

From the Gulag Archipelago to Guantanamo Bay: An Evangelical Assessment of Torture

Brian Edgar

Key words: torture – evil – imago dei – nationalism – human rights

Abstract: This paper examines the theological principles which provide the foundation for a Christian approach to torture and the argument for ‘doing evil in the name of good’. It also considers the connection between individual acts of violence and broad-scale socio-political principles. There is an examination of two books related to torture: Alexander Solzhenitsyn’s *The Gulag Archipelago* and Naomi Klein’s *The Shock Doctrine: the Rise of Disaster Capitalism*. The former deals with radical communism and the latter with extreme capitalism. The conclusion reached is that torture can never be justified as an evil done for the common good. This does not rely on the commonly cited reasons of natural law, social justice, a shared humanity or human rights but more specifically and cogently on evangelical themes relating to the call to participate with Jesus Christ in the covenant community of God. The concept of the nation as a good in itself is challenged by the universal call to belong to God’s covenant community; the moral status of the human person as influenced by the imago dei is interpreted in a more communal fashion than usual; the possibility of a moral duty to perform an otherwise evil action is contrasted with the idealistic nature of Christian love; and the concept of human rights is explored in terms of a responsibility to God rather than as intrinsic rights belonging to individuals.

Although torture¹ is a very personal action with one individual inflicting severe mental or physical pain on another, it is also an action which cannot be understood apart from the cultural and social values that permit, prohibit, limit, or even encourage its practice. Indeed, it is the idea of the common good which provides a rational justification for what would otherwise be, for an individual, a morally indefensible action. This paper examines the theological principles which

¹ *The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* adopted by the by General Assembly of the United Nations in resolution 3452 (XXX) of 9 December 1975 says, “torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons.” See http://www.unhchr.ch/html/menu3/b/h_comp38.htm (accessed 30 August, 2008).

relate to torture and the argument for 'doing evil in the name of good'. The conclusion is that torture can never be justified as an evil done for the common good and that this does not rely on the commonly cited reasons of natural law, social justice, a shared humanity or human rights but more specifically and cogently on evangelical themes relating to the call to participate with Jesus Christ in the covenant community of God.

The moral dilemma of torture is often illustrated by a 'ticking bomb' scenario, the kind found in the Fox television series "24", where it is argued that the innocent majority need to be protected by a torturous interrogative process which can obtain the information needed to prevent impending disaster. In reality, however, most torture is not undertaken as the result of this kind of situation and there is a danger that focusing on it will only serve to disguise the fact that most torture is done for more brutal and base reasons. Nonetheless, it is still necessary to address and debate this common rationalisation - however rarely it applies - because it serves to give significant moral cover to the general practice of torture.²

A constructive examination of the cultural influences on torture is possible through an evaluation of two books which provide detailed accounts of social and moral collapse in very different social contexts. The first is the much acclaimed *The Gulag Archipelago*, written nearly forty years ago by Russian novelist, dramatist and historian Alexander Isayevich Solzhenitsyn (b. 1918) to reveal to the world the corruption of Soviet law and the oppression of many of its citizens. The second is investigative journalist Naomi Klein's more recent *The Shock Doctrine: the rise of disaster capitalism*³ which examines the political and economic implications of radical free-market capitalism in the context of extreme social shock, caused by tsunamis, hurricanes, dictatorships, regime collapse and other disasters including deliberately destructive economic measures. It also deals with the connection between social destruction and privatized re-construction and the personal destruction of individuals through torture and subsequent attempts at psychological re-orientation. The first book deals with radical communism and the other with extreme capitalism. Of course, any suggestion that there are echoes of the Gulag Archipelago at Abu Ghraib and Guantanamo Bay ought not fail to recognize differences in the extent of torture and oppression between these two very different contexts. But the point here is not quantitative, it is the similarities in motive and justification that are instructive. The use of opposing socio-political perspectives can make clear that one of Christianity's most fundamental contributions to any such debate is that allegiance to *any* human, political system can become idolatrous. Without reform or spiritual renewal the unfettered

² Amnesty International estimates that 75% of the world's governments currently practice torture. J. Quiroga, J.M. Jaranson, "Politically-motivated torture and its survivors: A desk study review of the literature". *Torture* 15 (2-3) (2005): 39-45.

³ Naomi Klein, *The Shock Doctrine*, Camberwell: Allen Lane, 2007 and also published in the same year by Henry Holt and Co, (New York); Knopf (Canada); and Penguin (London).

consumerist materialism of the west will ultimately undergo moral and social collapse as surely as the radical atheistic materialism of the Eastern bloc or any other socio-religio-political ideology.

There should be no doubt that there is a very specific Christian contribution to public debates about the nature of evil and the morality of torture. There are four areas which will be explored. The first involves *the concept of the nation as a good* in itself; the second relates to *the moral status of the human person* which has been influenced by Christian teaching regarding the *imago dei*; thirdly, there is a consideration of *the process of utilitarian reasoning* and whether there is the possibility of a moral duty to perform an otherwise evil action; and the final area of discussion involves *the concept of human rights*.

