

BEYOND TORMENT AND TORTURE

A Sermon by Dean Scotty McLennan
University Public Worship
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Torture is wrong, always. Period. I shouldn't have to be preaching a sermon about this. There should be universal agreement about the impermissibility of torture, and that should be the end of it. I shouldn't have had to preach a sermon subsequent to September 11, 2001, either -- stating that terror in any form is always wrong. Period. As if Osama bin Laden were going to listen. But there are euphemisms for terror, which he and others use -- like liberation struggle, ending occupation, and freedom fighting -- which allow people all over the world to forget that innocent human beings should never, ever intentionally be targeted for killing, no matter what the objective. Who's really innocent, you or they might say? Well, how about newborn babies? How about young children and their mothers, or recent college graduates, on a bus or in a marketplace or eating breakfast at the top of the World Trade Center, for starters. And so I felt I had to preach a sermon about terror.ⁱ And today I feel I must preach a sermon about torture.

What exactly is torture? As you heard in today's reading, the psalmist put it this way: "'Dogs are all around me; a company of evildoers encircles me. My hands and feet have shriveled; I can count all my bones. They stare and gloat over me; they divide my clothes among themselves...Deliver my soul from the sword, my life from the power of the dog!'"ⁱⁱ In the blander language of international law, torture means "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person."ⁱⁱⁱ

In the days of Saddam Hussein's reign in Iraq, torture was routine, especially in his central prison in Baghdad, called Abu Ghraib. As a recent New Yorker article explained, Abu Ghraib meant "isolation, beatings, rapes, attack dogs, electric shocks, starvation."^{iv} It was horrible, despicable and unconscionable. It was continually and rightly condemned by human rights organizations like Amnesty International. President Bush, in his January, 2003, State of the Union Address, before the start of the Iraq War, described what he called the "torture chambers" of that country, which used methods like forced confessions, electric shock, and rape. As he famously said, "If this is not evil, then evil has no meaning."^v One year ago, after Coalition forces had defeated Saddam Hussein's military, President Bush -- in emphasizing the ethical underpinnings of Operation Iraqi Freedom, called "on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture." He added, "We are leading this fight by example."^{vi}

Now we have graphically seen what Americans can do when they take over Saddam Hussein's torture chambers at Abu Ghraib: yes, forced confessions, electric shock, and rape; yes, isolation, beatings, attack dogs, starvation. And add to that: intentional humiliation, sleep deprivation, sexual abuse, and homicide. In your name and my name, by service men and women and agents of our United States of America, as part of Operation Iraqi Freedom. Let's be clear about the order of magnitude here, though. What we've done can hardly begin to compare to the horrors under Saddam Hussein, or even to the routine torture of prisoners that continues to be countenanced daily around the world.

Yet, I'm not consoled by hearing my Secretary of Defense equivocating like this at a press conference: "I don't know if it is correct to say what you have just said that torture has taken place, or that there's been a conviction for torture. And therefore, I'm not going to address that torture word." I'm not reassured by American radio talk show conversations, like one moderated by Rush Limbaugh last month, where he spoke dismissively of "so-called torture" at Abu Ghraib prison, asserting that the Americans involved were simply "having a good time" and "blowing some steam off." As he put it, referencing President Bush's senior society at Yale, "This is no different than what happens at a Skull and Bones initiation." He also excused American conduct at Abu Ghraib by saying it was "like anything you'd see Madonna or Britney Spears do on stage."^{vii}

Yet, a bright line had been drawn on torture in the U.S. Army Field Manual at the time our Abu Graib abuses were taking place, of which neither Mr. Rumsfeld nor Mr. Limbaugh seemed aware. The manual prohibits pain induced by bondage, forcing an individual to stand, sit or kneel in abnormal positions for prolonged periods of time, and food deprivation. Under mental torture, the Army Manual prohibits mock executions and sleep deprivation.^{viii} All of that happened under American jurisdiction at the Abu Ghraib prison, as each of us are now well aware. Torture is wrong, always. Period.

