

Contents

Part One - On Torture & Murder	1
Michael Levin - The Case for Torture	1
Cesare Bonesana – Torture (INCOMPLETE)	6

Part One - On Torture & Murder

To think about: Crisis determines the need for action, but not the action itself.

Michael Levin - The Case for Torture

His Position— “There are situations in which torture is not merely permissible but morally mandatory.”

Paragraph Three

The author gives a fictional situation where millions of innocent people will perish unless a captured terrorist is tortured without due process. This is an emergency scenario similar to an earthquake or war where the regular standards of civilization don’t apply.

Argument: “If the only way to save those lives is to subject the terrorist to the most excruciating possible pain, what grounds can there be for not doing so.”

This is argumentum ignorantiam, an argument from ignorance. The argument’s structure follows:

(1) Lives, in some contexts, should be saved by someone or an organization of people. (Assumed premise.)

(2) The only way to save lives (in the fictional scenario given) is to torture the criminal (terrorist).

Conclusion: I or you cannot think of any reason not to torture the terrorist, therefore he must be tortured.
Argument from ignorance.

Paragraph Four

The author makes assertions which amount to implied non-sequitur arguments.

Assertion: Millions of lives outweigh constitutionality

Implied: Therefore, torture is justified. (Non-sequitur)

The author asserts “But millions of lives surely outweigh constitutionality.” In my context of knowledge constitutionality means principles on governing. He rejects the principle(s) embodied in the constitution on the grounds of impracticality (assumed based on his fictional scenario where due process leads to death). So he’s evaluating by some implied standard. I’m not sure what it is yet, but I think it’s “lives,” i.e., whatever saves innocent lives from initiated coercion is the good, whatever doesn’t is the evil.

*I think I need more knowledge of the principles embodied by the thing he is rejecting before I can discover what he is accepting. This may be a **false alternative**, i.e., “millions of lives” or the constitution. This is false because the constitution has many entries, each for some purpose, e.g., freedom of religion and to discard “constitutionality” is to discard the whole constitution. It is to say: freedom of religion and

everything else in the constitution or save “millions of lives.” More precision is required, i.e., some particular principle or amendment of the constitution needs to be isolated, if it’s an issue. It is also possible, as far as the other side of the alternative goes, that his fictional scenario is arbitrary and not based in reality: for instance, how could a sole terrorist acquire an atomic weapon? Is it possible for an individual to carry and transport one? Given the complexity of atomic weapons I think it’d require a well-funded organization in which case why would they leave the outcome of an atomic explosion up to one terrorist who could simply reveal its location and why would the disclosure of its location automatically lead its diffusion?

The constitution is there to prevent initiated coercion by government and so there three options as to what he believes (I believe these three exhausts the possibilities):

- (1) The government has a right to initiate coercion against some men, i.e., some men (the one’s involved in politics) have a right to initiate coercion against other men.
- (2) The government doesn’t have a right to initiate coercion, but it has a right to retaliate by force. The constitution is an impractical in achieving this goal in some contexts.
- (3) He hasn’t thought about it and just feels that millions of live outweigh “constitutionality.”

Assertion: Mass murder is for more barbaric than torture. A terrorist is a mass murderer.

Implied: Therefore, torture is justified. (Non-sequitur)

Implied argument: “Torturing the terrorist is unconstitutional? Probably. But millions of lives

Assertion: “Indeed letting millions of innocents die in deference to one who flaunts his guilt is moral cowardice.”

Ad Hominem (Abusive) against the reader which assumes (1) pre-existing laws, or “constitutionality” will lead to millions of innocents dying and (2) torture is moral (begging the question).

Assertion: “If you caught the terrorist, could you sleep at nights knowing that millions died because you couldn’t bring yourself to apply the electrodes?”

Appeal to emotion: the author appeals to the reader’s ability to fall asleep if he was a participant in his fictional scenario.

Paragraph Five

The author takes the conclusion from previous paragraphs as his premise:

(P1) Torture is justified in extreme cases, i.e., when millions will die.

