Focus on the Ethics of Torture
PERSPECTIVES ON TORTURE
Reports from a Dialogue Including Christian, Judaic, Islamic, and Feminist Viewpoints

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ABSTRACT

Torture continues to be a pressing political issue in North America, yet religious scholarly reflection on the ethics of torture remains all but sidelined in public discourse for a variety of complex reasons. These reasons are explored—and critiqued—in this collection of reflections by Christian, Jewish, Muslim, and feminist religious ethicists. These scholars find that historical amnesia, forced if not twisted readings of classical texts and contemporary human rights instruments, and sociological factors are but a few of the factors challenging contemporary religious ethical discourse on torture.

KEY WORDS: torture, discourse, comparative ethics, Judaism, Christianity, Islam, feminism

NATIONAL AND INTERNATIONAL DEBATE rages about the moral legitimacy of torture. Recent practices in American national security including extraordinary rendition and “enhanced interrogation techniques” at U.S. military installations, and the exposure in Canada of its military’s unwitting or perhaps willfully ignorant complicity in the torture of the captives it turned over to Afghani security institutions reflect the urgency of examining the moral morass surrounding torture. Public discourse about the ethics of torture has thus far failed to provide sustained, reasoned, and religiously-grounded arguments. This collection of essays compiles some preliminary reflections on torture in a comparative manner.¹ The juxtaposition here demonstrates some of the overlapping consternation that scholars and practitioners in these three interrelated religious traditions, as well as feminist scholars, feel about contemporary torture. These

¹ These pieces were initially presented at the joint meetings of the Society of Christian Ethics, the Society of Jewish Ethics, and the Society for the Study of Muslim Ethics, in San Jose, CA, in January 2010.
reflections are certainly not meant to be exhaustive; they merely indicate the breadth and depth of religious anxiety about defining and confining torture.

Indeed, the issue of definition is critical to the contemporary torture debate. The 1984 United Nations Convention Against Torture offers a robust definition of torture, and it seems that the three religious pieces here assume this definition. Yet as the feminist perspective here observes, this definition fails to incorporate torturous behavior committed by non-state actors; it does not see domestic abuse as a form of torture, for example. Religious scholars would benefit from taking this critique seriously. Would religious traditions acknowledge that domestic abuse and other such non-state torture constitute “torture”? If not, why? Perhaps another way to define torture is more apt to this project than assuming a modern political definition of torture and applying it anachronistically to religious traditions. Instead, religious scholars could plumb their traditions to find how ancient author(ities) and audiences understood torture in their geopolitical, historical, and theological contexts. What, for example, constituted torture in the biblical period? Were all bodily mutilations considered torturous or proper ways of executing fair justice (see, for example, the treatment by and of King Adoni-Bezek in Judges 14)? And how did medieval Inquisitorial interrogators (and their superiors) understand the techniques imposed upon their captives to compel conversion to what they believed to the one true and right faith: did those tactics constitute torture? If not, what were they? To illustrate, how might Augustine view those tactics, given his notion of “judicial torture” in City of God (1998, 926–28)?

Linked to these definitional challenges is the need to differentiate between acts of torture from institutions of torture. If, as some scholars elsewhere contend, religious justification of certain acts of torture in particular contexts can be found, does this support also endorse the establishment and continuation of institutions that torture? Were a religious imprimatur for torture to exist, what might this mean for governments: could torture become a religiously sanctioned piece of statecraft? If religious permission to torture could be found for exceptional kinds of warfare or for particular groups of enemy-combatants, what implications would this have for police treatment of domestic citizens? As will be seen in the following, some religious traditions labor hard to distinguish the treatments that governing authorities are to extend to different categories of people. Further examination could show whether these distinctions cohere in theory (are they rigid or pliable?) and are echoed across traditions (is there commensurability?), and whether they are upheld in fact. That is, when it comes to torture, do religious (and governing) authorities adhere to their own tradition’s teachings?
Suffice it to say, the essays here are only preliminary reflections on these and related questions.\textsuperscript{2} These scholars present only some of the myriad ways different traditions approach the thorniness of torture. Gushee offers a retrospective historical critique of contemporary Christian deliberation about torture and locates it within the current political debate raging in the United States. He bemoans a “historical amnesia” that plagues modern Christians and exposes the weaknesses of many “thin” Christian arguments. Crane demonstrates that modern Jewish opinions about torture gather no consensus. In his view, neither end of the political spectrum offers robust Jewish arguments condemning or condoning torture. Ahmed shows that modern Sunni Islamic scholars who condone torture do so without adequately understanding the nature of medieval jurisprudence, the major goal of which was to divide the world into clear legal categories that carried attendant treatments of wartime captives. And Gudorf, using recent polls of American opinion, reveals strong relationships between religiosity and permissiveness toward torture. She also reveals the inherent weaknesses of modern human rights language in identifying abusive treatment of women as torture per se.

Overall, these scholars paint a relatively dim picture of religion’s contributions to contemporary debate about—or efforts to stem—torture. These pieces reflect that each tradition struggles with being a perpetrator, victim, and bystander of torture. The religious traditions especially wrestle with the fact that within their foundational scriptural documents precedents for torture can be found. And yet, no tradition offers uncritical or wholesale support for torture; all see some evil in it and seek its demise, or at least its tightly enforced regulation. Nor do these pieces articulate normative arguments; for the most part they describe how traditions grapple with torture. Obviously more work can and should be done on this topic within and across religious traditions—a point these authors heartily endorse. Despite such limitations, these pieces suggest the potential that sustained and rigorous religious examination of torture could have for contributing to public interrogation of the morality and utility of both acts of torture and institutions that torture.

\textbf{REFERENCES}

Augustine

\footnote{For more robust treatments of these themes by some of these authors, see Gushee 2010 and Crane 2010–2011.}
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