

The New York Times' Joseph Lelyveld: another "liberal" defense of torture

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In the lead article in the *New York Times Magazine* of June 12 ("Interrogating Ourselves"), Joseph Lelyveld weighed in on issue of torture and abuse of prisoners held by the United States government. Lelyveld, a former managing editor of the *New York Times* and frequent political commentator, set out an argument for the legalization of some forms of abuse, and in doing so joined the growing list of American "liberal" apologists of torture.

It is worth dealing with his arguments in some detail, not because they are credible in their own right, but because they provide an example of the way in which American liberalism functions as a facilitator for monstrous crimes being carried out by the US government.

The foundation of Lelyveld's argument is his attempt to distinguish between torture proper and what he calls "torture lite." This arbitrary distinction is essential to the elaboration of his case for the legalization of some forms of abuse of US-held prisoners.

At the outset of his article, Lelyveld asks us to "put aside the most horrific, shameful cases, those of detainees who died under interrogation," citing the examples of Manadel al-Jamadi and Abed Hamed Mowhoush, two Iraqis tortured to death by American troops. "No one steps forward to condone what's plainly illegal under United States and international law," he asserts.

Instead, Lelyveld wants to deal with "the really pertinent, really difficult question: How do we feel about coercive techniques that are commonly, if somewhat cavalierly, held to fall short of torture?" Within this category he includes methods that do not leave "conspicuous scars," including sleep deprivation, solitary confinement, "the pouring of icy water on a body that may be naked," prolonged shackling, and "waterboarding"—a torture technique designed to invoke the feeling of drowning. These methods, Lelyveld says, fall under a category that can variously be called cruel, inhuman and degrading treatment, "highly coercive interrogation," or the term he prefers—"torture lite."

This distinction between "torture lite" and torture proper is not only morally repugnant, it is fraudulent on a number of other grounds. First, the one inevitably leads to the other. Whatever limits Lelyveld might suggest—for example, that prolonged shackling or sleep deprivation be allowed, but not to the point of serious injury—they are little more than mental constructs. In the real world, such forms of abuse are bound to lead to heart attacks, strokes and other debilitating or fatal consequences, not to mention their profound and irreversible psychological effects.

The sanctioning of "torture lite" inevitably creates an environment in which severe torture is considered acceptable. It is irrelevant whether all of the gruesome techniques used at Abu Ghraib, and exposed before the entire world in a series of photographs just over a year ago, were explicitly ordered by senior officials. They were the outcome of a government policy that established prisoner abuse as a legitimate tactic.

The term "torture lite" is, in fact, an oxymoron. One cannot speak of "torture lite" any more than one can speak of "genocide lite." Those who are subjected to these "lite" methods would no doubt beg to differ with

Lelyveld's sophistries, and one can be certain that if Lelyveld himself were in their position, he would not be inclined to make such fine distinctions. Such terminology in and of itself exposes Lelyveld's basic contempt for democratic principles.

Lelyveld attempts to deal with his critics in the following passage: "Commentators and editorial writers who deplore torture use the 'slippery slope' argument to avoid facing the issue of lesser forms of coercion. Any breach in the norms of due process, they contend, is sure to be taken as a license for the grossest abuse. That argument may be true, even profoundly true, but it's also something of a dodge, for it leaves unanswered the question of whether coercive interrogation 'works.'"

Here, Lelyveld himself dodges the issue, offering no rebuttal to the argument that the legitimization of any form of abuse leads inexorably to more brutal forms of torture. He cavalierly acknowledges that this may be "profoundly true," and then moves on to the question that really concerns him: does it "work?"

The distinction between torture and "torture lite" is also fraudulent from the standpoint of international law. Despite his claim that no one would "condone what's plainly illegal under United States and international law," all of the techniques that Lelyveld goes on to condone are plainly illegal under both international and US statutes. The Convention Against Torture (CAT) and US anti-torture laws prohibit both torture and cruel, inhuman and degrading treatment, thus encompassing all of the methods Lelyveld wants to discuss.

