmful as other forms of torture.⁵³ But given the widely available evidence of the effects of these methods, it is hard to credit that those who authorise torture would be so unaware, and if they *were* so unaware, we would be justified in holding them culpably ignorant. At the very least, given the known effects of torture lite methods, the use of these techniques does not provide sufficient evidence to conclude that those using these methods are motivated by an aim that is morally preferable to that of torturers who use more violent methods.

Furthermore, the history of the development of these techniques indicates that one of the main 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 techniques such as extended sleep deprivation, manipulation of noise and heat, and forced standing were “devastatingly effective” in breaking down prisoners’ mental and physical integrity.⁵⁴ Drawing on this research, the CIA developed a two-step program of torture (outlined in the infamous *Kubark Manual of Interrogation*) 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.”⁵⁵ This quote demonstrates that a key motivation for developing these forms of torture was not to decrease cruelty or

brutality, but to make it more likely that the prisoner’s resistance will be broken down.

Furthermore, since torture lite techniques do not involve serious physical injury or mutilation to the victim’s body, they rarely leave scars or other visible physical evidence of torture. For this reason, Darius Rejali calls these techniques “clean torture.”⁵⁶ According to Rejali, the use of these techniques became widespread during the 20th century because the lack of obvious scars on the victims made it easier for governments to hide the use of torture from human rights monitors and thereby evade denunciation and prosecution.⁵⁷ Given that democracies are committed (in theory at least) to the protection of human rights and require public support for their legitimacy, this aspect of clean torture is extremely attractive to democratic states seeking to use torture and escape condemnation and prosecution.

This strongly suggests that there is no *prima facie* reason to believe that those who authorise and use torture lite techniques are motivated by a desire to moderate the effects of torture. The effects of torture lite are extremely severe – severe enough to make torture lite methods *clearly* forms of torture. But this should not be taken to imply that there are therefore no distinctions to be made within the category of torture. Torture is a threshold concept – interrogation methods must meet certain criteria (for example, they must cause intense physical or mental suffering, and be intended to cause such suffering) in order to count as torture. But it does not follow from this that all torture methods are equally severe or equally cruel. Some torture methods are undoubtedly worse than others, but our judgement about the severity of different forms of torture should take into account factors such as the duration of the

torture and the immediate and long-term effects of the torture, not whether the methods are torture lite methods or not. 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 as the most violent tortures. Instead, the point is that our judgement of the severity of a particular torture technique is not answered by looking at whether or not the method is a form of torture lite. As I have shown, torture lite methods are likely to cause intense immediate and long-term suffering, and that is what we should focus on when we ask whether or not these methods constitute torture. The distinction between torture and torture lite does not mark a natural distinction between more severe and less severe forms of torture.

However, there is still a morally important distinction between torture lite techniques and more physically violent tortures. The distinction is not a distinction in terms of the severity of the victim's suffering but a distinction in the moral psychology that is cultivated through the use of these techniques.

3. The moral psychology of torture lite

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.⁵⁸ In this section, I show how the use of the term “torture lite” and

related terms such as “enhanced interrogation” and the nature of torture lite techniques cultivate problematic moral attitudes (among torturers, commentators, and those who authorise the use of torture) that contribute to the normalisation of torture and the perpetuation of the liberal ideology of torture.

3.1. The language of torture lite

By creating a false distinction between *torture* – understood as violent, brutal, and physically mutilating – and *torture lite*, which carries connotations of minimal harm, minimal force, and minimal violence – those who authorise the use of torture and those who carry out torture are able to portray (to themselves and to observers) what they are doing as not really *torture*, with all the negative connotations of that word, but rather a lesser form of “enhanced interrogation.”⁵⁹ So George W. Bush and other members of the US administration continue to deny that they have authorised the use of torture, despite overwhelming evidence of the use of techniques such as noise bombardment and forced standing.⁶⁰ Terms like “torture lite” and “enhanced interrogation” neutralise the violence of these techniques and downplay the suffering that these forms of torture cause. Such euphemisms can have a strong impact on how those using these terms (interrogators, public officials, the general public) perceive the morality of the techniques described by these words. It has long been recognised that language can have a profound impact on people’s moral understanding of their actions and even on their willingness to commit violent acts. Describing aggressive acts using neutral or positive language, for example, has been found to increase individuals’ willingness to engage in such acts and decrease their belief in their responsibility for their actions.⁶¹ In the military, the use of dehumanising language to describe the enemy aids soldiers’ ability to kill in combat⁶² as does the use of non-