THE GULAG ARCHIPELAGO

More than fifty years on from its infamous peak period of power it still seems that the acronym SMERSH (created from the initial syllables of the phrase ‘death to spies’) is more of a bad joke than the real name of a Russian counter-intelligence agency. It evokes the atmosphere of the bumbling spies of KAOS and CONTROL in the TV comedy, ‘Get Smart’, or SPECTRE in the James Bond films, rather than that of a genuinely notorious instrument of ‘state security’ - a euphemistic justification for an organisation devoted to violent political suppression.⁴ SMERSH was part of the systematic suppression of Soviet citizens which began with the 1917 revolution and which continued under Stalin and subsequent regimes until the fall of the Berlin Wall in 1989. It was responsible for investigating, arresting, interrogating, torturing and then ensuring the conviction, sentencing and punishment of people in the extensive network of prisons and labour camps (gulags) which became known as ‘the gulag archipelago’ through Solzhenitsyn’s book of that name.⁵ While Augustine’s analysis of sin in his *Confessions* could manage with an examination of the childish theft of pears from a neighbour’s orchard Solzhenitsyn had much more dramatic sins to analyse. In the end though, there are striking similarities because

⁴ SMERSH was formed in 1943 as part of the Soviet Army but soon became a general part of the Soviet state security apparatus under direct political control and eventually became part of the KGB, that is, the ‘Committee for State Security’, the umbrella organization for security and intelligence agents and the secret police. SMERSH actually appeared in Ian Fleming’s novels as Bond’s opponent, but in the film versions it became SPECTRE.

⁵ In 1945 he was arrested for criticising Stalin and spent eleven years in prisons and labour camps and in exile. After his ‘rehabilitation’ in 1956 he wrote about life in a gulag in *One Day in the Life of Ivan Denisovich* which, unusually for a literary work with a political theme, was published within the Soviet Union during a short period of slightly greater openness under Nikita Khrushchev (who was later removed from office by more hard-line elements of the Communist Party). Solzhenitsyn subsequently wrote *The Gulag Archipelago* Melbourne: Collins, 1974. He was awarded the Nobel Prize in Literature in 1970 and exiled from the Soviet Union in 1974. He returned to Russia in 1994

there is really nothing new about sin which is deeply un-creative (very ‘un-original’) as it undoes the good of creation.

When *The Gulag Archipelago* appeared in English in the early 1970’s many of the crimes discussed were still being committed. The suppression of dissidents from 1917 on caught up vast numbers of innocent people, including many legitimate protesters. The on-going Revolution filled the gulags with opponents of the state and with prominent public figures, wealthy people, generals and officers and officials of ministries and state apparatus. Also imprisoned as ‘counter-revolutionary’ were owners of their own homes, members of co-operatives, members of church choirs, priests, those considered bourgeois, political opponents, mystics, peasants and students. Arrests took place for all sorts of reasons, such as a result of ‘The Decree on the Punishment of Collective Farmers for Failure to Fulfil the Obligatory Norm of Labor Days.’⁶ Solzhenitsyn describes in painstaking detail the purging of one group after another, including those spuriously alleged to have caused harvest losses or cattle plague and those simply deemed ‘socially dangerous’.

The Soviet ‘purging’ (with its antiseptic connotations somewhat akin to the more contemporary euphemism, ‘ethnic cleansing’) was a form of extrajudicial reprisal (involving what we might today refer to as a form of ‘internal rendition’) in which the one organisation undertook the removal of individuals and their accusation, investigation, arrest, interrogation, prosecution and trial as well as the execution of the verdict. All this was undertaken in a shadowy world where legal process became legal fiction or a mere charade. Solzhenitsyn describes his own interrogation and the accidental manner in which he found in his own file a statement that he had the right to make complaints about the conduct of his interrogation. Of course, it was a mistake that Solzhenitsyn saw this, but he nonetheless took the opportunity to protest. The official response was to offer to ignore the ‘improper’ investigation that had taken place thus far - and to start all over again, but this time in a different and even more hidden and thus dangerous location!⁷ The ability of interrogators to use legal set-backs as weapons against their subjects is an art that has not been lost even today.

Solzhenitsyn’s careful description of the methods of interrogation and torture ensures that any discussion is not overly philosophical, it all comes down to the treatment of a single person undergoing cruel and inhuman treatment. His meticulous description of 31 methods of interrogation and torture⁸ makes for chilling and, unfortunately, contemporary reading. It includes various forms of sense deprivation; persuasion using aggression; intimidation and foul language; humiliation, induced confusion and psychological abuse; lies, constant loud noise and continuous interrogation; extreme physical restriction and cruel restraints; forced standing for long periods and sleep, food and water deprivation, as well as various punishments, beatings and extreme and deliberate physical damage, such

⁶ Solzhenitsyn, *Gulag Archipelago*, 87.

⁷ Solzhenitsyn, *Gulag Archipelago*, 142-3.

