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Normalising the unthinkable – the British press, torture, and the human rights of terrorist suspects

This paper explores contemporary media coverage of torture by examining in detail the editorial positions taken on the issue of “extraordinary rendition” by UK national daily and weekly newspapers during December 2005. It explores the historic origins of the myths dominating mainstream media coverage of torture drawing on comparisons with UK press coverage of brutality by British forces in previous emergencies, including conflicts in Kenya and Northern Ireland. In addition, it discusses the extent to which the contemplation of the use of torture in anti-terrorism strategies has been normalised in the process of media debate. In conclusion, the 2005 “rendition” controversy suggests that dominant myths surrounding British uses of torture are “alive and well”.

Keywords: torture, extraordinary rendition, newspapers, human rights

“The British have always been coy about torture, and with good reason.”
David Anderson (2005: 293)

“Opinions which justify cruelty are inspired by cruel impulses.”
Bertrand Russell (1950)

Introduction

How much does the recent, and continuing, controversy over “extraordinary rendition” – flying terrorist suspects to countries where allegedly they can be tortured outside Western legal jurisdiction – reflect a change in the moral climate of debate,

to allow a contemplation in the public sphere of measures once regarded as outside civilised discussion? Edward Herman suggests that one role of the “mainstream media” is to ease the birth of measures previously regarded as unthinkable:

“Doing terrible things in an organised and systematic way rests on ‘normalisation’. This is the process whereby ugly, degrading, murderous and unspeakable acts become routine and are accepted as ‘the way things are done’...It is the function of the defense intellectuals and other experts and the mainstream media to normalise the unthinkable for the general public.”
Herman (1992: 67)

Touchstone of the Enlightenment

The abolition of torture as part of the legal process is generally regarded as one of the touchstones of the Enlightenment¹. Michael Ignatieff observes that “liberal democracy’s very history and identity is tied up in an absolute prohibition of torture” (Ignatieff 2005: 136). Torture was a key issue in the Enlightenment critique of ancien regimes, acquiring “a universally pejorative association...[as] the supreme enemy of humanitarian jurisprudence and of liberalism” (Peters 1996: 75). Although the comforting narrative of moral progress, which was the founding myth of 19th century liberalism, has long been smashed, explicit support for the use of torture to gain information from terrorism suspects is still comparatively rare in the British press and tends to be confined to the letters page, humorous columns, and occasional opinion pieces by outside contributors². Even conservative British commentators have not tended to support the high profile position of the American Alan Dershowitz, the Harvard law professor who has notoriously argued for the limited use of torture, and its incorporation within the US legal system, on the grounds that terrorist attacks represent a mortal threat to democratic states³.

This is an understandable reticence, as the most routine invocation of torture in British editorial columns has been associated with descriptions of “non-democratic”, “totalitarian” states. Discussions in the press usually present its use as a barbarous aberration alien to an imagined British and Anglo-Saxon tradition. Indeed, the case made for the 2003 invasion of Iraq was not only based on the alleged existence of weapons of mass destruction but the appalling human rights record of the regime – as, for example, described by President Bush in February 2003: “Bringing stability and unity to a free Iraq will not be easy, yet that is no excuse to leave the Iraqi regime’s torture chambers and poison labs in operation.” (quoted by Blumner 2003) Of course, the demonisation of Saddam Hussein in the run-up to the invasion of Iraq in

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2003, allowed a large scope for moral manoeuvre in terms of the tactics that the West might adopt. Setting a standard of absolute evil allows lesser evils “wiggle room” to be condoned. As the *Independent* war correspondent Robert Fisk observes: “If Saddam’s immorality and wickedness had to be the yardstick against which all our own iniquities were judged, what did that say about us? If Saddam’s regime was to be the moral compass to define our actions, how bad – how iniquitous – did that allow us to be?” (Fisk 2005: 1,262)

But on torture, as on slavery, British national identity is formed on the basis that historically “our” hands are clean. This position has a firm basis of support in the British judiciary and in English and Scottish legal tradition – as Lord Bingham asserted forcefully in December 2005 when the Law Lords pronounced against the use of evidence obtained by torture in British courts: “The English Common law has regarded torture and its fruits with abhorrence for over 500 years” (*Economist* 2005). In the Scottish *Daily Express*, the MSP and Shadow Justice Minister Kenny MacAskill declared: “Torture has put all our laws under threat” (MacAskill 2005). This comforting notion that torture has always been alien to the operations of the British state (although certainly not alien to English trials involving crimes against the state, and some witch trials – see Thomas 1973: 615-18) buttresses what Mark Curtis describes as an overarching concept of the “basic benevolence” of British foreign policy and Britain’s historic role as a champion of human rights (Curtis 2003: 380). This complex of moral sentiment, liberal myth and wish-fulfilment still broadly informs the press coverage of torture.