moral 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.⁶³ Language can therefore shape people’s beliefs about the moral content of what is being done (killing versus “engaging a target”), beliefs about their moral responsibility for their behaviour, and their willingness to engage in aggressive or violent acts. So when torture methods are described as “torture lite” or “enhanced interrogation” by torturers, public commentators, and public officials, 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 torturers who use more violent techniques. This distortion of the reality of the effects of torture lite methods means that the impact of these methods on the victims is very likely to be minimised, which contributes to the belief that such methods bear a lower burden of justification than “real” torture methods.

The use of terms like “torture lite” and “enhanced interrogation” therefore enables those using these terms to differentiate what they do from what is done by brutal and tyrannical regimes, as was evident in Naval Intelligence Officer Wayne Madsen’s claim that US intelligence officers used torture lite techniques, whereas prisoners sent to Pakistan and Egypt were likely to be subjected to “full-blown” torture.⁶⁴ It is interesting to note that the tactic of favourably comparing what *we* do against what is done by other, less civilised, states is extremely common among torturers. 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.”⁶⁵ Since torture is hard to justify and unpleasant to do, this process of favourable comparison enables torturers (and states that use torture) to believe that they, at least, are not as brutal and cruel as other torturers, and that their motivation for using torture is different (and morally preferable) from the motivations of other torturers. Using terms like “torture lite” makes this process of favourable comparison even easier. Such terms enable those involved in the authorisation and practice of torture to distance themselves from the taint of *real* torture, and to pretend that what they are doing is different in kind, in intent, and in effect from the torture practiced by other countries.

The belief that what is being done is not really torture is further encouraged by the nature of torture lite techniques themselves. As we shall see, torture lite techniques encourage a set of problematic beliefs about the motivations for torture, the responsibility for torture, and the nature of the victim’s suffering.

3.2. Torture lite techniques

Torture lite techniques share two important features that differentiate them from more obviously violent tortures. First, many of these techniques sever the intimate physical connection between torturer and victim that is the hallmark of more traditional tortures.⁶⁶ In torture methods such as beatings, burns, 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, many torture lite techniques do not require the torturer to physically touch the victim at all. Altering the temperature of an interrogation cell, turning on loud music for many hours, and keeping the prisoner in isolation are all methods that do not require physical contact between torturer and victim. In fact, the torturer does not even need to be in the same room as the victim for these techniques to work. This physical separation between torturer and victim departs from the traditional conception of torture as the infliction of pain “one-on-one, deliberately, up close and personal, in order to break the spirit of the victim,” as Luban put it.⁶⁷ When using torture lite techniques the torturer does not need to inflict pain “one-on-one, up close and personal” to get results – the torturer can be remote, impersonal, and invisible to the victim.

Second, unlike more traditional torture techniques, torture lite methods do not produce their effects immediately – it usually takes time before these techniques begin to cause the victim severe suffering. Bright lights, loud continuous noise, isolation and sleep deprivation become unbearable only gradually, whereas more physically violent techniques cause immediate and intense suffering. This means that not only is the physical link between torturer and victim severed, but the temporal link between the torturer’s actions and the victim’s pain is also severed.⁶⁸

These features of torture lite techniques – the physical separation between torturer and victim and the 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 for how they understand their role in causing the victim’s suffering. A torturer who is brutally beating a prisoner cannot deny that he is violently assaulting another person,

