

## On Torture

**The Wretched of the Earth**, by Frantz Fanon, *New York: Grove Press, 1965. 251 pp. \$5.00.*

### I

THE AUTHOR of this book is described as "A Negro Psychoanalyst" by his publisher. However, there is no evidence of psychoanalytic training in his writing or in the practice it depicts. A physician, he seems to have studied psychiatry in France, where psychoanalysis is not part of the psychiatric curriculum. His book amounts to a passionate diatribe against French rule in Algeria and against the French attempts to subdue the Algerian uprisings against it, with some discussions of Algerian "identity." The psychological difficulties found are ascribed to colonialism seen as part of the capitalism to which Marx originally ascribed them. There is no acknowledgement of the universality of the phenomenon which is actually caused by industrialization—national or colonial, socialist or capitalist; it would be inconvenient, of course, to acknowledge as much.

There is an introductory diatribe by Jean Paul Sartre in his most existentialist mood, i.e. at his rhetorical worst. The book also is padded with a collection of Marxist (vulgar-Marxist) clichés and enjoys great prestige in Algeria and among French and African leftists; which is not surprising. This prestige rests on the combination of pseudo-clinical reporting and politico-moralistic passion. These days a moral case—good or bad—must be clothed in pseudo-scientific pretensions to be successful. Marx discovered as much; we are now witnessing a change from pseudo-economics to pseudo-psychology, from imitation of the less to imitation of the more fashionable science.

Fanon tells us that all the pathological syndromes of his French and Algerian patients were caused by French rule, by the colonial relationship and, particularly, by witnessing torture. He gives no psychiatric evidence for this etiology; his diagnoses are politically but not clinically specific; and he does not discuss any psycho-therapy. One is forced to conclude that dubious "psychiatric" reasoning is irrelevantly used for equally dubious political purposes.

However there seems little doubt that—apart

from the pseudo-clinical language used—Fanon's accusations of torture, murder and rape inflicted by the French are often true, although the Algerian nationalists seem to have committed no fewer crimes before, and possibly more after, the withdrawal of the French forces. These Algerian activities are not mentioned—perhaps they are regarded as therapeutic. At any rate, such misdeeds add to rather than offset each other. One therefore does not excuse the other. Does anything? Is there some rationale?

## II

IN A GOOD world none would use torture. In the best of all possible worlds, people do; and sometimes—fortunately seldom—they are justified. Let us consider when this is or is not the case.

If torture is used by one side (A), is the other (B) justified in using it? If this were to discourage the use of torture by the first side enough to reduce the total amount of torture used by both, those who oppose torture must uphold its use in such a case—for there would be a net reduction. Unless a less painful way to achieve a net reduction of torture is available—and often it is not—one can avoid this conclusion only by regarding each individual action as unrelated, or unrelatable to others. But this mode of thinking would exclude not only justification of torture but of much accepted social action. If we grant that, in the case contemplated, torture is justified, there remains only an empirical question: would the (reactive) use of torture by the second side (B) reduce total torture? By how much? What actually would be the effect on the first side (A)?

If (A) does not reduce torturing at all, (B)'s reaction simply increases the use of torture. Thus, torture would be used, deliberately or not, for purely punitive purposes. I can see no justification for this, if the torture is used on a person culpable of a crime; and even less if the victim is not himself culpable of what is being punished; and, of course, least if (B)'s reaction leads (A) to increase torture. It is harder to decide what to think if (B)'s reaction leads (A) to decrease the use of torture—but by less than the increase that occurred through (B)'s resorting to it. (B)'s action, becomes justifiable from (B)'s but not from a universal viewpoint—which no one will adopt.

Except when it is used to decrease torture by others, as mentioned above, I do not think that torture is a good deterrent. It certainly is not a deterrent to individual crimes, and generally to crimes in peacetime. The effect is doubtful and can be achieved by other means. There is no case either for torture for judicial purposes; it is

likely, at least in the long run, to defeat its purpose: the extraction of truthful testimony. Ineffectiveness is a sufficient ground to avoid torture for judicial and deterrent ends; this makes it unnecessary to weight the moral repulsiveness of the means—torture—against the end sought.

But when torture is an effective means and thus not irrational, we must consider whether or not the end will justify it. This may be the case in war, particularly in guerrilla war and in civil wars, which involve many small-scale actions. If by torturing a prisoner, secret information can be elicited and this information is likely to prevent more pain than the process of elicitation causes (or pain for more people than those tortured)—if, *e.g.* an ambush can be prevented, or one's own prisoners who are exposed to torture can be liberated by virtue of the information elicited; the torture, though no less repugnant than other acts of war, and, in many ways more so, is, nonetheless, justifiable. And in practice it is unavoidable under such circumstances; it will not be possible to prevent a group of soldiers from torturing a prisoner when they can expect thereby to gain information which will protect them or their comrades from ambush; or which will liberate friends exposed to enemy torture. In such cases, torture is as justifiable as it is unavoidable—if no other means to achieve the desired result are available. Here again the remaining problem is an empirical one: how likely is the torture to elicit the relevant information? Are there other equally effective means?

No doubt both parties in a conflict would be better off without torture. But for the reasons indicated, it is likely to be used. The likelihood is greater the more the war pits small groups against each other—greatest in a guerrilla war. In a major war, fought between massed armies, there are other sources of intelligence than information elicited by torture. And most of the time the captured enemies do not have relevant or correct information of any importance.

Apart from rational use in a guerrilla war, torture may be used because the effectiveness and supervision of the central command are insufficient to prevent its unnecessary use by local commanders. In practice it may be hard to distinguish torture as an effective means to a justifiable end—such as the reduction of torture—from torture as an ineffective means, or as an immoral means of personal gratification.

Those who wish, as I do, to see torture minimized should concentrate on devising ways to make circumstances rare in which it is unavoidable; and to distinguish them from circumstances in which

there is no justification (as distinguished from explanation) whatsoever for torture, and in which torture should be precluded by disciplinary means. This would be more useful than mere deploring which has been going on as long as torture has, with no visible effect, other than the gratification of the deplorer. But it is the victims who need help.

Reviewed by ERNEST VAN DEN HAAG