Book Review

Matthew H. Kramer


Matthew H. Kramer’s latest legal and political philosophy book *Torture and Moral Integrity: A Philosophical Enquiry* focuses on the morality of interrogational torture. The book is intended to show that interrogational torture and other types of torture are always and everywhere morally wrong. Kramer deals throughout with the question of how one is to deal with conflicting moral duties, considering deontological and consequentialist obligations. Much of the book is an analysis of or a response to previous works that consider torture. It is also an addition to the corpus of literature, written by Kramer, concerning law and morality. As one would expect from Kramer, he avoids normative assertions, deliberately so, but is very convincing in his arguments.

Kramer works from abstract ideas to concrete application, using a two-part introduction to familiarize the reader with his approach. The chapters are entitled ‘Moral Conflicts and Deontology’ and ‘What Is Torture?’. In total, *Torture and Moral Integrity: A Philosophical Enquiry* is divided into five chapters. Following the introduction, chapter three concerns why torture is wrong; chapter four focuses on the ‘Rationality of Deontological Constraints’, and, finally, chapter five considers ‘Legal Responses to Torture'. It is the last chapter that is likely to be of most interest to the readers of this journal.

Chapter one, ‘Introduction I’ introduces the reader to philosophical terminology, which is necessary for the newly inducted reader to follow the arguments in later chapters. It also covers abstract points of moral philosophy and builds on arguments used by Kramer in earlier works, by example, Kramer utilises his two senses of *prima facie*, as in *In Defense of Legal Positivism; Where Law and Morality Meet*; and *The Ethics of Capital Punishment: A Philosophical Investigation of Evil and Its Consequences.* Chapter one presents two ways in

---

which deontological doctrines can be distinguished from consequentialist doctrines. The central debate is between whether conduct is morally permissible or impermissible regardless of consequences, or whether, morality is determined by the consequences that will come from that action. The final sentence of chapter one is key for the readers’ understanding of the purpose and approach of the book. Kramer states that ‘what this book aims to show is that its strongly deontological outlook- with its attentiveness to moral conflicts- is vital for any effort to do justice philosophically and morally to the fiendish problem of torture’ (p. 28).

Chapter two, ‘Introduction II’, presents a number of definitions of torture, some taken from law, and some from philosophy, including Davis (pp. 37–47), Kreshnar (p. 48), Miller (pp. 49–50) and Sussman (pp. 50–52). Kramer also describes the varieties of torture, interrogational and otherwise, and the reasons it may be perpetrated. In the conclusion, Kramer cautions against ‘any attempt to formulate pithily a set of sweepingly necessary and sufficient conditions for the status of any mode of conduct as torture’ (p. 105). Kramer’s ultimate definition of torture is that ‘torture, if uninterrupted, consists in the infliction of severe pain or suffering. Almost always the pain or suffering is induced deliberately as a means or as an end, but in some exceptional contexts, it is induced instead through extravagant recklessness’. Kramer goes on to state that:

Typically, the administration of torture lasts either until the purpose impelling it has been fulfilled or until the unrealizability of the specified purpose through the infliction of torture has become manifest. Save in some edifying contexts- and perhaps also in some sadomasochistic contexts- any administration of torture evinces indifference or hostility toward the basic physical and psychological well being of its victim.

Finally, Kramer posits that ‘whenever the deliberate or extravagantly reckless infliction of severe pain amounts to torture, the victim lacks any genuine control over the duration of the infliction’.

For a student, academic or even practitioner considering the legal framework and details thereof, chapter two will be of particular interest, in particular, Kramer’s views on the Convention against Torture, and the American and Amnesty International definitions of torture (pp. 30–37). Kramer is keen, throughout the book, and explicitly in chapter two, to avert an oversimplification of the definition of torture. He, in fact, lists twelve types of torture, interrogational