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# The Plausibility of a Slippery Slope: Guantanamo Bay as an Example of Direct/Indirect Participation in Torture and the Corruption of Societal Morality

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The Plausibility of a Slippery Slope:  
Guantanamo Bay as an example of Direct/Indirect Participation in Torture and the Corruption of  
Societal Morality

Thesis Proposal to  
The Faculty of the Philosophy Department  
In Candidacy for the Degree of  
Master of Arts

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## Abstract

Although torture is considered universally reprehensible by law, including international law and human convention, it occurs routinely as an acceptable and efficient method for interrogation and intimidation. The questions that follow are: What kind of person engages in/commits acts of torture? If legalized, how would torture affect morality when an individual can be instrumentally utilized as a mere means-to-an-end? How does torture affect the victim, the torturer, and society as a whole? In order to answer these questions, I will use events at the Guantanamo Bay Detention Center to argue in favor of the plausibility for the concept of a non-fallacious slippery slope against torture by means of theoretical and real world evidence. I will argue that each act of torture that is deemed acceptable in the eyes of any society not only corrupts the societal morality of that nation, but it also produces an increase in direct and indirect participation in such acts.

## Introduction

“Torturers are not born;... Torture thrives because those in power and those who execute their power within the state bureaucracies, the military, the police and, ultimately the media and the education system, condition people to believe in certain things, to think in certain ways and hence to act towards others in certain ways.”

- Ronald Crelinsten, “How to Make a Torturer”

Although torture is considered universally reprehensible by law, including international law and human convention, it occurs routinely as an acceptable and efficient method for interrogation and intimidation. The thought of electrical shocks, having limbs severed, and even actions that lead to certain death because of information that the victim may not even know, sends chills down my spine and makes me have little faith in the morality of my species. The notion of being at the mercy of another and the inescapability of the situation alone would cause the average person to shudder. The questions that follow are: What kind of person engages in/commits acts of torture? If legalized, how would torture affect morality when an individual can be instrumentally utilized as a mere means-to-an-end? How does torture affect the victim, the torturer, and society as a whole? In order to answer these questions, I will use events at the Guantanamo Bay Detention Center to argue in favor of the plausibility for the concept of a non-fallacious slippery slope against torture by means of theoretical and real world evidence.

While torture is routinely practiced, advocates of torture such as: State Senator Greg Ball, Michael Levin, and Alan Dershowitz, believe that the legalization of this act will help to combat dangerous possible situations. These possible situations are raised by hypothetical „ticking time bomb“ scenarios, in which there is a supposed “greater good” that could be served. In a statement

given on Fox News after the 2013 Boston Marathon explosions, New York State Senator Greg Ball says, “And it comes down to this...When you talk about terrorism, information matters. And if getting that information, including torture, would save one innocent life -- including, that we've seen, children -- would you use torture? I can tell you I would be first in line.” In his article “The Case for Torture,” philosophy professor Michael Levin argues that “there are situations where torture is not merely permissible but morally mandatory.” These same promoters of torture criticize the slippery slope argument against torture, which states that each act of torture makes it easier for society to accept the use of torture in future occurrences and leads to the creation of more torturers and cases of torture.

In chapter one, I will define torture according to international law and elaborate on its purposes. By focusing on direct participation, indirect participation, and the corruption of societal morality, my second chapter will construct a theoretical framework used to prove the plausibility of a non-fallacious slippery slope argument against torture. A non-fallacious slippery slope consists of an act producing a significant impact through a chain of causal relationships. In chapter three, I will apply this theoretical framework to the analysis of post 9/11 tortures at the Guantanamo Bay Detention Center in order to show the validity of each concept within the confines of this one scenario in U.S. history.

Let me note, I am not stating that I am fully aware of all the happenings that occurred during 9/11 or at Guantanamo Bay Detention Center. Also, I will not speak as though I possess expert legal or psychological knowledge on these matters. Through research on torture, the main components that are found in the slippery slope argument against torture can be witnessed at Guantanamo Bay. I will argue that each act of torture that is deemed acceptable in the eyes of any society not only corrupts the societal morality of that nation, but it also produces an increase

in direct and indirect participation in such acts, all of which has been displayed in recent history at Guantanamo Bay.

## Chapter 1: Torture with a Purpose

Debates over the permissibility of torture highlight an ethical tension between utilitarians, who think we ought to maximize good consequences, and Kantians, who think we ought to always respect persons. In international law, however, the United Nation's "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment" defines torture as being

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

The UN's definition came as a response to acts of torture being committed during times of war and political uprisings. For further clarification in the article "The Purposes of Torture," philosophy professor Patrick Lenta states that torture includes, "... (1) the deliberate infliction (2) of physical pain or psychological distress. It is a condition of an act's counting as torture that (3) victims of torture must be defenseless" (49). Torture is the intentional utilization of physical or psychological pain on a defenseless individual for acquisition of a personal goal. With international law being considered, all forms of torture and various forms of interrogation would be deemed in direct opposition of this law and worthy of punishment.

Although unlawful, individuals and even governments around the world argue that the risk of committing torture and blatantly acting in opposition to international law is worth taking. They argue that the harms done to the victims of torture are less significant than the greater harms prevented to numerous others, through information obtained from the victims. Such

reasons for torture include arguments loosely based on utilitarian philosopher Jeremy Bentham's *A Fragment on Government*, in which the greatest happiness principle argues that "...it is the greatest happiness of the greatest number that is the measure of right and wrong" (3). With regards to this principle, in cases where the well-being of one or more individuals could be compromised to promote the well-being of hundreds or thousands, it may seem obvious to sacrifice the well-being of the few to save the majority. Torturing the few would yield a greater level of happiness for the whole. The majority of these advocates for torture claim that the usage of torture can be critical in situations like the „ticking time bomb“ case. This is the hypothetical case where a terrorist is in custody and she possesses critical knowledge, such as the location of a bomb or other weapon of mass destruction that will result in great loss of life. Since the harms prevented would be greater than the harms done, Dershowitz and other proponents for the legalization of torture, argue that torture should be legalized and placed under judicial review for regulation.

There are a few types of torture and each has its own aim or purpose that can be directly or indirectly achieved through the victim. From acquisition of information to pure sadistic gratification on the behalf of the torturer, victims are positioned as pawns with little to no power to change their own fate. In his article "Torture," politics professor Henry Shue elaborates on two frequently-used types of torture: interrogational and terroristic. Lenta extends the list to include dehumanizing torture, torture as criminal punishment, and spectacular torture. These five types of torture are delineated along the lines of the purposes and motivations behind various acts of torture. Although quite similar in use of physical and psychological violence, each type of torture has its own goal or motive.



Shue explains the acts and aims of interrogational and terroristic forms of torture. He argues that the aim of interrogational torture is to gain pertinent information from the victim (133). This form of torture is primarily used in times of war, political hostility, and the „ticking time bomb“ scenarios. The aim of terroristic torture is to intimidate and influence persons other than the tortured victim (132). This type of torture is used to make an “example” out of the victim and to tame any uprising against the torturer and her affiliates. In *Humanity: A Moral History of the Twentieth Century*, British philosopher Jonathan Glover describes a case of terroristic torture with Ahmad Qabazard, a nineteen-year-old Kuwaiti detained by Iraqi officers (32). An Iraqi officer informed Qabazard’s parents of their son’s pending release from the officers’ custody:

They were overjoyed, cooked wonderful things, and when they heard cars approaching went to the door. When Ahmad was taken out of the car, they saw that his ears, his nose and his genitalia had been cut off. He was coming out of the car with his eye in his hands. Then the Iraqis shot him, once in the stomach and once in the head, and told his mother to be sure not to move the body for three days. (Glover 32)

Unfortunately, this type of torture is common and occurs in even more gruesome fashions. The main purpose of this torture is to ensure the intended population’s obedience by demonstrating power and superiority.

Lenta elaborates on the other three types of torture which include dehumanizing torture, torture as criminal punishment, and spectacular torture (50). The aim for dehumanizing torture is to intimidate and influence the victim only, differing from terroristic torture which aims to impact persons other than the victim. Dehumanizing torture is portrayed in the torture acts committed by fascist dictator Benito Mussolini's Organization for Vigilance and Repression of Anti-Fascism (OVRA). The OVRA forced castor oil down the throats of their political opponents causing intense pain due to distention and spasms in multiple organs. It also instilled the fear of

suffocation in the victims. The sole purpose of this kind of torture was "...to demonstrate to the victim that his corporeal and psychological well-being circumscribes the possibilities of political opposition. It is intended to break down the victim's impulse to resist the political activities of the torturers' employers or superiors" (Lenta 51). In contrast to the other forms of torture, torture as criminal punishment aims to punish those who are found guilty of wrongdoing. This form of torture takes place when a legal system punishes those found guilty of criminal acts through due process, by inflicting on them some form of castigation such as subjecting the victims to lashes or electric shocks of a certain intensity. The infliction of this punishment is controlled and monitored by independent third-party authorities to make sure no lethal doses are given. This is considered torture because it satisfies part of the United Nation's definition stating that torture is also the infliction of intentional suffering and severe pain to punish a victim for "...an act that he or a third person has committed or is suspected of having committed" (197). The last form of torture is spectacular or public torture. The aim of this final type of torture is to force the civilian population to acknowledge the supreme power of the sovereign by witnessing public displays of torture as punishment (Lenta 54). It is sometimes acknowledged as a public form of terroristic torture, but it differs because it is viewed as a form of punishment. While terroristic torture is used to intimidate the population, spectacular torture attempts to positively unify the citizens through indirect participation in the acts of torture. Spectacular torture targets citizens of the state by coaxing them to refrain from resisting the supremacy of the sovereign. It also has a unifying aspect in which it tries to secure the loyalty of the citizens by making them feel as though they are directly involved in the acts of tortures committed through witnessing and accepting the acts. Similar to the prosecutions and burnings at the Salem Witch Trials, spectacular torture is used to unify the citizens against a common enemy. This unifying aspect of spectacular torture differs

from terroristic torture because terroristic torture does not have an aim of causing potential opponents to relate and feel allegiance to the sovereign (Lenta 54). The sovereign, civilians and potential opponents act as a unified body by witnessing and participating in torture as punishment.

With all types of torture being considered, proponents consider interrogational torture to be the most justifiable form of torture due to its correlation with the „ticking time bomb“ scenario. Here is an example of such a scenario: a bomb threat is called in for ten elementary schools within the city of Atlanta. The caller states that at 3:15pm, one of the ten schools will blow up. It is now 2:30pm and detectives trace the call back to an apartment where the caller is still residing. The criminal is captured and interrogational torture is used to retrieve information about the bomb’s whereabouts to save countless lives. This is thought to be an ideal case for the use of interrogational torture. The beginning of the slippery slope would be permitting interrogational torture. This form of torture uses individuals as a mere means to achieve information. Interrogational torture would be the only form of torture that proponents would find ethically permissible due to its utility in a „ticking time bomb“ case.