with the intention of causing that person severe pain. He might justify his use of violent torture to himself, but he cannot pretend that what he is doing is anything other than a brutal attack. Nor can he deny his responsibility for the victim's pain – his whole purpose is to produce that pain. However, a torturer who uses methods such as bright lights and loud noise is not hitting or maiming the victim, and he may not even see or hear the victim's pleas or cries, and so it is easy for him to pretend (to himself at least) that he is not attacking the victim. This distance between torturer and victim is likely to alter the torturer's moral assessment of what he is doing to the victim. As Thomas Nagel noted, our moral assessment of an action is affected by how it *feels* to do that action – what he called the “moral phenomenology” of an act.⁶⁹ To use Nagel's example, our reluctance to twist a child's arm to force the child's grandmother to help us save our injured friends indicates that there is a special reason against doing such an act, even when not doing so could result in very bad consequences.⁷⁰ How it feels to deliberately cause pain to another person, even to bring about good consequences, is an important element in our moral assessment of whether we should do so.⁷¹ We are more likely to judge an action wrong if we cannot bring ourselves to physically carry it out. So a torturer who has to physically assault the victim must find ways of reconciling the emotional distress caused by 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.”⁷²

Research on torturers has found that they use many strategies to enable themselves to “feel nothing” about torturing, such as dehumanising and/or blaming the victim, diffusing responsibility, appealing to a “just cause,” and becoming desensitised to the infliction of pain.⁷³ Elaine Scarry also notes that torturers often focus intensely on the act of questioning, as a way of minimising 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.”⁷⁴ When torture lite techniques are used, the “fact of human agony” is made even more invisible by the lack of visible wounds and the physical distance between torturer and victim – the victim’s suffering is hidden from view, and so it is even less likely to alter the torturer’s assessment of the morality of their action. The torturer can remain remote from the victim’s pain, and the connection between the torturer’s actions and the victim’s suffering is mediated through time, through objects (the room), and through the immediate environment (heat, light, noise), so that even the victim may not be able to identify a human agent who is directly responsible for the suffering he experiences.

As a result, a torturer who uses torture lite techniques does not need to go to the same lengths to reconcile the belief that torture is justified with the potential distress of torturing because he avoids direct engagement with the victim. He does not need to experience the “moral phenomenology” of the act of torture. The torturer can therefore continue to 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 description of the torturer’s role 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 professional goals.⁷⁵

These aspects of torture lite have clear advantages for torturers and those who authorise torture, as was recognised by the researchers who first investigated the efficacy of sensory manipulation and self-inflicted pain in the 1950s and 1960s. As one researcher noted, techniques such 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.”⁷⁶ The use of the word “delude” shows that this researcher understood that these techniques *were* forms of force and coercion, but was also clearly aware of the advantage of encouraging the torturer to believe that they were not. A torturer who does not feel responsible for the victim’s pain and who does not believe that he is attacking the victim is much more likely to continue torturing, and much less likely to question the morality of torture.

3.3. The victim of torture

The features of torture lite techniques 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.⁷⁷ The indirect nature of torture lite methods means that the victim’s suffering does not seem to arise directly from the torturer’s actions (blows, fists, weapons), but instead appears to arise from the victim’s inability to cope with the changes in his environment. The gradual impact

of these methods means that 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 noise, lack of sleep, forced standing, and heat or cold, rather than as the point at which the torturer's aim is achieved. As the CIA noted in the *Kubark Manual*, there are clear advantages to this aspect of torture lite: the victim's resistance "is likelier to be sapped by pain which he seems to inflict on himself."⁷⁸ So torture lite techniques work by turning the prisoner's environment and body into a weapon against them. 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."⁷⁹ This aspect of torture lite techniques reveals the deep cruelty of these methods. Far from always being more moderate and more humane than other torture methods, torture lite techniques not only can cause extreme suffering; they encourage the victim to 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"⁸⁰ in which the victim is forced 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."⁸¹ 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 term "torture lite" therefore both downplays the extreme suffering caused by these methods and hides the cruelty of these methods behind a pretence of moderation and restraint.

