

Torture: The End of Democracy?

Platform address¹ to the New York Society for Ethical Culture, June 1, 2008
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Let me begin with a bit of background on the handout you received when you came in, the Ethical Action Resolution of the American Ethical Union, a *Statement Reaffirming Its Opposition to Torture*.

As its title indicates, the Ethical Movement has been consistent in its opposition to torture. This latest initiative arose from discussions at a National Leaders Council retreat concerning an unconscionable shift in U.S. policy, one that condones torture.

That resulted in a brief statement being drafted by the NLC and approved by the AEU board at its next meeting. That in turn led to Dr. Joseph Chuman, Leader of the Ethical Culture Society of Bergen County, New Jersey, drafting a paper in support of that brief statement. In it he made the situation, and our opposition to it, clear in saying:

“American government and society are currently engaged in a ‘torture debate,’ which entails disputes over the definition of what constitutes torture, and under what conditions it is allegedly permissible. Ethical Culture assesses these debates as substantively spurious, morally odious, and politically diversionary and dangerous.”

That paper was discussed in detail by the Leaders in two separate sessions before the AEU’s assembly in April in Austin, Texas. Based on the paper and those discussions Martha Gallahue and I drafted the resolution you have in your hands. It was presented to and approved by the National Leaders Council and the board of the American Ethical Union. It was then submitted to the assembly’s delegates for adoption. It was approved unanimously.

My address this morning, and the banner you may have noticed hanging on the side of our building stating clearly that “There is no such thing as ethical torture,” [these] are the continuation of a long process that will continue until the use of torture ceases!

As I mentioned in the newsletter announcement for my address this morning, sanctioning torture, as the current administration has, does much to stain our country’s reputation and weaken our national security. But more, much more is at risk. Nothing less than democracy as we have come to know and live it is at stake. As my title potently asks, will this policy, this embrace of torture, lead us down a path to the end of democracy?

Democracy depends on the autonomy, the sovereignty, and the sanctity of human dignity. And dignity is the very thing torture is designed to eradicate. Democracy promotes liberty and justice, it is designed to empower through freedom of choice and freedom of conscience. Torture promotes fear and submission, it is designed to disempower, to take away the things democracy ensures. These assertions, which form the outline of my address this morning, have a philosophic as well as a practical component and I’ll delve into both.

Since the conception of democracy, freedom and dignity have been conjoined. Indeed one could argue that the good life, the moral, the right life, can be bundled with them.

¹ The reader is reminded that this is the written text of an oral address and remains in that style. While the speaker’s presentation marks have been redacted, there has been no attempt to edit it into an essay.

Many a western philosopher, including the founder of our movement, Felix Adler, has done just that—bundled morality, freedom, and dignity.

Immanuel Kant, the Enlightenment philosopher to whom Adler and consequently our movement owes much, equated dignity with freedom in positing that dignity is to be found in autonomy, in our being self-governing, internally guided and motivated, as opposed to being governed from without, dominated in our actions and thoughts by external forces, be they natural or purportedly supernatural.

It follows that respect and reverence for human dignity is the foremost principle of Ethical Humanism. Therefore, the opening sentence of the *Paper in Support of the Resolution Against Torture*, reads, “The use of torture is the most extreme violation of the principles to which Ethical Culture is dedicated.”

That is a powerful and stunning statement. The use of torture is the most extreme violation of Ethical Humanist principles. The most extreme. Again, from the paper:

“From the ethical standpoint, torture is the most extreme violation of human dignity because it totally annihilates the freedom and agency of its victims while totalizing the power of the perpetrators of torture. ... In this sense, and because torture employs the studied, protracted application of severe pain, it is arguably a greater violation of dignity than even homicide or murder.”

And so “Ethical Culture calls for the absolute and total ban on the use of torture, whether by the military, law enforcement, intelligence services or private actors.” As the United Nations Convention Against Torture makes clear, “No exceptional circumstances whatsoever, whether a state of war, or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Therefore, our call for a ban on torture is absolute and total. No exceptions. No justifying circumstances. Absolute and total.