The idea of interrogational torture actually serving its purpose rests on several assumptions. It is assumed that interrogational torture will yield reliable and useful information. It is assumed that the authorities have the “right” person in custody. It is also assumed in „ticking time bomb“ scenarios that the victim in custody possesses the necessary information to prevent greater harm to innocents. The majority of the time, this is not the case. In the example provided above, the caller could have easily routed the call through another location and the person in police custody was an innocent individual that was tortured unjustifiably.

Next, proponents assume that under duress, the victim and torturer will cooperate with each other and that interrogational torture is effective in extracting the truth rather than any reasonable sounding lie. Majority of the time, this is also not the case. Lying is an action that the victims will want to utilize to end their suffering. This is either because they have no relevant information or they are so committed to their cause that they will lie to protect it and to end their suffering. For example, let's say I possess deep religious convictions and follow the requests of my spiritual leaders. My spiritual leaders request that I bomb a heavily populated location with ten other followers as a testament to our faith and to purge the population of opposing religious convictions. Before I am able to complete the task, I am detained by the police. I am tortured for hours to reveal my purpose, counterparts and religious affiliation. After seeing that there was no escape if I continued to remain silent, I concocted a lie that was sufficient enough to stop the interrogational torture while keeping my integrity intact with regards to my religious convictions. This lie allows the other ten followers to complete their task in bombing the heavily populated location. This example illustrates how a case of interrogational torture can easily be defeated when based on the assumption that it is an effective tool to extract the truth and not a reasonable sounding lie.

Lastly with these scenarios, it is always assumed that one can simply draw conclusions for ordinary cases from extraordinary ones (Shue 141). As the conditions for the „ticking time bomb“ scenario become more ideal in effort to permit torture, it is less likely a scenario like this will occur. Therefore, the more likely a case is to occur, “...the conclusion that the torture is permissible becomes more debatable” (Shue 142). These are just some problems to be considered when attempting to justify the use of interrogational torture and torture in general.

## Chapter 2: The Non-Fallacious Slippery Slope: Direct/ Indirect Participation and Morality

### The Non-Fallacious Slippery Slope

To understand the non-fallacious slippery slope, one must first understand the concept of a fallacious slippery slope. What is a slippery slope fallacy? All arguments possess the same fundamental structure: A therefore B. We begin with one or more premises (A) that are considered to be either a fact or an assumption, which is the foundation of an entire argument. There is the incorporation of a logical principle (therefore) to attain a conclusion (B). An example of the utilization of a logical principle is considered that of equivalence. For example, if I state that  $X=Y$  and  $Y=Z$ , one would conclude that  $X=Z$  due to the principle of transitivity. When considering the logical principle of transitivity, fallacious slippery slope arguments falsely assume that one thing must lead to another. An example of a slippery slope is stating that; if homosexuals are granted the ability to get married, it will lead to marriages between three or more people. This argument falsely assumes that the legalization of same-sex marriage will lead to the legalization of polygamy.

While countless fallacies are committed intentionally with the aim to manipulate or persuade others by deception, others are committed unintentionally due to carelessness or ignorance on the behalf of the author of said argument. In logic and critical thinking, a slippery slope is considered an informal fallacy. A slippery slope argument is the concept that one insignificant initial event leads to a causal chain of related events resulting in some form of significant positive or negative effect taking place down the line. One component of an argument is the warrant, which acts as a bridge and explains why or how the evidence provided supports the claim. The strength of this argument depends on the warrant, which is whether or not one can demonstrate a process that leads to the significant effect. For example: If we permit

organizational cultures in which individuals have final and absolute authority over their subordinates' actions, it will lead to unethical actions being committed. Milgram's experiment demonstrate that where individuals see a person as having legitimate authority, people will comply with unethical instructions at a very high percentage. This would be a corrupt situation, therefore, we should resist allowing organizations to be designed with managers that carry final and absolute authority. The example provides an argument in which the evaluation of Milgram's experiment is the warrant that acts as a bridge to connect the claim and evidence. The core of the slippery slope argument is that a specific rule or course of action is likely to result in unintended consequences and that these unintended consequences are undesirable (and typically worse than either inaction or another course of action).

Although the slippery slope argument is a presumption based form of argumentation that revolves around plausible future consequences, in his book *Plausible Argument in Everyday Conversation*, Canadian academic and author Douglas Walton argues that it is not essentially fallacious (27). Walton states that a slippery slope is "...a reasonable species of negative argumentation from consequences that occurs in deliberation where one party is using practical reasoning to try to dissuade another party from a course of action by citing the long-term, plausible negative consequences" (27). There exists a cogent form of the slippery slope argument in which a trivial act has the plausibility of producing a significant impact through a chain of causal relationships. The establishment of this chain of causal relationships is necessary for the argument to be considered cogent. One example is that I tell my peer, "If we legalize marijuana, next we will be legalizing heroin and cocaine." This argument would be considered unsound because I have not established a causal relationship between the two events in which one necessarily leads to another. In his *Slippery Slope Arguments*, Walton states that philosophy

professor Bruce Waller demonstrates a reasonable slippery slope argument. In this case it is argued that if a company were to dump PCB-contaminated waste into a small stream, the waste would run down into a river. The waste would then contaminate the fish and drinking water. This would lead to the pollution of the river, death of local wildlife, and severe health risks for the individuals that utilize the water downstream (Slippery Slope Arguments 72). This argument effectively illustrates a causal relationship between two events. Another way to show the plausibility of a non-fallacious slippery slope is by providing empirical evidence or proof, such as in the use of a case study, which illustrates a chain of causal relationships. The Guantanamo Bay Detention Center is a case study that proves the cogency of a slippery slope against torture through empirical evidence producing a chain of causal relationships.

Assuming torture is wrong, a main reason for this assumption is because torture leads to a slippery slope in which each act of torture makes it easier to accept the use of it in future cases leading to more cases of torture. Thus, a consequence of the first act of torture is more torturing. Numerous critics argue that the extreme assumptions made by the slippery slope argument against torture, such as the idea that an act of torture will lead to more torturing, cause the argument to be unwarranted. This is not the case and to provide evidence to warrant this slippery slope, one must break down the two questions that arise within this argument. The first question would be, “Why is torture morally reprehensible?” and the second question would be, “Does torture lead to more tortures, torturers and increase its acceptability in society?”

Torture is considered morally reprehensible because it violates a moral principle by Immanuel Kant called “respect for persons.” This principle dictates that individuals should not be treated as only a means-to-an-end because each person is intrinsically valuable. Torture corrupts and attacks individual morals, societal morals, and identities because there are no limits

to the extent in utilizing a person's potential instrumental value even at a cost to her well-being. The moral resources that restrain cruel actions, such as rights based theories and Kant's "respect for persons" principle, can be neutralized if torture were to be legalized. Rights based theories agree that there are certain actions that you cannot do to people even if these actions produce good consequences because they violate human rights.

The acceptance of torture is in direct opposition of the moral resources that restrain cruel and unusual actions. If laws are passed or policies are enacted that make torture acceptable, such moral resources which restrain behavior in cases where a greater good may be achieved are negated and lost. This would be an unacceptable loss for human morality. It will be shown that there would be more torturers and indirect participators in torture because of the acceptability of torturous acts. Indirect participation will become a visible consequence as the demand for politicians, scientists, doctors, tax payers, and etc. that help successfully commit such acts increases. This will be seen later once the acts that have occurred at Guantanamo Bay Detention Center after 9/11 are examined. In analyzing the different parties involved in torture (i.e. victim, torturer, and society) and noting the effects that torture has on each, the non-fallacious slippery slope against torture becomes highly plausible. In each category (victim, torturer and society), the violation of Kant's principle is prevalent, the corruption of morality is evident, the direct and indirect participation is apparent, and the creation of a torture market is foreseeable.

#### Kant's "Respect for Persons" Principle

Many advocates for torture tend to omit the "respect for persons" principle of German philosopher Immanuel Kant. Moral theories are intended to assist in the identification of right and wrong actions. In *Groundwork for the Metaphysics of Morals*, Kant constructs his categorical imperative as an unconditional moral obligation that is binding in all circumstances



and independent of a person's inclinations or desires. In the second formulation of his categorical imperative, Kant argues that humans should be respected as rational beings and therefore not used merely as a means-to-an-end. In his *Critique of Practical Reason*, Kant states that we should "...act so as to treat people always as ends in themselves, never as mere means" (55). The concept of an end-in-itself is the worth of the subject that is absolutely independent of being an object of anyone's desires or concerns. Kant considers this distinctive and intrinsic worth to be dignity, which only subjects that are ends-in-themselves possess.

Respect for rational beings is not only proper, but it is also considered unconditionally mandatory. Similar to countless philosophers before him such as Aristotle, Kant believes that the ability to reason separates us from other beings. He argues that "respect for persons" is mandatory because of our inherent dignity. This is due to our capacity to use reason in forming decisions and an exercise of our inherent freedom rather than just appealing to our desires or instincts. Respect is acknowledged by treating persons as ends. Due to our capacity to be free and rational moral agents, the supreme principle of morality dictates that our actions express respect for the worth of persons. A person's moral agency or autonomy is violated when that person's ability to freely exercise rational decision making is compromised or suppressed. At the very least, this means that no person should be coerced or deceived in the process of aiding others to achieve their goals. Our fundamental moral obligation is to respect persons. Morally right actions are considered ones that respect persons as ends-in-themselves, while morally wrong actions are those that express contempt for persons by not regarding them as ends-in-themselves. Torture ultimately violates this moral theory by devaluing the worth of the victims and instrumentally utilizing the victims as only a means to achieve a personal desire or goal.

The real effects of engaging in any form of torture including interrogational torture make plausible the claim that a) there exists a legitimate non-fallacious slippery slope, and b) that the value that is in jeopardy is the “respect for persons” principle for both victims and torturers. These effects erode a core moral value in human society. The next three sections elaborate on the effects torture can have on victims, torturers and society.

