

ON THE MORAL IMPLICATIONS OF TORTURE AND EXEMPLARY ASSASSINATION

Paul W. Blackstock

Writing in 1765, in the full swing of the Enlightenment, an Oxford Don and Bachelor of Divinity, Thomas Warton, began the Preface to his famous *History of English Poetry* (from the eleventh to the eighteenth centuries) with the following lines:

In an age advanced to the highest degree of refinement, that species of curiosity commences, which is busied in contemplating the progress of social life, in displaying the gradations of science, and in tracing the transitions from barbarism to civility.

That these speculations should become the favourite pursuits and the fashionable topics of such a period is extremely natural. We look back on the savage condition of our ancestors with the triumph of superiority.

Warton's Preface not only reflects the smugness of an age proud of its intellectual achievements and of the triumph of reason over the ideological fanaticism of the religious wars; it also irradiates the conviction that the curve of man's progress from what Rabelais called "the long dark night of the middle ages" takes the shape of a continuously ascending spiral.

The urbane Oxonian divine could scarcely foresee that the nineteenth and twentieth centuries would see a reversion back from civility to barbarism marked on a grand or mass scale by the organized butchery of World War I, the genocide, slave labor and death camps of World War II, the incineration of Hiroshima and Nagasaki, and more recently, the shadow of thermonuclear annihilation which hangs over the world. The age of the Enlightenment wisely regarded force as the last argument of kings. By contrast, in the words of Theodore Roszak, the herald of today's youthful counter-culture, ours is "a civilization sunk in an unshakable commitment to genocide, gambling madly with the universal extermination of our species." As Roszak observes, the truly criminal element in this mass folly is the extent to which the technocracy insists "in the name of progress, in the name of reason, that the unthinkable becomes thinkable and the intolerable becomes tolerable."

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The unthinkable has become thinkable and the intolerable has become tolerable not only for the technocratic society as a whole but also for the majority of private individuals, whose critical sense has been stunted or flattened by the affluence surrounding them, until they fit the description of Marcuse's one-dimensional man. For example, after the initial shock of disclosure of the U.S. atrocities at My Lai (by *Life* magazine, December 5, 1969), the mass of American citizens have either repressed the evidence into their subconscious, preferring to forget the whole unpleasant business, or have rationalized it along the lines of *c'est la guerre*, thus making it tolerable. The same kind of process has taken place in the field in Vietnam. For example, in April, 1970, a young lieutenant (recently demobilized) testified to the effect: "I can state categorically that the use of torture is S.O.P. [Standard Operating Procedure] in every intelligence unit in Vietnam." Although the story was carried nationally over the A.B.C. network, it resulted in scarcely a murmur of protest. Quite the contrary, on being informed of the A.B.C. report, a lieutenant colonel, a professional officer about to be reassigned to the enlarged "Southeast Asia" theater, made the cynical comment, "So he's telling us something new?"

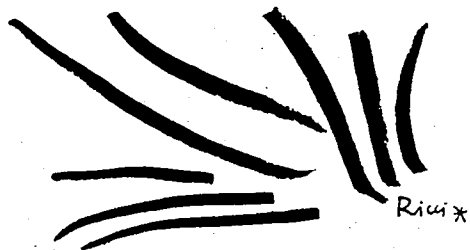
In a sense the colonel was correct. The young lieutenant quoted on A.B.C. was only the most recent in a long line of disillusioned or disaffected officers who have left Vietnam and military service in protest against the use of torture in the interrogation of prisoners and other violations of the Rules of Land Warfare. As early as 1967, Donald Duncan, a veteran master sergeant in the elite Special Forces, resigned his post and published an exposé of such practices, first as an article in *Ramparts* magazine and later as *The New Legions*, a major book club selection. In a revealing passage on troop training, Duncan describes the classroom use of a Soviet security police interrogation manual. The instructor's cynical remark that "the Mothers of America would not approve" of such methods was greeted with a burst of laughter. His audience clearly understood that torture or even assassination were to be used when the military situation called for them.