The dominant myth

The long form of the comforting myth dominating mainstream British press coverage of the torture controversy runs as follows, with some variations: torture is alien to British traditions but Britain can be infected by less morally enlightened cultures. Where we discover an abuse we correct it. Torture is the invention and the fault of “the other” – whether it be the KGB or the CIA. For example, one frequently cited source for the imagined re-introduction of torture techniques in the twentieth century is Nazi Germany or the Soviet Union. But, as Malise Ruthven argues “in this... the Nazis have been made scapegoats for other European powers. The British...did not learn the techniques of torture that were employed in Cyprus, Kenya and Aden from the Nazis or the Russians. Torture was widely used by the native police in India during the first half of the nineteenth century – in fact, it became the subject of a major row between the reformists and the supporters of the old East India Company in 1854...” (Ruthven 1976).

In fact, torture was integral to the operations of

the Victorian empire. The 1855 Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency described the torturing activities of native police, allegedly against the commands of superior British officers. According to the historian of India’s premier daily newspaper, the *Hindu*, the earliest popular association formed in the Madras Presidency, the Madras Native Association, in July 1852 “became a focal point for an agitation against torture for collecting government dues” (Parthasarathy 1978: 2). But native police were an easy target, and the commissioners were reluctant to ascribe blame to the colonial authorities (Peters 1996: 137).

Torture was possible in a colonial setting because of the twin tyrannies of distance from the imperial heartland and racism – at the level of policing, colonial subject peoples were not regarded as worthy of the consideration of white citizens and possessed no “natural” rights, while the colonial setting lacked the structures of convention, legal authority, and media surveillance that offered protection. In pre-1947 colonial India, observes Tapan Raychaudhuri, “all Indians, whatever their status, shared the experience of being treated as racial inferiors...British people reacted violently against proposals that would make them subject to the authority of Indian judges. The Viceroy Lord Curzon commented that the British in India got away with murder because no white jury would find a white man guilty of killing a native. As late as 1930 British officers were advised in a secret army memorandum that they should not kick Indians” (Raychaudhuri 1996: 367).

George Orwell, as a young policeman in Burma, experienced this reality at first hand. “In a job like that you see the dirty work of the Empire at close quarters. The wretched prisoners huddling in the stinking cages of the lock-ups, the grey, cowed faces of the long-term convicts, the scarred buttocks of the men who have been flogged with bamboos – all these oppressed me with an intolerable sense of guilt” (Orwell and Angus 1968: 236).

This reality was that the potential for torture was inherent in the power relations, between coloniser and subject people, as Peters reflects: “The colonial experience indeed seems to have contributed to the reappearance of torture, but not because colonial administrators and police learned such practices from the populations they governed; rather, the very circumstances in which they governed populations which became increasingly restive during the twentieth century led to the abuse of authority that included torture and later became routine in places like Algeria” (Peters op cit: 138).

Since 1945, Britain has been involved in a

bewildering series of overlapping colonial and post-colonial operations including: East Indies (1945-46), Indo-China (1945-46), Palestine (1945-48), Malaya (1948-60), Korea (1950-53), Kenya (1952-60), Suez (1951-52, 1956), Greece (1944-48), Cyprus (1954-59), Jordan (1958), British Guiana (1962-66), Borneo (1963-66), Brunei (1962), Muscat (1963), Aden (1962-67), Northern Ireland (1969-), the Falklands (1982), the Gulf (1961, 1990-91, 2003-), Bosnia (1992-92) and Kosovo (1999). In Malaya and Kenya, "coercion tended to be the first resort of policy" (Cain and Hopkins 2002: 631). Malaya, "part of the triple engine of British economic development in the post-war colonial world" (Brown and Louis 1999: 35) provided the initial testing ground where the techniques of "low intensity operations" were pioneered – a holistic approach to anti-insurgent warfare which prioritised small group, low level military operations, intelligence operations, intensive interrogation of suspects and propaganda campaigns. This came to be seen "as a model for the suppression of communist insurgency" (Grey 2002: 73; see also Stubbs 1989).

