

JCI CURRICULUM: UNIT 3: CHAPTER 3 – WAR & PEACE LESSON 1: COERCION AND TORTURE

LESSON 1: THE ETHICS OF WAR: COERCION AND TORTURE (1 hr)

Goals

For students to:

- Explore their own feelings and opinions about where to draw the line between legitimate interrogation and torture.
- Understand some of the basic concepts in Jewish and Western thought on torture

Materials

- Post-it notes
- Poster paper with torture questions printed on them.
- Text study sheet
- Jewish and American sources sheet

1) Framing Exercise #1 (15 minutes)

- a) Place the large banners around the room. Students move around to each banner, write their response on the post-it note and it on the poster.

2) Processing (10 minutes)

- a) Process the experience as a class. Ask students: What was it like to answer these questions? What factors led to your decision? What are some of the tensions you feel in answering these questions? Discuss (10 minutes)
- b) Ask students if this reminds anyone of any situation in the bible. Elicit/ Suggest: the debate between Abraham and God about destruction of Sodom.

3) Text study #1 (15-20 mins)

- a) Hand out the text of Genesis 18:17-33 to three students. Ask them to act out the conversation between Abraham and God about destruction of Sodom in the characters of God, Abraham and a narrator.
- b) Discuss the tension: Why did God even question whether God should “hide” what God was doing from Abraham? (15 minutes)

4) Text study #2 (10-15 mins)

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- a) Explain that both Jewish and American thinkers and legalists have contended with the question of torture.
- b) Divide students into pairs & distribute the “Jewish & American” sources worksheet.
- c) Have students read through the sheets and pick one from each column that they feel sheds new light on one of the responses they had to the opening activity.

5) Conclusion (10 minutes)

- Revisit the original question sheets. Have your decisions changed after considering the Jewish and American positions regarding these issues?

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1. Which means of coercion are torture? Rank the following in order of severity, and draw the line between torture and coercion:
- a. Sleep deprivation
 - b. Dismemberment or extreme wounding
 - c. Threats against family members
 - d. Desecration of religious objects
 - e. Shouting, using profanity, insulting
 - f. Beating
 - g. “Waterboarding” – inducing the sensation of drowning
 - h. Loud sounds, bright lights, exposure to extreme heat or cold

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2. How effective does torture need to be?

Would you condone the use of torture if it yielded useful and important information 50% of the time (ie. 50% of the time a person would be tortured it would yield important information, 50% of the time a person would be tortured it would not). Choose a percentage that reflects your decision:

100% _____ 0%
(always leads to important info)

(never)

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3. What ratio of potentially innocent people is it acceptable to subject to torture to reach one person who has useful and important information?
20 inn:1 crim _____ 1 inn:1 crim

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4. Which potentially harmful situations justify the use of torture? Rank the following and draw the line where torture is justified
- Gathering general information about threats
 - Retaliation for being an enemy in a war
 - Intimidating a population to discourage acts of terror or sabotage
 - Locating known terrorists
 - Preventing imminent mass death of uninvolved citizens
 - Protecting political leaders from injury or assassination
 - Preventing death of military personnel

Text Study: Genesis 18:17-33

17 Now the Lord had said, "Shall I hide from Abraham what I am about to do, 18 since Abraham is to become a great and populous nation and all the nations of the earth are to bless themselves by him? 19 For I have singled him out, that he may instruct his children and his posterity to keep the way of the Lord by doing what is just and right, in order that the Lord may bring about for Abraham what He has promised him." 20 Then the Lord said, "The outrage of Sodom and Gomorrah is so great, and their sin so grave! 21 I will go down to see whether they have acted altogether according to the outcry that has reached Me; if not, I will take note."

22 The men went on from there to Sodom, while Abraham remained standing before the Lord. 23 Abraham came forward and said, "Will You sweep away the innocent along with the guilty? 24 What if there should be fifty innocent within the city; will You then wipe out the place and not forgive it for the sake of the innocent fifty who are in it? 25 Far be it from You to do such a thing, to bring death upon the innocent as well as the guilty, so that innocent and guilty fare alike. Far be it from You! Shall not the Judge of all the earth deal justly?" 26 And the Lord answered, "If I find within the city of Sodom fifty innocent ones, I will forgive the whole place for their sake." 27 Abraham spoke up, saying, "Here I venture to speak to my Lord, I who am but dust and ashes: 28 What if the fifty innocent should lack five? Will You destroy the whole city for want of the five?" And He answered, "I will not destroy if I find forty-five there." 29 But he spoke to Him again, and said, "What if forty should be found there?" And He answered, "I will not do it, for the sake of the forty." 30 And he said, "Let not my Lord be angry if I go on: What if thirty should be found there?" And He answered, "I will not do it if I find thirty there." 31 And he said, "I venture again to speak to my Lord: What if twenty should be found there?" And He answered, "I will not destroy, for the sake of the twenty." 32 And he said, "Let not my Lord be angry if I speak but this last time: What if ten should be found there?" And He answered, "I will not destroy, for the sake of the ten."

