

The Absolute Violation: Why Torture Must Be Prohibited

by Richard Matthews

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Reviewed by Sandra Lehalle

State torture is certainly not a new phenomenon, but even if we could make ourselves believe that it is a rare and random practice exclusive to exotic countries, recent disclosures on the 'war on terror' force us to confront the reality of its use in 'western' democratic countries. Even more troubling than the shocking images of the treatment of detainees in Iraq, Afghanistan and Guantanamo, is the documentation produced in order to support, more or less blatantly, such practices. A full spectrum of memos, essays, editorials and articles from lawyers, journalists, academics and others were written to produce arguments supporting the use of torture with more or less restrictions. In what could be described as a semblance of a debate, the opponents of torture seem to have been either less outspoken, less persuasive or often disregarded through a qualification of their arguments as emotional or purely abstract. In this context, the work of Richard Matthews is not only relevant and refreshing, but also crucially needed. In his book *The Absolute Violation*, the author not only attempts but succeeds in building a powerful argument against torture.

The Absolute Violation offers a rich in-depth analysis of the distinct justifications put forward by the defenders of state-sanctioned torture by drawing from multidisciplinary research, victim's and torturer's testimonies as well as philosophical classics. The most salient contribution of the book is its solid and thorough argument for an absolute prohibition of torture that does not even require an open appeal to human rights. Furthermore, by unveiling the weaknesses of the contemporary reasoning in favour of torture, Matthews does away with any exception that could be used to justify it.

The first chapter aims to better understand torture, its definition, its nature and most importantly its consequences. The reader will find in this chapter an innovative and interesting analysis which presents torture as an attack on human dignity. Although the human dignity argument is commonly used against torture, the author goes a lot deeper and shows how gender, sexuality and ethnicity – cornerstones of human identity and dignity – are inevitably the targets of the attack. Following this line of thought throughout the book, the author draws our attention to the broad range aspects of torture: psychological, medical, sociological

but also economic, racial and gendered. In doing so, this book provides us with a unique analysis of the consequences of torture, the way it attacks the entire structure and identity of the torture victim, his social attachments, his family, his community and also those of the politician and the torturer. It further demonstrates that the harm caused by torture is complex, intergenerational and widely spreads throughout the whole social structure.

After laying the foundations of his argument, Matthews tackles, in the second chapter, the most popular argument in favour of torture: the “ticking bomb scenario”. He explores all its structural components one by one – imminence, threat, necessity and the like – and thoroughly demonstrates their logical weaknesses, both historically and conceptually. The author also addresses, in the third chapter, the moral theory that is most used to support torture: utilitarianism. Putting aside the controversy and the objections that utilitarianism can provoke as a principle in itself, Matthews accepts to explore this avenue to conclude that a real utilitarian analysis leads inevitably to opt against torture.

The author makes a clear demonstration that the arguments used to justify torture only pretend to be utilitarian and consequentialist, and also fail to examine the real consequences. Mathews meticulously addresses the issues of what it would really mean to embrace effective torture in terms of policies, institutions and practices. He explores in-depth the inevitable institutionalization of torture that would occur if we were to accept its practice even on the ground of ‘exceptional circumstances’. By addressing the issues of evaluating the pain caused, training the torturer and the adoption of a ‘good practice’ of torture, he unveils the necessary routinization and therefore institutional and social harm that would be produced. Mathews reveals that state torture can only be systemic and institutional.

The fourth chapter proposes an interesting discussion about the tragic choice dilemmas that leaders and politicians can encounter and which could justify, for some, the ‘dirty hands’ scenario. Although Matthews does not deny the possibility of such dilemmas, he demonstrates that torture cannot have virtue-building properties and that ‘dirty-hands’ politicians cannot really exist as moral characters. He renders evident the fact that torture can never be justified or excused by tragic choices. To cover the full range of arguments on this issue, the author even includes, in the last chapter, a short analysis of the inadequacies of the excuses and justifications proposed on the legal side of the debate.

The Absolute Violation is a thorough analysis that does not cut any corners and does not take the easy road. Instead of simply challenging the premises of the arguments in favour of torture, Matthews goes all

the way and attacks the arguments themselves and their conclusions, leaving no issue unexamined. Step by step, he destroys brilliantly the myth of purely interrogational torture to reinforce that torture is always “terroristic” and that, in fact, the arguments for torture are arguments for terror. Specialists and beginners alike will find compiled in one book all the main justifications for torture and, most importantly, all the necessary material to counter them efficiently. In my view, the book must become an essential reference on the moral justifications of state-sponsored torture.

ABOUT THE REVIEWER

Sandra Lehalle has been an Adjunct Professor in the Department of Criminology at the University of Ottawa since 2007. She holds a European doctorate in Law and a Canadian PhD in Criminology. Her research interests lie in the policies and practices of detention by the State, including the ill-treatment and torture of prisoners. Through her research, Lehalle examines the complex relations between State authority and society by focusing on the role played by politics and the law – at the national and international levels – in the legitimizing process of State power and of its privileged repressive device: the prison