## Précis Sample

Michael Levin presents us with a rather interesting argument. According to Mr. Levin torturing is permissible when millions of lives are in danger. He states, to be morally correct torturing a criminal or terrorist to get the necessary information, and is often the only way to help prevent more innocent lives from being in danger. He does in fact realize, that **torture** is somewhat brutal. In his essay he tries to give some examples as to when we might decide to use torture. His examples however, prove to be unconstitutional, unreliable. Therefore, torture as a means of justification is not acceptable. I believe that torture makes a huge hole in our constitution therefore it’s wrong.

Justifying torture becomes impossible. Any way designed to justify its use is when certain assumptions are generally made. The bomber scenario described used in Levin’s essay is an excellent example. Do we or do we not torture the terrorist? In this instance, it seems that the life of one person can’t outweigh the lives of millions of people. Yet even in this extreme situation, consider what is assumed. First, one assumes that the bomb actually exists. Perhaps it does not—is there any irrefutable evidence to prove that it does? Without clear proof that lives are actually in danger, torture is an unjustifiable affront to the rights of the suspected terrorist. Secondly, it is assumed that we have the right person in custody. What if the authorities arrested the wrong person? Perhaps he’s confessed, but can one be sure the confession was genuine? Maybe he’s insane—or maybe he wants to give his group credit for the bombing—even at risk of his own torture and death. Thirdly, one assumes that torture will lead to the disarmament of the bomb. This cannot be certain by any means; what if the terrorist cannot disarm the bomb? What if he does not know its location? What if he is resistant enough to torture so that, in the two hours before the explosion, no useful information can be gleaned? Practically, can one even hope to that a man ready to die for his believes is going to give up this information up?

In conclusion, I do not believe using torture is a viable mean. It is barbaric and unconstitutional, even if, someone may be coursed into using it to get what he or she wants. But in those cases I believe it is our own instinct that drives us and not our right state of mind. Torturing a person is unconstitutional but to understand why it is, just imagine being in their shoes.

## Sample Essay #1: Can the Use of Torture be Justified?

As torture is such an emotive subject it is difficult to ensure that the facts are truly represented.  Before the nineteenth century some countries publicly acknowledged torture as an instrument of judicial inquiry, however today the vast majority of countries where torture is practised will blankly deny any knowledge of it.  This, of course, makes a study of torture difficult. In addition, as will be seen, there are numerous, conflicting ethical theories that can be applied to the topic of torture.  A person’s personal beliefs will influence how much credence they give to each viewpoint.  Consequently, the author’s opinions are likely to differ from the reader’s.

Torture has a widely understood definition of causing someone severe pain or mental anguish, usually in order to gain some information from the person being tortured, most usually a confession.  Amnesty International states that ‘torture is the systematic and deliberate infliction of acute pain in any form by one person on another, in order to accomplish the purpose of the former against the will of the latter’ (Klayman, 1978, p482).  This definition encompasses both physical and mental pain.   It also notes that torture has a purpose, and does not allow torture for the sake of the torturer’s amusement.  The Commission for the European Convention on Human Rights defines torture simply as ‘deliberate inhuman treatment causing very serious or cruel suffering’ (Morgan & Evans, 1999, p95).  It offers examples of forcing people to adopt a stress position in rooms where there is a continuous loud hissing noise, hooding, and deprivation of food and water. The Commission for the European Convention on Human Rights’ definition is the author’s preferred definition.  This is because it defines torture, not by the torturer’s intentions, but by the effect the treatment has on the tortured.

The word torture often conjures up images of medieval torture instruments such a branding irons and head screws.  From the mid fourteenth century to the end of the eighteenth century torture was an accepted practise by armies, judicial systems and even churches (Maran, 1989, p vii).  Public opinion changed in the nineteenth century, but torture continued to be carried out.  Once the torture of Jews by the Nazis in the Second World War became public knowledge, numerous international laws were bought into effect to prevent the use of torture.  However, torture still continues to this day, but as its use is still widely condemned, details of torture are either kept non-public, are down played or justified by manipulation of public opinion.  So called civilised countries are just as likely to be the perpetrators of torture today as countries with a known poor human rights record (Kellaway, 2003, p34).