⁸ Solzhenitsyn, *Gulag Archipelago*, 103-117.

as breaking the prisoner's back. These acts of torture and terror were seen by other countries as nothing other than the inevitable result of the ideological system under which they took place and this resulted in a strong condemnation of Marxism by the west. But the Soviet Union was not alone in exploring torture, other nations were not, as we shall see, blameless in this matter.

SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM

In *The Shock Doctrine* Klein explores world of right wing, free-market, economic policies and the global influence of Milton Friedman and the Chicago School of economics.⁹ She also relates the development of large scale economic and social policy to individual and personal actions and morality. Torture is, according to Klein, a metaphor for the underlying intentions of radical, free-market capitalism and its existence in many of the situations where 'disaster capitalism' takes hold is not coincidental, nor a sad result of the actions of a few individuals, but a function of the implementation of broader social and economic policies. It is an individualised reflection of the 'disaster capitalism' approach to the dismantling of society in order to institute three essential elements of a radical free-market, small government policy: privatisation, de-regulation and extreme cuts in social spending. This economic shock doctrine does to societies what torture does to an individual – it obliterates their previous identity in order that they be re-patterned as compliant to a new authority.

Some of the situations Klein describes were used opportunistically while others were deliberately engineered or at least steered. They include post-hurricane Katrina New Orleans, post-tsunami Sri Lanka, post-Pinochet coup Chile, post-Peron Argentina, post-military coup Uruguay and Brazil, post-communist Poland, post-Soviet collapse Russia and, especially, post-war Iraq. The imposition of the economic policies took place through the edicts of new governments, the power of military forces, the influence of foreign banks and lenders, the insistence of other nations, the strength of powerful individuals and the requirements of international agencies. Typically, these new policies were implemented as emergency measures with the intent that they become permanently entrenched. Klein's argument is that they have significantly detrimental social and political implications typically leading to the creation of powerful ruling alliances, the transfer of wealth from public to private hands, a loss of democracy and individual abuses.

In post-Soviet Russia, for example, Gorbachev was pressured by political leaders (such as those of the G7) into radical economic therapy according to principles of the Chicago School of economics. His later comment was that "their suggestions as to the tempo and methods of transition were astonishing."¹⁰ They demanded the immediate privatisation of 225,000 state-owned companies

⁹ Journalist Naomi Klein is best known as the author of *No Logo* (Knopf, 2000) an analysis of the power of brands and the connection of brand companies with globalisation.

¹⁰ Klein, *Shock Doctrine*, 219.

contrary to the wishes of the Russian people. Two thirds of Russians told pollsters that they wanted ownership to go to workers but this did not happen. Price controls were removed, there were huge budget cuts and intra-national wars and by 1998 more than 80% farms were bankrupt and 70,000 factories had closed. The situation descended into violence. According to the World Bank 74 million people fell into poverty. Radical privatisation meant that state assets were sold off at a fraction of their value to those with the right connections who used public money for their purchases. A nickel company sold for \$170 million soon had annual profits of \$1.5 billion. Before the shock therapy Russia had no millionaires but by 2003 had 17 billionaires.

Iraq, however, is perhaps the purest example of the social effects of imposing a privatised, free-market policy on a devastated country. Even the business of war itself was largely privatised with mercenaries representing the largest contingent of soldiers – more than the whole of the ‘coalition of the willing combined.’¹¹ With elections manipulated to avoid the role of US multinationals being restricted, government employees appointed according to non-Iraqi standards and a commitment to privatising as much as possible the inevitable alienation of many Iraqi people contributed to the development of violent resistance and an on-going war. Economic restrictions were lifted so that there was no limit on the profits able to be removed from post-war Iraq and new oil laws were framed which shifted control of oil from Iraq to, despite their conflicted interests, an international body of experts. Then the insecurity of the war, which had been instigated by western countries, was used to justify international companies from those same nations taking an even larger share of Iraq’s profits from oil.¹²

Both the broad-scale social policies that were implemented and their underlying attitudes towards the culture and the people were replicated at other levels, including that of the individual. Torture was, in Klein’s terms, a metaphor of the ‘shock doctrine’ – the implementation of violent shocks to stun an individual or a nation in order to be able to exert control. Klein links the individual manifestation of this with broader political events instigated by security agencies.

Two CIA manuals described as ‘the first real revolution in the cruel science of pain in more than three centuries’¹³ have recently been made public and they

¹¹ Klein, *Shock Doctrine*, 378.

¹² The economic policies were closely tied to social and cultural styles and freedoms. Private companies were used to develop policy for social re-construction. For example, Klein describes how a US based, Mormon related company was paid to devise a plan for local government of Muslim people in a middle-eastern country. Their first step was dismantling the new, locally elected councils created some months prior to their coming.

