

Rhetoric & Ethics in Technical Documents:

Examining the Top-Secret “Torture Memos” Through an Ethical Lens

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Often in subtle ways, technical documents are rhetorical. Such documents attempt to persuade readers to think a certain way or enable them to take a particular action. Because of this, it's important that technical communicators develop their ability to make ethical decisions about the type of technical documents they create and the methods they use to create these documents.

Pre-Reading:

Before this assignment, students read and discuss “[A Framework for Ethical Decision Making](#)” from the Markkula Center for Applied Ethics at Santa Clara University. Together, the class examines how ethical decision-making is more than doing what feels right. Students consider how technical communicators might apply the following ethical lenses to their work:

- The Rights Lens
- The Justice Lens
- The Utilitarian Lens
- The Common Good Lens
- The Virtue Lens
- The Care Lens

Discussion Prompt:

The "torture memos" are a set of formerly top-secret technical memos that were used by the U.S. government in 2002 to legally justify the use of "enhanced interrogation" techniques on suspected terrorists. The memos used technical descriptions to approve the use of sleep deprivation, waterboarding, stress positioning, binding, and other mentally and physically coercive strategies.

In the memo we will discuss for this post, U.S. Assistant Attorney General Jay S. Bybee approves a specific set of "enhanced interrogation" techniques to be used on inmate Abu Zubaydah, a suspected al Qaeda operative. The memo explains why the government believes these techniques have become necessary:

Our advice is based upon the following facts, which you have provided to us. We also understand that you do not have any facts in your possession contrary to the facts outlined here, and this opinion is limited to these facts. If these facts were to change, this advice would not necessarily apply. Zubaydah is currently being held by the United States. The interrogation team is certain that he has additional information that he refuses to divulge. Specifically, he is withholding information regarding terrorist networks in the United States or in Saudi Arabia and information regarding plans to conduct attacks within the United States or against our interests overseas. Zubaydah has become accustomed to a certain level of treatment and displays no signs of willingness to disclose further information. Moreover, your intelligence indicates that there is currently a level of "chatter" equal to that which preceded the September 11 attacks. In light of the information you believe Zubaydah has and the high level of threat you believe now exists, you wish to move the interrogations into what you have described as an "increased pressure phase."

Sections in the memo describe how each technique is performed and explain why that particular technique should not be considered torture. For example, the section below explains why putting a prisoner in a box with an insect would not count as torture:

Similarly, although the confinement boxes (both small and large) are physically uncomfortable because their size restricts movement, they are not so small as to require the individual to contort his body to sit (small box) or stand (large box). You have also orally informed us that despite his wound, Zubaydah remains quite flexible, which would substantially reduce any pain associated with being placed in the box. We have no information from the medical experts you have consulted that the limited duration for which the individual is kept in the boxes causes any substantial physical pain. As a result, we do not think the use of these boxes can be said to cause pain that is of the intensity associated with serious physical injury.

The use of one of these boxes with the introduction of an insect does not alter this assessment. As we understand it, no actually harmful insect will be placed in the box. Thus, though the introduction of an insect may produce trepidation in Zubaydah (which we discuss below), it certainly does not cause physical pain.

For this post, skim through the formerly top-secret memo (attachment provided).

You do not need to read the entire document, but try to get acquainted with the way the technical descriptions and justifications are oriented. Pay particular attention to how this technical document attempts to persuade the reader and / or enable the reader to take action.

In a post of 200+ words:

- Reflect on the intent and results of this memo. In what ways is this memo rhetorical? Does it seek to persuade the reader to think a certain way or enable the reader to take a particular action?

- Choose two different ethical lenses. How might the memo writer apply each lens when composing this document? Would different ethical lenses result in different outcomes? (Remember: The Rights Lens, The Justice Lens, The Utilitarian Lens, The Common Good Lens, the Virtue Lens, The Care Lens).