There is an impressive and growing body of evi-

dence that torture and other forms of manipulative persuasion have indeed been used by all the major actors in Vietnam, that is by the Viet Cong, by the North and South Vietnamese armies, and by U.S. forces. This general observation is especially true of intelligence, prisoner interrogation and covert operational units. What are the moral implications in the use of torture, "exemplary" assassination and similar methods of persuasion? (An exemplary killing involves the execution of one prisoner who may be reluctant to talk—*pour encourager les autres*.)

The moral implications of such operations are inseparable from the operations themselves—despite the well-known disclaimer that politics *per se* is totally amoral and that moral questions should be excluded from political analysis. Even if one accepts this position as valid theoretically, in practice the use of torture and related forms of persuasion has very real and damaging effects on the private individuals who employ such means, as well as feedback effects on the society from which they come. These effects on the individuals involved are mainly psychological and moral, and are perceived by them as such, not as political abstractions.

This particular principle was brought home forcefully to me through an anecdote related by the late Bernard Fall shortly after he returned to Washington from a visit to Algeria and France in 1963, during which he researched French Army records for use in writing his classic work on the fall of Dien Bien Phu, *Hell in a Very Small Place*. During the prolonged



guerrilla warfare which had recently ended with the liberation of Algeria, a Captain X called up an old acquaintance and urgently asked to meet him discreetly in a small bar. By the time his friend arrived the Captain, who had already been drinking, took him aside and asked for his candid advice. His unit had just captured and identified a well-known native terrorist who refused to talk on being interrogated. The prisoner was reportedly responsible for a number of previous bombings. Other sources, believed reli-

able, stated that the terrorist had already planted a time bomb which would blow up by noon the next day, probably killing some French military personnel and wounding others. The Captain was obviously deeply disturbed. A devout Catholic and a decent human being, he was opposed to the use of torture (which might even result in the death of the prisoner), and yet the lives of his comrades were at stake. They would be seriously jeopardized unless the information needed to defuse the bomb could somehow be elicited from the prisoner, who stubbornly refused to respond to even the most grueling interrogation. Time was running out. Should he order torture to be used? And if he did, how could he live with himself later? His friend replied to the effect that he was neither the Captain's conscience nor his analyst, and that no one, not even Solomon himself, could make the decision for him. The Captain ordered the use of torture and the bomb was successfully neutralized. The terrorist died from the effects of the torture and the next day the Captain committed suicide.

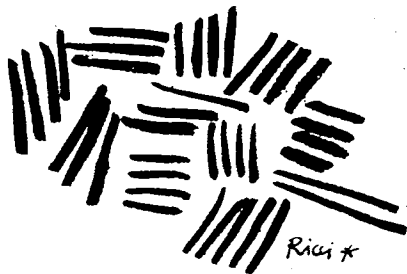
This situation, which for purposes of discussion may be called "the Captain's dilemma," recurs so frequently, especially in guerrilla warfare, that doubtless several variations of this story, some true, some apocryphal, are familiar to the reader. Even if many such tales are apocryphal, the seriously damaging effects of torture on both the victim and the practitioner (the actor and the object) are real and inescapable. What is true of torture also applies to other forms of manipulative persuasion such as pushing one Viet Cong prisoner out of a helicopter to encourage the others to talk. The distinguished French publisher, M. Jerome Lindon, head of the publishing house *Les Editions de Minuit*, protested vigorously against such practices in Algeria, in an interview published in the *Manchester Guardian* in January, 1962, as follows:

I am not a politician. But circumstances have forced me to take issue in these questions, and the more I go into the problem, the more appalled I become.

What most people don't seem to realize is that the question of torture is no longer a question of politics but of morals. What are being used now are precisely the methods used by the SS during the last war. We fought against that, and . . . the country is rotting away under this corruption . . . [Consider] the mental condition of four soldiers who had come back to camp after having buried alive four Algerians. There is another terrible danger; the depraving effect that these scenes of inhumanity are having on our young men.