Compassionate, caring, thinking people shiver as they see the very foundation of democracy eroded by those who govern by and are perhaps themselves driven by fear. And so the Ethical Movement rises in absolute and unalterable opposition.

That is our clear, unambiguous position, one to which we lend our voice and our dedication.

Let’s step through what I just laid out. Here’s the progression of how we come to the conclusion that the use of torture is the most extreme violation of the principles to which Ethical Culture is dedicated. Just look at the first three of the Eight Commitments of Ethical Culture.

First, Ethical Culture is a religious expression of Humanism in which ethics is central. As Ethical Humanists, the most central issue in our lives involves creating a more humane environment.

Second, ethics begins with choice. Creating a more humane environment begins by recognizing and affirming the need to make significant choices in our lives. It is through our choices, through the act of choice itself, that we become fully human, fully ourselves.

Third, and central to our concern this morning, as Ethical Culturists we choose to treat each other as ends—as ends per se and not merely means to ends as noble and beneficial as those ends may be. As autonomous individuals, we make choices. As controlled and coerced beings, we do not—others make them for us

To enable us to be whole we choose to treat each other as unique individuals having intrinsic worth. This ascription of worth, of dignity, is a choice, a commitment, not a categorical statement. I choose to ascribe to you and to others, indeed to everyone, equal worth regardless of the commercial or communal value of her or his contributions to society. And it is in the reciprocal attribution of worth that I myself find autonomy, freedom, and dignity.

And whenever I stand up in the face of coercion, however slight or however severe, I rise in the defense of my own autonomy and freedom, and in expression of my own dignity. Whether as a petulant child—"you can't make me;" as a rebellious youth—"you can't push me around, you can't tell me what to do;" or as a protesting adult, "you can't tell me what to think, what to believe;" each is a preservation of personal dignity.

The bundling of dignity, of equal personal worth, with morality and freedom is central to Ethical Culture and central to democracy. But it is not the only construct of dignity. Within orthodoxies of various stripe, the opposite is true and submission is valued over autonomy. Obedience to external commands, be they the issue of worldly or otherworldly agents, is the basis of pride and dignity. For others obligation prevails and the fulfillment of duty constitutes dignity.

Certainly there are elements of these versions in the lives of democratic people, but they are functions of choice, not demand, not physical coercion nor cultural force. I could go on in this vein but my objective is not a dissertation on dignity, only the illustration that dignity is an essential foundational element of democracy.

That's the philosophic. I said I would also touch on the practically, which is much simpler. It doesn't work. Torture doesn't work. It's unreliable and only breeds that which it is purported to eliminate—terror and barbarism. Simply put, its sanction alone fosters additional atrocities.

Further, any information obtained under duress is undependable at best and generally inadmissible even in a military tribunal, let alone a court of civil law. Military commissions have found statements obtained through torture to be highly problematic, and attempts to restore them to credibility have failed. Many of these efforts have been means of contrived definitions and designations—enemy combatant, person of interest, enhanced interrogating techniques, and the like.

There is a growing understanding among military prosecutors that the process is, in the words of Lt. Col. Robert Preston, "wrongly managed, wrongly focused and a blight on the reputation of the armed forces." Another Lt. Col., Stuart Couch, says of the commissions, "We lost what little bit of credibility that might have been there. And I'm not sure we can salvage it."

To be clear on what we're talking about, take a look at the definition of torture in the resolution that each of you have in hand. It is the first asterisk, the second tells where you can find the resolution and its supporting paper, at www.AEU.org. The definition is from the United Nations Convention Against Torture, to which the United States is a signatory. It is worth reading.

"The term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind,

when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

That spells out what torture is in clear and comprehensive but somewhat sterile terms. In 2005, Georgetown University law professor David Luban issued a brilliant paper on torture. Listen to his vivid words in describing what it does, what it is intended to do.