### Effects of Torture on the Victim

The mental and physical acts that take place in reference to the torture victim are cruel and detrimental to the human psyche and body. In “The Trauma of Torture and the Rehabilitation of Torture Survivors,” psychiatrist Lilla Hardi states that “...the aim of torture is to cause severe pain and suffering in order to destroy the structure of the personality and the identity of the victim” (133). Hardi’s expertise in rehabilitation is based on analyzing the actual effect of torture on the victims and what the victims experienced while in the custody of their torturer. She emphasizes that there is a lengthy rehabilitation process that must take place to assist them in leading a somewhat “normal” life. During torture, the victim becomes helpless, intimidated, dependent and desperate. They view themselves as being a mere means to the goal of the torturer, and they know that the torture will only cease once the torturer’s goal is achieved. A victim’s autonomy as a free and rational moral person is now violated due to her inability to exercise rational decision making while in the torturer’s possession. All forms of this human cruelty strive to damage the victim’s principles, self-concept, autonomy, and personality development which in turn destroys her personal identity.

Torture intrudes into the most private and intimate parts of a human (Vin~ar, 2005), and attacks the one place where a person’s intimacy, integrity, and inviolability is supposed to be guaranteed, the person’s body and mind. The complex and long-lasting after-effects of torture stem from the deliberate, repeated, and brutal invasion and destruction of this „sacred place“(Vaknin, 2007). These experiences result in a psychic metamorphosis and collapse, paired with a sense of identity disorientation and depersonalization, a fear of

losing one's very essence (Vin~ar, 2005), and a severe fragmentation of one's mental functioning (Krystal, 1988). (Hardi 133)

The victim internalizes the torturer's attitude whose aim is to prove the victim is not a human being of moral worth. According to Glover, "A central part of the torturer's craft is to make his job easier by stripping the victim of protective dignity" (33). The victim then has severe consequences concerning her self-image, self-esteem, and identity. Hardi argues that the altered self-image of the victim is produced by a select number of characteristics:

(1) the torturer attempts to maximize confusion with the circumstances of detention, which prompts the victim to accept the torturer's construction of reality and become submissive; (2) internalizing the values of the torturer becomes a strategy of survival; (3) inescapability leads to learned helplessness; and (4) the state of hyper arousal causes the shutdown of inner fantasy and emotional life. (Hardi 134)

The torturer alters the victim's perspective of reality by forcing the victim into a state of confinement and inescapability, which causes the victim to behave submissively. The victim adopts the torturer's values and perspectives as a strategy to mentally and physically survive in the artificial reality. The only way to attempt to comprehend the actions of the torturer is to adopt her perspective within the artificial reality. The concept of inescapability seems to be the most crucial and traumatizing for the victim. We, as humans, put ourselves through much physical and mental pain whether we are playing on a sports team, joining a sorority or fraternity with known cases of hazing or training for a physical or mental event. The difference is that in those cases we have a choice to do otherwise while a victim of torture is completely held at the whim of the torturer. While confined, the victim regresses to a state of helplessness due to having to depend on their torturer for food, shelter, and basic necessities for survival. The Dorland's Medical Dictionary states that hyper arousal is "...a state of increased psychological and physiological tension marked by such effects as reduced pain tolerance, anxiety, exaggeration of startle responses, insomnia, fatigue and accentuation of personality traits." The constant state of hyper

arousal overwhelms the psychological and biological coping mechanisms of the victim causing her to be inhibited emotionally and imaginatively. The victim is left constantly rotating between states of hypervigilance, anxiety, and irritability.

The worst part of such situations is that torture survivors who remain in the same country in which these acts of torture have occurred are often forced to live side-by-side with their perpetrators, in a society of ignorance and denial. The same society that allowed the torture to occur will either never acknowledge such acts happened due to lack of information or deny the allegations to avoid international backlash. Within the effects of torture on victims, the victims consider themselves a mere means-to-an-end which is completely controlled by the torturer. Defenders of torture argue that the victim has the choice to comply with the torturer to end her suffering, but this involves coercion which undermines the “respect for persons” principle. Victims also undergo destruction of morality and identity due to having to internalize the values of their oppressor and now see themselves as helpless, dependent and less than a human. This warped sense of self affects one’s ability to relate to oneself, which impacts the victim’s autonomy as a free and rational moral agent. This clearly expresses evidence of a non-fallacious slippery slope due to the fact that for each victim that exists, there is a new case of torture that includes a torturer and indirect participators. Also, there is a direct violation of Kant’s principle because the victim is not respected as an autonomous agent independent of another person’s desires or concerns. Instead, the victim is treated as a “mere means” to achieve a goal. Every victim that is created displays society’s acceptance of torture and rejection of Kant’s “respect for persons” principle.

## Effects of Torture on the Torturer

The motives of torturers can be exceptionally complex. Through research on the motives and behaviors of torture, some individuals become torturers to gain power while others possess sadistic desires that cause them to participate in such acts. Money can also be the motive for committing such heinous acts because society can make it difficult to earn a decent living whereas doing another's "dirty work" may be a simple solution to earning monetary compensation. Religion, retaliation, and the insatiable desire for power have also been reported as motives to commit torture. The most prevalent motive has been that of an appeal to authority in which the torturer's motive is to appease an authoritative figure by giving orders to torture such as in cases of governments ordering soldiers to torture prisoners of war for intel. Rarely is the motive concocted by the torturer, but by the masterminds that have a political agenda that is kept well hidden from the public eye.

Psychology professor John Reeder lists seven categories of torturers (the nonempathetic, indifferent, wanton, obedient, righteous, realist, and sadistic) in his article "What Kind of Person Could Be a Torturer?" I will only focus on the latter four which occurred more often in the case study of post 9/11 Guantanamo Bay. Each of the seven categories will be discussed due to their significant roles in the utilization of torture as a whole, but only the last four are used in chapter 3 to demonstrate the plausibility of a non-fallacious slippery slope. Reeder argues that "...the thesis that human beings live through social practices—that their moral identities are shaped by the roles and statuses constitutive of such practices—also strikes us as a fundamental truth" (68). They are all "...participating in a social script or practice in which they have roles" (Reeder 68). While some truth lies in the point that a number of torturers lack some feature essential to what it means to be considered a "good" person, it can also be said that some torturers are just

ordinary people with a particular agenda. Differentiating between whether or not an individual lacks the essence of being good or if she is just a “normal” person, is rarely a significant factor for those that promote the installation of torture as an effective political tool. To decipher which role of a torturer is more ruthless and morally deplorable is a matter of opinion, but the effects of torture on all categories of torturers still equally prove the plausibility of a non-fallacious slippery slope.

Although the first three roles of a torturer are not the main focus of the post 9/11 Guantanamo Bay case study, they still require further elaboration to show how easily accessible a torturer is within the human psyche. The first to consider is the nonempathetic torturer which lacks imaginative empathy. In a 2012 Psychology Today interview with Jennifer Haupt, author Dan Chaon once said that the “...imaginative empathy is one of the great gifts that humans have, and it means that we can live more than one life. We can picture what it would be like from another perspective.” Empathy (imaginative empathy) is the imaginative grasp of another’s suffering. The deficit of imaginative empathy is a common occurrence within the history of the human being including slavery, genocide, civil rights, and even the votes at political elections. In the age of consumerism and capitalism, there have been an increasing number of egocentric individuals possessing the “me and mine versus you and yours” mentality. Torture in the hands of the nonempathetic is even more dangerous than being in the hands of the sadistic because the sheer masses that possess this shortage of empathy could wreak great havoc on humanity as a whole.

The indifferent torturer may possess empathy, but lacks positive or negative affect towards the victim, neither feeling compassion nor pleasure for their suffering. While the wanton torturer can like or dislike even fluctuate between these two states, this torturer does not invest in

the care of the victim and is not able to identify or relate to such feelings of like or dislike. According to Reeder, the wanton torturer "...does not have a set of second-order desires which „endorse“ some set of first order desires” (73). Therefore, the wanton torturer does not identify with compassion or sadism with regards to the victim. These three roles—nonempathetic, wanton, and indifferent—display the ease in which the human psyche can succumb to becoming a torturer.

The roles present at Guantanamo Bay will begin with the obedient torturer which consists of two types: the trained and the untrained. The trained obedient torturer can be seen as an ordinary person that has been morally corrupted and whose personal identity has been eroded. This is one of the most easily observable type of torturers that can be seen at post 9/11 Guantanamo Bay. These individuals can be everyday people that regard obedience to superior authority as sufficient moral justification for torture. This obedience is "...not only a legal but also a moral duty” (Reeder 75). The moral identity of these torturers in training, however weak or strong, can be eroded when little steps that are seen as insignificant are taken to provide rewards for certain tasks. An example would be a person who was simply hired to clean up the bloody messes after an act of torture, but once rewarded may take higher level jobs just for rewards until she is actually committing torture. One needs to look no further than to the U.S. soldiers at Guantanamo Bay after 9/11. The citizens of the U.S. glorify the actions of the military and barely raised an eyebrow when information was leaked that the “enemy” was being tortured by “the few and the brave.” This is a pattern that can be witnessed in most social and cultural structures around the world. The torturers are abused and coerced into thinking that they are fortunate to be physically and psychologically abused. As an example in her article “The Education of a Torturer; There Is a Cruel Method in the Madness of Teaching People to Torture.

Almost Anyone Can Learn It,” psychology professor Janice Gibson states that with regards to the Greek military police (ESA),

binding the recruits to the authority of ESA began in basic training with physically brutal initiation rites. Recruits themselves were cursed, punched, kicked and flogged... [W]hile being harassed and beaten by their officers, servicemen were repeatedly told how fortunate they were to have joined the ESA, the strongest and most important support of the regime (52).

They are victims of physical and psychological abuse that drastically alters their morals and perception of right and wrong.

When it comes to the untrained obedient torturer, this individual proves how easy it is for a person to become a torturer. There have been several cases and studies of tortures that have taken place without the torturer having a belief that what was being done was morally justified other than just appealing to some form of authority. In these cases, torture was only committed because of authority and power. The abuse of authority and power is the most widely used means of creating torturers. The Milgram experiment was a combination of experiments, conducted by Yale University psychologist Stanley Milgram, on obedience to authority figures. The social psychology study measured the willingness of study participants to follow the instructions of an authoritative figure in executing certain tasks that were in direct conflict with their conscience and morals. In the experiment, Milgram had men wearing laboratory coats instruct average U.S. citizens to inflict a series of electric shocks on human test subjects. No real shocks were given and the “victims” were acting, but the participants were unaware of this fact. Participants were told that the purpose of the study was to measure the effects of punishment on learning. According to Janice Gibson, 65 percent of the test subjects that were administering the shocks used what they considered to be dangerously high levels of electrical shocks when directed to do so by the experimenters in laboratory coats.



