

## THE HEART OF DARKNESS: TORTURE IN ESSENCE AND MANIFESTATION

Byron C. Bangert

In 1972, and again in 1992, I had occasion to visit Rothenburg ob der Tauber, a charming, walled, medieval town in southern Germany. On both occasions I paid a stomach-churning visit to the Crime Museum located there. In my various travels, I have been to few places more memorable, or more horrifying. In 1972 I also had occasion to visit the Dachau Concentration Camp, just a short distance outside Munich. And, because we did not plan this trip as carefully as we might, my wife and I lingered past the last train or bus departure, and had to spend the night in a local inn in the adjacent town.

The visits to the Crime Museum provided all the evidence anyone should need to confirm that the practice of torture has been around for a long time. Moreover, this practice has not always been done secretly, nor has it been exclusively the dirty work of secular governing authorities. For much of Western history, torture has been sanctioned and practiced by religious as well as secular legal authorities, as a judicial practice, as a means of punishment, as a form of social control. For some of that history, indeed, it would be hard to distinguish the religious from the secular. It is a horrific legacy.

The visit to Dachau impressed upon me the continuing reality of the inhumanity of humankind. Torture, and other unspeakable degradations of human beings, cannot be relegated to the distant past. Moreover, the visit to Dachau made it perfectly clear that there was no way those who lived in the town could have been unaware of what was taking place a short walking distance away. The proximity of the town to the camp was striking, and gave the lie to all protestations that “We did not know.” Our brief stay there also gave my wife and me the distinct impression that we were unexpected and unwelcome visitors.

As you may know, there is a sign in the Dachau Concentration Camp bearing those familiar words of George Santayana, “Those who cannot remember the past are condemned to repeat it.” In light of the role of torture in human history, including its strategic role in the execution of the founder of the Christian faith, Jesus of Nazareth, by imperial Roman authorities, it would seem especially incumbent upon those of us from the West, and any and all of us who happen to be Christian, to remind ourselves that torture is an important part of our heritage. That is to say, we are inheritors of a world that has been profoundly shaped, and quite possibly profoundly affected, disturbed, troubled, infected, even depraved, by practices of torture. It would be foolhardy for us to suppose that we can escape this legacy of torture, that we have broken free of the clutches of whatever it is about the human condition and our socio-historical existence that defines the human propensity to commit acts of “cruel, inhuman or degrading treatment”<sup>1</sup> and torture upon fellow human beings. We inhabit a world, and are part of a civilization, that--for good or ill--bears the trauma and the scars of the torturers and the tortured.

It has only been since World War II that torture has come to be virtually universally condemned, in

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<sup>1</sup>Phrasing from the *United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, Article 16.

the United Nations Convention Against Torture as well as the Geneva Conventions. Despite this universal condemnation of torture by the so-called civilized nations of the world, however, torture has continued. It has not simply reappeared. We all know about Abu Ghraib, and we have all been encouraged by the U.S. government to regard the abuses of Abu Ghraib as aberrations so far as U.S.-related military and intelligence services are concerned. The truth is that, given U.S. policies regarding prisoner arrest, detention, and interrogation, Abu Ghraib was to be expected. Abu Ghraib was no aberration, not simply within the context of the wars against Afghanistan and Iraq, but within the context of U.S. foreign military and intelligence activities going back several decades now. I cannot rehearse the story here, but the fact is that torture has been part of U.S. military and intelligence operations in Central and South America, the Philippines, Vietnam, and God knows where else for half a century.<sup>2</sup> Of course, the United States is hardly alone in this. Most of our allies, and many of our enemies, have practiced torture when it suited them as well. There has yet to be any period in human history when the world was free of torture in some form or other.

The disclosures of Abu Ghraib, however, forced us all to sit up and take notice. A picture is worth a thousand words. We can no longer credibly profess, “We did not know.” Nonetheless, there continues to be massive denial of the full extent and implications of U.S. torture practices. Moreover, there are some 150 other nations besides the U.S. that have signed on to the United Nations Convention Against Torture, yet Amnesty International judges that two-thirds to three-fourths of them also engage in torture practices.