¹³ The ‘Human Resource Exploitation Training Manual-1983’ and the 128 page ‘Kubark Counterintelligence Interrogation manual’ (1963). See the historian of torture Alfred McCoy in ‘Cruel Science: CIA Torture and Foreign Policy’ *New England Journal of Public Policy*, Vol. 19, No. 2 (Winter 2005) 218. Also see *A Question of Torture: CIA interrogation from the Cold War to the War on Terror*, NY Metropolitan, 2006.

show how this agency took on the theories of psychiatric researcher David Cameron and the principles based on his CIA funded research at McGill University.¹⁴ Cameron was testing the belief that it was possible to use shocks – electroshock and other deprivations including isolation, sense deprivation and so forth to unmake and then re-make minds. The CIA was interested in ‘mind control’ and ‘brainwashing’ and Cameron demonstrated, as if it was needed, that it is certainly possible to destroy bodies and minds to completely erase a previous identity but not that it is possible to re-construct a new one.¹⁵ Hooding, isolation, sense deprivation, temperature change, cold water, rats and cockroaches, bad food and punishment all brought about the regression of the individual. Similar techniques were used in Guantanamo Bay and Abu Ghraib. Chaplain James Yee reported prisoners in Guantanamo Bay being unable to talk coherently, they were reduced to nonsense and the repetition of childish songs and other childish behaviour. Defence counsel Sabin Willett warned of it becoming an insane asylum.¹⁶ But the destruction of personality did not lead to a clean psychological slate on which a new person could be re-built any more than Soviet interrogation dressed up as psychiatric rehabilitation. Nor did this psychological shock achieve it any more than the destructive ‘shock and awe’ of the bombs and rockets in Iraq led to a clean social and cultural slate on which a new form of culture could easily be erected.

COVENANT AND THE CLAIMS OF NATIONHOOD

The first of the four theological themes to be used to theologially evaluate rational defences of torture is that of divine covenant which is related to the ideological concept of the nation. Both Solzhenitsyn and Klein demonstrate that the attempt to understand torture individualistically - as though the problem was the existence of a few “bad apples” in the barrel - is to misunderstand the corporate nature of evil. It is not enough to point only to those most directly involved, those who participate in a particular social system may not be direct perpetrators of violence but nor can they remain bystanders and retain a clear conscience because they are bound to it by the very principle - the *common* good - which justifies it. This, however, means trusting in an illusory good – the ideological fiction of the state - which places the victims of torture in *opposition* to the people of the state and which therefore has supplanted the genuine connection between people which is the universal call to share in a covenantal community. Just as Solzhenitsyn argued that marxist ideology must bear responsibility for the crimes of communism so Klein argues that extreme free-market capitalism must be held to account for those actions done in its name,

¹⁴ The university and the CIA were subsequently successfully sued by 9 unwilling human guinea pigs whose lives were shattered by the research.

¹⁵ Nonetheless, he lectured the CIA on psychological and physical methods of interrogation and the material ended up in CIA manuals.

¹⁶ Klein, *Shock Doctrine*, 45.

even though, as John Gray points out, it may be that Friedman and the other free market ideologues were “comically deluded bien-pensants” for thinking that a western-style market would emerge in post-communist Russia rather than confused state control and an often criminal oligarchy.¹⁷ Whether deliberate action or deluded mistake both ideologies have led to violence of various kinds (political suppression, war and torture) and it is clear that unless they are touched by the breath of God, permeated by the Spirit and responsive to human conscience both radical capitalism and extreme socialism are dangerous. The pursuit of them is an illustration of the words of Jesus concerning the danger of seeking to gain the whole world while losing one’s soul (Mark 8:36).

There ought to be no surprise that this misleading concept of the nation as a greater good is used to justify torture because the modern form of this ancient construct was itself created out of an impossibly ambiguous desire to overcome violence through greater force. The concept of the secular nation-state which emerged at the beginning of the modern era overcame the existing regional fragmentation and constant conflict between city-states, aristocratic estates, religiously aligned confederations and regional alliances. These new states created centralized authority structures and replaced the multitude of private militias with highly institutionalised, professionalised and centralized armies. While this had some advantages the costs included the potential for new forms of state-based violence including even greater conflicts between huge armies (hence, ultimately, the terrible effects of ‘the war to end all wars’); the possibility of a powerful central government itself becoming an he instrument of oppression of its own people; and the legitimation of torture of those who threaten the state. A mixed blessing indeed.

The concept of there being a ‘special right’ of the state to do what individuals or other social groups could not reaches its zenith in western culture in American exceptionalism - the belief that America has a special destiny among nations.¹⁸ This is, however, simply an extreme form of the concept of a special right for the state which exists almost everywhere, in different strengths and with various justifications (including religious ones¹⁹) and certainly among

¹⁷ John Gray, “The End of the World as We Know It”, in *The Guardian*, (September 15, 2007).

¹⁸ Derived from its founders who saw America as a new form of political community promoting *inter alia* the rule of law, democratic government and freedom of speech and religion and associated with Christian beliefs the USA has continued to think of itself as a country blessed by God with a moral global mission. As President Ronald Reagan noted: ‘The guiding hand of providence did not create this new nation of America for ourselves alone, but for a higher cause: the preservation and extension of the sacred fire of human liberty. This is America’s solemn duty.’ Cited in Robert Patman, “Globalisation, the New US Exceptionalism and the War on Terror” in *Third World Quarterly*, Vol. 27, No. 6, (2006) 965.