“The self-conscious aim of torture is to turn its victim into someone who is isolated, overwhelmed, terrorized, and humiliated. Torture aims to strip away from its victim all the qualities of human dignity that [we] prize. The torturer inflicts pain one-on-one, deliberately, up close and personal, in order to break the spirit of the victim—in other words, to tyrannize and dominate the victim. The relationship between them becomes a perverse parody of friendship and intimacy: intimacy transformed into its inverse image, where the torturer focuses on the victim's body with the intensity of a lover, except that every bit of that focus is bent to causing pain and tyrannizing the victim's spirit. ...

“The body in pain winces; it trembles. The muscles themselves register fear. This is rooted in pain's biological function of impelling us in the most urgent way possible to escape from the source of pain—for that impulse is indistinguishable from panic. ...

“And torture humiliates. It makes the victim scream and beg; the terror makes him lose control of his bowels and bladder. The essence of cruelty is inflicting pain for the purpose of lording it over someone—we sometimes say, ‘breaking’ them and the mechanism of cruelty is making the victim the audience of your own mastery. Cruelty always aims at humiliation.”

That is what your country is sanctioning. That is what we oppose. And that is what we intend to stop!

From the assertion of self-determination in the Cyrus Cylinder twenty-five hundred years ago, to the Magna Carta's recognition of the equal application of the rule of law in 1215, morality, freedom, and dignity have been seen as inextricably entwined.

When Scotland sought its independence from England in 1320, the first premise of the *Declaration of Arbroath* set the will and the wishes of the people above the King so that their freedom might be maintained.

The first article of *Declaration of the Rights of Man* approved by the French National Assembly in 1789: “Men are born and remain free and equal in rights.”

The preamble to the *Universal Declaration of Human Rights* adopted by the General Assembly of the United Nations sixty years ago this year begins: “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, [and] disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.”

It goes on to conclude simply and elegantly in the first of its thirty articles, “All human beings are born free and equal in dignity and rights.”

Eleanor Roosevelt, no stranger to Ethical Culture, played a central role in drafting that document, so passionately did she believe in its declarations. This country has a long and honored history of establishing and upholding those rights in the democratic context.

But that reputation has been tarnished by the barbarous acts the Declaration foretold, and for the same reason—disregard and contempt for human rights. As a result, our country's standing among nations has been sullied and our national security diminished.

All in the name of a war on terror conducted by means intended to strike terror in the hearts and minds of others. That is barbarous.

Something is very wrong when a nation abandons in the face of fear the very principles that made it great, principles Americans had the conviction and courage to stand by, until now.

This is the opening paragraph of David Luban's paper that I cited earlier:

"Torture used to be incompatible with American values. Our Bill of Rights forbids cruel and unusual punishment, and that has come to include all forms of corporal punishment. ... Americans and our government have historically condemned states that torture; we have granted asylum or refuge to those who fear it. The Senate ratified the Convention Against Torture, Congress enacted anti-torture legislation, and judicial opinions spoke of 'the dastardly and totally inhuman act of torture.' Then came September 11."

Some have speculated that since 9/11 there has been a shift in what Americans view as just, as what's acceptable, as what's justifiable and condonable. My purpose this morning, and the purpose of that banner hanging on the side of our building, is to say there hasn't been and that there is no need for any such shift. We simply need to return to what is right, what is decent, what is respectful, and what made this nation great.

We are not alone in our barbarism, but we are alone in our leadership, occupying a unique position in the community of nations that conveys a responsibility that we are not living up to. Last year Amnesty International reported instances of torture by the security forces of no less than 102 nations. Given our stature among nations our similar actions validate theirs and encourage them toward greater atrocities.

For if there exists a hypothetical justification for these acts, then who's the arbiter? Who besides the implementer has the apparent authority to judge conditions sufficient to justify the unjustifiable? Certainly any who make or have made similar claims—who have themselves crossed the line of human decency—have forfeited the moral authority to intervene. And when that happens, civilization begins to crumble.

Ours is not an isolate instance or a unique claim to justification, but it is unique in our history. But I fear it will not be uncommon in our future unless we reverse course now—unless we act and act now!