The cruelty of torture lite methods 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 hides the evidence of torture from the victim's own community and from outside observers. Torture lite techniques leave few, if any, physical traces on the victim's body. As I noted previously, this feature of torture lite is one of the reasons why democracies favour these methods when they use torture. But the lack of physical traces also means that the victim's testimony about her experiences is more likely to be disbelieved. When physically violent tortures have been used, observers can see the scars and mutilations on the victim's body. Such visible evidence communicates the experience of pain to others in a visceral and immediate way – we do not doubt that the victim suffered intense pain when those wounds were inflicted. However, torture lite techniques make that suffering invisible and internal. Observers cannot see the evidence of torture on the victim. Instead, they must rely on the victim's descriptions of their experiences, and so the victim's difficulty in communicating the experience of pain is compounded by the lack of physical evidence, which makes it easier for others to dismiss the victim's claims that they were tortured. 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."⁸² This loss of credibility is compounded by the fact that the victims of torture, particularly in democracies, tend to be members of groups that are already ostracised and portrayed as suspicious or even dangerous.⁸³ This makes it is easy for outsiders to deny that torture lite methods are really torture and undermines the victim's ability to seek justice. Attempts to prosecute torturers are hampered when there is little physical evidence of torture,⁸⁴ and official investigations into claims of torture may conclude

that torture lite methods do not amount to genuine torture, which further undermines the credibility of the victims.⁸⁵

Torture lite techniques therefore protect the state that uses them by creating a barrier between the victim and their communities – the victim cannot prove they were tortured, and members of the victim’s community, as well as law enforcement officials and human rights observers, may doubt the veracity of the victim’s testimony. As a result, the victim of torture lite may not find sympathy and understanding even among her own community, let alone in the realm of international law.

This consequence of torture lite highlights the way in which these methods are cruel in a way that is different from the cruelty of more violent methods.⁸⁶ To use techniques that not only cause extreme suffering, but that encourage the victim to feel responsible for that suffering, and that also mean that the victim cannot rely on the support or belief of their community, extends the harm of torture beyond the victim’s experience of pain to the victim’s ability to recover, reintegrate into their community, and seek justice.

Conclusion

Torture lite techniques are torture. Like all forms of torture, torture lite methods aim to break down the victim’s mental and physical integrity, and these methods are 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 terms like “torture lite” and “enhanced interrogation” downplays the harm of these methods and masks their cruelty. Torture lite techniques encourage torturers to feel less responsible for their actions; they encourage the belief that what is being done to the victim is not really torture, and they encourage the victim to feel responsible for their suffering, thereby undermining the victim’s credibility in the eyes of their community. The language of torture lite further corrupts public discourse about torture by creating the illusion that there exists a special category of torture that is professional, restrained, and far removed from the brutal tortures of authoritarian and tyrannical regimes. This illusion allows the question of whether we should use torture to be replaced by the question of what *kinds* of torture we should use.

The language and moral psychology of torture lite thereby perpetuates the myth that torture may be used in ways compatible with liberal democratic commitments. This contributes to the normalisation of torture and the minimisation of the suffering caused by torture. 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.

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¹ Much of what I say about torture lite would apply to these terms as well. One difference between these terms, 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 – are “not quite torture” as US military intelligence officials described some of the methods they used (see Human Rights Watch, “Timeline of Detainee Abuse Allegations and Responses, <http://www.hrw.org/english/docs/2004/05/07/usint8556.htm>”). This is why the phrase “torture lite” has rarely been used by government officials (but widely used in the media), who prefer alternative terms to describe the methods they are authorising.

² Joseph Lelyveld, “Interrogating Ourselves,” *New York Times Magazine* (June 12, 2005), <http://www.nytimes.com/2005/06/12/magazine/12TORTURE.html>.

³ Mark Bowden, “The Dark Art of Interrogation,” *Atlantic Monthly* (October 2003), <http://www.theatlantic.com/doc/200310/bowden>.

⁴ Duncan Campbell, “US interrogators turn to ‘torture lite,’” *Guardian* (January 25, 2003), <http://www.guardian.co.uk/world/2003/jan/25/usa.alqaida>. The term “torture lite” is not just used by those who argue that these techniques might be justified. Some commentators have used the term as a way of criticising the use of phrases such 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 in the discourse about torture, even when those using the term are objecting to the techniques referred to.

⁵ A Google search of the term brings up 9000 hits, most often in news reports and media commentaries.

⁶ In the UN *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, torture is defined 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.” (For the full text of the Convention, see <http://www.hrweb.org/legal/cat.html>.)

⁷ David Luban, “Liberalism, Torture, and the Ticking Bomb,” *Virginia Law Review* 91 (2005), 1425–1461 at p. 1427.

⁸ Luban, “Liberalism,” p. 1436.

