

Public Ethics Radio

Public Ethics Radio • Centre for Applied Philosophy and Public Ethics
Australian National University • LPO Box 8260 • Canberra ACT 2601 Australia
contact@publicethicsradio.org

Transcript of Episode 2, Jessica Wolfendale on Torture Lite

Released September 15, 2008

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ANNOUNCER: You're listening to Public Ethics Radio. I'm Matt Peterson. This podcast features conversations between our host, Christian Barry, and scholars and thinkers who engage with ethical issues that arise in public life. The show is a production of the Centre for Applied Philosophy and Public Ethics, An Australian Research Council Special Research Centre, in association with the Carnegie Ethics Studio at the Carnegie Council for Ethics in International Affairs. You can find us on the web at www.publicethicsradio.org.

ANNOUNCER: In preparing for today's show, I came across a quote that evokes very beautifully the harm at the center of the discussion. I want to share it with you. Here it is.

In the outskirts, stands a great prison... The system here, is rigid, strict, and hopeless solitary confinement. I believe it, in its effects, to be cruel and wrong.

Very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers ... [T]here is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow-creature.

I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body: and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay.

I don't think it would surprise anyone, well into 2008, to hear that the quote is about an American prison. But what might surprise you is that the passage comes from an 1842 essay by the novelist Charles Dickens. It's a first-hand account of his visit to a then state-of-the-art prison in Philadelphia. His description of prolonged solitary confinement as a secret punishment that tampers with the mysteries of the brain matches up eerily well with what we're going to talk about today. And that is the funny phrase known as torture lite. This is the set of techniques that modern intelligence services, militaries, and law enforcement agencies use to interrogate

terrorism suspects. These techniques include bombarding subjects with loud noises, preventing them from sleeping for long periods, or forcing them into so-called stress positions. They are supposed to be more humane, and really something different altogether from true torture. But not everyone agrees. One skeptic of this distinction between light and other torture techniques is Dr. Jessica Wolfendale, of the Centre for Applied Philosophy and Public Ethics at the University of Melbourne, author of the book *Torture and the Military Profession*. She spoke to Christian Barry from Melbourne.

CHRISTIAN BARRY: Jess Wolfendale, thank you for joining us on Public Ethics Radio.

JESSICA WOLFENDALE: Hi Christian, thanks for having me.

CB: Jess, I wanted to ask you to start by commenting on the nature of the strong moral presumption that we typically have against torture. In a recent in a recent article in *Philosophy and Public Affairs*, a philosopher, David Sussman, argued that “while there is a very strong moral presumption against both killing and torturing a human being, it seems that we take the presumption against torture to be even greater than that against homicide.” Since, for the person involved, homicide would seem at least arguably to be worse than torture, what is it about torture that explains this strong presumption against it.

JW: Well, I think the thing to recognize about the presumption against torture is it’s not just to do with the severity of suffering. Severity of suffering is clearly part of what is, what we think is wrong about torture. But of course there are situations in war, and even say in surgery, where you might be subject to the same level of pain. But we wouldn’t think that that kind of pain has the same level of presumption against it. So I think Sussman is right actually to point to the the defining or the particular feature of torture that we find particularly morally abhorrent, is the way that torture uses someone’s own bodily responses and someone’s deep identity against them. So, torture, unlike killing for example, aims to manipulate the person’s emotions, the person’s sensations, even the person’s beliefs and sexuality, as a weapon against them. So it’s a form of, I think Sussman uses the phrase, “forced self-betrayal.” And I think that does capture something that’s quite important about the concept of torture, and why we think there’s such a strong presumption against it that perhaps doesn’t hold against killing or other forms of injury.

CB: Now maybe we could go just a little bit look deeper into what torture is, so that we can understand ...

JW: Sure.

CB: ... a bit more about what the presumption against it is based in. And there are many different definitions of torture out there...

JW: Yeah.

CB: ... from UN conventions, which tend to interpret torture fairly broadly, um to other, um other interpretations of torture including the US position as presented in its reservations on the UN con... in its signing of the UN convention against torture, which tend to interpret a it a bit more narrowly. How should we think about what torture is, especially since it comes so heavily morally freighted?