Yet, each of you are probably also aware of the recently reported August, 2002, Justice Department memo advising the White House that torturing Al-Qaida terrorists abroad may be justified, arguing that "necessity and self-defense could provide justifications that would eliminate any criminal liability later."^{ix} This legal reasoning was then used in a March, 2003, report by Defense Department lawyers assessing the interrogation rules in Guantanamo Bay, Cuba. The original memo, addressed to White House Counsel Alberto Gonzalez, also defined torture in a much more limited way than the Army Manual. It claimed that moderate pain does not necessarily constitute torture. Torture, the memo says, "must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."^x

Now, I don't want to be heard to be making a partisan political statement in this sermon. I'm trying to make a moral statement, based on Christian religious principles -- like the fact that all human beings are created by God, in the image of God, and we're all called upon to do unto others as we'd have them do unto us. I've been preaching for almost thirty years now, through both Democratic and Republican administrations, and I've felt it my duty to criticize certain actions of each and every one of them from a moral and religious perspective. As a student who came to oppose the Vietnam War in the 1960's, I spoke out strongly, and went to the streets, to protest the policies of Democrat Lyndon Johnson. Torture has been as much of a concern, on moral and religious grounds, to conservative Republicans like William F. Buckley, Jr., who served on the Board of Amnesty International in the 1970's, as to the more liberal Democrats like Jimmy Carter, who spoke and acted from the White House to promote freedom from torture worldwide.

"My God, my God, why have you forsaken me?" says the biblical psalmist. "Why are you so far from helping me, from the words of my groaning?"^{xi} One who has been stripped naked, tormented by snarling dogs, starved, surrounded by gloating evildoers, and put to the sword, cries out to God without experiencing any response. By the end of Psalm 22, though, God is seen as standing with and comforting the tormented and the tortured: "For God did not despise

or abhor the affliction of the afflicted; he did not hide his face from me, but heard when I cried to him."^{xii}

On the issue of torture, one of the people who upsets me the most is a professor who was at the Harvard Law School when I was a student there in the early 1970's -- Alan Dershowitz. He's a long-time civil libertarian and has been called America's top liberal lawyer. And yet, soon after September 11, 2001, he was calling in a Los Angeles op-ed for "torture warrants."^{xiii} It's his claim that there are times when torture is acceptable -- with the paradigm case being the so-called "ticking bomb terrorist" who could save enormous numbers of lives if tortured into revealing his fellow terrorists' plans. Ken Roth, the executive director of Human Rights Watch responded in disbelief, in this way, during a CNN-sponsored discussion with Dershowitz: "The prohibition on torture is one of the basic, absolute prohibitions that exists in international law. It exists in time of peace as well as in time of war. It exists regardless of the severity of a security threat. And the only other comparable prohibition that I can think of is the prohibition on attacking innocent civilians in time of war or through terrorism."^{xiv} Torture is wrong, always. Period.

Actually, there was a time historically when torture was not only widespread but considered acceptable under the right circumstances. By 1800, however, most European countries had legally abolished the use of torture under any circumstances. Then there was an unexpectedly virulent resurgence of torture in Europe in the twentieth century, especially in Hitler's Germany and Stalin's Soviet Union.^{xv} Under the auspices of the United Nations, though, in 1948, all nations on earth, with six absentions, agreed to the Universal Declaration of Human Rights, which states simply in Article 5 that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Likewise, the Geneva Conventions in 1949 affirmed international law that prisoners of war in captivity need reveal only their name, rank and serial number, and then "No physical or mental torture, nor any other form of coercion, may be inflicted...to secure from them information of any kind whatsoever."^{xvi}

But then, the claim has been made by Alan Dershowitz and some members of the Bush administration that the war on terror is a new kind of war and that the old rules of war and of international humanitarian law simply no longer apply. Israel made the same argument in dealing with terrorism within its homeland. It claimed there should be a narrow exception to allow torture in the ticking time bomb scenario where poor children whose bus was about to be exploded someplace might be saved. Yet, the practical result was a slippery slope to Israeli forces' torturing the majority of Palestinian security detainees that Israel held. Finally, the Israeli Supreme Court had to step in with a decision that completely outlawed torture as a matter of Israeli law.^{xvii} Torture is wrong, always. Period.