⁹ Jef Husymans argues that liberal democracies typically aim at maintaining a balance between three elements: the rule of law, political leadership, and popular will, so that the exercise of arbitrary political power is restrained through the rule of law, the influence of popular will does not overly distort political decision-making, and the rule of law is responsive to the demands of substantive justice made by the population through the political leadership (Jef Husymans, “Minding Exceptions: The Politics of Insecurity and Liberal Democracy,” *Contemporary Political Philosophy* 3 (2004), 321–341 at pp. 326–328)

¹⁰ Luban, “Liberalism,” p. 1430.

¹¹ Luban, “Liberalism,” p. 1433.

¹² Jeremy Waldron, “Torture and Positive Law: Jurisprudence for the White House,” *Columbia Law Review* 105 (2005), 1681–1750 at p. 1723.

¹³ Waldron, “Torture,” pp. 1726–1727.

¹⁴ For example, see CNN.com, “Report: Iraq torture chamber found,” April 2 2003, <http://www.cnn.com/2003/WORLD/meast/04/02/sprj.irq.iraq.torture/index.html>.

¹⁵ Luban, “Liberalism,” p. 1425.

¹⁶ Edward Peters notes that the re-emergence of torture as a tool of the government coincided with the rise of the nation-state in the late 19th and early 20th centuries (Edward Peters, *Torture* (Philadelphia: University of Pennsylvania Press, 1996), pp. 103–114).

¹⁷ Luban, “Liberalism,” p. 1439. Luban does not accept this justification, however. His article is deeply critical of the liberal ideology of torture.

¹⁸ The classic dirty hands argument for torture is offered by Michael Walzer, “Political Action: The Problem of ‘Dirty Hands,’” *Philosophy and Public Affairs* 2 (1973), 160–180.

¹⁹ A small sample of authors who have used variations of the ticking bomb argument since 2001 include Fritz Allhof “Terrorism and Torture,” *International Journal of Applied Philosophy* 17 (2003), 105–118, Alan Dershowitz, *Why Terrorism Works* (New Haven: Yale University Press, 2002); Uwe Steinhoff, “Torture – The Case for Dirty Harry and Against Alan Dershowitz,” *Journal of Applied Philosophy* 23 (2006), 337–353, and Seumas Miller, “Case Study – The Terrorist and the Ticking Bomb,” *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Spring 2008), <http://plato.stanford.edu/entries/torture/index.html#CasStuTerTicBom>.

²⁰ For such an argument, see Seumas Miller, “Is Torture Ever Morally Justified?” *International Journal of Applied Philosophy* 19 (2005), 179–192.

²¹ Stephen Holmes, “Is Defiance of Law a Proof of Success?” in *The Torture Debate in America*, ed. Karen J. Greenberg (New York: Cambridge University Press, 2006), pp. 118–135, at p. 128.

²² Luban, “Liberalism,” p. 1441.

²³ Luban, “Liberalism,” p. 1436.

²⁴ Luban, “Liberalism,” p. 1436.

²⁵ Luban, “Liberalism,” p. 1425.

²⁶ For example, see Henry Shue, “Torture in Dreamland,” *Case Western Reserve Journal of International Law*, 37 nos. 2 and 3 (2006); Vittorio Bufacchi and Jean Maria Arrigo, “Torture, Terrorism and the State: A Refutation of the Ticking-Bomb Argument,” *Journal of Applied Philosophy* 23 (2006), 355–373; Jessica Wolfendale, “Training Torturers: A Critique of the ‘Ticking Bomb’ Argument,” *Social Theory and Practice* 32 (2006), 269–287; and Bob Brecher, *Torture and the Ticking Bomb* (Oxford, UK: Blackwell, 2007).

