

**DOES PRACTICE MAKE PERFECT?
APPLYING CHRISTIAN VIRTUE ETHICS TO THE PROBLEM OF TORTURE**

By Rebecca Gordon

Traditional ethical approaches to the issue of torture generally deploy either utilitarian or deontological arguments. In most cases, contemporary *justifications* of torture rely on a utilitarian appeal to the principle of effecting the greatest good for the greatest number. *Opposition*, on the other hand, most often takes one of two forms: Either a deontological appeal is made to Kant's injunction against treating a person's humanity only as a means and not also as an end in itself. The alternative is a utilitarian argument either emphasizing the dangers that torture of the enemy present to one's own combatants, or questioning the efficacy of torture as a method of obtaining information, or both. What the two methods have in common however, is that they treat torture itself as if it were an isolated act or series of acts, an unpleasant sort of human behavior that erupts suddenly in contexts of extremity, and just as suddenly recedes when the crisis passes.

In this paper I argue that we can better understand torture by treating it as a *practice*, rather than as a set of discrete acts; that it therefore follows that contemporary virtue ethics offers a better grasp on the problem of torture than utilitarian and deontological approaches alone can provide; and finally, that for Christians in sacramental traditions, the relatively undeveloped field of sacramental ethics may be especially helpful in coming to grips with torture.

My interest in torture at this moment is more than academic. In September 2006, Congress passed the Military Commissions Act. The Act unilaterally reinterprets the Geneva Conventions to permit the secret detention and torture of persons – regardless of citizenship status – designated by the President as “unlawful enemy combatants”; it rescinds the right of

habeas corpus for such persons; and it allows them to be tried in secret, without the right to face their accusers, and on the basis of testimony produced through the use of torture. In the post-9/11 period, U.S. government policy on torture has undergone an historic shift — from active but *covert* support to active and at least to some extent *overt* support for the use of torture. Faced with this reality, I am more than interested. I am concerned – both for the bodies and souls of those who are being tortured, and for the character, the soul, if you will, of my own country.

I am worried about how a move from a stance of covert acceptance of torture^{*} to its overt embrace affects the character of a nation. And I wonder how those of us who practice ethics of any sort, and in particular Christian theological ethics, ought to respond to this new reality. As public,¹ scholarly² and governmental³ discourse (including the Vice President’s recent observation that the use of waterboarding “to save American lives” is a “no brainer”⁴) suggest, this is far from a settled question. I hope with this paper to make a small contribution to an important discussion.

Understanding Torture as a Practice

I begin with some working definitions of *torture* and *practice*.

Torture: Definitions of torture abound. Perhaps the most useful *legal* definition for our purposes is that contained in the United Nations *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, to which the United States is a signatory, albeit with “reservations.” The *Convention* defines torture as:

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,

* It is beyond the scope of this paper to rehearse the long, well-documented history of U.S. support for governments employing torture in such diverse countries as South Africa, South Vietnam, Greece, Indonesia, Brazil, Argentina, Chile, El Salvador, and Uruguay.

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.⁵

In other words, *torture is state terrorism practiced at the level of the individual.*

A legal definition, however, hardly exhausts the meaning of the term. Elaine Scarry⁶ has offered a *phenomenological* description of torture as *the intentional unmaking of a human being's world.* To begin with, profound physical pain, says Scarry, robs the victim of language. In *Torture and Eucharist*, Thomas Cavanaugh elaborates on Scarry's observations. "The immediacy of pain," he says, "its monopoly of attention and its incommunicability.... shrinks the world down to the contours of the body itself; the enormity of the agony is the sufferer's only reality."⁷ The world beyond the victim's body disappears.