The individuals were less likely to administer these supposed shocks as they were moved closer to their victims, almost one-third of them continued to shock when they were close enough to touch. This readiness to torture is not limited to Americans. Following Milgram's lead, other researchers found that people of all ages, from a wide range of countries, were willing to shock others even when they had nothing to gain by complying with the command or nothing to lose by refusing it. (Gibson 51)

Without any preconceived motive, humans are capable of committing torture just when told to do so by an authoritative figure. This abuse of authority and power elicits how easily torturers can be produced and manipulated.

The Stanford Prison Experiment by psychology professor Philip Zimbardo, consisted of an experiment similar to Milgram, but instead of appealing to authority, the appeal was to power. Zimbardo's experiment began in August of 1971, as an undergraduate class study on the psychology of incarceration. He created a mock prison in the basement of the psychology building and twenty four male volunteers were randomly assigned to take on roles as either prisoners or prison guards. Almost instantly, power struggles between the prisoners and the guards erupted. The guards began to verbally and physically assault the other volunteers that just happened to be assigned the role of prisoner by chance. Due to the cruel and inhumane conduct of the student guards, the experiment was cancelled after only six days. According author Wray Herbert's "We're Only Human...: The Making of a Torturer," Zimbardo's conclusion was that under "...the right set of circumstances, perfectly decent young men could be transformed into monsters." Both scenarios express the ease of creating a torturer with no cause or purpose other than obedience.

Following the obedient torturer is the righteous torturer. This type of torturer is willing and able to set aside compassion and respect for human dignity to fulfill more pressing moral concerns at the time. They either override one moral consideration with another or violate one moral consideration for another. This torturer believes that compassion should be given to all,

even those that would be considered undeserving, but the duty to protect the political community is vital. The righteous torturer differs from the obedient torturer in the respect of having a conflict of moral considerations. An example of this would be an individual with certain religious convictions feeling great sorrow in torturing another individual with conflicting religious convictions, but does so to preserve the ambitions of her religious community and its followers. Whereas the obedient torturer sees their actions as morally and legally justified due to authority and feels little to no sense of moral conflict, the righteous torturer constantly battles between moral considerations and only substitutes or violates one when another more significant moral concern arises. Let us look deeper into the concept of a righteous torturer that only overrides one moral concern with another. Reeder argues that an individual could insist that the prohibition on torture is a moral absolute. In this case the righteous torturer, who thinks that the defense of the people or political community justifies overriding the right of a captured enemy not being harmed, has merely misinterpreted the nature of the right that is in question. The right that is in question is an absolute right and incapable of being superseded (Reeder 82). “It cannot be overridden—as a prima facie principle can—by some other moral consideration” (Reeder 82). This individual will feel regret and remorse for actions done whereas the individual that violates one moral concern over another (dirty hands) does not. There is no misinterpretation of the moral absolute with the righteous torturer with “dirty hands,” as this individual actually accepts the prohibition of torture as a moral absolute but insists that in certain scenarios there is a duty to impose torture on individuals. This torturer would go on to violate the moral absolute to fulfill another moral duty. The righteous torturer, whether overriding or violating, recognizes each moral consideration and acts in accordance with the one that is most important at the time.

The realist torturer is what I would consider to be the most complex individual to comprehend while the sadistic torturer is the simplest to define. Though the obedient torturer is a puppet appealing to authority and the righteous torturer weighs her options with regards to moral considerations, the realist torturer puts aside moral considerations altogether in favor of a political goal. “The value of political community, now taken as a nonmoral value, which the enemy in the exceptional case threatens, is chosen above all moral considerations” (Reeder 83). Governments and political bodies cast aside moral concerns on a regular basis to preserve the security and well-being of the political community, nation and its people. The realist torturer is not compelled by a moral duty, but by a normative and political one. This torturer is not exempt completely from moral concerns, but in cases of emergency in which the political community is threatened, there is a “teleological suspension” of ethical, moral and even legal concerns. The sadistic torturer, however, acts only in the interest of the self and will allow torture to continue as long as possible to receive the greatest amount of personal pleasure. The sadistic torturer finds great pleasure and enjoyment in the victim’s pain. Their only motive is self-gratification at the expense of another’s suffering or in a sporting spirit for entertainment. The sadist is capable of empathizing with the fact that the victim is suffering, but is uncaring due to a preference to satisfy personal desires. This individual may be able to disguise her true intentions as a sadist by posing as one of the other six categories of torturers to avoid ridicule. This type of torturer causes great alarm for both anti-torture and pro-torture advocates alike because they are not controlled or manipulated by a political agenda which can cause them to be unreliable and lethal.

When trained, torturers (obedient, righteous and realist) go through mental and physical abuse which causes them to be less susceptible to the emotion of sympathy. By training soldiers, civilians and detectives to torture, there will be more torturers. There is then a need for

specialists who can train torturers and come up with torture techniques. In “How to Make a Torturer,” global studies professor Ronald Crelinsten argues that torturers are the end result of a rigorous and selective training process “...in which conscientious objectors, doubters, independent thinkers and sensitive persons are weeded out along the way” (74). As a result, the now professional torturers “...are no longer in easy touch with such feelings as empathy, compassion or concern for the fate of their victims” (Crelinsten 74). The torturer is trained to have no respect for the victim and to use the victim as only a means to fulfilling a personal goal. The torturer is also used as only a means to achieve the mastermind’s goal which is usually a governing body. The trained torturer is reduced to a mindless drone that carries out the wishes of others. This individual has little to no regard for human dignity in general because “...armed insurgents or criminalized political opponents usually operate secretly and the non-violent protestor or activist, friend or relative of the suspected terrorist or subversive is easier to attack” (Crelinsten 74). This means that the trained torturer will even torture innocent bystanders and relatives of the terrorist because they are often easier to capture. The torture trainers brainwash their trainees into believing that the actions they are committing are right, worthy of praise and moral. They also portray the victim as an “outsider or enemy” and respect for the victim is then neutralized. These trained torturers were present and created at the Guantanamo Bay Detention Center after 9/11.

With reference to all four main categories, torturers view their victims as mere means-to-an-end. Unknowingly, the torturers are also used as a mere means-to-an-end whether through a political agenda by government or a research study by a professor. Economic need, role obligations, and tacit coercion restrict the torturer’s ability to freely choose to become a trained or untrained torturer. The moral and identity corruptions are greatly apparent in all aspects of the

creation of torturers. These corruptions oppose the “respect for persons” principle because the torturer’s autonomy is diminished. Just like the victim, this is due to the torturer’s inability to act as a free and rational moral agent because of a warped sense of self impacting how she relates to herself. How the torturer relates to herself and her identity are fabricated by authoritative figures and training to fit the role of a torturer. Not only does the torturer now possess a diminished autonomy, but she also loses all respect for human dignity including that of the victims and even innocent civilians caught in the cross fire. Some torturers are able to manipulate their morality and decide which moral concerns are subjectively of the utmost importance, while others can set aside morality altogether. Those individuals that are trained lose their freedom of thought, emotions, autonomy and conscientiousness by becoming drones at the will of the authoritative figures. They are morally corrupted into thinking that the indignities suffered by another human and the stripping of another’s human dignity can be morally justified. They are subjected to physical abuse and psychological torture just like their victims. If torture is legalized, laws would be enacted to monitor its usage and torturers would need to be trained. By training these individuals to torture, we create more individuals with the ability to commit torture and feel that such actions are morally and legally justifiable.

#### Effects of Torture on Society

To maintain this reality(torture is ok) the regime must endeavor to ensure that it is reflected in all sectors of society and all aspects of social and political life...the techniques used to train prospective torturers to do their terrible work are nothing more than a reflection of a wider process: transformation of society...To enable torture to be practiced systematically and routinely to be taken for granted and even to be celebrated, not only do torturers have to be trained and prepared, but wider elements of society must be prepared and, in a sense trained to accept that such things go on. (Crelinsten 72)

If this were the case and society was trained and prepared to support interrogational torture as a morally acceptable course of action, society would then accept the treatment of individuals as

only a means-to-an-end. Legalizing torture and considering it morally acceptable, proves that there exists a lapse in society's moral judgment from the beginning because the mandatory acknowledgment of respect and not utilizing individuals as only a means-to-an-end is so easily violated. The idea of society accepting torture which has been considered universally and unanimously reprehensible for ages is quite baffling. Crelinsten argues that "...a torture regime engages continually in the construction and maintenance of an alternative reality in which conventional morality is largely absent" (73). The artificial reality is solely based on the deliberate omission of moral resources like the "respect for persons" principle and affects the victim, torturer, and society alike. In reality, there are moral guidelines that allow rational beings to coexist because they possess an equal amount of intrinsic value. Due to this equality of intrinsic value, reality attempts to prohibit individuals from utilizing others only for their instrumental value. In alternate realities such as torture and slavery, these moral guidelines are deliberately omitted allowing individuals to exploit other rational beings' instrumental value for personal gain. By not acknowledging this equality in intrinsic value, the torture regime that fabricates the artificial reality is able to violate Kant's principle repeatedly. The corruption of society's morality and identity by even considering torture to be morally acceptable is a crime against Kant's "respect for persons" principle and the essence of humanity.

With regards to torture as a market, I have mentioned a number of individuals that are directly involved in torture, but I will also elaborate on the indirect involvement in torture by society-in-general. Western companies knowingly provide equipment to other countries for use in torture and other inhumane and cruel acts (Glover 33). As mentioned before if legalized, torture could become its own market based on the violations of individual autonomy and the "respect for person" principle. This would not only include the numerous torturers trained to

commit torture, but it also indirectly involves society as a whole. This market would include torture trainers, specialists in torture technique, and also "...doctors (that) monitor the condition of the victim, advising interrogators on how far they can go; guards to watch the cells and torture chambers" (Crelinsten 73). There are also specialists that create and build torture devices, companies that supply material for torture devices, and politicians/government leaders that demand results and sign off on tortures. When there is a market, there is always a demand and the participation of torture has the ability to trickle down into every household. This is the ultimate violation of using another as a mere means-to-an-end because now people will use torture for financial stability.