International law currently absolutely and unequivocally prohibits torture in all circumstances.  There are many international laws and conventions that define torture as a crime against humanity.  These include The European Convention for the Prevention of Torture and the European Convention on Human Rights.  These two pieces of law are intended to work side by side. The UN Committee Against Torture is a body of independent experts that monitors implementation of the Convention against Torture and other torture related law.  All member states are obliged to submit regular reports to the Committee on how the rights are being implemented (Office of the United Nations High Commissioner for Human Rights).

There are many and varied ethical theories that could be applied to the question, ‘can the use of torture ever be justified?’  Theories that conclude that torture is never acceptable will be examined first. Immanuel Kant (1724-1804) developed Kantian Theory. It is based on the belief that reason is the final authority for morality.  A moral act is an act done for the right reasons (Lovell & Fisher, 2002, p314).  Kantian Theory is closely related to the doctrines of all major religions, the Bible states ‘do unto others as you would have them do unto you’.  At the centre of Kantian ethics is his categorical imperative, which is a set of universal rules that outline ‘that only the good will, a will to act out of a sense of duty, has unqualified moral worth’ (Pojman, 1998, p194). Using deontological theory, whereby actions are intrinsically right or wrong, torture can be seen to be unacceptable, whatever the circumstances and consequences.  Deontologists hold that one cannot undertake immoral acts like torture even if the outcome is morally preferable, such as the early ending of a war or the saving of lives. Edmund Burke, the late eighteenth century writer and politician, accused the British of suffering from what he termed 'geographical morality' (Lee & Smith, 2004, p16).  ‘Geographical morality’ is when people are prepared to be shocked by and to condemn torture in other countries while condoning its practice by their own authorities.  The British are not the only ones to be guilty of this, many countries, especially in the West can be accused of ‘geographical morality’.

However, there are many other theories that show that torture could be morally acceptable in some situations. John Stuart Mill (1808-73) put forward an ethical theory known as utilitarianism. Utilitarianism can be summed up in the phrase, ‘everyone should act in such a way to bring the largest possibly balance of good over evil for everyone involved’ (Almond, 1988, p127).  Using this theory, torture can be justified if it brings about a 'greater good for a greater number of people'.  The ends justify the means.  Using Utilitarianism Theory, if the torture of one person means that several people are located and rescued from a dire situation, then that torture is justifiable.  Consequentialism offers the idea that torture is justifiable if the consequences of the torture are morally right.  Consequentialism is an ethical view that establishes the rightness or wrongness of actions by the good or bad produced by its consequences.  Interlaced with the question ‘can torture ever be justified?’ is the question ‘can war ever be justified?’  As torture is an agent of war, this seems appropriate.  Just War Theory can be used to justify torture on the grounds that it is acceptable in response to certain situations.  St Thomas Aquinas (1225-74) described ‘jus ad bellum’, the conditions that he believed has to be met for war to be justified.  War has to be ordered by a legitimate authority, it must be waged for a just cause and the intention of those who wage war should be the triumph of good over evil (Almond, 1998, p197).  Of course, the problem with utilizing this Just War theory is that fulfillment of the conditions is subjective.  However, it is possible that torture could be morally justified using the Just War Theory if it was carried out by a legitimate government whose general aim is good and with the best of intentions. The concept of proportionality is found in Acquinas' consideration of the Just War Theory. He argued that warring activity should be proportionate to the aggression made and therefore not excessive to that aggression.  This would imply that torture, an extremely aggressive warring activity, would be ethically acceptable in response to extremely aggressive actions.