The British tradition of torture

Malaya and many of these subsequent operations – notably Kenya, Aden, Cyprus, and Ireland – have involved allegations of torture by British forces. If there is a British torture tradition it appears to be intimately associated with these late imperial activities – and as India was the largest operation in the global racket, India "hands" appear to have had an intriguing role in the transfer of torture techniques. For example: recent investigative journalism has begun to uncover details of the systematic abuse of Nazi prisoners in immediate post-war British internment camps and prisons (Cobain 2005, BBC Radio 4, 9 January 2006) operated by the Combined Services Detailed Interrogation Centre, a division of the War Office. Its centres included the celebrated London Cage, and documents unearthed in November 2005 "show [it] was a secret torture centre where German prisoners who had been concealed from the Red Cross were beaten, deprived of sleep, and threatened with execution or with unnecessary surgery" (Cobain op cit). Foreign Office files also detail allegations of appalling treatment at the Bad Nenndorf prison in Austria, overseen by a former Colonel in the Indian army, transferred to military intelligence (ibid).

In Cyprus, the British authorities fought a bitter campaign against fierce resistance by insurgents seeking union with Greece. "Increasingly, intelligence was extracted from interrogations, which degenerated into torture, with prisoners thrashed with a metal chain. Even the Daily Express...noted in passing that 'every known method had been tried except electric shock' " (Dorril 2000: 553-4). Kenya was also a counter-insurgency campaign

that gave extensive scope to official and systematic brutality, and the creation of a British "gulag" (Elkins 2005) despite quite extensive publicity in the UK deriving from the testimony of police officers, former officials and Christian activists. The *Daily Mirror* funded a high-profile visit by the Labour MP, Barbara Castle (Perkins 2003: 140) in which she unearthed examples of unlawful detention and beatings to extract information, and published a series of campaigning articles on her return. As well as the *Mirror*, the *Manchester Guardian*, *Observer*, *Daily Worker* and *News Statesman* all published stories alleging torture (Elkins op cit: 286-7).

But the campaign made little headway in the face of the lack of interest of senior figures in the Labour opposition, and a dominant narrative, orchestrated through the conservative press, of courageous white settlers, threatened with massacre, going about their lawful business of building a prosperous country for all races, with Britain as their benevolent guardian. In fact, 32 white settlers were killed during the emergency – 1090 Kikuyu were hanged for Mau Mau crimes, probably 20 000 rebels died in combat and perhaps 150 000 Kikuyu were detained in British camps (Anderson 2005: 4-7). No accurate figures exist for the number of deaths as a result of detention, but estimates range from 130 000 to 300 000 (Elkins op cit: 366 and 429). But until recently, this record has attracted little attention. As Anderson observes: "The Algerian war was just as notoriously dirty as the British campaign in Kenya, with several allegations of state torture and atrocity being published at the time and never seriously disputed; but whereas in Britain allegations of this kind have been left to slip into the forgotten litter of history, in France...public confessions to the institutional use of torture...have sparked a reexamination of the French experience in Algeria, and a national reckoning" (Anderson op cit: 293-4).

Britain's national reckoning: Northern Ireland

The closest to a national reckoning came when an emergency erupted on Britain's own doorstep in Northern Ireland. With the introduction of internment in 1971, and initial swoops on 342 republicans, eleven suspects were chosen for interrogation at secret centres as guinea-pigs for the use of the "five techniques" of interrogation (hooding, noise bombardment, food and sleep deprivation, forced standing) pioneered in the previous colonial emergencies, notably Malaya and Aden (Taylor 2002: 68, English 2003: 142, Moloney 2002: 102). In response to widespread allegations of torture, the Compton inquiry was set up by the Heath government in August 1971 and concluded there had been no torture or brutality but "a measure of ill-treatment". The Irish journalist and historian Tim Pat Coogan observes that "the name Compton

became a synonym for ‘whitewash’ in the minds of many Irish people” (Coogan 1995, 129).