The rehabilitation of torture victims is also quite extensive. It requires physical and mental physicians as well as legal professionals that are specially trained in dealing with torture victims and cases of torture. There has to be psycho-social and, in multiple cases, medical rehabilitation for the survivors that can last until the survivors' last days of life. There are case studies and new techniques taken to help rehabilitate these victims and "...the rehabilitation of torture survivors... is implemented by a growing number of mental health and legal professionals, affiliated with various nongovernmental organizations and treatment centers globally" (Hardi 36-37). According to their website, the International Rehabilitation Council for Torture Victims (IRCT) has a membership that is comprised of over 140 rehabilitation centers around the world that treat over 100,000 torture victims a year. Twenty one of the rehabilitation centers in the IRCT are located in the United States including ACCESS Psychosocial Rehabilitation Center in Michigan, Center for Survivors of Torture in Texas, and Center for Victims of Torture in Minnesota. The members of this organization provide medical assistance, psycho-social support, legal services and financial assistance to victims of torture. In cases of

refugees, the organization also attempts to include language classes, and help to provide work and living arrangements. According to the IRCT in 2013, the expenditures to fund its endeavors was approximately \$5,622,700USD. This includes program development, support cost for their three main offices, donor relations and governance costs. They received 57% of their income from national governments which comes from the taxing of citizens. Organizations such as the IRCT, only exist because of the use of torture. This creates a market centered on the rehabilitation of the victims and their families due to a need for doctors, lawyers, staff, and researchers to better equip the medical and legal professionals for handling torture cases. The only way to help these individuals lead a “normal” life is to establish a market for their rehabilitation which includes research, rehabilitation centers, as well as, physical, mental and legal professionals that specialize in torture. These individuals are now indirect participators in torture.

#### Creating Plausibility in a Non-Fallacious Slippery Slope on Torture

The ultimate corruption of morality and increase in participation in torture is enough to have torture banned indefinitely. By legalizing torture and allowing it to occur in any instance, we begin with a corruption of morality in which society denounces Kant’s “respect for persons” principle and accepts the utilization of human beings as only a means-to-an-end. Governments would be allowed to train soldiers and interrogators in torture techniques, which creates more individuals with the ability to torture. Security and political threats abound which means that a) there will always be „ticking time bomb“ cases and b) that once there are specialists, they will need to exercise their specialty and this can promote the exercise of interrogational torture. The number of indirect participators will grow due to there being a need to, legally and medically, regulate acts of torture and rehabilitate victims. Lawyers, doctors of multiple fields, and torture



specialists will have to be trained specifically to deal with torture cases, on national and international levels. The number of indirect participators also grows from the utilization of taxpayers' money to fund these acts, government officials passing laws on torture, and the companies used to build and sustain centers designed for torture. As mentioned before, a market could easily ensue in which individuals are making a living from each act of torture committed.

Morally speaking, the legalization of torture violates Kant's "respect for persons" principle. The utilization of individuals as mere means to a particular end is the sole purpose of torture. The intrinsic value and worth of persons is completely omitted and instrumental value is all that is being considered. Torturers and victims lose their autonomy as free and rational moral agents. Victims are used by the torturers and indirect participators, while torturers are used in most cases by an authoritative figure or regime. The instrumental utilization of these individuals in interrogational torture is only to achieve some form of information needed at the time. Indirect participators are important because they show a shift towards acceptability of torture by society. Indirect participators are used as a means to legitimizing interrogational torture. The acceptability of professionals implicated in the practice of torture indicates that society has lost its moral compass and its attachment to respect for humanity as a core value. Accepting torture erodes society's commitment to the value of the "respect for persons" because the essence of a human as a free and rational moral agent capable of deliberation is easily violated and replaced by instrumental value.

### Chapter 3: Guantanamo Bay- Post 9/11 Detention Center Tortures

The Guantanamo Bay Detention Center example is going to follow the same guidelines as outlined at the end of chapter 2. I will begin with a brief history of the first acts of torture

committed at Guantanamo Bay. This is important because it shows that the first act of torture will inevitably lead to more acts of torture. We will see the initial stages of the corruption of societal morality when the United States commits their first violation against Kant's "respect for person" principle by rejecting international law and permitting the use of torture on individuals to achieve personal goals. Next, we will witness an increase in the number of torturers when the U.S. government trains soldiers to torture by reverse engineering military training for prisoners of war exclusively for the use of torture. We will then see an increase in indirect participation with the introduction of government officials, lawyers, doctors, companies and U.S. citizens which help allow torture to thrive at Guantanamo Bay. Throughout each section of the example, we will witness several other violations of Kant's principle. These violations will be committed by torturers, the government and society as a whole, displaying the loss of a society's moral compass by the introduction and utilization of torture. The acts of torture that occurred at the post 9/11 Guantanamo Bay Detention Center were strictly under the guidelines that torture was impermissible. Hence, permitting it would likely result in even worse results than what is seen at Guantanamo Bay.

#### First Documented Usage of Torture and Inhumane Treatment at Guantanamo

Located on the southeastern tip of Cuba, the 45-square-mile site came under the United States' jurisdiction on February 23, 1903 for coaling and naval stations. This agreement with Cuba was later reaffirmed by former Cuban president Batista in 1934. Due to physically being in Cuba but under U.S. control, Guantanamo Bay proved to be untouchable by both Cuban and U.S. law. This arrangement produced an ideal atmosphere for inhumane treatment of persons and torture.

The U.S. presence in Cuba is not as friendly as it may seem, Cuban citizens have complained about torturous acts and killings by U.S. soldiers dating back to the early 1960's. On January 12, 1961, A Cuban employee of over 3 years at Guantanamo, Manuel Prieto Gómez, was viciously tortured by U.S. soldiers on the Guantanamo Naval Base for being a "revolutionary." In *The U.S. Naval Base at Guantánamo Imperialist Outpost in the Heart of Cuba*, Author Fernando Alvarez Tabío gives a full account of all events that transpired while Gómez was in custody. Tabío states that Gomez was tortured and questioned for 24 hours. While being questioned, "Manuel was forced to take toxic pills to keep him awake. Lieutenant Calzadilla, former officer of the Batista tyranny, acted as adviser to Captain Fenner, who did the questioning. (Tabio 36)" Gómez's family went on base to locate Gomez after he didn't return home from the base. They stated that they were degraded by military personnel while waiting in an U.S. Intelligence Service room. Gómez was released and displayed signs of mistreatment and torture. Once freed, Gomez said: "No one could ever imagine the hours of terror I endured in that cell at the base! (Tabio 36)"

Historian Jane Franklin's book *Cuba and the United States: A Chronological History* and JA Sierra's article "Notes on Guantanamo Bay" provide numerous other examples of torture that occurred at Guantanamo Bay prior to 9/11. On September 30, 1961, Marine Captain Arthur J. Jackson supposedly arrested Ruben Lopez Sabariego, a Cuban who was working as a bus driver for the base since 1948. Nineteen days after his arrest on October 18, an official of the United States Embassy reported that the body of Sabariego had been found in a ditch inside the military facility. Marine Captain Jackson stated that Sabariego was found in a restricted area of base and when he tried to escort him off base, Sabariego attacked him and he then shot the Cuban. The story provided by the captain proved to be furthest from the truth when according to the autopsy,

Sabariago had cranial, cheek and rib fractures. He also had stab wounds to his abdomen, injuries to his leg and other lesions. The autopsy also showed that the man had been dead for a couple of weeks and had broken bones and bruises consistent with being tortured. In May 1962, Rodolfo Rosell Salas was kidnapped by naval base staff while he was working as a Caimanera fisherman. He was first tortured then murdered and his corpse was found on base on July 14<sup>th</sup> 1962. His body had contusions on the abdomen and puncture wounds all over which were obvious signs of torture.

In November 1991, Guantanamo Bay became a prison. During the 1990's, in what seemed at first to be a positive gesture on the behalf of the U.S. government during the Haitian coup, soon proved not to be what it seemed. In "Torture, American Style: Guantanamo Prison," Franklin states that in June 1993 during the time Guantanamo Bay opened its doors to Haitian refugees, a federal judge closed the camp when only HIV refugees remained. He stated that the detention center was acting as an HIV prison camp, "...where „surrounded by razor barbed wire“ and „subjected to pre-dawn military sweeps,“ people lived under continual threat of abuse by „400 soldiers in full riot gear“” (12). Unfortunately after the ruling, thousands of Haitians were again detained at Guantánamo in 1994, which lead to immediate uprisings. During that same time, Franklin states that,

Washington built a huge tent city surrounded by barbed wire to detain Cubans who were attempting to reach the United States. Miserable conditions led some Cuban detainees to attempt suicide. Their numerous uprisings were met by U.S. troops in riot gear with fixed bayonets. Some Cubans managed to escape back to unoccupied Cuba by scaling the barbed wire, climbing down a 40-foot cliff and swimming about a mile to Cuban territory. Children suffered from bronchial viruses, pneumonia, diarrhea, and fear. ("Torture, American Style" 12)

Although no acts of torture were committed against the Haitian refugees, the deplorable conditions in which they were treated displays a lack of respect for fellow persons. Since the

1960's, there has developed a culture of less than humane treatment of individuals at Guantanamo Bay. It is important to display the initial tortures and misconduct at Guantanamo Bay to effectively illustrate how one initial act of torture can lead to a legacy of torture.

### The Road to Guantanamo is paved with Terror

In his book *The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison*, historian and investigative journalist Andy Worthington states that the inhumane treatment of the 774 victims of post 9/11 Guantanamo Bay did not begin at the detention center but was only continued there. After two hijacked planes crashed into the World Trade Center towers and one hijacked plane crashed into the Pentagon killing 2,996 people (19 hijackers and 2,977 victims), there was an outcry for justice in the U.S. The tragic event was reportedly organized by Osama bin Laden, Al Qaeda, and the Taliban. The Northern Alliance of Afghanistan, allies of the U.S., informed the U.S. that thousands of Taliban and Al Qaeda members were seeking refuge in the city of Kunduz and the U.S. proceeded to bomb the city. After repeated bombings, one Taliban leader Muhammad Fazil arranged the surrender of his men to the Northern Alliance leader General Dostum in exchange for safe passage for his Taliban fighters and secretly agreeing to leave the fate of foreign fighters to Dostum. Fazil advised the foreign fighters that if they surrendered they would also be allowed to return home. Fazil violated "respect for persons" by using the foreign fighters for the safe passage of his Taliban fighters. He diminished their autonomy by restricting their ability to freely exercise rational decision-making and arrange their own surrender. Fazil surrendered 450 foreign fighters to the Northern Alliance and assured them that they were going to be allowed to return home. It was a complete falsehood on behalf of Fazil because the plan was never to send the foreign fighters home, only exchange them for safe passage. The first Guantanamo detainees were drawn from

the remaining foreign fighters that survived the torture and murders that occurred in the Qala-i-Janghi Massacre in which over 350 of the foreign fighter were brutally murdered after an alleged uprising.