JW: I think it's important to think of torture, as I said before, not just in terms of the severity of pain, but as being something that only happens in a certain kind of situation. So the UN definition for example defines torture so that it can only occur in a situation in which it's a public official of some sort who's subjecting a prisoner to extreme psychological or physical suffering. So the context in which torture occurs is an important part of actually the definition of torture itself. And that that captures I think the sense that torture is something that happens with one person in power against someone who is completely vulnerable, completely powerless in that situation. And that again is something that's distinctive about torture as opposed to for example killing in war where both sides of the, where both sides might be equally vulnerable and also have equal means of protecting themselves. So I think it's important, to when you think about the definition of torture, to pay attention to the context in which it occurs. Defining, I mean the UN attempt to, sorry the US attempt, to define it so narrowly seems to me an attempt an attempt, sort of a misguided attempt to locate the harm in torture purely in extremity of suffering, and it neglects the, Sussman's point about torture, and also the point in the UN definition, that it's about infliction of suffering in a particular context and the way that suffering is used to undermine someone's personal integrity, to force them in a way to betray themselves. So I think a definition of torture needs to incorporate that aspect.

CB: Jess, it's become common recently to distinguish, and I'm not sure exactly how seriously people take the definitional points implicit in this, between torture in the traditional understanding of torture and what is sometimes referred to as torture lite or more severe interrogation techniques. What is the nature of this distinction, and are these practices, which are in a sense being presented as not really being torture, really torture?

JW: So, the phrase torture lite's often used to pick out a group of techniques that are claimed to be generally or mostly or nearly always less severe and less physically damaging than "real" torture. So this term plays on the traditional idea of torture as being extremely brutal and physically mutilating. So we have images of torture equipment from the middle ages and the rack and the iron maiden and all sorts of horrible mutilating devices. Whereas the techniques that the phrase torture lite refers to are techniques like extended sleep deprivation and forced standing. And there's a number of other techniques also used, described by this term. And these techniques...

CB: Waterboarding is also included isn't it?

JW: Waterboarding, yeah, sometimes it is and sometimes it isn't. It's actually... Waterboarding is in some ways closer to the physical attacks of more traditional torture techniques. So I think we need to separate a few things. One is there's the claim that a technique might not be torture at all. And that's the claim that's been made about waterboarding, that it's a form of perhaps cruel and unusual punishment but not torture and therefore might be justified. And then there's the claim that there's this group of techniques, which, you know are, are sort of a moderated, less severe form of torture, and this is the torture lite group. If you look at the impact of these techniques though on the victims, there's no basis for thinking that these techniques are all generally less harmful than more trad... more violent torture techniques. So I think what the term does is create the illusion of the possibility of kind of torture without cruelty or torture without brutality. That because these techniques don't use physical violence or don't rely on physical violence, you know, they're not mutilations, they're not beatings, that they are, therefore,

somehow less cruel or less brutal. They are you know a lite form of torture. Does that answer your question?

CB: Yes, can you explain, though, since a lot of people will probably think well, you can see very clearly what the nature of the harm when it's inflicted...

JW: Mmm.

CB: ... according to the so-called traditional torture techniques years is, and they may sort of have a certain amount of disbelief that some of the techniques you've mentioned including cell sleep deprivation and forced standing and even waterboarding

JW: Yeah.

CB: ... could be comparable in terms of the suffering they impose on the victim. I mean, for one thing the victim will carry the marks of the traditional torture for the rest of their life.

JW: Mm.

CB: ... always reminding them of this as well as the actual physical damage has been imposed on them. And various other types of things. So can you explain a little bit more how it is that one can argue that the the ultimate effects on the victim of these techniques can be just as serious?

JW: Well, you can look at, there's been several studies about, on victims who've been subjected to these, this group of techniques, and certainly the studies have found that the short and long term effects are extremely severe. So, it includes things like blackouts and extreme headaches, and physical symptoms as well, like forced standing can lead to kidney failure, swollen ankles, blisters, really quite severe physical, physical harm. But I think it is true that we find it very difficult to understand someone else's experience of pain at the best of times. So explaining to someone else for example, even suppose you have a migraine, and telling someone else you have a migraine isn't sufficient for that person to really knows, to really understand how painful the migraine will be to you. So one of the the results of these techniques is because they don't leave physical scars, it really does undermine the victim's credibility in the eyes of the community and also perhaps in human rights observers and even legal officials. Because there is no, when we see a scar we have a sort of physical sense of well, that must have really hurt when that was inflicted. But the lack of physical evidence shouldn't be a reason for thinking that therefore these people do not suffer. Or did not suffer to the lengths to mean that they were tortured. It it's one of the things I think were actually particularly cruel about these techniques is that they cause extreme suffering, and I think, you know, suffering to a degree that clearly make these techniques forms of torture. But at the same time, they make it extremely hard for victims to convince others that they were tortured because of this lack of physical evidence and because of because of the general fact that it's so hard to communicate to other people the experience of pain and the experience of suffering.