A further inquiry produced a stringent minority report from Lord Gardiner, who concluded the techniques were morally unjustifiable and illegal. Prime Minister Edward Heath announced that his government would discontinue the use of the techniques. In September 1976 Britain was found by the European Commission of Human Rights in Strasbourg in breach of the European Convention on Human Rights and employing not only “inhuman and degrading treatment” but also torture. The “torture” part of the judgment was withdrawn by the European Court of Human Rights in a subsequent verdict in January 1978 (Taylor op cit: 73-74).

Twelve out of seventeen judges “seemed to have agreed with the position laid out by Sir Gerald Fitzmaurice, the British judge on the court, who argued that if having one’s fingernails torn out, being impaled on a stake through the rectum, or being roasted on an electric grid is torture, then the five techniques were something less” (Conroy 2000: 187). The continuing controversy during the 70s about the use of the five techniques probably constitutes the longest and most detailed public debate about torture in the British media, and saw the full deployment by the mainstream press of the limited number of rhetorical strategies available to defend a state against allegations of torture – roughly, they come down to an overlapping set of fourteen or so propositions (ibid 244):

1. outright denial that events happened or what was done constituted torture
2. treatment was not torture but tough, standard practice
3. treatment was really to safeguard welfare of suspect – e.g.hooding protected identity
4. acts complained of were isolated mistakes in heat of action
5. acts were perpetrated by a minority of “bad apples”
6. terrorists commit worse atrocities
7. dealing with fanatics precludes kid gloves
8. what we do is more humane than what is practiced in other countries – torture alien to our traditions
9. information could not be got any other way
10. information was time sensitive – the “ticking bomb” scenario
11. no permanent damage to subjects
12. attacks / criticism of security forces are part of a propaganda war
13. need to move on / no point raking up past
14. we must practice a “lesser evil” to guard against a greater – moral dilemmas inevitable.

In terms of Britain’s trade, it is reasonable to conclude that the five techniques, even if discontinued in the land of their invention, and updated beyond recognition by the latest in medical research, remain among the most enduring and successful of our invisible exports.

Rendition and the British press

British national press coverage of the rendition issue in November-December 2005 was overwhelmingly hostile to the practice, but the level of criticism of the United States varied considerably, from outright condemnation of the US political system to a more-in-sorrow-than-in-anger reproach fulness. Most newspapers attacked the term “extraordinary rendition” as a piece of sinister bureaucatese or “weasel words”. Some explored its etymology more deeply. One example was George Kerevan in the *Scotsman*, who argued: “The phrase is not meant to hide anything from you or me...rather, it is meant to allow the users to hide from their own conscience.” The volume of coverage also varied markedly (see Table 1). Items using the term “rendition” and/or “extraordinary rendition” were highest in the *Independent*, closely followed by the *Guardian*, with *The Times* and *Daily Mail* affording substantial coverage in third and fourth place respectively.

Most striking was the lack of coverage in popular News Corporation newspapers (owned by Rupert Murdoch) – notably the *Sun* and the *News of the World*, with both papers only notching up one reference to “torture flights” and none to “rendition”, compared to the *Daily Mirror* (17 references to “rendition”, 5 “torture flights”) and the *Express* (11 references to “rendition”, 7 to “torture flights”).

Of the papers surveyed, none explicitly argued for the use of torture against terrorist suspects, although the *Sun*, *News of the World*, and the *Daily Express*, in varying ways, gave some support to the argument that the “war on terror” required exceptional methods. Within the broadly consensual approach of the rest of the press, there were a number of distinct positions — ranging from a stand on the absolute human rights enshrined in the UN Convention Against Torture and a total condemnation of torture under any circumstances, to a more nuanced, equivocal, utilitarian position — implying that, in certain circumstances, and in a changed world, it might be understandable, if regrettable, as a lesser evil to prevent a greater evil.

