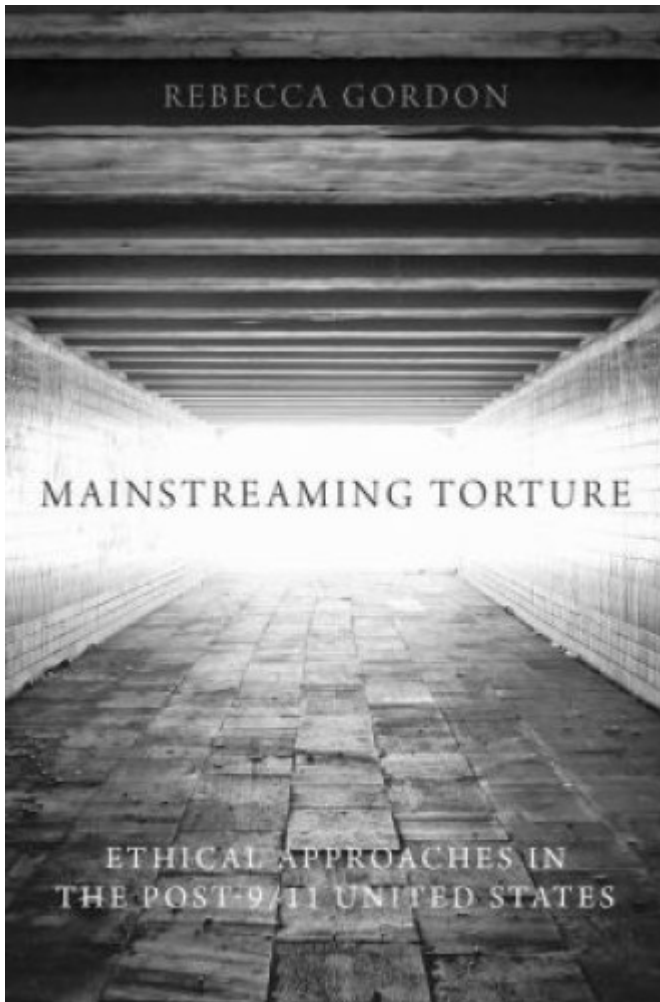


Unjustifiable acts

by [George Hunsinger](#) in the [April 1, 2015](#) issue

In Review



Mainstreaming Torture

By Rebecca Gordon
Oxford University Press

In early December, after months of behind-the-scenes wrangling and delay, the Senate Intelligence Committee under the direction of Senator Dianne Feinstein finally released its report on CIA torture in the form of a 525-page executive

summary. (The full 6,000-page report—which took five years to complete, at a cost of \$40 million—is still being withheld from public view.) In the aftermath, four points are especially clear.

First, despite highly publicized claims to the contrary, according to internal CIA documents the U.S. practice of torture after 9/11 produced no actionable intelligence—not about Osama bin Laden, not about those who perpetrated the attack on the World Trade Center, not about anything. The torture was worse than unnecessary. It was counterproductive. It is also the best recruiting tool anti-U.S. terrorists have had.

Second, unlike the 1975–1976 Church Committee, which also investigated abuses by intelligence agencies, the Feinstein Committee makes no recommendations for reform. By contrast, a blistering *New York Times* editorial dated December 21, 2014, calls for prosecuting the architects of U.S. torture all the way up to the higher echelons of the Bush-Cheney White House. Impunity, notes the *Times*, only ensures that future torture by our government lurks in the shadows as a latent possibility.

Third, both political parties are complicit. The Republican Party (with honorable exceptions like Senator John McCain) openly embraces torture, and the Democratic Party (again with honorable exceptions like Senators Mark Udall and Ron Wyden) effectively condones it. Neither party supports serious efforts toward accountability and reform. The CIA, unrepentant and unbowed, survives as perhaps the most powerful institution in the United States.

In a surprise move, as reported in the *Washington Post* on January 5, 2015, on her own initiative (that is, not through the committee), Senator Feinstein sent a letter to President Obama with a detailed list of recommendations. She proposes new legislation to close all torture loopholes, prohibit the CIA from holding detainees “beyond a short-term, transitory basis,” require timely International Red Cross access to all captured detainees, and reestablish the Army Field Manual as the standard for interrogations.

Although these proposals would make a difference, I wish I could be more optimistic about them. For example, Senator Feinstein fails to mention the notorious Appendix M in the Army Field Manual, which was recently singled out as a matter of grave concern by the United Nations Committee against Torture because of its loopholes allowing abuse.

Finally, more religious people support torture under Obama than they did under George W. Bush. The level of support for torture by Christians is staggering. Seventy-five percent of white nonevangelical Protestants, according to a recent *Washington Post*/ABC poll, believe CIA torture was justified. The numbers are only slightly lower for white evangelical Protestants and white Catholics. The lowest levels of support are found among those with no religion.

It is in this context that Rebecca Gordon's book is required reading. She shows that CIA torture has tendrils stretching not only back to the Bush administration, but at least as far back as the Phoenix Program during the Vietnam War; that every act of Congress designed to curtail torture down through the decades has fatally included loopholes; and that torture ultimately has little to do with obtaining information and much to do with extracting false confessions like those Colin Powell unwittingly used before the United Nations in February 2003 to justify the U.S. attack on Iraq.

Gordon shows that torture not only inflicts irreversible physical and psychological harm on the victims, who are often innocent of any crime, but also traumatizes many of the perpetrators. She indicates that every level of society is corrupted in the process: doctors who superintend the torture chambers, psychologists who perfect techniques of brutalization, jurists who specialize in loophole lawyering, journalists who disseminate propaganda for the abuses, and, not least, ordained pastors and their flocks who are conspicuous, like Christians in Nazi Germany, mainly by their guilty silence.

Gordon issues a wake-up call for whatever may remain of the American conscience, and especially of the American religious conscience. She rightly challenges the instrumentalist discourse that dominates so many of our public discussions about moral issues like torture. If torture is unspeakably immoral and illegal, then it cannot be meaningfully assessed in terms of cost-benefit analysis.

Gordon further argues that the virtue ethics of Alasdair MacIntyre makes it possible to see that torture is not merely a matter of isolated acts but is rather a form of institutionalized state practice. Virtue ethics is therefore supposedly superior to duty-based ethics such as we associate with Kant.

At this higher theoretical level, I do not believe Gordon has made her case. She makes an original contribution in showing that torture can be seen as a debased social practice. At the same time, in a nearly instrumentalist argument of her own,

she borders on claiming that torture is unacceptable primarily because it tends to make us morally vicious as individuals and as a society. The four cardinal virtues, she argues, are distorted. Courage is deformed into callousness, temperance into doing evil that good may come, prudence into illicit risk taking, and justice into institutionalized impunity. I think we can grant all this while still feeling that it does not get to the heart of why torture is wrong.

I believe torture is wrong because it desecrates the love of God as revealed in Jesus Christ. Although I respect virtue ethics, I do not finally subscribe to it. I believe that torture, like rape, slavery, and genocide, is never justified. I do not think that my duty-based view of Christian ethics prevents me from seeing torture as an institutionalized state practice. It was this view that led me to found the National Religious Campaign Against Torture in 2006, and it is this same view that has sustained my human rights work ever since.

I wish all virtue ethicists were like Gordon, and I hope she can persuade more of them to join the cause. But I can see little practical value in claiming that one ethical approach is superior to another in condemning unspeakable evils like torture. What matters is increasing the tribe of its committed opponents, regardless of how they get there.