In today's gospel story,^{xviii} a naked man named Legion, kept under guard and bound with chains and shackles, is freed by Jesus. He is tormented by internal demons, we're told, as well as external. When Jesus first approaches him, he begs Jesus not to torment him too. True to his nature throughout the gospels, though, Jesus comes to liberate, not to torment. He calls the demons out of Legion, and they run away in swine to be drowned in the lake. This couldn't have felt like a safe situation for Jesus. Legion was a dangerous man who might even have been seen by some as a mad terrorist, although the story gives no indication that he'd ever killed anyone. Jesus steps into the midst of the danger with courage and an orientation toward healing and transformation, rather than treating Legion as anything less than a fellow human being. As a

result, Legion ends up going away, proclaiming how much Jesus has done for him, while the rest of the people manage to transfer their fear to Jesus. Jesus is asked by them to leave the area, so he gets into a boat on the lake and departs.

To act like Jesus in the world is not necessarily to become popular. Most of us respond more easily out of our fear than out of our desire to heal and transform. And it seems like a particularly dangerous world these days. But it will become more dangerous as America abandons the moral high ground and leads by its example in exactly the wrong direction. When our methods begin to be equated by others with Saddam Hussein's, then the world will indeed see, in our President's words, "If this is not evil, then evil has no meaning." I am haunted as an American on this Father's Day by the widely-publicized image of an Iraqi mother and her son, holding a photograph of his father's bloodied, plastic-wrapped corpse at Abu Ghraib, with a female American soldier leaning over his head with a big smile on her face and a thumbs up. I shouldn't have to be preaching this sermon in America. Especially on Father's Day.

NOTES

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- i. Scotty McLennan, "Hope in a Time of Terror," a sermon delivered in the Stanford Memorial Church on December 8, 2002.
 - ii. Psalm 22: 16-20.
 - iii. "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (1984). See "Definition of Torture" from the "Compilation Under International Law" of the Association for the Prevention of Torture at www.ap.t.ch/
 - iv. David Remnick, "Hearts and Minds," New Yorker, June 18, 2004.
 - v. George W. Bush, "State of the Union Address," January 28, 2003.
 - vi. George W. Bush, as quoted in Remnick, "Hearts and Minds."
 - vii. Rush Limbaugh, radio show commentary on May 4, 2004, as reported at www.usnewswire.com.
 - viii. Dana Priest and R. Jeffrey Smith of the Washington Post, "Memo: Torture 'may be justified' in some cases," San Jose Mercury, June 8, 2004, p. 9A.
 - ix. As cited in Ibid.
 - x. Ibid.; See also Michael Hirsh, John Barry, and Daniel Klaidman, "A Tortured Debate," Newsweek, June 21, 2004, pp. 50-53; and Angie Cannon, "Time Bombs in the Files," U.S. News and World Report, June 21, 2004, p. 67.
 - xi. Psalm 22:1.
 - xii. Psalm 22:24.
 - xiii. Alan Dershowitz, "Is There a Torturous Road to Justice," Los Angeles Times, November 8, 2001.
 - xiv. Wolf Blitzer, Interview with Alan Dershowitz and Ken Roth, Cable Network News (CNN), March 4, 2003. <http://edition.cnn.com/2003/LAW/03/03/cnna.Dershowitz/>
 - xv. "Torture," New Encyclopedia Britannica (Chicago: 2003), Vol. 11, p. 861.

xvi. "Geneva Convention Relative to the Treatment of Prisoners of War" (1949), Article 17.

xvii. Blitzer, CNN Interview.

xviii. Luke 8: 26-39.