The *Independent’s* editorial comment for 2 December 2005 is a good illustration of the absolutist human rights position:

‘Britain and Europe must stand by their principles

The British political establishment has been

demonstrating a *disgracefully equivocal attitude* on the subject of torture for some time...now we learn that our government has *sunk even lower into this immoral quagmire* than we previously imagined.... Torture “no matter how light” cannot be justified on any grounds. It is not too late for Britain to stand up to its ally and refuse to have any part in *this vile practice* whatsoever.’ (*Independent* 2005)

‘The treacherous territory of moral uncertainty’

Imagery associated with swamps – the treacherous territory of moral uncertainty, summoning up entrapment, dirt, and contamination — recurs frequently in discussion by leader writers. The animating idea is of the reduction of all moral certainties to a relativist morass in which all states, no matter what their human rights records, become equivalent.

In a similar vein, leaders in the *Scotsman* also condemned the use of torture as absolutely wrong, although a substantial comment piece by George Kerevan detailed the case of Wolfgang Daschner, deputy head of Frankfurt am Main police, who, in October 2002, threatened a kidnapper with torture unless he revealed where his victim was. Daschner was prosecuted for “aggravated coercion”, fined and put on probation.

“I have to admit I’d probably have done what [he] did in the circumstances – and accept the legal consequences as did Mr Daschner. So anyone who thinks the torture debate is an open-and-shut moral case is being naïve. But that said, we can’t leave the torture question in some relativist limbo where the state – any state – can turn physical coercion in to a global industry” (Kerevan 2005).

The perils of naivety and the need for alertness to moral ambiguity also characterises *The Times’s* David Aaronovitch’s comment piece, which adopts an uneasy, ambivalent rhetorical posture that moves confusingly between condemning torture and hinting that, in some circumstances, it is understandable:

All right it can work – but let’s keep the thumbscrews under lock and key...

...*Good old-fashioned disastrous* realpolitik would suggest that we turn aside when torture happens. If, in the short term, we have a chance of extracting a few key names, places and plans, then lives may be saved and *we should let the renderers rend*. It is precisely the same logic that led us to trade smiles and Sandhurst places with Middle Eastern dictators for years (Aaronovitch 2005 my italics).

Table 1. Incidence of items using terms relating to rendition in UK national periodicals and 2 US newspapers, December 1 – 31, 2005 (TFs = “torture flight(s)”; Rs = “rendition(s)”; ERs = “extraordinary rendition(s)”; CIAFs = “CIA flight(s)”) ”

Publication	‘TFs’	‘Rs’	‘ERs’	‘CIAFs’
<i>Times</i>	7	28	15	6
<i>Telegraph/ST</i>	1	13	5	7
<i>Guardian</i>	9	45	16	10
<i>Independent</i>	5	57	19	14
<i>Scotsman/SoS</i>	5	11	9	5
<i>Mail/MoS</i>	6	25	14	9
<i>Express/SE</i>	7	11	4	5
<i>Mirror/SM</i>	5	17	10	2
<i>Sun</i>	1	0	0	0
<i>Standard</i>	2	3	2	0
<i>Sunday Times</i>	0	3	3	1
<i>Observer</i>	0	4	3	0
<i>Economist</i>	2	4	1	0
<i>News of World</i>	1	1	0	0
<i>People</i>	0	0	0	0
<i>New York Times</i>	0	23	7	0
<i>Washington Post</i>	0	9	2	3

Source: count based on NewsBank Newspapers UK Ltd database of all items in selected UK and US periodicals, British Newspaper Library, January 2–5 2006

Grabbing the moral high ground

In this faux-jocular rhetoric, “realpolitik” is both “good” and “disastrous”. Lives “may be saved” if we let rendition continue and perhaps “torture works” if a ticking bomb is involved⁴. However, because “we” are enlisted in a “war of ideas” in which it is assumed “we” have the moral high ground, “we” must not become like the “Middle Eastern” dictators who, of course, represent everything “we” must not become. Torture itself is characterised in a jokey way as “thumbscrews”, summoning up Pythonesque early modern images of the Spanish Inquisition, rather than the sophisticated repertoire of 21st century assaults on the nervous system and the integrity of the personality. As Peters observes: “Not only the traditional institutions, but the traditional methods of torture have been generally discarded; the strappado, the rack, thumbscrews, legsplints and fire now belong to an age whose technology...has been surpassed by modernity” (Peters 1996: 163).