²⁷ One oft-cited supposedly real-life ticking bomb case is based on the claims of Philippine intelligence officers that information they had extracted from a prisoner (Abdul Hakim Murad) through torture led to the thwarting of plots to “assassinate the pope and to crash eleven commercial airliners... into the Pacific ocean” (Dershowitz, *Why Terrorism Works*, p. 137, quoted in Brecher, *Torture and the Ticking Bomb*, p. 26). However, it does not take long to realise that the details of this case are nothing like the ‘ticking bomb’ scenario. The interrogators did not know that the man they were interrogating had this information, they tortured him for 67 days, nearly killing him in the process, and his torture was not a one-off event – they were regularly torturing prisoners (Brecher, *Torture and the Ticking Bomb*, p. 26). Furthermore, the details of the plot came from a computer seized by police *before* Murad talked – all he added was the fact that he “hoped to fly a small Cessna plane into the CIA building in Langley.” (Darius Rejali, *Torture and Democracy* (Princeton, NJ: Princeton University Press, 2007), pp. 507–508.)

²⁸ John Conroy, *Unspeakable Acts, Ordinary People: The Dynamics of Torture* (New York: Alfred A. Knopf, 2000), p. 92.

²⁹ Conroy describes the use of the “five techniques” against IRA suspects by British forces in 1971 in Chapter 1 of *Unspeakable Acts, Ordinary People*.

³⁰ Brecher, *Torture and the Ticking Bomb*, p. 65.

³¹ Alfred W. McCoy, *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror* (New York: Henry Holt & Company, 2006), pp. 66–71.

³² Interrogation teams at Guantanamo Bay are accompanied by Behavioural Science Consultation Teams, whose role is to teach interrogators how best to break down captives (David Luban, “Torture and the Professions,” *Criminal Justice Ethics*, 26 (2007), 2–66, at p. 60). The organization Physicians for Human Rights has documented evidence of the participation of medical personnel in interrogations at Guantanamo Bay (see Physicians for Human Rights, “Guantanamo: Health Personnel Participation in Torture of Detainees Must Stop; PHR Calls for Independent Investigation” (November 30, 2004), <http://physiciansforhumanrights.org/library/news-2004-11-30.html>.)

³³ This distinction is not always clear-cut, however. In the 1930s, for example, the Soviet Union used many so-called ‘torture lite’ techniques on political prisoners in order to gain confessions for use in show trials (Rejali, *Torture and Democracy*, p. 12).

³⁴ Rejali, *Torture and Democracy*, pp. 8–11.

³⁵ Luban, “Liberalism,” p. 1437.

³⁶ Luban, “Liberalism,” p. 1438.

³⁷ Luban, “Liberalism,” p. 1437.

³⁸ Bowden, “Interrogation.” Unlike Luban, Bowden argues that “torture lite” methods might be justified in certain cases.

³⁹ Luban, “Liberalism,” p. 1441.

⁴⁰ Seymour Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib* (Melbourne: Allen Lane, 2004), p. 14.

⁴¹ For a discussion of the involvement of doctors in interrogations at Guantanamo Bay, see M. Gregg Bloche and Jonathan H. Marks, “Doctors and Interrogators at Guantanamo Bay,” *New England Journal of Medicine* 353 (2005), 6–8.

⁴² Hersh, *Chain of Command*, p. 32.

⁴³ Luban, “Liberalism,” p. 1430.

⁴⁴ McCoy, *Question of Torture*, p. 45.

⁴⁵ Conroy, *Unspeakable Acts, Ordinary People*, p. 6.

⁴⁶ Conroy, *Unspeakable Acts, Ordinary People*, p. 6.

⁴⁷ Conroy, *Unspeakable Acts, Ordinary People*, pp. 7–9.

⁴⁸ Conroy, *Unspeakable Acts, Ordinary People*, pp. 39–40, 123.

⁴⁹ For example, see Metin Basoglu, Maria Linvanou, and Cventana Crnobaric, “Torture vs Other Cruel, Inhuman, and Degrading Treatment: Is the Distinction Real or Apparent?” *Archives of General Psychiatry* 64 (2007), 277–285, and Stefan Priebe and Michael Bauer “Inclusion of Psychological Torture in PTSD Criterion A,” *The American Journal of Psychiatry* 152 (1995), 1691–1692.

⁵⁰ Conroy, *Unspeakable Acts, Ordinary People*, p. 178.

⁵¹ McCoy, *Question of Torture*, p. 48. The US officially authorised only 4 hours of forced standing at any given time, which would not have such severe effects. However, the US 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.