It can be argued that the intentions of a torturer make a difference to the moral value of the action of torture.  In consequentialist theories of ethics, intention is important, as intention is what you hope to achieve by the action.  For Kant, intention can make all the difference between morally correct behavior and morally incorrect behavior. Ideology can play a part in legitimizing the use of torture.  Ideology is the body of ideas and beliefs of a group, possibly religious, or nation (Maran, 1989, p11).  If the ideology of the tortured is believed to be morally wrong and the act of torture prevents the spread of this ideology then torture can be deemed to be justified. So, in conclusion, there are ethical theories that both state that torture can never be justified and those that state it can be, in different, varying circumstances.

Sample Essay #2: Submitted to the United States Army Command and General Staff College  
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"He was hanged and cut down alive before having his genitals cut off and burnt before him. His intestines were slowly pulled from his body before his ribcage was opened to show his heart. Only when his heart was removed did he finally, and mercifully, die."[1](http://voices.yahoo.com/#_edn1) This description of the execution of William Wallace is typical of how Americans viewed torture before the terrorist attacks of September 11, 2001. Torture was an idea reserved for far away places and times, when brutal rulers employed barbaric techniques in the daily governance of their empires. The terrorist attacks of 2001 changed everything, forcing torture to the forefront of American debate.

The purpose of this paper is to argue that torture is a necessary and proper tool for the United States to use in its prosecution of the War on Terror. There are two primary reasons for this position: to ensure the safety and protection of American citizens by facilitating the acquisition of timely and relevant information, and to provide the government with all available resources to combat the forces arrayed against our country.

Charles Krauthammer describes a situation in which torture would be acceptable for gaining timely and relevant information: "Ethics 101: A terrorist has planted a nuclear bomb in New York City. It will go off in one hour. A million people will die. You capture the terrorist. He knows where it is. He's not talking."[2](http://voices.yahoo.com/#_edn2) Do you do what it takes, without restriction, to obtain the needed information? If the answer is yes, the matter is settled and torture is permissible. If the answer is no, government is risking the lives of its citizens to protect the rights of a known terrorist. According to Krauthammer, the choice is simple because of government's solemn duty to protect its citizens: "However rare the cases, there are circumstances in which, by any rational moral calculus, torture not only would be permissible but would be required (to acquire life-saving information)."[3](http://voices.yahoo.com/#_edn3) In other words, if torture can yield information that will ensure the safety of Americans, it must be not only allowed, but must be used as a tool in the War on Terror.

The second reason for allowing torture as an interrogation tool is to provide government with all possible resources for the protection of the citizenry. Oren Goss, a professor at the University of Minnesota Law School and an expert on the Middle East and the Arab-Israeli conflict, explains this position as follows:

...experience tells us that when faced with serious threats to the life of the nation, government-any government-will take whatever measures it deems necessary to abate the crisis. An uncompromising absolute prohibition on torture sets unrealistic standards that no one can hope to meet when faced with extremely exigent circumstances.[4](http://voices.yahoo.com/#_edn4)

To ban the use of torture as a tool for protecting Americans during the Global War on Terror would be an unjustifiable restriction on the government that could endanger the welfare of American citizens.

The chief argument against torture is that the practice, essentially, is immoral. Vladimir Bukovsky, in Torture's Long Shadow, says, "...if [Vice President](http://voices.yahoo.com/topic/37863/vice_president.html) Cheney is right and that some 'cruel, inhumane or degrading' (CID) treatment of captives is a necessary tool for winning the war on terrorism, then the war is lost already."[5](http://voices.yahoo.com/#_edn5) And David Rivkin, a Washington, D.C. lawyer, says, "The reason I oppose torture...is because no matter what are the stakes involved, using it would fundamentally degrade our society and political system; this is a price we cannot pay, no matter how ticking some time bomb may be."[6](http://voices.yahoo.com/#_edn6)

The use of torture stirs passionate emotions among both supporters and opponents of the practice. Debating such topics serves a valuable purpose in our society, but in the end ensuring the safety and protection of American citizens and using all available resources to fight the War on Terror are critical responsibilities of the United States government. Therefore, torture is a necessary and proper tool for our nation's leaders to have available, and to use when necessary.