

A Topic in the Air but One That Political Candidates Declined to Touch: Torture of Prisoners
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The October issue of *Theology Today*, a scholarly journal published by the Princeton Theological Seminary, featured a series of articles on torture. "It is a matter of shame," writes one of the contributors, Jeremy Waldron, a professor of law at New York University, that "we have no choice but to conduct a national debate about torture."

That debate, Professor Waldron continues, is not about stopping torture by "corrupt and tyrannical regimes" but about whether the American people and the American nation want "to remain part of the international human rights consensus that torture is utterly beyond the pale."

There were few if any signs of such a debate in the midterm election campaigns. That cannot simply be because of the government's insistence that the United States abhors torture and does not practice it. The government insists on many things — about the war in Iraq and economic prosperity, for example — that its political opponents do not hesitate to challenge and challenge vociferously.

Torture is different. It is such a stain on personal and national character that nothing but appalling photographs could have forced the subject to the fore. When it comes to pressing the question of official complicity, no stack of equivocating documents can have similar force. In a season of shameless attack ads, torture is still too shameful to be debated.

As for religious reaction, Fleming Rutledge, the Episcopal priest and noted preacher, said in this issue of *Theology Today*, "In my lifetime, I do not remember any major public question being so studiously ignored as this one."

The journal articles stem from an effort to change that. **They are based on presentations at the founding conference, in Princeton last January, of the National Religious Campaign Against Torture. Prominent religious leaders, Protestant (both mainline and evangelical), Roman Catholic, Eastern Orthodox, Jewish and Muslim, issued a statement, "Torture Is a Moral Issue," that was a sweet seven sentences in length:**

"Torture violates the basic dignity of the human person that all religions, in their highest ideals, hold dear. It degrades everyone involved — policy makers, perpetrators and victims. It contradicts our nation's most cherished values. Any policies that permit torture and inhumane treatment are shocking and morally intolerable.

"Nothing less is at stake in the torture abuse crisis than the soul of our nation. What does it signify if torture is condemned in word but allowed in deed?

"Let America abolish torture now — without exceptions."

It is hard to say how much the *Theology Today* articles add to that succinct statement. In one, William T. Cavanaugh, who teaches theology at the University of St. Thomas in St. Paul, draws on his previous study of torture by the Pinochet government in Chile. His most provocative observations may be that, however counterintuitive, "those who torture tend to think of their work in extremely high moral terms."

Citing examples from Chile, Professor Cavanaugh notes that "torturers sometimes imagine their acts as a kind of self-sacrifice on their part: 'What terrible things I must do in order to defend my beloved people!'"

What goes for the individual torturer can go for the nation as a whole. "The moral purpose is made more righteous," Professor Cavanaugh writes, "by the extremity of the act of torture itself." By definition, "the threat against the nation must be extremely severe if such an extreme procedure as torture is used."

The argument is strangely circular, but it ends in the conviction, he says, that “only the most morally righteous nation could be trusted with the capacity to use torture for a good purpose.”

In another article, a leading evangelical ethicist, David P. Gushee, a professor of moral philosophy at Union University in Jackson, Tenn., worries that the United States is “succumbing to the temptation to waive moral rules that we have every reason to know are applicable to us.”

“We know that torture is wrong,” Dr. Gushee writes, “but just not now, not in our exceptional case, not in this global war on terror. Yet we are queasy enough, that we do not want to call torture, torture.”

Instead, he continues, “we deny that we are torturing, or we deny that our prisoners are really prisoners, or when pushed to the wall, we remind one another of how evil the enemy is and how much worse other countries or ideologies are.”

“We give every evidence,” he concludes, “of the kind of self-deception so characteristic of the descent into sin.”

Dr. Gushee has not limited his concern to scholarly pages. Last February he wrote an article for the popular evangelical monthly Christianity Today titled “5 Reasons Torture Is Always Wrong.”

All these writers must step carefully around the fact that the president and other American authorities have repeatedly denied that the government tolerates torture — even while they reserve its right to use what are delicately referred to in official parlance as “enhanced” or “alternative” interrogation techniques.

Obviously, these theologians have something less than complete confidence in such official protestations, and one can understand why.

In a White House compromise with a small group of adamant Republicans, last month’s Military Commissions Act, for example, left standing the United States’ commitment to Common Article 3 of the Geneva Conventions protecting prisoners from violence, cruelty, torture and humiliating and degrading treatment.

But while the legislation spelled out certain “grave breaches” of Common Article 3 that would constitute war crimes, it also underlined the president’s power to interpret the nation’s obligations, to define what is grave or not and to screen his definitions from court challenges, and maybe even from public knowledge.

Already, the Central Intelligence Agency has warned that detained Qaeda suspects must not be allowed to disclose their treatment to courts — or perhaps even to their own lawyers — lest other terrorists “adapt their training to counter the tactics that C.I.A. can employ in interrogations.”

Is there any way around this lack of transparency? Here is one idea, admittedly inspired not by sober theological analysis but by political ads.

Let all interrogations be videotaped (interrogating off camera would itself be a “grave breach”). Three years after any interrogation, the video would be made public. One could assume that by that time terrorists would have learned whatever techniques had then been in use.

The important feature, of course, would be the kind of endorsement now required of campaign advertising — a closing shot of the president on screen. “This interrogation was paid for by the American people,” the president would have to say, “and I approve of its methods.”