CB: Maybe following that up, we're sometimes asked to think about the permissibility of torture by imagining a so-called ticking bomb scenario. When authorities are informed that somebody has information that could lead them to prevent the explosion of some bomb that some terrorist has planted, which will result in the deaths of many innocent civilian lives. And of course since September 11, but also before then, one of the things that really been emphasized is the capacity

of more aggressive techniques, including waterboarding, sleep deprivation and so on, in gathering intelligence information that could be used to effectively prevent large-scale atrocities and so on. Many people still in looking at these sorts of techniques are more inclined especially in ticking bomb type situations but not only there, to allow that the sorts of techniques could be implemented if the expected benefits of using them are significant. And even those who may believe that there are some limits to what we can do even when we believe that we could get good information out of someone tend to be more likely to go along with use of these techniques than with more traditional techniques. Now is this just based on false information, or could you talk about what your view is about these techniques more generally and what reasons we might have or not have to prohibit them becoming institutionalized.

JW: Well, one reason to prohibit them becoming institutionalized is that they do meet the threshold, or at least in my view they meet the threshold of torture. Now, this isn't to say that there are no differences in severity of torture techniques. But the differences don't track the distinction between torture and torture lite. So that's one thing to say, there are lots of reasons against institutionalizing torture of any form. A second point is that the interesting thing about, so the use of the ticking bomb example to justify these particular techniques is that, one of the big problems with taking that approach, is that the ticking bomb example is based in the idea that we only have a very short amount of time to get the information from the terrorist. So you know we have to use torture because we only have, I don't know, an hour before the bomb goes off. And so the urgency of the situation is meant to act as a justification for the use of torture. But the problem is that torture lite techniques take several hours at least before they become effective. One of the features of these techniques is noise bombardment, forced standing, sleep inte...sleep deprivation, manipulation of heat and cold, is that not actually going to become unbearable for several hours at least. At least. So if you're attempting to justify those techniques by pitting the ticking bomb example, it seems impossible to do so, because the urgency of the ticking bomb example would preclude using those techniques, because they take time before they become effective.

So, strangely enough, even though these are the techniques that people in liberal democracies are more likely to think are justified by an appeal to the ticking bomb example, they're actually the set of techniques that would be ruled out by the ticking bomb example, because they would take too long to get the information. I think what's behind the sort of fairly widely held belief that this set of techniques bears a lower burden of justification is that is this belief that they're actually less cruel, perhaps they're compatible with the possibility of a liberal democracy, you know, using them to protect itself against threats. But of course, the only way these techniques are going to be used is on a fairly widespread institutionalized basis. Because the nature of them means that you can't use them on a, you can't use them on a one-off basis if you're looking for very rapid information. They way they, the way they function is having people who are able to put them in place over days and weeks. So they lend themselves much more easily to institutionalization than perhaps your more brutal violent techniques. So that's actually, I think, a big problem with these techniques is that they, because they rely on time and on organization, they already require a fairly strong institutionalized context before they're going to be used. And then because these techniques encourage the people who're using them to think that they're not really engaged in torture, that will also contribute to the ongoing use of these techniques as well.

CB: Thanks, we're going to take a break, and we'll be back soon with more on torture with Jess Wolfendale.

ANNOUNCER: You're listening to Public Ethics Radio. We're talking to Dr. Jessica Wolfendale about the supposed distinction between torture and torture lite, and what happens when torture lite techniques become relied upon in military institutions.

CB: Jess, could you explain what it is for a practice, a practice of torture, torture lite, or some interrogation, system of interrogation to become institutionalized, and why it is that you hold that there are some particular problems associated with the institutionalization of these techniques which are often referred to as being torture light.