¹⁹ Obviously, the validity of them is much debated. See, for example, William Cavanaugh, “Messianic Nation: A Christian Theological Critique of American Exceptionalism,” *University of St. Thomas Law Journal* 3, no. 2 (Fall 2005): 261-80.

the USA's allies. When Australian Prime Minister John Howard spoke to a group of religious leaders he staked a claim for a priority for the state when he reminded them "as I remind all Australians, our common values as Australians transcend any other allegiances or commitments, and I will be talking in practical ways about how these goals might be achieved."²⁰ But whatever its form, the inevitable result of the state claiming a special status is the creation of a dualistic form of morality where that which is forbidden to the individual (lying, theft, violence) is permitted by the state in its relations with its enemies. This not only creates a moral distinction between state and individual but also distinguishes moral responsibility to some people (in one's own nation) from moral responsibility to others (those in a different country). This is seen in attitudes where the lives of people in other countries count for less in determinations about whether to begin or continue a war. It is also seen in the treatment of people in times of peace, as when there is an acceptance of poverty, sickness and suffering in other countries which would not be accepted in our own. It is also seen in attitudes towards torture.

When the concept of the state is abused in order to divide people and to promote violence it is in conflict with the evangelical call for all people to participate in the covenant with God which comes through Jesus Christ – a call which does not put people in opposition but which *joins* perpetrators with their victims, and both of them with the world. The Old Testament call of God "I will be your God and you will be my people" (Lev. 26:12) extends to all nations (Eph. 2:14) and is to be a universal community. The gospel call to be in covenant with Jesus Christ has immediate political consequences which relativises all other allegiances. Although this covenantal community - the kingdom of God - is not constituted by earthly, human or temporal actions it is a kingdom which presents a powerful critique of the kingdoms of this world. And it does so today as much as it did in the time of Christ.²¹ The life of the kingdom has to be congruent with the goal of a new humanity in Christ and this cannot be achieved by means which are opposed to it. The values of the kingdom cannot include torturing people to save people, because in so doing it lessens the humanity of the perpetrators²² as well as the life of the victims and diminishes the whole of humanity and the life of the kingdom. If the life and behaviour of an earthly kingdom contradicts the

²⁰ From a report of his speech by Meaghan Shaw in "Commitment to Nation Comes First" in *The Age*, (August 23, 2005).

²¹ When Christians first said 'Jesus is Lord' the world of their day was likely to see this as a challenge to the idea that 'Caesar is Lord'. The 'gospel (or 'good news') of Jesus Christ' was a counter to the 'good news' about a new conquest from the emperor who was also known as the 'son of God' and 'the saviour' who brings the 'peace' of the empire (*pax Romana*).

²² "Our torturers have been punished most horribly of all: they are turning into swine, they are departing downward from humanity" according to Solzhenitsyn in "What I Learned in the Gulag" at <http://www.freerepublic.com/forum/a3798e53e4620.htm> (accessed 30 August, 2008).

principles of God's covenant with his people then it is necessary to reject allegiance to that earthly kingdom.

HUMANITY AS A REDEMPTIVE COMMUNAL RELATIONSHIP

The Gulag Archipelago and *The Shock Doctrine* help by clearly illustrating the complex inter-relationships between the moral life of the individual and social influences. Torture easily becomes an inevitable result of policies and systems. It is not necessary to instruct guards in the Gulags or in Abu Ghraib or Guantanamo Bay to abuse and humiliate prisoners if the settings of the overall system are clear enough. If it is apparent from the way things are conducted that one has to dismantle the country to re-build it in the way one believes it should be, and if the clear aim is to pull it apart economically before restoring it in a new and different way, and if the obvious practice is to remove existing social institutions before replacing them with ones that are preferred, and if the overall prison environment is demeaning and threatening then it will clearly make sense to guards that one has to destroy people psychologically before re-constructing them.

Christian resistance to the destruction of the individual has developed out of the concept of the *imago dei* which has been a cornerstone of western ethical thinking for the past two thousand years. As historian W.E.H. Lecky said,

*[Christianity] considered [people] as immortal beings, destined for the extremes of happiness or of misery, and united to one another by a special community of redemption, the first and most manifest duty of the Christian man was to look upon his fellowmen as sacred beings and from this notion grew up the eminently Christian idea of the sanctity of human life ... This minute and scrupulous care for human life and virtue in the humblest form, in the [care of the] slave, the gladiator, the savage, or the infant, was indeed wholly foreign to the genius of paganism. It was produced by the Christian doctrine of the inestimable value of each immortal soul.*²³

What had been taken for granted as a normal part of life in a totalitarian empire was undercut by the Christian insistence on the value of every human being. It led to the care of the dying in hospices, then the care to make people better in hospitals. It was Christian belief that everyone was valuable that led to a stress on education and eliminated slavery, gladiatorial battles and infanticide. And over time the rightness of this was simply taken for granted. This is not to say everyone behaved properly, but there was at least an agreement about what ought to happen.²⁴

²³ W. H. Lecky, *The History of European Morals from Augustine to Charlemagne*, (11th ed.; London: Longmans, Green and Co., 1894) Vol ii, 18, 20,34.