In a similar way, torture forecloses its victim's sense of her life as extended in time. Past and future collapse into the unbearable present. Commenting on this phenomenon, Cavanaugh, quotes an English doctor tortured by the Pinochet regime in Chile: "It was as though I was suspended over a pit;" she said, so that "the past had no relevance and I could see no future."⁸

Scarry's analysis focuses on the effects of physical pain, but I would argue that the terror and/or disorientation induced by psychological forms of torture can have the same world-destroying effect. Mock execution, waterboarding (in which the victim is made to believe she is drowning), sleep deprivation, exposure to unbearably loud noise – all of these have their own profound physiological as well as emotional effects. All act to reduce the victim's world to the eternal here and now.

Not only does torture destroy the sufferer's physical and temporal worlds, it obliterates

her social world as well, by forcing her to “betray” comrades and loved ones.* George Orwell provides a classic literary example of this phenomenon in the novel *1984*. After the Party has starved and tortured the rebel Winston Smith at the Ministry of Love, and he has given up his hold on everything – principles, logic, reality – one last tie to his old world still remains to be severed. His tormentor O’Brien asks him if there is a single degradation that has not happened to him. Smith replies that there remains but one. He has not betrayed his sweetheart Julia. O’Brien acknowledges that this is true, and sends him for a final session in Room 101, which contains, as everyone knows, “the worst thing in the world.”⁹ In Smith’s case, the worst thing in the world is - rats.

Facing the imminent prospect of having his face devoured by slaving rats, Smith’s world shrinks down to nothing: “There was a violent convulsion of nausea inside him and he almost lost consciousness. Everything had gone black.” But in that blackness an idea presents itself to him: “There was one and only one way to save himself. He must interpose another human being, the *body* of another human being between himself and the rats.”¹⁰ And at the moment before O’Brien springs open the cage and looses the rats on him, Smith realizes just *whose* body it is that can save him. “Do it to Julia!” he screams.¹¹

It is tempting to believe that our own bonds to those we love – or to reality itself, for that matter – are stronger than Winston Smith’s. In fact, such belief itself does part of the torturer’s work, as it further distances us from the victim. “There is,” says Scarry, “not only among torturers but even among people appalled by acts of torture and sympathetic to those hurt, a covert disdain for confession.”¹² But the truth is that almost everyone who is tortured confesses

* I place the word “betray” in quotation marks here, because, as we shall see, torture rarely produces names that torturers do not already know. What is important to the torturers is not so much the *content* of the betrayal as the *fact* of it.

to something, whether or not it is something that ever happened. (Those who seek to demonstrate that torture “works” often point to the French government’s use of it in Algeria during the 1960’s to break the cell structure of the FLN. But even students of the Algerian case acknowledge that that French military were overwhelmed by the amount of false “information” they had to comb through to find a few nuggets of truth.)

We need look no farther than the outrages at Abu Ghraib for a more recent example of the quality of the information produced through torture. In that United States-run Iraqi prison, Saddam Saleh Aboud spent almost three weeks chained 23 hours a day in a sitting position while loud music played. “Every few days,” reports the *New York Times*, “he was uncuffed for other treatments: douses of cold water, barking dogs, something called ‘the scorpion,’ in which his arms were cuffed to his legs, behind his back.”¹³ Finally, it was time for the questions.

"They began talking to me," Mr. Aboud said. "They asked, 'Do you know the Islamic opposition?' I said, 'Yes.' " They asked, 'Do you know Zarqawi?'" referring to a Abu Musab al-Zarqawi, a Jordanian militant with ties to Al Qaeda. "I told them, 'I am his driver, I swear to God.' "

Having (falsely) confessed to being the driver for a man the U.S. considered an elite terrorist, Aboud then made an even more startling admission:

"They asked me about Osama bin Laden," he said. "I said, 'I am Osama bin Laden but I am disguised.' "

He said he meant every word. "I was only afraid that they would take me back to the torture room," he said. "I would prefer to be dead."¹⁴

Eighteen days of torture produced not intelligence, but the ravings of a man who would say anything to make his abusers stop.