JW: Well, for a practice to be institutionalized or an interrogation practice, I guess one way of thinking about it is that it becomes a kind of, and this is a line that a torturer I once read about used, it becomes "standard operating procedure." So if an interrogation practice is institutionalized, it's a practice that you use pretty much for all group of prisoners or suspicious persons that come through a particular interrogation program. So, for example, it might be the case that any terrorism suspects will be subject to the same sorts of interrogation procedures. Now, I don't mean by that to suggest that every single terrorism suspect would be subject to torture lite. But, what I mean when I say it's institutionalized is that it is the kind of standard group of techniques that are used against a certain class of prisoners, and the way they're used now is currently against prisoners suspected of being terrorists or having information relevant to terrorism. One of the features I think of institutionalized torture is that, and this is evident if you look at the history of torture, is that it might start off being used against quite a narrow class of prisoners. So perhaps against people who you're pretty sure have are connected to terrorist networks or have information about terrorism. But because one of the things that torture does is that it begins to, it spreads. So it becomes basically the form of interrogation against people who whose, you know, maybe you just suspect, maybe of having information. And then perhaps it becomes used against relatives or friends of people who might have information. This is what happened when torture is used in Latin America in the dictatorships, it even happened back in the Middle Ages actually when torture was used in criminal proceedings. So one of the features of torture is that once it begins to be institutionalized, once the procedures are in place to use these techniques against a particular class of prisoners, the people against whom its used tend to broaden. So it becomes a sort of dragnet form of interrogation. So that's what I mean when I say that torture can be come an institutionalized practice. Now...

CB: Are there no ways, are there no ways to guard against that sort of extension. I'm thinking of recent attempts to justify torture, but institute some system of accountability such as Alan Dershowitz's claim that that we should allow the awarding of nonlethal torture warrants...

JW: Right, yep.

CB: ... which would require that some public official go before a member of the judiciary to seek a warrant...

JW: Mm.

CB: ... that would justify their torturing a particular case. The argument being that this would de facto limit it, because it wouldn't seem to be within some institution but that it would be subject to some external check.

JW: Well, I mean, you can actually... There are some life examples of attempts to legally control torture within institutions. So Israel for example, they didn't put torture warrants in place, but they did, they made torture illegal but allowed the ticking bomb example as a justification, as a exempting condition. So people, military officials who were accused of torture, or if there was a complaint about torture made, could then appeal to this argument as a way of exempting themselves from the prohibition against torture. But what happened of course is that every single accusation of torture was met with an appeal to that argument. So as a result were no, there's been no prosecutions of torture, and no actual control of torture because the military intelligence forces are aware that they have this appeal to this kind of emergency justification. And they use it every single time. So we don't really have much of a strong reason to think that torture warrants would actually limit the use of torture particularly, because judges will be very unwilling to dismiss the appeal to emergency that military forces would make if they were able to go through this legal process. So that's one reason to think that torture warrants really wouldn't make a hell of a lot of difference. The second reason to think that they wouldn't make a lot of difference is that one of the features of torture, as I said before, is that it tends to spread once it begins to be used. And we already see this actually in, in, so the Abu Ghraib scandal, for example is a nice case of, well, torture that was initially meant to be contained within certain types of interrogations, just became used. People pushed the boundaries. Once there is permission to use certain kinds of techniques, torturers, people involved in torture, will push as far as they can against those techniques, begin to cross the boundaries. And again that happened in pretty much every state that used, has used torture on an institutional basis. It started off being limited, and ended up being very much widespread and actually usually more brutal. So it seems to be one of the features of torture that it's actually very very hard to contain within institutional frameworks, that something about, something about the psychology of torture, whether its to do with the influence of power, leads to the spread of torture and outside of institutional constraints.

CB: One thing that I'm sure that a lot of listeners will have in mind is, yes, torture is an awful thing. They may even be convinced that the kind of techniques which are often referred to as torture lite can in fact create just as significant harms for the victims as traditional torture methods, if slightly less pleasant to inflict, yes, they may become more instantiated and more entrenched in institutional practices, and so on and so forth. But if such the prevalence of techniques even if they spread are such that they can actually be effective in promoting public security, if there really are good grounds for believing that they can lead to much greater information available in law enforcement, in preventing future attacks, that may that may just be the price that we have to pay. And a price that we may not be willing to pay with respect to the treatment of ordinary criminal suspects, because it just seems that the risks involved in not preventing certain types of attacks are just so much greater.