Moreover, under the Geneva Conventions, prisoners captured by US forces are entitled to prisoner of war status, according to which they "may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind." While the Bush administration has advanced specious arguments to deny Geneva Convention rights to some of its prisoners, this does not make its actions any less illegal under international law. The denial of the rights of the Geneva Conventions to so-called "enemy combatants" is itself a violation of international law.

Even the Bush administration accepts that the prisoners it has captured in Iraq must be classified as prisoners of war under the Geneva Conventions. However, this has not stopped it from openly flouting the provisions of the Conventions. If these prisoners were actually treated according to the standards of international law, they would not be required to provide US forces with any information other than their name, rank and serial number.

Though he may not like to admit it, the type of distinction that Lelyveld is attempting to make is essentially the same as that made by the Bush administration in the now infamous torture memo drafted by administration lawyers. The memo argued that while the US is prohibited from inflicting "physical pain...equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death," all other methods are acceptable. The Bush administration eventually felt compelled to disown the memo after it had been leaked to the press, but Lelyveld considers it acceptable to

advance essentially the same argument.

Having made this distinction between torture and “torture lite,” Lelyveld proceeds to his essential argument—that one way or another, the government, responding to the demands of the American people, will practice, at the very least, “torture lite.” We therefore have two options: We can provide legal sanction for these methods (the option favored by Lelyveld), or we can allow them to take place outside of the law.

He writes, “An implicit understanding has been reached, or so I would argue, between the governed and those who govern...that extralegal excesses, not excluding kidnappings and physical abuse, may be necessary in the effort to suppress terrorists seeking to implant sleeper cells in our midst and equip them with deathly substances and bombs; that in pursuit of this goal, much can be forgiven, including big mistakes (the abuse and indefinite detention of innocent people, the tacit annulment—for foreigners, anyway—of legal guarantees, not to mention a costly war of dubious relation to the larger struggle); and the less we know as a people about our secret counterterrorism struggles and strategies, the less we contemplate the possibly ugly consequences, the easier it will be for those in authority to get on with the job of protecting us.”

The inevitable use of these methods, he claims, is “an empirical conclusion, not a moral argument.”

This is a deeply dishonest argument. In order to assert it, Lelyveld does two things. First, he accepts uncritically all the ideological and political arguments used by the Bush administration since September 11, 2001 to justify its attack on democratic rights and its militarist foreign policy. Second, he grossly misrepresents the views of the American people, blaming them for an increasingly unpopular policy pursued by the US ruling elite.

At no point does Lelyveld raise any questions about the legitimacy of the Bush administration’s response to the attacks of September 11 and its “war on terrorism.” The fact that the government has used these attacks to pursue policies long desired by sections of the US ruling elite—including the invasion and occupation of Afghanistan and Iraq—is of no consequence for Lelyveld.

Nor does he even hint that the events of September 11, 2001 themselves remain largely unexplained, or point out that the many unanswered questions of supposed “lapses” by US intelligence agencies and the White House itself render the official version of 9/11 highly implausible. That those involved in the hijack-bombings may have enjoyed the protection of certain state agencies is for Lelyveld, as for the US media as a whole, a forbidden topic.

What is the history behind the terrorist attacks? What was the role of the US government in promoting the forces responsible for the attacks, through its support for Islamic fundamentalists in the war against the Soviet Union in Afghanistan during the 1980s? What relationship did sections of the American state have with the September 11 hijackers that allowed them to so easily enter the United States and plan and carry out the attacks?

None of these questions are considered by Lelyveld, and for good reason. In order to justify his conclusion—that it is necessary to accept that the US government will carry out “torture lite”—Lelyveld must accept the justification that is advanced by every regime seeking to defend its use of torture: that these methods are necessary to obtain information crucial to the defense of the nation; that torture is necessary in order to “save lives.”