Individuals were rounded up even without being affiliated with the Al Qaida and Taliban because of the hefty bounty on their heads for looking the part of a terrorist. The offering of a bounty negates the concept of autonomy and respecting individuals as ends because it allows an individual to use another as a mere means to attain financial security. The autonomy of the victims was violated as they were captured and sold against their will. In the article “Bounties Paid for Terror Suspects,” Amnesty International’s Mona Samari states that “...more than 85 percent of detainees at Guantanamo Bay were arrested, not on the Afghanistan battlefield by U.S. forces, but by the Northern Alliance fighting the Taliban in Afghanistan, and in Pakistan.” There were rewards being issued for up to \$5,000USD for every “terrorist” given to the officials of the United States. People were kidnapped off the streets, taken from taxis, forced from their homes. If they could not offer more than \$5,000USD, they were accused of being a terrorist. “I was captured in a village near Peshawar in December 2001. The villagers sold me to the Pakistani army who in turn sold me to the Americans,” Samari says Swedish national Mehdi Ghezali reported to Amnesty International in June 2004. Samari states that flyers were even listed to entice the population such as,

Get wealth and power beyond your dreams...You can receive millions of dollars helping the anti-Taliban forces catch al-Qa'ida and Taliban murderers. This is enough money to take care of your family, your village, your tribe for the rest of your life. Pay for livestock and doctors and school books and housing for all your people.

These flyers easily promoted indirect and direct participation in the acts of torture that later occurred at Guantanamo Bay by having civilians capture other civilians for monetary compensation. People easily gave up the freedom and lives of others for financial gain. The

individuals that were captured were then tortured. A substantial number of those victims were killed during transport to other facilities such as Guantanamo by means of death convoys and air travel. The dreadful acts that took place prior to Guantanamo Bay display how easily morality is corrupted or misguided by rejecting the “respect for persons” principle and using individuals as only a means to gain monetary compensation.

#### Victims: The 774 Detainees of Post 9/11 Guantanamo Bay Detention Center

Prior to reaching Guantanamo Bay, the fate of the 774 prisoners was being decided by U.S. officials which will be covered in greater detail in the next two sections. The Army Field Manual 34-52 (FM 34-52) was enacted in 1949 in accordance with the Conventions to avoid violating international law with regards to torture and degrading treatment. The FM 34-52 consisted of six psychological (not physical) techniques: incentive approach, emotional approach, fear-up approach, fear-down approach, pride and ego approach and futility. Each technique tries to create rapport with the prisoner and prohibits the use of force. According to the Center for Constitutional Rights (CCR) in their “Report on Torture and Cruel, Inhuman, and Degrading Treatment of Prisoners at Guantanamo Bay, Cuba,” the FM 34-52 inculcates personnel to consider two factors when deciding the permissibility of an interrogation technique: 1) “Given all the surrounding facts and circumstances, would a reasonable person in the place of the person being interrogated believe that his rights, as guaranteed under both international and U.S. law, are being violated or withheld, or will be violated or withheld if he fails to cooperate” (12), and 2) “If your contemplated actions were perpetrated by the enemy against U.S. POWs (prisoners of war), you would believe such actions violate international or U.S. law” (CCR 12). The Geneva Conventions, which are considered universal treaties of international law, consists of four conventions that are used to explain and enforce international laws of war. The Third and

Fourth Conventions dictate the rights and protections of captured civilians and prisoners of war during military conflicts and war. The Third Convention guarantees humane treatment and protection from violence, coercion, and inappropriate interrogation methods for POWs. It also guarantees due process, communication with protective agencies and satisfactory medical treatment. The Fourth provides similar protection to civilians and individuals that may be suspected of or even engaged in hostile activities toward the capture's country. On January 9<sup>th</sup> 2002, legal advisors informed Defense Department General Counsel William Haynes that laws of war do not confine the choices made by President Bush with regards to the detainees and that the Geneva Conventions do not protect prisoners apprehended during the war on terrorism. On January 11<sup>th</sup> 2002, the first 20 detainees arrive at Guantanamo. Shortly after, on February 7<sup>th</sup>, President Bush abandons the "respect for persons" principle by declaring that the Geneva Conventions does not apply to Al Qaida, and he declares that members of the Taliban are not eligible for POW status. By rejecting POW status of the detainees, Bush denies them humane treatment and their autonomy as free and rational moral agents. The detainees are confined and forced to cooperate. Bush's decision portrayed the FM 34-52 as being too lenient and outdated, therefore new and harsher techniques were imposed to compensate for the deficit. By allowing the inhumane treatment and torture of detainees, Bush initiated the revival of Guantanamo Bay's torture legacy causing the slippery slope to come to fruition.

These new torture techniques that Secretary of Defense Donald Rumsfeld signed for on December 2<sup>nd</sup> 2002, which allowed the United States to cast aside international obligations, included 3 categories. Category 1 included the techniques of yelling and deception. Category 2 included twelve techniques that were designed to cause humiliation and sensory deprivation.



British lawyer Phillippe Sands, in his book *Torture Team*, provides examples of these techniques such as:

stress positions, like standing, for a maximum of four hours (later changed to eight hours). Falsified documents. Isolation for up to thirty days. Interrogation outside the standard interrogation booth. Deprivation of light and auditory stimuli. Hooding during transportation and questioning. Twenty-hour interrogations. Removal of religious and all other comfort items. Switching away from hot rations to “meals, ready-to-eat” (MREs). Removal of clothing. Forced grooming, such as shaving of facial hair. And the use of individual phobias, like fear of dogs, to induce stress. (4)

Category III were only to be used on a small percentage of uncooperative detainees and included four techniques: the use of mild physical contact that did not inflict injury (grabbing, poking, etc.), the use of scenarios to make the prisoner believe that his or his family members’ lives were in jeopardy, the use of exposure to cold weather and water, and waterboarding (Sands 4). The installation of these enhanced interrogation techniques are evidence that the detainees were to be stripped of their autonomy by suppressing their ability to act of their own volition. The techniques were “enhanced” to permit inhumane treatment and torture as a tool for intelligence gathering. By allowing those techniques, there would be more acts of inhumane treatment and torture that occurred.

Some of these techniques were drafted from the reversal of strategies in Survival-Evasion-Resistance-Escape (SERE) trainings. SERE was designed to train military personnel caught as Prisoners of War (POW) to withstand torture during interrogation so that no confidential information was divulged to the enemy. We will focus more of SERE training in the section on Guantanamo Bay torturers, but until then a revised version of it was used against the detainees as “enhanced” interrogation techniques. Once individuals attempt to alter laws on torture, such as the one U.S. officials did by rejecting the Geneva Conventions, it is difficult to define and regulate torture. Soon other techniques arose such as extreme physical abuse, sexual

assault/humiliation, mock executions, forced medication, watching others being tortured, repeated anal cavity searches and the list goes on. All of these horrendous acts and more happened to the captives of Guantanamo even to the point of victims attempting and three succeeding at committing suicide. Although the maximum length of time for isolation was outlined as 30 days, detainees reported being in solitary confinement in excess of one year. Feroz Abbasi, Al Murbati, Al Dossari, Saber Lahmar and Belkacem Bensayah were just a few that were in solitary confinement over a year and suffered from visual deterioration and psychological trauma (CCR 17).

The psychological and physical effects of such abuse is unbelievable and caused extraordinary damage to the detainees' mental and physical health. There have been reports of broken bones, ruptures, contusions and irreparable physical damage. Sami Al-Laithi, an English teacher at Kabul University and detainee, was confined to a wheelchair with two broken vertebrae after his encounters with military personnel at Guantanamo Bay. Another detainee by the name of Saad al-Azmi reported being bitten by dogs (CCR 20). Most physical abuse was committed by the "Extreme Reaction Force" (ERF), a riot squad used to combat resistance and aggression in military prisons, but other military personnel tried their hands at physical abuse as well. Detainees have stated that they were choked, stomped on, thrown, punched, and kicked. Omar Deghayes, a Libyan prisoner, recounts of a prisoner refusing to give back his paper plate as a trivial protest and was physically assault excessively to the point that his stomach ruptured. He was refused medical treatment for several months and had to undergo surgery to help repair the damage. Deghayes said that he could hear his screams every night as he used the toilet until one day he collapsed. The detainees protested to have him escorted back to the clinic and finally military personnel agreed to take the prisoner to the clinic. As the man screamed in agony, the

military personnel laughed and the prisoner suffered permanent damage from the incident (CCR 23). Others have reported having their heads smashed into the concrete and losing consciousness, being thrown to cage floors repeatedly and having toxic cleaning agents tossed into their faces. A Kuwaiti by the name of Saad al-Azmi says that "...during an interrogation, the guards beat him so hard that they broke his leg, and Sami al-Hajj, the al-Jazeera cameraman, reported that another set of guards „shattered his knee cap by stamping on his leg“” (Worthington 193). Situations similar to these were common occurrences at the detention centers. In 2005 during a hunger strike resulting as a response to extreme cruelty, detainees were involuntarily force-fed by, not doctors although they were present, but by the ERF without anesthesia. These forced feedings caused severe throat lesions due to them being brutally shoved up the detainee’s nose and down to their stomachs. The most excruciating part was when the tubes were removed because the ERF placed one foot on one end of the tube and proceeded to yank the detainee’s head back by a handful of hair until the tube ejected from the nose. This caused bleeding and the detainees would lose consciousness. Some detainees were even forcibly strapped down in a restraint chair and went through several hours of forced feedings. The guards would even at times take one tube from one detainee and insert it into another without any form of sterilization. “When these tubes were re-inserted, the detainees could see the blood and stomach bile from other detainees remaining on the tubes” (CCR 30). Detainees were threatened that forced feeding would occur twice a day unless the hunger strike ended.

Although the physical abuse was deplorable, what is blind to the naked eye and requires a lot of focus are the psychological effects. “In the first year and a half after the prison opened, eighteen individuals engaged in twenty-eight suicide attempts...in 2003 alone, there were 350 acts of „self-harm,“ including 120 „hanging gestures.“ In August 2003, a mass suicide attempt

took place in which twenty three prisoners tried to take their lives” (CCR 16). Stripped of their autonomy and dignity as human beings, detainees embraced suicide although only three were able to succeed. With no other method of escape, the detainees chose death and were even denied this course of action. Most detainees at Guantanamo Bay allege that they were either raped, threatened with rape or anally probed. They were left days at a time to urinate and defecate on themselves. One prisoner was threatened with his mother being detained and gang raped. An FBI interrogator once documented that one detainee had been chained to the floor of an interview room shaking with cold due to extremely low temperatures for 18+ hours and on another occasion one detainee was subjected to heat in excess of 100 degrees. This detainee almost lost consciousness and had ripped his own hair from his scalp throughout the night due to the extreme conditions. The military personnel used the culture of the detainees as a means of torture by preying on their distaste for contact with women that were not wives and having them parade naked in front of female officers, get fondled by female officers and forcing them to watch pornography. These taboos within the Muslim and Middle Eastern society caused great psychological trauma for the detainees when coming into contact with the military personnel. Military personnel desecrated the Qur’an, a sacred book of the Islamic culture. Their bodies were not safe and neither were their minds.