JW: It's certainly true that that argument's been made quite a lot recently. And indeed that's the main argument for resorting to these techniques is there's the assumption that these techniques will get information that couldn't be found through other more traditional interrogation methods or intelligence gathering methods. But again there's actually very little if in fact any empirical evidence supporting the claim that torture as a practice will get you generally will get you better

information than other procedures such as, for example, using informers, using planting people within institutions, electronic monitoring. So one example of a supposed real life ticking bomb case that's often cited in the literature, I think Dershowitz refers to it actually, is a case in the Phillipines, where Phillipine officials claimed that you know the use of torture against a particular prisoner revealed details of a plot to fly planes into major U.S. cities. But actually when you look at the details of the example, it turns out that they got the information of the plot through a computer that they seized in a search of the premises of a suspected person. And the torture itself didn't reveal any extra information, other than the fact that man tortured was hoping to fly a Cessna plane. So, if you actually look at the use of torture in intelligence operations, there's basically no strong reason at all to think that torture will give you better information than other forms of intelligence gathering. And there is actually a reason to think that torture begins to undermine the professionalism and the effectiveness of organizations that use it. Back when torture was used in, I think it was Malaysia by British troops, in the fifties, or the British, sorry, British police officers, someone commented that it's just much easier, right, to rub pepper into some poor person's eye than to go out and do the hard work of finding evidence. So one of the things that torture can do is gradually erode the ability of intelligence officials to effectively gather good intelligence.

CB: We're going to take a short break and we'll be back with Jess Wolfendale.

ANNOUNCER: This is Public Ethics Radio.

CB: We've been talking about torture becoming institutionalized so far in a somewhat of an impersonal way as if it's like a disease that is spreading. But of course it's individual persons and groups who are actually carrying out torture. So I wanted to ask what kinds of attitudes military personnel typically have towards torture. Do they generally approve of this kind of harsh interrogation technique? And how is it that connect to actually become enrooted in the culture of a military organization?

JW: I think it's important to separate, there are the people who carry out the techniques who are usually not the people who make the policy decisions to use it. So one of the features that if you do research on military torture is that the torturers themselves tend to see their role, not as questioning whether or not it's permissible to to use torture, but as carrying out their duties as professionally as possible. So this is taking a feature, an ordinary feature of the military institution, which is this division of responsibility, to an... it kind of corrupts it. The people who are carrying out the torture don't feel responsible for the decision to use torture, and the people who make the decision to use torture aren't those who are carrying it out. So they are removed from the actual emotional affected impact of torture techniques, which might influence their decision about whether or not to use it. So that is something that does contribute to the institutionalization of torture by changing individuals' attitudes about what they're responsible for, who they're responsible to, and what their role is in causing the victim's suffering. And one of the features about torture lite techniques that I think is particularly problematic in this regard, is that it's, it physically separates the torturer from the victim. So in more violent techniques, the torture is you know physically beating the victim, attacking them, there's a you know a direct correlation between the torturer's actions and the victim's suffering. But with torture lite, the torturer doesn't actually need to be in the same room. They are manipulating the environment of the room, heat and cold, noise, sleep deprivation, forced standing, and as a result, it's it's easier for them to feel that they themselves are not responsible for the victim's pain. The victim's pain

comes from the victim's inability to cope with the changes in the environment, the noise, the lack of sleep. So the torturer themselves then may just not feel as responsible for causing this pain. They may not, they can describe their role in a much more benign way, you know as an interrogator, rather than as a torturer. So I think what you see is that what is already a feature of the military institution, and is already a feature of torture when it's used, is exacerbated when torture lite techniques are used.

CB: In a recent book that discusses torture, Mark Bowden sums up a tension that a lot of people think in... feel in thinking about torture by saying that "there are few moral imperatives that make such sense on a large-scale," and here he's talking about the absolute prohibition against torture, "but break down so dramatically in the particular."

JW: Hm.

CB: And I think what he has in mind is the idea that, you know, even when we recognize even, even if we do recognize that things are as you suggest that this is a damaging institution, that it can be problematic, that the kind of intelligence gained is not likely to be so good, we ...

JW: Mm.

CB: ... we feel very, we feel very fraught because it's not difficult to think of hypothetical situations in which we would think it would be justified...

JW: Mm.

CB: ... and of course if we think it would be justified, there are various ways in which people try to get out of it, saying okay it would be justified, it should be illegal, but we shouldn't punish the person, but there is that tension. And, do you feel that tension? Or how do you think that we should think about even these types of cases where...

JW: Mm.

CB: ... it would seem to be justified. And I think that, you know, one way is simply say that um that they said we will never arise in practice, but that doesn't seem to really... You know the problem with that sort of response is that it may just arise in practice...

JW: Mm

CB: ... and we want to think about it and it's hard to believe that there won't be some cases where we we believe that we could probably get some pretty valuable information by using the techniques including some of those that you're talking about as torture.