I have two young boys. If they reached military age before the Algerian problem was solved, they would have a choice between being a party to torture or deserting. I would prefer a hundred times that they deserted.

French public protest against the moral poison spread by the use of torture and related prisoner interrogation methods began in 1958, but did not reach serious proportions until four years later, in 1962. American protests against similar techniques used by U.S. forces in Vietnam have been delayed by several factors: *first*, the initial shock effect and disbelief in the reality of such incidents as the massacres at My Lai, which were of a much greater order of magnitude and more spectacular than the torture and killing of isolated prisoners. A *second* consideration is the fact that for years the U.S. troops served in Vietnam as "advisors" and thus left most of the "dirty work" to the South Vietnamese. Selective or exemplary assassination (of village leaders, for example), torture and other atrocities were ascribed solely to "the enemy" or dismissed as normal practices of "Orientals" contemptuously dismissed as "gooks."



It is probably true that the level of cruelty practiced on each other by warring states or factions in Southeast Asia is much higher than in the Western European theater of operations during World War II. This in no way justifies the fact that American "advisors" have condoned cruel and inhuman practices which they well knew were in direct violation of the generally accepted Rules of Land Warfare. The excuse most frequently offered has been that guerrilla or revolutionary warfare, as practiced by both sides in Vietnam, is "a different kind of war," one in which the traditional rules are no longer applicable. The familiar hard-line apology that "the enemy started the practice" is inadmissible even if true, since to accept it means to reduce standards to the level of cruelty and brutality practiced by the worst sadists on the field of battle. In civil life, anyone who insisted that standards of conduct should be set by moral degenerates would be regarded as unbalanced, and would probably be in need of a keeper. However, in the field, in the heat of battle, the argument that

"nice guys finish last" frequently wins the day. As Jean Jacques Servan-Schreiber observes in his memoir, *Lieutenant in Algeria*, "Fundamentally, the 'Stalinists' in Algeria and elsewhere have everything in their favor: it is so much easier, on both sides, to be totalitarian, to respond with total obedience to instinct, distrust, racialism."

The concept of a law of nations which includes rules designed to make the conduct of warfare less cruel and barbarous has taken root slowly over the last three or four centuries. General acceptance of the rule of law is rightly regarded as a major step forward in the history of Western civilization. For the U.S. to scrap this achievement, even for the sake of an elusive "victory" in the rice paddies of Southeast Asia, would be the height of unreason and folly. The opposite approach, known as *Schrecklichkeit*—the concept that, by assuring victory, brutality and terror will reduce the overall cost—has been tried and found wanting in two world wars. The shock effects of brutality are quickly dissipated. Terror begets terror and soon proves counterproductive for both sides. In recent times the greatest advocate of *Schrecklichkeit* was Adolf Hitler, who spelled out the concept in a bloodthirsty speech to his commanding generals at Obersalzberg on August 22, 1939, a few hours before the signing of the Nazi-Soviet Pact which unleashed World War II:

Our strength is in our quickness and our brutality. Chengis Khan had millions of women and children killed by his own will and with a gay heart. History sees only in him a great state builder. What weak Western European civilization thinks about me does not matter. . . . Thus for the time being I have sent to the East only my "Death's Head Units" with the order to kill without pity or mercy all men, women and children of Polish race or language. Only in such a way will we win the vital space that we need. Who still talks nowadays of the extermination of the Armenians?

Appalled by such candor, we may miss the point that, judged in moral terms, a few leading figures in the U.S. military or government establishment have sunk to Hitler's level by thinly disguised calls for the thermonuclear annihilation of the enemy if "victory" appears to be unobtainable through the use of conventional weapons. Such appeals prove that the totalitarian states have never had a monopoly on moral pygmies.