The feelings of hopelessness and dependency caused prisoners to turn on each other and break personal moral codes by lying to avoid more torture. Their fragmented identities allowed the detainees to lose their autonomy and act out of necessity and not as free rational moral agents. Detainees would create falsehoods about other detainees to retrieve slightly less dreadful conditions not caring for the fate of the other detainees that the lies were generated towards. Stress positions, sleep deprivation and sound bombardment induced regression, psychic

disintegration, speech impairment, hallucinations, anxiety and caused feelings of hopelessness in the detainees. Such psychological effects lead to PTSD and often times irreversible psychological issues. If the debility, dependency, and fearful state is overly prolonged, the victim may descend into a defensive apathy that is hard to be awakened from.

There were direct violations of Kant's principle because the basic humanity of detainees was not respected as being independent from the military personnel's desires. They were treated as mere means to achieving the goals of military and governmental personnel. The detainees were only used for the gathering of information of 9/11. They lost the autonomy of their bodies during physical torture and of their minds during psychological torture, in an attempt to be used only as a means to obtain information for the military personnel. Although the enhanced interrogation methods were designed for the detainees, they were not regulated by the authority figures and quickly evolved into more extreme and excessive methods of torture. Category III techniques were the highest level of techniques created and were only intended for use on a small percentage of detainees in the form of mild physical contact that did not inflict injury, such as grabbing and poking (Sands 4). Those techniques were effortlessly replaced by harsher techniques that were used on the majority of the detainees. This provides empirical evidence that acts of torture tend to escalate and expand. The act of permitting interrogation techniques from FM 34-52 led to the creation of enhanced interrogation techniques which ultimately led to the inhumane treatment and torture of detainees on a regular basis. The U.S. government created more torturers through SERE training and permitted the excessive use of torture at Guantanamo Bay.

## Torturers: The Ease of Turning a Soldier into a Torturer

The four main categories of torturers witnessed at Guantanamo Bay Detention Center were the obedient, righteous, realist, and sadistic. Each category went through a similar training regimen which included SERE training. To further elaborate on SERE training, focus must be shifted to its initial purpose which was to help keep military personnel caught by the enemy from providing confidential information even under life-threatening conditions such as torture. The military personnel are physically and psychologically abused to the point of losing touch with reality. Even not being able to decipher the atrocious training from a real life POW situation. This same training was used by Haynes to draft the new interrogation techniques and used against the military personnel trained to torture the detainees. “To Return with Honor” was the SERE motto. When military personnel speak of SERE training, they consider it to be a great honor and a fortuitous if atypical rite of passage. As mentioned before in Chapter 2, trained torturers are lead to believe they are fortunate to be physically and psychologically abused. Two testimonials of the trainings in SERE by two individuals of the military further solidifies my argument in regards to the corruption of personal identity, autonomy, and morality.

In 1990, Lieutenant Colonel Stuart Couch, then just a Marine pilot underwent SERE trainings at the Naval Air Station in Brunswick, Maine. In *The Terror Courts: Rough Justice at Guantanamo Bay*, journalist and author Jess Bravin elaborates on Couch’s experience. Phase 1 began with being down behind enemy lines. During this phase, Couch had to live off of small animals and natural resources. He was quickly captured and shackled. While in custody, he was physically abused, verbally assaulted, and had pipe smoke blown in his face forcing him to cough and wheeze. The pipe smoke was used to induce feelings of suffocation by means of smoke inhalation. He was interrogated incessantly and forced to listen to blaring music and a

recording of a rape scene. He was also subjected to religious humiliation and sleep deprivation. Due to the threat of being punished by court-martial, many details of the training are withheld but David Morris elucidated on his time with SERE quite vividly.

In his article “Empires of the Mind: SERE, Guantanamo, and the Legacies of Torture,” former Marine David J. Morris states his experience during SERE training was so extreme that he once told a friend, “I would commit suicide before I allowed myself to be captured in combat.” Morris elaborates on his SERE training as a young lieutenant by saying that he had been treated like an animal. He was interrogated three times a day, “...hooded, beaten, starved, stripped naked, and hosed down in the December air until hypothermic.” He was forced to watch his peers being waterboarded a few feet away from him. Although he was only incarcerated for a few days, Morris’ mind had already begun to deteriorate. He stated that at one point “I became convinced that I was being held in an actual prisoner-of-war camp.” His abductors who were all participants in the trainings, spoke in different languages to disorient the trainees. Between interrogations, a peer of Morris’ by the name of John was put in a 55 gallon drum, ordered to stand upright and if he fell asleep or moved, they would beat on the drum causing severe pain. Morris and his peers were subjected to extreme confinement, sleep deprivation, sensory manipulation and sexual harassment. For him, the outer world ceased to exist and “...the rule of law, your past life, the hope of redemption are eradicated by the omnipotent figures now in charge of your life.” According to Morris, the SERE training is so stressful that an exorbitant amount of cortisol is produced in the trainees. He states that in “Special Warfare,” a profession journal of the Green Berets, researchers found that,

a person undergoing major surgery such as a heart transplant, can be expected to produce cortisol levels of around 700 nanomoles per liter. By contrast ...the saliva of SERE trainees discovered an average of 900 nanomoles per liter, the highest level ever recorded.”

While this training only lasted a few days and not years like the detainees at Guantanamo, Morris states that although he did not lose his mind, he has "...lost sovereignty of certain parts of it."

During the initial trainings of Guantanamo interrogators and prior to the installation of SERE, instructors provided blurred lines and multiple hues of gray when informing trainees of the Geneva Conventions. They intended to manipulate the trainees into believing that the treaty's terms were vague and subject to the whim of whatever judge advocate general (JAG) was on duty at that time. Instructors corrupted the minds of the trainees making them go against innate moral principles and disregard Kant's principle. In several instances, trainees were given scenarios and asked if the actions taking place were torture and when they answered "yes," they were cajoled that the acts were legal because the prisoners were not subjected to the laws of the Geneva Conventions. Trainees were told that the only limit to their action were if the detainee dies which means the trainee was "doing it wrong." After initial training there was an increase of pressure on the inexperienced interrogators to produce intel so Donald Rumsfeld signed off on the "Counter-Resistance Techniques" drafted by SERE training to quickly break the detainees. On that same day, December 2, 2002, the instructors from the SERE school went to Guantanamo to "...train interrogators in breaking real prisoners the way they taught American service members to resist torture at enemy hands" (Worthington 87).

It was not unexpected that with the absence of limits, Guantanamo Bay Detention Center went into chaos. The obedient and realist torturers quickly attempted to use everything at their disposal to produce information no matter how valuable or invaluable. They were ready to push detainees to the edge of death for any shred of intelligence not understanding that a person will provide any spurious information to get them to stop. Female torturers were used to sexually humiliate the prisoners setting the Women's Rights Movement back several decades. These



female interrogators were true obedient and even sadistic torturers allowing themselves to be used and abused for political gain and personal gratification. The autonomy of the female interrogators was diminished due to having to comply with the orders of their superiors. The female interrogators dismissed the notion of human dignity and Kant's "respect for persons" principle. While violating Kant's principle, the female interrogators were also victims of violation due to being exploited by their superiors for personal gain. There have been instances of female interrogators stripping naked, giving lap dances, fondling the genitals of the detainees, and straddling the detainees and making suggestive movements as to recreate a scenario of having intercourse. In one case during Ramadan, a holy month in Muslim culture in which physical contact with a woman is highly offensive, "...an FBI agent witnessed a female interrogator ,apparently whispering in the detainee's ear and caressing and applying lotion to his arms" (CCR 15), and she later grabbed his genitals and bent back his thumbs. In another scenario a U.S. Immigration and Customs Enforcement (ICE) personnel "...removed her overblouse behind the individual (detainee) and proceeded stroking his hair....the session progressed to where she was seated in his lap making sexual affiliated movements with her chest and pelvis while speaking sexual oriented sentences" (CCR 24). Female interrogators would walk around in bikinis and lingerie during interrogation causing great distress to the detainees and further illustrating how manipulated they had become.

Other events of torture on the behalf of the sadist would include a case in which a detainee was shackled and forced to witness a male and female interrogator naked and having sexual intercourse. After a few moments, the male interrogator got up gave the detainee a "thumbs up gesture" and asked if he had enjoyed the performance. Both interrogators proceeded to get dress and then interrogated the detainee even offering him a chance to have intercourse

with the female interrogator. Another case involved a female interrogator tossing a Qur'an to provoke a riot. Military personnel videotaped and took pictures of detainees beaten to the point of being unconscious. A 15 year prisoner by the alias of O.K. was handcuffed to the floor for hours until he urinated on himself. Military police came in and poured pine oil on him and then proceeded to use him as a mop and drag him across the floor (CCR 6). Dick Zuley a.k.a. "Captain Collins," a reservist and cop in civilian life, was known as an extremist who loved tormenting the detainees in a sporting fashion just to see them suffer. The righteous torturer can be seen quite a bit throughout the walls of the Guantanamo Bay Detention Center as well. One detainee was beaten by the ERF and when he asked one of the military personnel why he had been beaten, the person replied "...because I am a Christian" (CCR 22). A former military intelligence linguist, Sergeant Saar expressed great remorse for the part he played in the torturing the detainees. He laments that:

Had someone come to me before I left Gitmo and told me that we would use women to sexually torment detainees in interrogations to try to sever their relations with God, I probably would have thought that sounded fine. And if someone had spelled out for me the details of the interrogation I had just participated in, I probably would have approved. But I hate myself as I walked out of that room, even though I was pretty sure we were talking to a piece of shit in there. I felt as if we had lost something. We lost something. We lost the high road. We cashed in our principles in the hope of obtaining a piece of information. And it didn't even fucking work. (CCR 24)

The entity that was lost was respect for human dignity and treating individuals as ends. Once Sergeant Saar reflected on the behavior of military personnel at Guantanamo Bay, he noticed how easily principles and morals could be lost by treating others as mere means rather than ends.