²⁴ Although he operates from a different theological perspective ethicist Peter Singer agrees that it was specifically the Christian doctrine of the person which transformed the treatment of persons in the west. In presenting his own preference for optional infanticide he says, "If these conclusions seem too shocking to take seriously, it may be worth

It is hard to overstate the importance of the specific concept of the *imago dei* in interpreting the moral status of the person in torture as well as in many other issues. But the historic Christian understanding of that human status has been based on interpretations of the *imago dei* which have often been more based on a theology of *creation* than a theology of *redemption*, and ontologically more *substantively* than *dynamically* and thus more *individualistically* than *corporately*. It has been presented as though the image was an aspect of every human person possessed in isolation by each individual (such as rationality, creativity, stewardship, spirituality etc) stamped on humanity at creation. Certainly this gave people a special moral status when, for example, compared with animals, and is responsible for much good. However, in situations where there is a conflict between people it is precisely an individualist reading of the value attributed to persons by the *imago dei* which allows utilitarian thinking to conclude that the individual must be sacrificed for the greater good. The problem lies in the individual interpretation of what it means to be human as though the common good is simply the accumulation of individual values. The ethical impact of the *imago dei* needs to be interpreted in a more relational, social, redemptive, corporate and Christological manner – one which has ethical implications for *societies* and *systems* as well as individuals.

In the creational account humanity is described as being ‘*made in the image of God*’ (Genesis 1:26-27) rather than as ‘*being the image of God*’. It is, in fact, Jesus Christ who alone can be said to ‘be’ the image of God (Rom 8:29; 2 Cor 4:4; Col 1:15). It is not sufficient to define the *imago dei* in relation to creation. The image in humanity is something to be actualised rather than simply possessed. Humanity ‘is conformed’ to the image by being found ‘in Christ’. Although the *imago dei* does mark out humanity as being different and distinct it is not defined by its relationship to the rest of creation (which is not in the image of God) but by relationship to Jesus Christ. And this actualisation of the *imago dei* which takes place in Christ (Eph. 1:4) has both ethical and corporate dimensions. The concept of the *imago dei* is a statement about our participation in the life of God (2 Peter 1:4). Human-ness is not an entity possessed in isolation, as though an individual could have it by themselves. It is not just an entity found in us but something in which we participate. Thus in the development of one person’s humanity it is important what other people do and who they are. We

remembering that our present absolute protection of the lives of infants is a distinctively Christian attitude rather than a universal ethical value.” (Peter Singer, *Practical Ethics*, Cambridge University Press, 172) He also says, “Christianity brought into the Roman world the idea of the uniqueness of man, which it inherited from the Jewish tradition, but insisted on with still greater emphasis because of the importance placed on man’s immortal soul. Man, and man alone of all beings living on earth, was destined for a life after his bodily death. With this came the distinctively Christian idea of the sanctity of all human life.” Peter Singer, *Animal Liberation*, 2nd ed., London: Jonathan Cape, 1990, 7. His own view is that because the doctrine of the sanctity of human life is a product of Christianity, it is a value that Christians hold to which is not necessary for the contemporary world.

cannot grasp the significance of the transformation of the person in purely forensic or individualistic terms as though we can be fully understood as separated persons, justified and reckoned to be righteous without an exploration of the corporate, essential and mystical connections involved in being 'in Christ'. We live together in humanity as a shared experience, it is not a phenomenon which can be known in one alone. Just as the concept of *imago dei* has, in the past, provided a foundation for asserting the unique moral status and moral responsibility of the individual person, so now it is important for the church to reassert and even extend its understanding of the moral value of persons as participants in various forms of social relationships, as well as individuals. Torture cannot be properly understood in individualistic terms but only as a distortion of the totality of social relationships and in opposition to our corporate destiny in Christ (Rom. 8:29).

MORAL DUTY IN THE LIGHT OF LOVE AND VIRTUE

If the new humanity is a communal relationship in Christ then the command to love one another is central to its life and formation. The people of God share in a moral responsibility to build one another up in love (Eph.4:16). The radical nature of this command to love even one's enemies is significant. Sometimes, however, torture is perceived as a regrettable necessity and even as a matter of moral duty. Those engaged in it may, ironically, even see themselves as the most moral of all people (those willing to do terrible things for their own people) and their nation as the most moral of all (the only nation which can be entrusted to use torture for good purposes rather than simply evil).²⁵ This sense of responsibility may be enhanced by various conditions such as the presence of a serious conflict; de-personalisation through anonymity in both aggressor and victim; and role absorption (complete immersion in a role as guard, interrogator, soldier or other official). But the most important condition for those considering state sanctioned torture is the conviction that nationalism not only provide a motivation for sacrifice and generosity, but also a rationalisation for individuals for evil done for the common good. The problems associated with this include the fact that the pervasiveness of sin means that it is simply not possible to be certain of the purity of one's motives when undertaking evil for the sake of good and also that although utilitarian reckoning may sometimes 'work' (in the situation where someone does elicit information which saves others) it cannot be known in advance whether it will or not (a question of reliability frequently questioned by military commentators). Inevitably, it will lead to many 'mistakes' where people suffer for no reason. And if one is prepared to adopt a utilitarian stance which involves torture or even death then one could suggest that, logically, one probably has a responsibility to apply it in many other situations as well, such as

²⁵ Cavanaugh, William T. 2006. "Making enemies: the imagination of torture in Chile and the United States." *Theology Today* Vol. 63, No. 3, 315.

destructive medical testing on condemned life prisoners and the use of other, currently banned methods of undertaking war, such as the use of gas.