Why is it that, despite almost universal proscription under international law, torture continues to be tacitly accepted and widely practiced? With the respect to the United States in particular, why has religious opposition to torture been so weak since the revelations of Abu Ghraib in early 2004, not to mention new revelations regarding extraordinary rendition and CIA “black sites”, the tragic stories coming out of Guantanamo, and the incontrovertible evidence that the current administration has no intention of honoring historic U.S. commitments to the United Nations and Geneva Conventions with respect to torture and “cruel, inhuman, or degrading treatment” of others?<sup>3</sup> What can be said, from a religious (and specifically Christian) perspective about current justifications offered on behalf of torture practices?

Let me begin with a brief definition of torture, and a brief statement of what is wrong with it. My definition is intended to distinguish between torture as a social practice and sheer cruelty or wanton violence, which requires no social organization and has no moral defenders. Torture is the deliberate infliction of great suffering and pain upon a person who does not pose an immediate physical threat, for some extrinsic purpose, by someone acting on behalf of that purpose. Torture is not the infliction of suffering that may occur in violent conflict, when one is defending oneself or attacking an enemy. Torture is not accidental infliction of injury. Torture is not merely for its own

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<sup>2</sup>See especially Alfred W. McCoy, *A Question of Torture: CIA Interrogation, for the Cold War to the War on Terror* (Henry Holt & Company: New York, 2006).

<sup>3</sup>One of the most recent evidences that the Bush administration seeks to abandon these historic U.S. commitments is the administration’s proposal that the 1996 War Crimes Act be amended by replacing Section 2441 of title 18, United States Code, subsection (c)(3) with wording that, among other things, would remove any legal reference to prohibitions in Article 3 of the 1949 Geneva convention on “cruel, inhuman and degrading treatment.”

sake as, e.g., in the case of a sadist who simply enjoys seeing people suffer. There is some rationale to torture, hence it has never been without its justifications. It is severe mental or physical pain, deliberately inflicted upon someone in custody, for some larger purpose.

What is wrong with torture? According to the UN Human Rights Commission, torture must be prohibited “to protect both the dignity and the physical and mental integrity of the individual.”<sup>4</sup> Insofar as torture coerces or incapacitates the will, it diminishes or destroys human autonomy. Insofar as torture instrumentalizes its victims, it treats them as means rather than as ends. Insofar as torture demeans its victims, it robs them of their humanity. Torture is thus an assault on the dignity and integrity of the individual. Thus, in a Kantian or deontological ethical perspective, most if not all forms of torture are unequivocally wrong.

Surely the infliction of great pain and suffering is also morally evil. From a utilitarian ethical perspective, therefore, torture must also be wrong simply on that account – *unless* it prevents an even greater evil, or accomplishes a more than compensating good. But this is to beg the question of the lesser evil, or the greater good.

The case is often made that torture is a moral evil, but in rare circumstances it may be a necessary evil, in order to prevent even greater evils. What if the person in custody possesses information that might save other lives? Wouldn't torture be justified to obtain that information? In theory, one might concoct a scenario in which the answer would be yes. In reality and actual practice, however, the answer must be no. When one contemplates all that would be necessary to implement a torture regime that is highly selective, efficient, effective, and timely, fitted precisely to the requisite circumstances whenever and wherever they arise, it becomes obvious that there would be no way to limit torture to those rare circumstances when one could be confident that it was the only means to avert significant disaster. The historical evidence is compelling: When the step is taken to permit torture under the strictest of conditions, for only the best of reasons, it is not simply a step onto a slippery slope, but a step off the precipice. If recent U.S. experience with torture tells us anything, it confirms this.<sup>5</sup>

In all my reading and reflections on torture over the last couple of years I have become persuaded of a number of things that I will try to articulate in terms of four assertions. The first is that the threat of terrorism continues to serve as the major conscious justification for U.S. torture practices. That is to say, many Americans are willing to countenance engagement in torture by their government (and its surrogates) as a necessary evil under the misapprehension that this reduces our vulnerability to acts of terror. Second, at a more unconscious level, the fear that is associated with the threat of terrorism serves as a block to sustained, critically engaged reflection on the rationality of torture as a potentially valuable means for preventing terrorist violence. Third, also at a more unconscious level, the revulsion many people might have to torture is mitigated by an uncritical presumption that

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<sup>4</sup>Cited by Kristian Williams, *American Methods: Torture and the Logic of Domination* (South End Press: Cambridge, Massachusetts, 2006), 19.