This may be to subject a columnist’s linguistic play to a more demanding interrogation than routine, diurnal wordsmithery should be asked to withstand. But Aaronovitch represents a key distinction within the anti-torture consensus between papers taking a broadly pro-American stance, and those more critical of US policy. The *Sunday Times*, which provided the longest and most detailed analysis of rendition published by the weeklies (see December 11, 2005) ran a more-in-sorrow-than-in-anger leader which was both critical of torture but supportive of the US:

A noble vision lost

... There are of course moral dilemmas here. The White House is *understandably irritated* by a *holier than thou attitude of Europeans* who would be the first to complain if suspects had knowledge of impending terrorist attacks in their cities which was not extracted from them. But we are *rarely if ever* talking about the 'ticking time bomb' threat beloved of apologists for brutality. Information obtained by 'enhanced interrogation' is also *quite likely to be so unreliable* as to be of no use...[US] was built on the enlightenment rejection of arbitrary justice. To tolerate torture betrays that great republic's founding fathers (*Sunday Times*, 11 December 2005 my italics).

In its appeal to the myth of the founding fathers and the purity of their Enlightenment project – air-brushing slavery and the arbitrary justice meted out to native people from the picture (e.g. see Rose 2004: 138), this accepts the main charge whilst being supportive of the US. In a similar fashion, the *Economist* reduces issues to presentational ones – Messrs. Cheney and Rumsfeld, in their eagerness to pursue "military efficacy", have forgotten the importance of "America's good name". It then argues that the allegations are unproven, the "alleged transgressions pale when set beside those of the enemies both it and Europe are fighting" and that US intelligence has helped save European lives "– so far unproven".

Uncritical support for US

In striking contrast to the *Sunday Times*, News Corporation's popular stablemate, the *News of the World*, uneasily rubbishes the charges completely and demands uncritical support of the US:

Abuse claims refuted

Human rights groups allege the CIA is using Shannon Airport to transport Al Qaeda suspects for interrogation by torture. They say these *so-called* torture flights have landed at Shannon no less than 50 times. But we should treat these *wild* claims with a pinch of salt. The unequivocal denial today from James Kenny, the US ambassador to Ireland, leaves absolutely no doubt that this is untrue. Both he and US Secretary of State Condoleezza Rice state quite clearly that the US does not condone, or use, torture any any circumstances. We are tied to the USA by blood and history. And when our friends deny these claims we must believe them. (*News of the World*, 11 December 2005, Eire edition)⁵.

The *Observer*, along with the *Guardian*, also stood on an absolutist human rights position in rejecting torture and took a more explicitly anti-American line. A leader of 4 December declares "the fact

that this repugnant practice exists shames an administration...cavalier approach to human rights...undermine the very values that the War against Terror was supposed to encourage" (*Observer* 2005). The following Sunday, Henry Porter's long comment piece condemned US policy for sinking "to the moral level of Saddam" and invoked World War 11 as a touchstone of civilisation:

Are we Europeans content as long as the torture is not going on in our backyard? It would seem so, but in Britain we should remember that during the war, when we faced a greater threat than the one posed by al-Qaeda, we did not resort to torture. The late Colonel T.A. Robertson, a friend of my family's, was known as TAR in MI5, where for much of the Second World War he directed the B1(a) section responsible for tracking down Abwehr agents. He would no more have contemplated torture than amputating his own right hand. No doubt this charming man was as hard as nails but he was also *civilised* and, like the rest of his generation, fought for civilisation (Porter 2005)⁶.

Like Porter, most British people born between the 1940s and the 1960s were swaddled in the comfort blanket of the essential decency of "our" forces and the integrity of the British human rights record. But a gathering volume of research is ripping this blanket away.

Conclusions: the dirty work of empire

The short form of the comforting myth for the British and their leader writers is essentially that torture was and is something done by other people. This myth is alive and well and routinely represented in leader columns as a given. The rendition controversy did nothing to shake those basic assumptions. The culprits were reassuringly foreign – American, Egyptian etc – and the agencies involved were an administration, regarded by liberals as outlandishly right-wing even by US standards, and the CIA. The most newsworthy and scandalous factor of the continuing coverage was the interesting possibility of British and European connivance – a helpful club for the *Daily Mail* and others with which to beat the Blair government.

A reflex anti-Americanism, accompanied by a patronising attitude to US culture, institutions and values is, of course, a familiar default position for sections of the British press – in conservative newspapers such as the *Daily Telegraph* and the *Daily Mail* it surfaces in the argument that if only Americans would behave properly and live up to their founding fathers, their constitution, their imperial responsibilities, and the English language and so on, all would be well. Many comments also

utilised the imagery of infection and moral contamination involved in an alliance with a serial human rights abuser and the damage to British standing in the world.