What is the actual context in which torture and abuse have become US state policy? Since September 2001, the US government has launched two major wars. One was aimed at establishing US control of Afghanistan, which has long been a central region of conflict between the great powers and lies close to the Caspian Sea. In the process, the US military has set up permanent military bases in the surrounding oil- and gas-rich states of the Caspian region. The other war, in Iraq, has established US domination over a crucial oil-producing Gulf state.

The principal aim of these wars has been to cement US domination over the energy market, which provides the US ruling elite with enormous leverage over its main rivals in Europe and Asia. In the course of these wars, and in particular during the military occupation of Iraq, the US has met with intense opposition from the local population, to which it has responded with ever-increasing repression and brutality.

The torture revealed in the photographs from Abu Ghraib was a direct product of the decision—made at the highest levels of the American government in the fall of 2003—to respond to the resistance of the Iraqi people by transferring to Iraq the brutal methods already employed at Guantanamo Bay.

Over the past two years, all the justifications used by the Bush administration to justify the war in Iraq—above all, the claim that the regime of Saddam Hussein possessed weapons of mass destruction—have been exposed as lies. But none of this is even broached by Lelyveld in the course of his defense of prisoner abuse.

At the same time, the US government has used the terrorist attacks to justify a wholesale attack on democratic rights in the United States. The Bush administration has declared for itself the right to arrest anyone, including an American citizen, and hold him indefinitely without charges as an “enemy combatant.” These methods will eventually be used against the opposition that will inevitably develop within the United States to the policies of the US ruling class.

Thus, when Lelyveld poses the question—“How many lives would have to be demonstrably saved before such intimidation and punishment [“torture lite”] achieves a kind of moral sanction?”—he is posing an entirely abstract question that bears no relation to the actual conditions in which torture has become a question of debate within the American ruling elite.

Lelyveld, who spent much of his journalistic career covering the apartheid regime in South Africa, should know something about such ideological justifications for torture. As in contemporary America, the South African regime justified its policy of repression and torture with the claim that it was necessary in order to defeat “terrorist” elements such as Nelson Mandela and other figures in the African National Congress.

This is not to deny the existence of terrorist elements, produced to a great extent by past US policy, which pose a threat to the American people. However, what drives the US government is not the defense of the population, but rather the advancement of the imperial ambitions and social interests of the US ruling class. Just as in South Africa, torture is used by the US government to intimidate, humiliate and repress opposition. The most basic threat facing the American people comes not from Al Qaeda terrorists, but from the reactionary forces that control the US government itself.

One final point should be made regarding Lelyveld’s attempt to place torture within the context of national defense. In seeking to answer the question of the appropriate use of torture, Lelyveld spends much time examining the experience of the Israeli state and its treatment of Palestinians. It is widely recognized that Israel routinely employs abuse and torture, and in this Lelyveld sees lessons for the United States. In particular, he argues that while the Israeli Supreme Court ruled that torture is illegal, and while the Israeli Knesset did not respond to the Court’s invitation to authorize it by law, “torture lite” is nevertheless routinely, and necessarily, employed.

In legitimizing Israeli abuse, Lelyveld completely ignores the historical context: the decades-long illegal occupation of Palestine by the Israeli state and the brutal suppression of Palestinian democratic rights. The main purpose of Israeli torture is to intimidate and humiliate the Palestinian people and suppress opposition to Israeli policy.

The holding up of Israel as a model for US policy speaks to one of the most important aspects of the moral disintegration of American liberalism in general, and the *New York Times* in particular. The significant

rightward shift of sections of the Jewish liberal intelligentsia in the United States, and the willingness of these layers to accept the most anti-democratic and militarist policies of the American state, is closely bound up with their unconditional defense of the interests of the Israeli state.

Having discussed the Israeli experience, Lelyveld concludes by outlining two options: either we should pass a law setting out the “torture lite” methods that can be used, or keep existing law as it is, recognizing that “any time the authorities then felt that a compelling national interest left them no choice but to sanction the use of force in an interrogation, they’d know they were breaking the law and could conceivably be prosecuted.” This prosecution, however, would be largely “theoretical,” as, he points out, is the case in Israel.