(P2) The mental act of deciding what an extreme case constitutes is an emotional calculation (implied) of how much sleep applying torture prevent you from losing vs. the act of torturing one terrorist.

Conclusion: The moral justification of torture is a matter of balancing innocent lives against the means need to save them.

The argument is valid, although the premises are questionable: they are both unsupported assertions. What is an “extreme case” and why is torture justified in it, apart from someone being unable to sleep if he doesn’t apply torture in a fictional scenario? Why is the act of defining “extreme” to be left to an emotional calculation?

Assertion: The author conjures another fictional scenario this time where the reader is put in the position of telling the terrorist's victims "I'm sorry, you'll have to die in agony."
(Appeal to emotion.)

Paragraph Six

Four mothers are polled and approve of torturing their baby's fictional kidnapper to get their babies back.
(Appeal to emotion)

Paragraph Seven

One of few legitimate arguments.

(P1) Individual rights are important.

(P2) It is important to protect the rights of an individual threatened by a terrorist.

(P3) An individual life is so valuable that it must never be taken (implied: by initiated coercion, if that can be prevented).

Conclusion: The lives of innocents must be saved at the price of hurting the one who endangers them.

Paragraph Eight

Argument by analogy

(P1) Nation A learns that nation B is about to launch an unprovoked attack.

(P2) Nation A has a right to save itself by destroying Nation B's military capability first.

Conclusion: Police must torture when it will save lives

Analysis:

Similarity between nation's fighting each other, and people fighting a terrorist:

Known similarities: Both are comprised of individual persons—a nation is made up of people organized under one government. And in both cases they're trying to survive.

Inferred similarity: if a nation of people can save itself by initiating coercion first, then an individual person can.

The general principle implicit: because many people grouped together can preempt a physical attack from another group, so can an individual or group preempt a physical attack from another individual.

This seems circular. If an individual needs the group to be able to do it before he can, by what means is the group justified in doing it (?), as the group is merely a collection of individuals. In this way you're using individual's right to defense to prove an individual's right to defense.

Some other essentials that are disanalogous:

-A nation will provide evidence for its intent to attack, e.g., it'll build up a large army at the border, invest in offensive weaponry, it'll make an explicit statement defining its enemy.

-A nation has a level of sophistication that an individual cannot have and is in a better position to defend itself against a false accusation of threatening to kill.

Paragraph Nine

One of few legitimate arguments.

(P1) When a terrorist threatens to kill others for profit or idealism, he renounces civilized standards

(P2 implied) Acceptance of civilized standards are a requirement of rights

Conclusion: A terrorist has no rights

Paragraph Eleven

Assertion: Asking whether or not there's danger of error and abuse is disingenuous in a world in which terrorists proclaim themselves and perform for television.

Ad-hominem. Which terrorist "proclaims himself?"—the one about to commit an act of terrorism, or his leaders, after the act, in a released video? In the fictional scenario of millions dying because of a nuclear bomb, will the terrorist announce himself and come on television first with the keys to diffusing the bomb? Or will those responsible for planting the bomb disappear and then their leaders or organization broadcast a message from some safe distance? Or would the terrorist just detonate the nuclear bomb without concern for his own life?

(P1) Clear guilt is "when 40 million people see a group of masked gunmen seize an airplane on the evening news."

(P2) In harder, murkier cases torture only the obviously guilty.

Conclusion: A line demarcating the legitimate use of torture can be drawn.

Circular argument. It assumes the conclusion in the premises. Two scenarios: clear guilt, and murkier where one simply torture the obviously guilty, i.e., where one must torture only those who can be tortured, according to the line demarcating legitimate use of torture.

Study Questions

1. Levin argues that torture is justifiable in some cases, but not in others. What conditions does he propose to distinguish the two sorts of cases?