Although the explicit advocacy of torture still remains largely outside the pale, many editorial discussions alluded to moral ambiguity, and implicitly entertained the possibility that, in an imperfect world, there were circumstances in which torture was understandable, even if not condonable, and something that should be done by morally inferior others. In this very British assumption of moral superiority, the dirty work of empire continues.

Notes

1. Torture is defined in Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as follows: "an 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". Article 2 states: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture." Article 3 states: "1. No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights." Extract from UN General Assembly Resolution 39/46, UN GAOR Supp. (No 51), adopted 10 December 1984 (reprinted in Peters op cit: 273-285). The Convention does not define cruel, inhuman nor degrading treatment.
2. See for example this example from the *Daily Express* 21 Dec 2005: letter: "What is the fuss about these so-called torture flights? If they do exist, and terrorist suspects are being transported around the world for interrogation, the information gleaned will undoubtedly prevent more attacks such as 9/11, Madrid, Bali, or 7/7." For humour see another example from the *Daily Express* Hickey column 15 December 2005: "A busy time at Hickey Towers. I have had the staff up all night clearing a landing strip on the north pastures, the use of which I plan to offer my old chums at the CIA. If the shrieking liberals force our brave allies away from Prestwick, Glasgow, Edinburgh and Wick etc with their complaints about 'torture' flights, then the least I can do is offer to step in and help..."
3. Although Melanie Phillips (of the *Daily Mail*) on BBC Radio 4's Moral Maze ethics discussion programme of 8 December 2005 argued in cross-questioning a "witness" that torture was an acceptable evil in averting a major terrorist atrocity – the so-called "ticking bomb" hypothesis. A representative statement of the ticking bomb hypothetical is Michael J Perry's: "Is it really the case that there are no imaginable conditions under which it would be morally permissible to subject a person to torture? An affirmative answer is counter-intuitive. Imagine that the person, a terrorist, has placed a nuclear bomb in the middle of a large city, that the bomb has been set to go off in a few hours, and that the terrorist, just captured in another city, will disclose the location of the bomb, which can be defused, only if he is tortured." Perry describes the point of his "thought experiment" as to suggest the difficulty many people face in a claim that the moral right not to be tortured is absolute (Perry 1998: 94).
4. Slavoj Zizek, discussing the US espionage series 24 Hours,

observes the following "Such a sense of urgency has an ethical dimension. The pressure of events is so overwhelming, the stakes so high, that they necessitate a kind of suspension of ordinary moral concerns; displaying such concerns when the lives of millions are at stake means playing into the hands of the enemy. The CTU [counter terrorism unit] agents, as well as their terrorist opponents, live and act in a shadowy space not covered by the law, doing things that 'simply have to be done' to save our societies from the threat of destruction" (Zizek 2006).

5. "To justify sending detainees to these countries, the Administration appears to be relying on a very fine reading of an imprecise clause in the United Nations Convention Against Torture (which the U.S. ratified in 1994), requiring 'substantial grounds for believing' that a detainee will be tortured abroad. Martin Lederman, a lawyer who left the Justice Department's Office of Legal Counsel in 2002, after eight years, says: 'The Convention only applies when you know a suspect is more likely than not to be tortured, but what if you kind of know? That's not enough. So there are ways to get around it' (Mayer 2005).
6. Jane Mayer in the *New Yorker* also observes: "Perhaps surprisingly, the fiercest internal resistance to this thinking has come from people who have been directly involved in interrogation, including veteran FBI and CIA agents. Their concerns are as much practical as ideological. Years of experience in interrogation have led them to doubt the effectiveness of physical coercion as a means of extracting reliable information. They also warn that the Bush Administration, having taken so many prisoners outside the realm of the law, may not be able to bring them back in. 'It's a big problem,' Jamie Gorelick, a former deputy attorney general and a member of the 9/11 Commission, says. 'In criminal justice, you either prosecute the suspects or let them go. But if you've treated them in ways that won't allow you to prosecute them you're in this no man's land. What do you do with these people?'" (ibid).

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