⁵² The claim that torture lite techniques are less severe than other torture methods seems to involve a tacit belief that a) torture lite techniques produce mainly psychological suffering, and b) psychological suffering is less extreme than physical trauma. As I have argued in the text, the distinction between psychological and physical suffering is problematic, as is the belief that psychological suffering is less severe than physical suffering – the impact on the victims described in the text demonstrates this clearly, and furthermore many of the techniques described as torture lite produce clear physical suffering. For this reason, international conventions on torture generally include both physical and psychological suffering in the definition of torture. But there is also a further assumption behind the use of “torture lite” that is worth spelling out in some detail. This is the assumption that the impermissibility of torture must rest to some degree on the assessment of long-term effects and not just on the immediate suffering and harm caused to the victim. It is true that a consideration of the long-term effects adds to the moral assessment of torture because the fact that torture can be reliably *expected* to cause long-term harm is part of the general condemnation of torture, but it does not follow from this that the moral wrong of torture is diminished if the *actual* long-term effects vary from person to person. If some torture victims recovered completely this would not reduce the moral wrong that was done to them. There are victims of rape who manage to recover and avoid long-lasting psychological or physical harm, yet this is not a reason to consider rape (or their rape) as less morally wrong. We do not withhold our moral judgement about rape until we see how well the victim gets over

it. Similarly, torture is wrong at the time it is used – its moral status should not rely on solely an assessment of actual consequences.

⁵³ Thanks to Larry Temkin for raising this objection.

⁵⁴ McCoy, *Question of Torture*, p. 49. The progress of this research is outlined in detail in pp. 21–59.

⁵⁵ Quoted in McCoy, *Question of Torture*, p. 52. The full text of the *Kubark Manual* is available from <http://www.kimsoft.com/2000/kubark.htm>.

⁵⁶ Rejali, *Torture and Democracy*, p. 2. The category of clean torture is wider than the category of torture lite, however. Clean torture refers to techniques that do not leave physical marks on the victim's body (for example, waterboarding, forced standing, and noise bombardment) but some of these techniques are not usually referred to as torture lite. The use of electricity, for example, is a form of clean torture, but it is never described as a form of torture lite. Torture lite is best thought of as a subset of clean torture.

⁵⁷ Rejali is probably right that avoiding human rights monitoring is one of the main reasons why democracies adopt these techniques (Rejali, *Torture and Democracy*, p. 3) but, as I will argue in section 3, the moral psychology encouraged by the use of torture lite enables the normalisation and acceptance of torture, which makes it easier for torturers to perform and easier for the public to accept.

⁵⁸ The Nazis were so aware of the power of language to change perceptions of moral reality that they invented a whole terminology to describe the activities of the Holocaust – the term “Final Solution” was part of this terminology. So thorough was this re-definition of language that one Holocaust scholar mentioned by Robert Lifton in his book on the Nazi doctors “told of examining ‘tens of thousands’ of Nazi documents without once encountering the word ‘killing’ until, after many years, he finally did discover the word – in reference to an edict concerning dogs.” (Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986), p. 445.)

⁵⁹ The term “enhanced interrogation techniques” has been used to describe the techniques used by US Forces in Iraq and Afghanistan. For example, see Jonathan Karl, “‘High-Value’ Detainees Transferred to Guantanamo – President Bush Announced Major Reversal in Handling of Terror Suspects,” *ABC News* (6 September, 2006), <http://abcnews.go.com/International/story?id=2400470>.

⁶⁰ “We do not torture,” stated Bush in 2005 (“US does not torture, Bush insists,” *BBC News* (7 November, 2005), <http://news.bbc.co.uk/2/hi/americas/4415132.stm>). 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),

<http://www.cbsnews.com/stories/2008/03/08/national/main3919474.shtml>).

⁶¹ 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 Dinend, and Karen Endresen, “Effects of Altered Responsibility, Cognitive Set, and Modeling on Physical Aggression and Deindividuation,” *Journal of Personality and Social Psychology* 31 (1975), 328–337).

⁶² David Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston: Little, Brown & Co, 1995), p. 161.

⁶³ 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.

⁶⁴ Duncan Campbell, “US interrogators turn to ‘torture lite,’” *Guardian* (January 25, 2003), <http://www.guardian.co.uk/world/2003/jan/25/usa.alqaida>.