<sup>5</sup>Likewise the Israeli experience from 1987-1999, operating under the guidelines of the Landau Commission, has demonstrated that intensive coercive interrogation techniques prescribed for use against Palestinian terrorist suspects under exceptional circumstances to avert grave harm quickly became routine practice.

those who are being subjected to torture at U.S. hands probably deserve to be punished, whether or not they possess high-value intelligence. Fourth, the subjection of a suspect population of individuals to torture or cruel, inhuman, and degrading treatment, and the rhetoric of fear that is generated by the U.S. government to justify such treatment, function to maintain a compliant citizenry and to legitimate an increasingly corporatist and imperialistic political regime. In other words, the imperatives of national and global security are dramatically confirmed by such practices as torture, as well as other gross violations of human rights, due process, and other legal protections, in such a way that the imperialistic national security state is simultaneously enacted and justified. The [il]logic goes something like this: Since these extreme measures can only be justified by dire circumstances, the implementation of such measures confirms the direness of the situation, and thereby justifies the domestic and global exercise of the prerogatives of the national security state.<sup>6</sup>

The religious implications of this situation are profound. First, we have a practice that is driven by fear of threat, not by faith. I have no doubt that terrible things can happen. There are real threats, and there are precautions we ought to take to protect against them. But Americans' response to these threats reveals our great self-preoccupation. We worry much about what might happen to us, hardly at all about what is happening to others. The U.S. government and the media count and name the number of U.S. war dead, but not the far greater numbers of Iraqi deaths and casualties, nor the Afghan deaths, nor the social and sometimes physical deaths of the thousands of detainees at Abu Ghraib, Bagram, Guantanamo, and elsewhere. We are willing to countenance the abuse and torture that goes on in these places as part of the price to make us feel more secure. Almost anything can be justified in the name of self-protection.

Second, fear is blinding. Fear terrorizes the mind. Fear narrows our field of vision, and clouds our imaginations. After the first Great War, the French constructed the Maginot Line, thinking that would protect them from German invasion. It did no such thing, of course. The Germans simply went around it in the Second World War. We cannot protect ourselves against every imaginable evil. But the more telling fact is that fear robs us of the capacity to imagine a future significantly different from the past. It paralyzes thought, and saps the spirit, so that we are even less able to pursue a creative alternative future.

Because this fear blocks our critical thinking, it keeps us from recognizing just how futile, and patently absurd, are our efforts to save ourselves by torturing others. Not only is torture profoundly immoral, there is little reason to believe it can yield the sorts of information that might actually save more lives than could be saved by other means. The question of whether torture works is an empirical question that cannot be answered in any scientifically verifiable way. But the arguments for its use can seldom bear critical scrutiny, and there is abundant evidence that it often does not

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<sup>6</sup>Cf. William T. Cavanaugh, "Making Enemies: The Imagination of Torture in Chile and the United States," *Theology Today* 63:3 (October 2006), 307-323: "Torture is a social, one might say 'liturgical,' enactment of the imaginative power of the state. Torture is both a product and a reinforcement of a certain story about who 'we' are and who 'our' enemies are. The state is not just the agent of torture but the effect of torture as well" (309). ". . . the moral purpose is made *more righteous*, is pushed to the extreme of righteousness, by the extremity of the act of torture itself. The threat against the nation must be extremely severe if such an extreme procedure as torture is used, and therefore the defense against such threats is invested with the highest moral seriousness. Only the most morally righteous nation could be trusted with the capacity to use torture for a good purpose" (315).

work, and that it causes enormous harm. The persistent use of torture cannot be justified, nor even adequately explained, on grounds that it is needed for our protection from our enemies.

So I come to a third reason why I believe torture continues to be countenanced in our world today. There are people we believe deserve to be punished. In fact, we really don't think of them as people in the fullest sense. They are "the enemy," "hardened killers," "terrorists," "the worst of the worst." Most of them are not, of course, but that is hard to see when the overriding concern is to put an end to the "evildoers." The point here is that it really doesn't matter whether these "enemy combatants" possess any so-called actionable intelligence. Precisely because of *what* they are, torturing them is not so great an outrage. They do not deserve any better.