The military personnel that were trained to torture lost their freedom of thought, emotions, autonomy, and conscientiousness by becoming experienced interrogators at the will of their superiors. The creation of these torturers also created more incidents of torture. They were morally corrupted into thinking that the indignities suffered by another human being and the

stripping of another's human dignity could be morally justified. They were subjected to physical abuse and psychological torture just like the detainees. The autonomy of the interrogators was stripped by training them to believe their role was to comply with orders which ultimately led to their roles as torturers. In having to comply with orders from their superiors, interrogators became torturers by completing orders for enhanced interrogation techniques training and then completing orders to use the training against detainees to obtain information. This forced them into the role of a torturer which altered their identity and allowed them to reject Kant's "respect for person" principle. The interrogators were not respected as free and rational moral agents, therefore they did not treat the victims as free and rational moral agents.

#### Society: Indirect Participation in Heinous Acts and Crimes against Humanity

The list of individuals that indirectly participated in the tortures at Guantanamo Bay is astonishing. Whether involvement in the tortures at Guantanamo Bay were caused by ignorance or political agenda, it can be said that every citizen of the U.S., from the civilian to the top of the government, was in some way, shape or form an indirect participant in the heinous acts that took place on the southeastern tip of Cuba. Indirect participants were not directly involved in actually physically or psychologically abusing the victims/detainees, but they helped facilitate the circumstances in which the acts of torture could flourish.

The sheer number of U.S. government officials and legal advisors used to create, enforce and defend the "Counter-Resistance Techniques" that were endorsed by Secretary of Defense Donald Rumsfeld and drafted by General Counsel William Haynes is abysmal. These individuals include: President Bush, Bush's Counsel Alberto Gonzalez, General Counsel to the vice president David Addington, Assistant Attorney General Jay Bybee, Deputy Assistant Attorney General John Yoo, Deputy Secretary of Defense Paul Wolfowitz, Undersecretary of Defense for

Policy Doug Feith, General Richard Myers, Major General Mike Dunlavey, Judge Advocate Lieutenant Colonel Diane Beaver, General Tom Hill of U.S. Southern Command, Lieutenant Colonel Jerald Phifer and the list goes on and on trickling down through the ranks even including the CIA, FBI, DIA and Criminal Investigation Task Force (CITF). Legal advisors were used to find loopholes in international and U.S. law to appease the military personnel superiors of Guantanamo Bay Detention Center. Those superiors desired more aggressive tactics due to being pressured by higher ranking officials in the government to produce results for trials against the detainees. Jess Bravin states that to assist in pushing the envelope and in an attempt to thwart rebuttal from individuals in Congress, legal advisors such as Yoo and Bybee filed a report of opinion stating that no act of Congress "...can place any limits on the President's determination as to any terrorist threat, the amount of military force to be used in response, or the method, timing, and nature of the response... These decisions, under our Constitution are for the President alone to make" (33). In the same breath, legal advisors also stated that the detainees could not be subjected to the protection of the Geneva Conventions due to not having protections under the war on terror. Individuals, such as Diane Beaver, were used to justify the "Counter-Resistance Techniques" while others played cover up to avoid worldwide criticism. Unfortunately without adequate training and knowledge of the federal and military legal systems, I cannot attest to legality of the actions committed by the U.S. government. My point is only to show that a multitude of U.S. officials played significant indirect roles in the odious acts that took place at Guantanamo. The government's participation is only the tip of the iceberg and the remaining 90% that lies beneath the surface is the rest of U.S. society, knowingly and unknowingly participating in one of the largest blemishes in U.S. history.

The presence of medical personnel that indirectly participated in tortures that occurred at Guantanamo Bay leaves much to consider about commitments to ethical oaths taken in such professions. Psychologists and psychiatrists were used to test the effectiveness of the techniques and some even went to advise officials at SERE's home in Fort Bragg. Some psychologists from the CIA and CITF were even involved in the creation of the techniques used at the detention center. The main culprits that have been reported as assisting in the design of the extreme techniques were the psychiatrists and psychologists of the Behavioral Science Consultation Team (BSCT). "In late 2002, BSCT was tasked with developing new strategies to „improve“ the productivity of interrogations" (CCR 23-24). They have been cited as the individuals that actually reverse engineered the SERE techniques to be used against the detainees. Psychiatrists were also used to identify the phobias of the detainees which were then exploited by the interrogators. Like so many others, psychiatrists diminished the autonomy of the detainees by forcefully accessing the deepest crevices of the detainees' minds while in a vulnerable state and using the knowledge attained as weapons against them. In protest against the usage of psychologists and psychiatrists after visiting the detention center, fellow psychiatrist Dr. Darryl Matthews stated that "...as psychiatrists, we know how to hurt people better than others. We can figure out what buttons to push. Like a surgeon with a scalpel, we have techniques and we know what the pressure points are" (Worthington 279). This solidifies that the usage of psychologists and psychiatrists was unethical and an abuse of the profession. The doctors and other medical personnel also committed flagrant violations of ethical and professional protocols including Kant's "respect for persons" principle. Medical personnel violated medical ethics by breaching doctor/patient confidentiality and sharing confidential medical records with the interrogators. They used detainees as only a means to acquire information for military personnel. A Department

of Defense memorandum from August 6, 2002, required military medical personnel to provide both medical and valuable nonmedical information about the detainees to non-medical military. This is a direct breach of doctor-patient confidentiality. Medical personnel were often present during interrogations and were used to monitor the stats of the detainees. At one point during the interrogation of Mohammed al Qahtani, the detainee's heart rate dropped dangerously low and he was rushed to the hospital on base due to sleep deprivation and physical stress. Whereas a family physician would normally advise the patient to get rest and eliminate toxic factors that caused the condition, medical personnel stabilized al Qahtani and returned him back to the health hazardous interrogations the next day (CCR 23). Doctors withheld medical attention by command of the military personnel which caused permanent injuries and disabilities for many of the detainees. There were even cases of medical personnel directly participating in torture by forced medication, unnecessary amputations, and false diagnoses of mental illness causing the detainee to be stripped of all comfort items. The malpractice witnessed at Guantanamo by the medical staff due to authority shows the ugly side of torture that society would like to overlook.

Tax paying citizens have been funding and indirectly participating in acts of torture for years, and it's no surprise that the average citizen within the U.S. turned a blind eye to the happenings at Guantanamo Bay due to being immersed in media promoting the war on terrorism, TV shows like 24 depicting torture as being effective and individuals like law professor and lawyer Alan Dershowitz, arguing for scenarios like the „ticking time bomb“ in which torture could be seen as necessary. Businesses can be seen milking the cash cow and promoting capitalism at the expense of the detainees. In 1986, McDonald's opened its doors to military personnel and their families at Guantanamo. Since then Subway followed suit in 2002, trailed by KFC, A&W, Pizza Hut, Windjammer, Taco Bell, Triple C, Starbucks, Breyers and Baskin

Robbins. Detainees have even been taunted and bribed with food items from these locations by military personnel. Guantanamo in all essence has become a market in which tax payers literally are not aware of how their tax dollars are spent. According to the article “National Security Brief: Guantanamo Has So Far Cost U.S. Taxpayers \$5 Billion” by Ben Armbruster in 2013, “Sen. Diane Feinstein (D-CA) revealed that it costs the U.S. taxpayer nearly \$3 million per detainee” to keep Guantanamo Bay Detention Center open and running. Armbruster reports that the cost to maintain the facility has gradually increased over the year totaling to \$5.24 billion in 2013 since its opening in 2002. These costs include upgrades to the facility (although detainees lived in cages and horrendous conditions), maintaining a staff in excess of 2000, a hospital, and psychiatric ward. This is in comparison to the \$70,000 per inmate for maximum security prisons and the average of \$30,000 spent across all federal prisons. Whereas, education budgets have been cut and social security is close to being nonexistent, one can only be appalled at the funds being filtered into a place known for torture. The corruption of morality by negating Kant’s “respect for persons” principle and ignorance of facts show how simple it is to have people not only accept, but come out of their own pockets and fund torture with no rebuttal.

Indirect participation in torture is not only real, but all encompassing. It acts a catalyst for torturers because torture is considered acceptable and requires participation from the public. The erosion of morality allows those in charge to almost get away with murder due to being unchallenged by the public. Under the conditions of held suspects of terrorism, society too readily dropped their attachment to the values of autonomy and respect for persons. After media broke about the tortures being committed at Guantanamo Bay, the average U.S. citizen barely noticed or cared. They had been coaxed to believe that the enemy deserved the conditions and went on with their daily schedules. Money, services and loyalty were provided to create the

torture camp that is Guantanamo. Indirect participants hands were not sullied with the blood of the detainees, but their minds are enveloped by it.

### Conclusion

Respected minds of all corners of academics such as Levin and Dershowitz, believe that torture should be legalized and regulated to serve as an effective strategy in complex situations. Guantanamo Bay Detention Center makes plausible the idea that even with documented and approved guidelines, torture cannot be contained or controlled. The slippery slope argument against torture is that each act of torture makes it easier to accept the use of it in future occurrences and leads to more torturers and more cases of torture. We have witnessed an increase in the number of torturers ,when the U.S. government trained soldiers to torture by reverse engineering SERE training for POW's, and the evidence of an increase in the number of tortures at Guantanamo Bay since the first one was documented in 1961. When the issues raised by my two questions at the outset of this thesis (why is torture morally reprehensible? and how would it lead to more tortures and increase its acceptability within society?) are examined in the case study of Guantanamo Bay, the answers to these questions take concrete form and we can see exactly the escalation which the slippery slope argument affirms. Torture is morally reprehensible because Kant's "respect for persons" principle is rejected by torturers and indirect participators. This principle is also violated for the victims, torturers and indirect participators. The intrinsic value of the victims and the torturer, such as autonomy and human dignity, were negated and their instrumental value were utilized to the fullest. At Guantanamo Bay, detainees were used as only a means for information, sadism, and to invoke fear in others. Morality, with respect to detainees, seemed to be nonexistent within Guantanamo Bay and the United States



after 9/11. While female interrogators were used sexually to retrieve information and promote suffering for the detainees, doctors were used to retrieve information and cause suffering to the detainees. Even tax payers were used to facilitate the torturing. Finally, we witness that more direct and indirect torturers arose inside and outside of Guantanamo Bay. Military personnel that had never interrogated a person, were trained in SERE methods. They were then allowed to overstep the bounds of interrogation and slip into torture in an attempt to provide viable information to the U.S. government. Doctors, psychiatrists, psychologists, businesses and every taxpayer within the U.S. were indirect participants of torture by, knowingly and sometimes unknowingly, accepting the torture acts occurring at Guantanamo Bay and even profiting from it. The unchallenged acceptance of torture by the U.S. citizens shows how easily personal inclinations and desires can cloud moral judgments. With such a case study, it is apparent that there is enough evidence to warrant the plausibility of a non-fallacious slippery slope especially against torture.

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