However, the conclusion that torture is never right is a position has been criticised for being impractical, naïve and idealist. And it has to be admitted that implementing it as a policy may mean that a nation might become more vulnerable to terrorism²⁶ and actually suffer as a result. In many sense it may not be a pragmatic approach to policy, however, it is entirely consistent with the example of Jesus and the very personal relationship he had with unjustified violence. He said, "I tell you, do not resist an evil person... you have heard that it was said, 'Love your neighbour and hate your enemy.' But I tell you: Love your enemies." (Matt. 5: 38-43). Nor was this simply a piece of theory. In the garden of Gethsemane Jesus was confronted by armed men who were doing the bidding of those who wanted him dead. Simon Peter's violent reaction could well be described as a reasonable, rational, proportionate response to the prospect of unimaginable evil done to the innocent. But Jesus does not always act in reasonable, rational, human, ways. He said, "Put your sword back in its place. For all who live by the sword will die by the sword." This was consistent with his call for his disciples to "Love your enemies, do good to those who hate you, bless those who curse you, pray for those who mistreat you. And if someone strikes you on one cheek, turn to them the other as well" (Luke 6:27-29). It is one thing to say that when there is no one in particular out to get you. It's quite another thing to say it when there is someone standing in front of you with a sword, ready to take you away. This was no idealistic theory, it was the way he lived.

Then Jesus reaches out and heals the ear of the man who came to arrest him. Instead of resistance he offers support; instead of a sword he gives a helping hand; instead of hurting he brings healing; instead of violence he comes in peace; instead of fighting he shows love. This is the impracticality of Jesus. He doesn't always do what may be considered to be the logical, rational, thing. In fact, this non-violent approach is undergirded by a very powerful philosophy that 'we' are not intrinsically more important or more valuable than 'them'. Jesus could, of course, have got out of the danger he was in, "Don't you know," Jesus said, "that I can call on my Father, and he will at once put at my disposal more than twelve battalions of angels?" (Matt. 26:53). But violence is not the way. Following Jesus in this way is only possible if one is sustained and nurtured by a strong and certain Christian hope. Hope is not a guarantee that evil will not happen. It is the conviction that God will always be with present with his people. It means being able to look beyond immediate problems and threatening scenarios and having confidence in God as the ultimate reality.

This is possible for those who follow the one who was himself tortured for the sake of others, who suffered humiliation, deprivation, torture and death. And in so doing, just as he brought freedom from death he brought a freedom from

²⁶ Michael Ignatieff, *Torture: Does it Make Us Safer? Is it Ever OK?*, edited by Kenneth Roth and Minky Worden, (The New Press in conjunction with Human Rights Watch, 2006).

torture. Not necessarily a freedom from being tortured, but a freedom from believing that torture or death can separate us from the love of Christ (Rom. 8:38-39) and freedom even from the belief that we need to torture others to save ourselves.

HUMAN RIGHTS AND RESPONSIBILITIES

The absolutist position against torture is commonly expressed in terms of human rights and the notion that there are some things which should never be done irrespective of the situation. The term 'human rights' is relatively new, having come into use only since the formulation of the Universal Declaration on Human Rights (UDHR).²⁷ Their present form is strongly influenced by Enlightenment principles which encouraged belief in natural law, confidence in human reason and the certainty of the self-evident rights to life, liberty, security of person and property. The on-going problem, however, of 'universal' human rights as they develop is that it is difficult to get a universal understanding of what they are because they are not always self-evident.²⁸ The UN declaration of 1948 largely reflects the approach of the western liberal democracies²⁹ and is based on the notion that all people are free and equal in dignity and rights. The definition and further development of human rights continues to depend significantly on culture and religion.³⁰ So much so that Alistair MacIntyre says quite bluntly, with regard

²⁷ It is an oversimplification to suggest that human rights were not, in other forms, present well before the Enlightenment. Until the 14th century, Christian thought operated without any concept of *subjective* natural rights. Rights were objective, that is, people were 'right' if they lived according to the obligations of community life. The right action was acting according to law and individual, subjective rights were limited. The notion of subjective rights was debated in terms of the right to property which depended upon a sense of natural right - which would later become a human right.

²⁸ This is seen in the debates over what rights should be included in what became the UN declaration. British and North American conceptions of rights were focused upon the individual while the European conception of rights tended to be more focused upon the social situation. The socialist contribution was to seek even greater reference to economic and social rights and they also wanted rights to be compatible with state sovereignty. That didn't happen so in the end the Soviet Union abstained.