A *third* factor which has confused the moral issues involved in American operations in Vietnam is the so-called Green Beret affair, which received worldwide publicity in the late summer and fall of 1969, before the My Lai incident became a *cause célèbre*. The details have been hushed up and the case offi-

cially closed, but apparently a native Vietnamese agent, employed by an American Special Forces intelligence unit, was found to have been turned into a double agent by the Viet Cong. (According to several sources, he had been photographed dealing with the enemy.) After investigation and interrogation (which included the use of drugs), the Vietnamese was "executed" by the Special Forces unit with the knowledge and/or approval of local Central Intelligence Agency officials. The entire operation should have remained secret, but was deliberately leaked to the press by the theater commander, General Creighton Abrams. This original leak of classified information was in itself a gross security violation. It was followed by others as sensational details were released in such a way as to blacken the reputation of an elite, highly specialized service force and to create an image of the Special Forces as "mercenaries of the C.I.A." No one who has not witnessed the intense rivalry between regular army and Special Forces units in Vietnam can really appreciate its intensity. Most regular army officers have been committed to the escalating use of massive force against the enemy guerrillas. They repeatedly rejected the warnings of such experts as Bernard Fall against the folly of trying to solve counterinsurgency problems, which are essentially political, with the use of massive conventional forces. Many of the top U.S. commanders whose experiences date from Korea or even World War II are still reluctant to withdraw conventional forces from Vietnam, even when ordered to do so by the Nixon Administration. As the painful recession got under way, the temptation to strike a low blow at the elite Special Forces by means of a lurid "Green-Beret murder mystery" was apparently irresistible.

In covering the case, the news media have focused attention on assassination as if it had suddenly been discovered by the U.S. Special Forces in Vietnam. The implication is grossly misleading. In Vietnam over the last decade the Viet Cong, not the U.S. Special Forces, have specialized in kidnapping, terror and the conspicuous or exemplary murder of suspected enemy agents and "collaborators." Reliable figures beginning in 1960 indicate that the Viet Cong have executed roughly 700 kidnappings and twice that number of assassinations as a yearly average. Local government officials, village leaders and even school teachers have been prime targets. No figures are available, of course, but fairly reliable reports indicate that the occasional use of selective counter-terror by American-controlled "Special Reconnaissance Units" has been on a much lower scale. This "invidious com-

parison" is not offered as a justification of murder, but simply to put the behavior of both sides in better perspective. We may take it for granted that states seldom defend their interests with prayer books. But before passing judgment on their behavior (if judge we must), we need the broadest possible base of information. The position taken here is not new. It dates from 1605, when Francis Bacon wrote in his *Proficiency and Advancement of Learning* (Book II, XXI, para. 9): "We are much beholden to Machiavel and others, that write what men do, and not what they ought to do." Although they traditionally deny the practice, for centuries the Great Powers have used kidnapping, terror and assassination as instruments of statecraft both in time of peace and war. Since such operations are both hostile and illegal they are kept secret and entrusted to specialized, covert operational agencies which are usually sub-units of secret police or intelligence agencies.



Since covert operations are officially denied, there is nothing comparable to the Rules of Land Warfare in this area. Nevertheless, certain *ad hoc*, self-enforcing conventions are frequently observed by both sides at various times and places. For example, during the height of the cold war in Berlin (1947-1953), hundreds of political kidnappings and assassinations were carried out by both sides. However, due to a sort of unwritten convention scrupulously upheld by the intelligence agencies involved, no children (who make ideal hostages in political warfare) were molested. The children of either Western or Soviet officials could walk almost anywhere in Berlin without fear of being kidnapped and with far less risk of personal harm than in New York City. Similarly, in the post-Stalinist period, there seems to be an unwritten agreement between Soviet and U.S. intelligence agencies that, outside of military theaters, captured espionage agents will be well treated and

humanely interrogated. The fact that clandestine operation manuals have dropped the term "enemy" for "the opposition" is in itself revealing. In the last few years the exchange rather than execution of captured espionage agents has become almost routine, especially between the U.S. and the USSR.