As we gather today, the Pentagon is moving forward with plans to build a new, 40-acre detention complex on the main American military base in Afghanistan. That is, according to the New York Times, stark acknowledgement that the United States is likely to continue to hold prisoners overseas, and outside the jurisdiction of our constitution and courts, for years to come.

There are already two U.S. "detention centers" in Afghanistan where harsh interrogation methods and sleep deprivation—read that torture—have been widely used. At one, Bagram, two Afghan detainees died after being repeatedly struck by American soldiers. It has been described as more spartan than the better known U.S. detention and interrogation facilities at Guantánamo Bay. Bagram prisoners have fewer privileges, less ability to contest their incarceration, and no, repeat no access to legal representation. Some detainees have been held for five, repeat five years without being charged.

That is not the American way, it is not the democratic way, it is not the humane way, and it is not an acceptable way.

Gitmo, Abu-Ghraib, Bagram, new facilities being built in Afghanistan and who knows where else, the numerous “dark locations” to which we’ve outsourced our dirty work to be conducted by others in secret because the attitude that we “can’t handle the truth” still prevails at the topmost levels of our military and of our government. That is shameful.

Our protest is broader than our opposition to the unnecessary and unsuccessful wars preemptively waged in Afghanistan and Iraq. But it has been within that context that our national policy toward torture has been rearranged and executed in contravention of numerous international treaties and conventions to which we are a party. That, too, is shameful.

In the words of Hans Blix, former U.N. chief weapons inspector “The invasion of Iraq in 2003 was a tragedy—for Iraq, for the U.S., for the U.N., for truth and [for] human dignity.”

As the veil of secrecy is lifted from the heinous acts of our government, we see that Americans in general and Ethical Humanists to a person find those acts not only unjust but abhorrent—the opposite of everything this great nation has stood for since its inception.

Luban contends that “American abhorrence to torture now appears to have extraordinarily shallow roots.” I agree with him on the appearance, but not on the substance. I posit that the fundamental notions of freedom and dignity run deep in the democratic ideal and, at root, remain the most cherished of American principles. And those of us who support those very ideals oppose torture have the moral high ground, if we will only claim it. This is a call to action that we must answer!

Some closing thoughts from the paper in support of the resolution, and from the resolution itself: Torture is not only corrupting to the American character, it diminishes America's standing and safety in the world. Note the following:

- The use and legitimation of torture by the United States severely erodes the system of international human rights and humanitarian law, which has been painstakingly crafted since the end of World War II.
- In a related vein, the use of torture against "enemy combatants" renders less safe any American soldiers taken captive by its enemies.
- As the United States bears greater exemplary power than any other nation its dramatic disregard for human rights, removes an important inspirational tool for those struggling for human rights in their own repressive environments.
- American policies under discussion radically weaken our diplomatic ability to critique human rights abuses in countries that routinely practice torture. The moral high ground is lost.
- Torture yields false evidence. It doesn't work.

THEREFORE:

- The American Ethical Union calls upon the Congress and President of the United States to immediately and unconditionally cease the practice of torture everywhere, including the transfer of prisoners to other jurisdictions where torture may be employed.

- We call upon the Congress and the President of the United States to allow unfettered access and inspection of any and all sites and facilities.
- We call upon the Congress and the President of the United States to avow without reservation to abide by its international agreements and honor the highest standards of human rights.
- And we call upon the Congress and the President of the United States to openly recognize and apologize for all transgressions, to allow for due process, and, whenever and wherever possible, to make restitution to their victims.

We call upon the Congress and the President of the United States to restore our national honor and to maintain our national reputation so that we might once again hold our head high with dignity in the court of global opinion.

We do this in the name of common decency, in the name justice, in the name of freedom, in the name of human rights, in the name of human dignity, and in the name of democracy.

For there is no such thing as ethical torture and if torture is allowed to stand democracy will fall.



A member of the American Ethical Union
and the International Humanist & Ethical Union

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