²⁹ That is, first there are the personal rights (articles 3 to 11); then the rights of the individual to be in relationship with others (12 to 17) and then civil liberties and political rights (articles 18 to 21). The fourth category includes other social and economic rights (22 to 27) and this is followed by some fairly disparate rights and 'limitations' (28 to 30). In their respective declarations the Americans call on God and the French on reason, but the UN statement provides no philosophical basis.

³⁰ For Buddhists rights need to conform to a conception of society which is patterned on the family in which freedom consists in harmonising the individual with the leader. In Hindu tradition there are caste obligations, while in Africa the individual's self-realisation is through the community. The thinking of many in the developing world is that economic and social rights are more important than individual ones. For example, what is the point of freedom of expression when one is hungry?

to natural or human rights, that ‘there are no such rights, and belief in them is one with belief in witches and in unicorns’³¹ The idea of a ‘universal ethic’, says MacIntyre, was formulated in order to support the Kantian notion of a self-autonomous, rational agent and a morality which is the same for all rational beings, in the same way that the rules and arithmetic are universal. But for MacIntyre a determination of moral value is entirely dependent upon participation in a particular tradition. Despite this, the reality in the international community is that there has been a gradual convergence of thinking about rights including the International Covenant on Economic, Social and Cultural Rights (1966), the 1975 UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the introduction of bills of rights in various countries and states.

There is no ideological foundation however, in the 1948 declaration. The declaration is achieved simply by consensus. Theologically, these rights are based on the sovereign act of God and the gospel of Jesus Christ. There is no greater right than to be able hear the gospel and to be able to respond to it and receive the salvation which God offers. This universal right to the gospel for all people then translates into the right to a more general individual liberty, and thus becomes the foundation for all religious, philosophical and political liberties. The gospel of grace implies a liberty to accept or to reject the truth and, by implication, the right to reject it and choose to follow another ‘gospel’ or another system of belief or philosophy.

The Christian right (or responsibility) to be a part of the church of Jesus Christ then translates into the right to belong to another group and thus to the more corporate rights which relate to culture and community. Therefore the concept of state and personal allegiance to it is not eliminated completely, but it is relativised by the gospel. It is not an absolute right or an unfettered good and cannot supplant the responsibility we have to all others – whether they be innocent or guilty, victim or perpetrator, a member of our nation or another.

Biblically, people have God-given responsibilities rather than intrinsic individual rights. God gives to us the responsibility to care for others. We are not primarily obliged to people, rather, we are responsible to God for them and the fact that a person has certain rights is really derivative of that more fundamental fact. God holds people responsible for the good of others and so, derivatively, they have ‘rights’ under God, simply because God is concerned with their well-being. Both responsibilities and consequential rights are located in God. The biblical tradition is replete with examples of God-given responsibilities from what could well be called ‘The Ten Responsibilities’ (Deuteronomy 5; also see 15:11)

³¹ Alastair MacIntyre, *After Virtue*, Second Edition, Notre Dame, Indiana: University of Notre Dame, 1984, 69.

Joan O’Donovan, in her own way, agrees, saying that ‘churchman and theologians are, at best, naive in their facile appropriation of ‘rights’ talk.’ “Rights, Law and Political Community: a theological and historical perspective” in *Transformation* 20/1 (January 2003) 31.

to the Two Great Commandments (to love God and neighbour) which are, in effect, 'God's Universal Declaration of Human Responsibility'. The command to love God and neighbour provides the foundation for a shared human responsibility which, derivatively, confers certain 'rights' on our neighbours. This love command exists because love originates in the divine community of Father, Son and Holy Spirit where there is a mutual love which overflows in the sending of Jesus to share our humanity, suffer the consequences of human sin and die in order to overcome the power of sin and death. This is the model for Christian love and its most fundamental characteristic is precisely that it seeks the good *of the other*. Love is at its most loving when it is love of those most different from us – when it is love of the enemy. This stands in contrast to the need to torture someone which is driven by the opposite of love – fear. It is often assumed that the opposite of love is hate, but this is not so. The opposite of the love, security and confidence involved in the love of God is fear, and it is fear that leads to torture.

Love is, necessarily, the concluding factor in this argument against torture because it is love that unites the other three theological themes which have been discussed so far. *Living in love* is the content of the *covenant community*, the central factor in conforming humanity to the *image of God* in Christ, the ideal which is a denial of the *argument of doing evil for the sake of the common good* and the principle which goes *from individual rights to the idea of divine responsibility*. In short, this argument against torture does not rely on the commonly cited reasons of natural law, social justice, a shared humanity or human rights but more specifically and cogently on those evangelical themes relating to the call to participate with Jesus Christ in the covenant community of God where perfect love drives out fear (I John 4:18) - and it is only this love that can cast out the fear which leads to violence so that torture can become an impossibility.

Brian Edgar is Professor of Theological Studies at Asbury Theological Seminary, Kentucky and formerly Director of Public Theology for the Australian Evangelical Alliance.