JW: Hm.

CB: And how exactly are we to think about these types of situations?

JW: Well, it's important to make, to sort of separate two issues I think. So first of all, the ticking bomb example and related examples can be used just to demonstrate that there are no moral absolutes. That, for any particular action which we think should be, is always morally wrong, you can always come up with a hypothetical example in which we should do that action. So you

could make the same case, for example, rape. You could probably come up with a hypothetical example in which it seems that rape is justified. Now the interesting thing is, of course, no one is out there publishing these hypothetical situations in relation to rape. And I think our reaction to someone who did, would actually, I think we'd be quite horrified if someone academics and journalists were putting out articles saying, you know, well we all thought rape was normally wrong, but here's a situation in which it looks like it's justified. So I think what's interesting with the torture case is that it's clearly being used for more than just making a point about moral absolutes. What tends happen is that the hypothetical situation is constructed so that even opponents of torture are kind of forced into the position of saying, well yes, in a case exactly like that, probably torture might be justified. And I'm one of those people. I agree, there are hypothetical situations, you can construct them so that it seems that torture would be justified. But what I wonder is, well, what are we meant to conclude from that in relation to actual practices of interrogation and actual policies. And it seems to me there's absolutely to reason to draw any conclusions about the prohibition of torture in the real world. The fact that torture might be permissible in you know a hypothetical scenario doesn't give us any reason to think that for example we should lower the legal prohibitions against torture. Just as a hypothetical scenario in which rape was permissible would give us absolutely no reason to start thinking we should change our legal policies or attitudes toward rape in general. So I think that the prohibition against torture, or sorry the ticking bomb example, the justification for torture that it's meant to give rise to is, it slips much too easily in the public debate into a justification for actual torture practices, and neglects the very significant differences between a hypothetical scenario and the practice of torture as it's happening. Which of course doesn't rule out the possibility that a genuine ticking bomb scenario might in fact arise, in which case we would probably excuse the person who used torture. But when this argument is being used against a background of torture that's practiced at an institutionalized level as it is now, then I think that this argument is extremely problematic because it gives the illusion of legitimacy to the practice of torture by drawing a sort of false connection between our intuitions about torture in that case and our beliefs about torture in real world practices.

CB: Maybe I could just follow up. Now even prohibiting or having an outright prohibition against torture doesn't mean that torture will not occur.

JW: No, that's right. That's true.

CB: So, yeah, one issue is what kinds of mechanisms can be instituted that prevent military personnel, police officers any kind of security personnel from carrying out torture that is sensitive to the real demands and difficulties in which they are often operating.

JW: Well, I think there's a couple of ways you could approach this. One I think, one obvious way would be to make the legal sanctions against torture much more effective in practice. So, that would mean actually prosecuting torturers. You know, investigating, finding evidence of torture, bringing prosecutions, bringing sentences against those who authorize torture, and those who use torture. That at least would give some force to the prohibition against torture. And at the moment it happens very rarely if at all. So that would be one approach.

I think a more interesting approach, and perhaps a more important approach is to think about the way that military personnel are taught to think about the issue. So, for example, people are taught about, for example, the ticking bomb example, is used in discussions of torture in military academies. And we might wonder about whether that's a really useful example to use because if the belief is that if, if military personnel are taught that emergency situations will justify torture, even in these sort of fairly hypothetical cases, then if they're given that rationalization they are more likely, they're less likely to question it, I think. So I think if you're serious about preventing torture, in the military, and most military forces are at least legally committed to the prohibition against torture, then it means really looking at how torture is rationalized, and really showing how the connections between the argument's rationalization and the practice of torture, are really very far from being closely related. So I think undermining the rationalization of torture would be an important step in the military institution itself in preventing the use of torture.

I think also, I think understanding how the features of the military institution can, can contribute to torture once it's rationalized, would act as a preventive. So if people understand how diffusion of responsibility for example, can lead to the normalization of torture. If they know that prior to that they might be more aware of finding ways of avoiding that or making people aware of what their responsibilities actually are and what it is to involve them. So I think that there are two ways at least, there—steps that one can take if the military is genuinely committed to preventing torture.

CB: Jess Wolfendale, thank you for joining us on Public Ethics Radio.

JW: Thanks for having me, Christian.

ANNOUNCER: Thanks for listening to Public Ethics Radio. We'll be back soon with another conversation about Public Ethics. In the meantime, you can find out more about us and our guests on the web at www.publicethicsradio.org.