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33 When the Lord had finished speaking to Abraham, He departed; and Abraham returned to his place.

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Jewish sources	American sources
<p>The fathers shall not be put to death for the children and the children shall not be put to death for the fathers; every man shall be put to death for his own sin. (Deuteronomy 24:16)</p>	<p>...no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, ratified by US 1994)</p>
<p>R. Shimon b. Yohai taught: Kill the best of the non-Jews in times of war... Happy is he who does the will of the Omnipresent. (Source ?)</p>	<p>No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. (Fifth Amendment to the US Constitution)</p>
<p>God commanded us that when we lay siege to a city that we leave one of the sides without a siege so as to give them a place to fell to. It is from this commandment that we learn to deal with compassion even with our enemies even at a time of war. (Ramban – source?)</p>	<p>The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind is prohibited by law and is neither authorized nor condoned by the US Government. Experience indicates that the use of force is not necessary to gain the cooperation of sources for interrogation...However, the use of force is not to be confused with psychological ploys, verbal trickery, or other nonviolent and noncoercive ruses used by the interrogator in questioning hesitant or uncooperative sources. (US Army Field Manual, Chapter 1)</p>
<p>Now Dinah, the daughter whom Leah had</p>	<p>In the global war on terrorism, the unique</p>

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borne to Jacob, went out to visit the daughters of the land. Shechem son of Hamor the Hivite, chief of the country, saw her, and took her and lay with her by force. Being strongly drawn to Dinah daughter of Jacob, and in love with the maiden, he spoke to the maiden tenderly. So Shechem said to his father Hamor, "Get me this girl as a wife." ...Then Shechem's father Hamor came out to Jacob to speak to him. Meanwhile Jacob's sons, having heard the news, came in from the field. The men were distressed and very angry, because he had committed an outrage in Israel by lying with Jacob's daughter — a thing not to be done...Jacob's sons answered Shechem and his father Hamor — speaking with guile because he had defiled their sister Dinah — and said to them, "We cannot do this thing, to give our sister to a man who is uncircumcised, for that is a disgrace among us." So Hamor and his son Shechem went to the public place of their town and spoke to their fellow townsmen, saying, "... only on this condition will the men agree with us to dwell among us and be as one kindred: that all our males become circumcised as they are circumcised... On the third day, when they were in pain, Simeon and Levi, two of Jacob's sons, brothers of Dinah, took each his sword, came upon the city unmolested, and slew all the males. They put Hamor and his son Shechem to the sword, took Dinah out of Shechem's house, and went away. The other sons of Jacob came upon the slain and plundered the town, because their sister had been defiled. They seized their flocks and herds and asses, all that was inside the town and outside; all their

nature and methods of U.S. adversaries requires the administration to act deliberately to apply the rules of war. In doing so, the administration has drawn a distinction between *lawful combatants*, who are protected by the Geneva Conventions, and *unlawful combatants*, who are not protected but who should be treated humanely and receive care in the form of privileges—not rights—consistent with the spirit of the Geneva Conventions. The authority to determine enemy combatant status, including of U.S. citizens, ultimately falls within the president's constitutional responsibility as Commander in Chief. The administration has determined that the detainees of the war on terrorism are unlawful combatants and do not qualify for the protections of the Third Geneva Convention. However, the United States has treated and will continue to treat detainees in accordance with the principles of the Geneva Conventions. It is the position of the U.S. government that providing the right to counsel for enemy combatants compromises the government's ability to gather information and prevent future terrorist attacks. While non-U.S. citizens detained in Guantanamo Bay, Cuba have no right to *habeas corpus* relief, U.S. citizen enemy combatants detained in the United States may petition for *habeas corpus*. (Council on Foreign Relations [A Non-Partisan Resource for Information and Analysis], December 12, 2002)

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wealth, all their children, and their wives, all that was in the houses, they took as captives and booty. (Genesis 34:1-29)	
Anyone who shames his fellow in public, it is as if he spilled blood. (Baba Metzia 58b)	No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (Universal Declaration of Human Rights, ratified by the US, December 10, 1948)
Imprisonment requires, by its nature, denial of freedom, but this denial does not justify, by its nature, violation of human dignity. Imprisonment that protects the human dignity of the prisoner is possible. The prison's wall do not have to separate between the prisoner and humanity. (Aharon Barak, President of the Supreme Court of Israel)	In discussing the way ahead in the global struggle against violent extremism... Policymakers will also need to consider new approaches for the government as a whole. The old, rigid divisions between war, peace, and diplomacy, conflict and reconstruction – and the roles of the various government departments that go with them – may no longer serve us as well, as we should require. (Donald Rumsfeld, Secretary of Defense, May 25, 2005)