Lelyveld states that he has “a sneaking regard” for the former option—the one that legalizes torture. However, he says, it does not really matter, since either way torture will be used: “Even when clear evidence of the effectiveness of torture lite is hard to come by, democracies threatened by terrorism shrink from laying down the weapon...”

Lelyveld argues that the inevitability of “torture lite” in the United States is due, in large part, to the demands of the American people for security. Because the American people are so focused on preventing another terrorist attack, they are willing to condone almost anything.

Lelyveld writes: “It’s easy to see why the Abu Ghraib scandal didn’t intrude for even a moment on last year’s presidential campaign: if John Kerry had tried to raise it, he not only would have been castigated for calling our troops torturers, he’d also have invited questions about how far he was willing to go to resist terror.”

This attempt to exonerate the Democratic Party, and, by extension, the *New York Times* and Lelyveld himself, by placing the blame on the American people is grossly dishonest. During the run-up to the 2004 election, polls indicated that the vast majority of the population condemned all forms of coercion. To cite one example, a survey carried out by the University of Maryland’s Program on International Policy Attitudes (PIPA) in June 2004 found that *under all circumstances* 90 percent of Americans said they opposed the sexual humiliation of detainees and over 80 percent opposed beating, submersion or electric shock. Sixty-six percent said the government “should never use physical torture.”

This poll was taken shortly after the release of the Abu Ghraib photographs, when the American people finally got a glimpse of what its government was doing in Iraq. Can there be any doubt that if the media presented an honest account of US actions, if it reported the true brutality of the Iraqi occupation, that opposition to the government’s policies would be even greater than it already is?

It is true that Kerry refused to raise the question of Abu Ghraib during the 2004 election, and the Democratic Party, by accepting the entire framework of the “war on terror,” has played a critical role in legitimizing the policy of torture. Lelyveld quotes Jane Harman, the ranking Democrat on the House Intelligence Committee, as declaring her support for some forms of prisoner abuse. “If you’re serious about trying to get information in advance of an attack,” she told Lelyveld, “interrogation has to be one of the main tools. It has to be made to work. I’m OK with it not being pretty.”

But this attitude of the Democrats has little to do with public sentiment, and everything to do with the fact that the Democrats support the basic aims of the Bush administration, including the war in Iraq. Kerry had no interest in raising the issue of Abu Ghraib during the 2004 election because that would have served to galvanize anti-war sentiment. If elected, he would have utilized the same methods in pursuit of “victory” in Iraq.

In the US there is not as yet a politically organized expression of mass public opposition to the policies of the government, including torture. There has been no mass public outcry, no major rallies demanding the

immediate release of all Iraqi and other prisoners held by the United States. However, this circumstance is due primarily to the services rendered the administration by the Democrats and by the government’s liberal apologists in the media.

But even if it were true, as Lelyveld asserts, that the American people were demanding that the government abuse its prisoners, that the state of social and democratic consciousness had reached such a low point that the population was prepared to sanction torture, then this would be all the more reason for people who defend democracy to speak out.

Lelyveld would like to present himself as an individual of democratic sensibilities who is grudgingly obliged to accept the abuse of prisoners because the American people demand it. But if he really retained any serious commitment to democratic principles, far from capitulating to such a state of public opinion, he would oppose it with all his strength and seek to educate and elevate the public consciousness.

Instead, Lelyveld joins the growing list of “liberals” who have explicitly or implicitly come out in defense of torture—a list that includes Alan Dershowitz, Michael Ignatieff and others. Whatever the debate within these circles about the moral and utilitarian uses of torture and “torture lite,” these gentlemen and ladies are not all that worked up about the fate of those caught up in the new American gulag, or the mounting threat to the democratic rights of the American people.

In the end, they speak for very privileged social layers which have seen their personal wealth expand in the course of more than two decades of political reaction. There is a deep social and economic connection between the putrefaction of American liberalism and the enormous growth of social inequality in the US.



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