Traditionally, enemy agents, if tried and convicted during military operations, are either executed or condemned to life imprisonment. Hence there should be no cause for surprise if the Vietnamese agent in the Green Beret case paid what Churchill called "the forfeit in secret service work." What is cause for surprise, in view of the widespread use of torture during military interrogations conducted by regular army units, is General Abrams' statement: "The Special Forces are going to have to show a higher regard for human life."

In the American system, the responsibility for upholding the rules of land warfare and humane standards for the interrogation and treatment of prisoners rests squarely on the theater commander. The evidence is mounting that the conflict in Vietnam has been allowed to degenerate into what is apparently the cruelest and most barbarous war in which the U.S. has participated. When the German armies invaded and occupied Poland in the fall of 1939, their Commander-in-Chief, General Blaskovitz, resigned in protest against the atrocities committed by the SS and Secret Police "Action Groups" over which he had no effective control under the Nazi administrative set-up. Admiral Canaris, the head of German military intelligence, the *Abwehr*, secretly but firmly refused to carry out direct orders from Hitler to assassinate the French Generals, Weygand and Giraud. This does not mean that the *Abwehr* abstained from executing convicted double agents under field conditions comparable to those in the sensationally exploited Green Beret "murder" case. Such executions are universally recognized as Standard Operating Procedure for such agencies as the Special Forces intelligence units. However, the torture of prisoners so widely tolerated in the Southeast Asian theater is in direct violation of both the spirit and letter of the law. To their undying moral credit the Germans still pursue and prosecute war criminals who stained the honor of the German Army in World War II. After fighting a moral crusade against Hitler and his SS legions, the least the U.S. can do (in this author's view), in the light of My Lai and similar incidents, is to match the German record, not merely because even unwritten laws are meant to be obeyed, but because it is the morally right thing to do.

"The Perils of Reform Isolation"

New York, N. Y.

Dear Sir: Surprisingly, no one has commented on Ernest W. Lefever's article "The Perils of Reform Intervention" (*worldview*, February, 1970). Dr. Lefever is a noted scholar, and his point on the contradiction between security-isolation and reform-intervention is well taken. But the basic thrust of the article ought not go undiscussed, for it seems to advocate the same contradiction in reverse: security-intervention and reform-isolation. And that is equally bad policy.

What Dr. Lefever appears to say is that any attempt to stimulate basic political reform abroad by means of foreign policy is not only a violation of Article 27 of the U.N. Charter (domestic jurisdiction), but both morally arrogant and politically unwise. He praises the "political sense and moral wisdom" of Vattel, who held that no sovereign state may inquire into, judge, or attempt to influence the manner in which another sovereign rules. At most, says Lefever, a state may encourage development in another state as a secondary end of its policy, but may never pressure another regime to effect internal political or social reform.

Such a superficially virtuous "reform-isolation" (I would prefer to call it "moral isolationism") may have been a viable option for the absolutist princes of self-contained states in eighteenth century Europe, but it is unrealistic and outmoded today (though still attractively utopian in its legalistic simplicity). Ours is, after all, an incredibly complex world: public opinion has never been more influential on foreign policy; it is very difficult to draw a hard line between foreign and domestic issues; and rising expectations of justice, expressed in transnational ideologies, racial movements, revolutionary forces, and even cultural and religious doctrines—all heavily laden with moral content—have never had freer rein nor enjoyed higher political potency in world affairs. In short, it is a truism today to speak of the policy relevance of international social forces: Columbia University has had a professor of same for several years now.

The doctrine of "moral isolationism" (as I see it) appears to be based upon the following premises:

1. That "the highest purpose of foreign policy is security and peace," while "the highest purpose of domestic policy is justice." (One winces at the dichotomy, since both policies continually intersect, and