Torture is justifiable in the case where future evils can be prevented. Torture wouldn't be justifiable as punishment. The purpose of punishment is justice for past deeds; torture is a method aimed at the prevention of future deeds. Levin proposes the following concrete conditions to distinguish the proper use of torture:

- (1) Torture can be administered only to those known to hold innocent lives in their hands
- (2) The ends (saving innocent lives) outweighs the means (torture)

In regard to (1), it's not clear who's responsible for "knowing" and by what means they "know." I assume the knower is a government authority, and given the fictional examples of a hidden atomic bomb and airplane bomb, I think Levin's argument is that guilt is self-evident in some situations and so no lawful process is required.

In regard to (2), the first fictional example is with millions of people, the second with a hundred; there's no detail provided as to how one evaluates torture against saving lives. The implicit principle is torture is justified against a known criminal when lives can be saved.

2. Levin's conclusion is that torture is justifiable in some cases. How many different arguments does he use in support of his conclusion?

Paragraph three: an argument from ignorance

Paragraph four: numerous non-sequiturs and appeals to emotion

Paragraph five: One valid argument & an appeal to emotion

Paragraph six: 0. Maybe an appeal to emotion.

Paragraph seven: One valid argument

Paragraph eight: One argument by analogy (invalid).

Paragraph nine: Valid? Unsure because he never explicitly stated the premise.

Paragraph ten: Ad-hominem and a circular argument (petitio).

3. How does Levin respond to the charge that torture would violate the terrorist's rights? Does he think terrorists have rights?

No he doesn't: he answers this in paragraph nine by describing a terrorist acting to kill as a renouncer of civilization and thus a valid target for civilization. He does not say it explicitly but the implication is renunciation of civilization means the loss of a defense & hearing from that same civilization, i.e., the loss of rights.

4. What is the point of the "informal poll" Levin reports in paragraph 6? In raising such cases, does Levin run the risk of committing an appeal to emotion?

It suggests those perceived as the most vulnerable (mothers) would be supportive of applying torture in specific cases. It's not clear what emotion he can appeal to apart from a desire to copy other's thoughts.

5. In paragraph 8, Levin compares torture to assassination and preemptive attacks. What points of similarity does he see among the three? Does he overlook any significant differences?

In the three cases there's some imminent threat which will cause the death of innocents and it can be prevented by taking a violent preemptive action. There's some significant differences between state vs. state violence and government vs. individual: states will often take actions which constitute evidence of future actions, e.g., they'll amass an army on a border, declare war, or start developing offensive weaponry which is only to be used for invasion. Also states will often have some means to defend themselves. On the other hand, an individual will not often make some explicit declaration before acting (he may do so after) as he could then be easily prevented from acting by authorities, he will not wear easily recognizable attire identifying him as an enemy, nor would he and his political positions necessarily be known to authorities beforehand.

6. Who makes the decision about whether torture is justified? In emergency situations, who would decide and ensure that no abuses occur? What if an innocent person is mistakenly tortured? Why, in paragraph 11, does Levin suggest that questions such as these are disingenuous?

These are good questions and the author answers none of them. The author suggests questions about error and application of principle are disingenuous because he thinks that in each given situation the application of torture will be self-evident and infallible. Presumably someone in the government would decide by some secret means of which it would be disingenuous to query.

Verdict— "I'd have liked if the author approached this by defining his terms and trying to identify if there are principles which permit (or forbid) torture and by what means and in what contexts they are to be applied."

Cesare Bonesana – Torture (INCOMPLETE)

His Position—

Paragraph 2

Argument: Torture without a guilty verdict is might, not right

P1. All (guilty sentences) are (passed by a judge)

P2. All (allowed rights deprivation) are (guilty sentences)

C. All non-(guilty sentences) are non-(allowed rights deprivation)

...

P1. All G is P

P2. All R is G

C. All R is P $\rightarrow$ Some P is R; No R is non-P; All non-P is non-R.

Argument:

P1. Either (crime is certain) or non-(crime is certain)

P2. If (crime is certain) then (only punishment by law is suitable)

HP3. If (crime is certain) then (guilty)

HP4. Non-(crime is certain)

C.

Paragraph

Study Questions

1. L
2. U
3. U
4. U
5. U
6. U
7. U