⁶⁵ Conroy, *Unspeakable Acts, Ordinary People*, p. 112.

⁶⁶ Some techniques, such as forced standing, may require the torturer to physically place the victim in the desired position, and physical threats may be used to keep the victim in the desired position. However, the agony of this form of torture arises from the victim’s attempt to maintain the position, not the torturer’s use of force to put them in the position.

⁶⁷ Luban, “Liberalism,” p. 1430.

⁶⁸ Bob Brecher pointed out to me that given that these techniques can take hours, even days, to become effective it is difficult to see how these methods could be justified in standard ticking-bomb scenarios, since such scenarios nearly always include a time constraint – the terrorist must be made to give up the location of the bomb as quickly as possible, before the bomb detonates. If, as the ticking bomb proponent argues, torture would be justified in such cases (and only in such cases), then torture lite methods could not be justified since they would be ineffective in the short time frame that is a standard feature of the ticking bomb case. In which case, we must wonder under what conditions these methods could be justified.

⁶⁹ Thomas Nagel, *The View from Nowhere* (New York: Oxford University Press, 1986), p. 180.

⁷⁰ Nagel, *View from Nowhere*, p. 176.

⁷¹ Nagel, *View from Nowhere*, p. 182.

⁷² Quoted in Ronald Crelinsten, “In Their Own Words: The World of the Torturer,” *The Politics of Pain: Torturers and Their Masters*, eds. Ronald D. Crelinsten and Alex P. Schmid (Boulder, CO: Westview Press, 1993), pp. 35–63 at p. 51.

⁷³ 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. 178–182; Martha Huggins, “Legacies of Authoritarianism: Brazilian Torturers’ and Murderers’ Reformulation of Memory,” *Latin American Perspectives*, 27 (2000), 57–78; and Crelinsten, “In Their Own Words.”

⁷⁴ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985), p. 29.

⁷⁵ A belief further encouraged by the presence at interrogations of other professionals, such as medical officers, psychologists, and even lawyers.

⁷⁶ McCoy, *Question of Torture*, p. 42.

⁷⁷ McCoy, *Question of Torture*, p. 8.

⁷⁸ Quoted in McCoy, p. 52. The full text of the *Kubark Manual* is available from <http://www.kimsoft.com/2000/kubark.htm>.

⁷⁹ Scarry, *Body in Pain*, p. 48.

⁸⁰ David Sussman, “What’s Wrong with Torture?” *Philosophy and Public Affairs* 33 (2005), 1–33 at p. 4.

⁸¹ Sussman, “What’s Wrong with Torture?” p. 4.

⁸² Rejali, *Torture and Democracy*, p. 30.

⁸³ John T Parry, “The Shape of Modern Torture: Extraordinary Rendition and Ghost Detainees,” *Melbourne Journal of International Law* 6 (2005), 516–533 at pp. 521–522.

⁸⁴ 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).

⁸⁵ In 2007 claims that Dutch troops had used torture in Iraq in 2003 (using methods including noise bombardment, hooding, and waterboarding) were dismissed following two official reports that held that these techniques were not torture (“Dutch soldiers cleared of Iraq torture,” DutchNews.nl, 18 June 2007, http://www.dutchnews.nl/news/archives/2007/06/dutch_soldiers_cleared_of_iraq.php).

Similarly, when the Irish government took the case of the 14 victims of the five techniques used by

British forces in Ireland to the European Commission on Human Rights, the Commission found that the use of the techniques “amounted to torture.” But in 1978 this decision was overturned on appeal by the European Court of Human Rights, which, while accepting that the use of these methods was “a practice of inhuman and degrading treatment,” found that the five techniques “did not occasion suffering of the particular intensity and cruelty implied by the word torture as so understood.” (Judgement of the European Court of Human Rights, Case of Ireland vs The United Kingdom, 18 January 1978, <http://www.worldlii.org/eu/cases/ECHR/1978/1.html>).

⁸⁶ This is not to suggest that torture lite methods are therefore crueller than other forms of torture. The point is that these methods, by making the victim feel responsible for her pain, and by hiding the evidence of torture and undermining the victim’s credibility, are cruel in a way that may be different from other forms of torture.