My claim is not that one can find lots of people going around making the case for torture on these grounds. My claim is that subconsciously, or subrationally, or perhaps viscerally, we all feel that "evildoers" should be severely punished. In virtually every major religious tradition, and most certainly for Christianity, there is some notion, concept, or vision of ultimate punishment for the wicked. Many of us have major qualms about this, but some form of punishment is part of the moral ecology of justice for most human beings. At a more visceral level, of course, punishment answers the desire not just for justice but for revenge. In the darkness of our hearts, if not in our minds, the torture of "evildoers" is merely a way of being sure that God's work gets done. It is an ultimate act of bad faith, of usurpation of divine prerogative, of defiant apostasy. "Your god cannot help you here. Here I am god," the torturer has been reported to say to the tortured. As long as punishment is regarded as an appropriate response to "evildoers," torture will have its practitioners and its defenders.

Finally, while I believe that torture is about such things as fear of threat and desire to punish, it is chiefly about power. The torture situation is marked by a total asymmetry of power—one human being possessing near absolute power over another. The torture situation mirrors the larger political and social context. As a political practice, torture is about domination and control. In his *Commentaries on the Laws of England*, William Blackstone characterized torture as "an engine of the state, not of law."<sup>7</sup>

Current U.S. torture practices have arisen in conjunction with what President Bush has touted as the "war on terror." This war on terror is only marginally related to protecting the United States from future terrorist attack. The war on terror, is, in Clausewitz's famous phrase, "a continuation of politics by other means." It has provided the cover not only for torture, but also for preemptive and preventive war, invasion and occupation, secret prisons, extrajudicial killings, illegal detentions, kidnapping and extraordinary rendition, unwarranted wiretapping and surveillance, and abrogation

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<sup>7</sup>Cited by Williams, *ibid.*, 246. Cf. Cavanaugh again: "Despite the rhetoric, wars are never simply about making friends. Wars are about the imaginary dividing of the world into friends and enemies. And enemies must exist in sufficient abundance and sufficient monstrosity if a war is to be sustained. Nothing effects such an imaginative division better than torture. . . This war is not simply about oil or weapons of mass destruction or regime change. It is about a much larger imagination of a clash of civilizations, of progress and democracy versus archaic oppression, of the beacon of freedom and light versus those who hate our freedoms, of all that is good versus an implacable evil, of Captain America versus the humanoids. Torture is this drama of friend and enemy brought to its most heightened realization" (314-15).

of other basic civil liberties and legal protections. The war on terror has served to stifle dissent, compel conformity, and impose a certain kind of order. It is primarily a political tool and an instrument of imperial ambition, a means of establishing political and economic hegemony abroad, compliance at home, and domination everywhere. Torture is an important weapon in the arsenal of this war on terror. As Kristian Williams writes, “Torture and empire are not merely means or ends but *types* of power, and types of power well suited to working together.”<sup>8</sup> The war on terror, sadly, has largely blinded Americans to the atrocities of the U.S. government, including the full moral and spiritual implications of its torture practices. Trusting that their government is only doing what it must to protect them, too many Americans seem captive of what Joseph Conrad, in *The Heart of Darkness*, called “that great and saving illusion”—an uncritical faith in goodness that preserves us in a state of almost surreal ignorance.<sup>9</sup> Most Americans remain enthralled by the myth of American exceptionalism, oblivious to the corruptions of imperial power.<sup>10</sup>

Christians, of all people, should know better. They proclaim as Lord and Savior one who was tortured to death by agents of the Empire. His execution followed the pattern of thousands of others, the miscreants, misfits, and subversives whose behaviors the Empire quite deliberately intended to suppress. The followers of this crucified one were themselves persecuted, tortured, and sometimes killed by the Empire. But these followers refused to give the Empire their ultimate allegiance. For the most part, they were peaceable, law-abiding subjects, but they were clear about two things: they would not become instruments of the Empire’s domination, and they would not themselves relinquish to the Emperor what belonged to God. Neither must we.

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<sup>8</sup>Ibid., 122.

<sup>9</sup>Introduction by Verlyn Klinkenborg, *Everyman’s Library* (Alfred A. Knopf: New York, 1993), 107.

<sup>10</sup>On September 11, 2002, before a brilliantly lit Statue of Liberty, President George W. Bush concluded his address to the nation with these words: “The ideal of America is the hope of all mankind. That hope drew millions to this harbor. That hope still lights our way. And the light shines in the darkness. And the darkness will not overcome it. May God bless America.” <http://www.whitehouse.gov/news/releases/2002/09/20020911-3.html#> The “light” imagery is taken directly from the Gospel of John, where it refers to Jesus Christ, the divine Word made flesh.