Torture regimes understand that the pain they inflict is not primarily designed to produce information. Sometimes they even explain this to their victims. Many who were tortured under Pinochet in Chile recall how after hours or days of resistance they finally let slip a word, a name, only to be told, “We already knew.”¹⁵ Lawrence Weschler reports a conversation with a plastic

surgeon who describes a similar experience during the years of military dictatorship in Uruguay: ““And all of us,” he said “were tortured for days on end, without even being interrogated at first.... Eventually they’d take us in for their interrogations – beatings, shocks, *submarino* immersions. They weren’t really after any information – they knew everything already, had everybody’s name. It was all just part of the process.””¹⁶

That years of experience on several continents prove interrogation by torture yields at best a mixed result – a few “facts” folded into mountains of confabulation; that the institutions that practice torture know this; these realities suggests that extracting information may not in the end be torture’s primary purpose. If a phenomenology of torture reveals a practice that destroys the victim’s world, if the product of torture is not primarily information, but an isolated, broken human being, we are left asking, what torture is for?

This question leads to a third definition of torture, a *political* definition. *Torture is a method of strengthening a regime through the destruction of persons and groups that might oppose it.* It is a way of dismantling organized social bodies by violating the bodies of the people who constitute them. This process begins at the level of the individual. Cavanaugh describes it this way: “With the demolition of the victim’s affective ties and loyalties, past and future, the purpose of torture is to destroy the person as a political actor,” and “to leave her isolated and compliant with the regime’s goals.”¹⁷ Through the process of interrogation, the torturer reconstructs the person, remaking the member of a union, a sewing cooperative, a church, into an atomized individual, whose only relationship is with those who are torturing her, with the representatives of the state.

Michel Foucault has named this relationship between the state and the individual an exercise of “pastoral power.” He suggests that it is the defining relationship between individuals

and the modern state. “[M]ost of the time,” says Foucault, “the state is envisioned as a kind of political power that ignores individuals, looking only at the interests of the totality or, I should say, of a class or a group among the citizens.”¹⁸ In fact, Foucault argues, the opposite is the case; the institutions of the modern state are deeply concerned with the regulation of the individual.

Ironically, Foucault locates the historical origin of pastoral power in the rise of the institutional Christian Church and its attention to the physical and spiritual wellbeing of its individual members. Pastoral power, says Foucault, “cannot be exercised without knowing the inside of people’s minds, without exploring their souls, without making them reveal their innermost secrets. It implies a knowledge of the conscience and an ability to direct it.”¹⁹

Torture at the hands of the state is the apotheosis of pastoral power, the state’s complete colonization of the prisoner’s mind and soul. Through the process of interrogation, the torturer reconstructs the person, remaking the member of a union, a sewing cooperative, a church, into an atomized individual, whose only relationship is with those who are torturing her, with the representatives of the state.

The ritual of interrogation employs another power technique aptly described by Foucault – the “examination.”²⁰ The examination, he says, occurs in a wide variety of settings – “from psychiatry to pedagogy, from the diagnosis of diseases to the hiring of labor.”²¹ It is a process by which the “observing hierarchy” turns its “normalizing gaze” on individuals, making it possible “to qualify, to classify and to punish.”²² In other words, by examining individuals in a legitimated, ritualized setting, the examiner deploys his power to establish what is true and what is right – and to sort the examinees on the basis of their conformity to the true and the right. This is precisely the task that the U.S. government openly proclaims it is performing at Guantánamo and in its other, more secret detention centers – interrogating the detainees in order to identify

the “really bad guys.”

It is its ceremonial nature that makes the examination so effective. “That is why,” says Foucault, “in all the mechanisms of discipline, the examination is highly ritualized. In it are combined the ceremony of power and the form of the experiment, the deployment of force and the establishment of truth.”²³ It is obvious that interrogation under torture involves the deployment of force. Unlike other forms of examination, torture does not hide the iron fist under a velvet glove. But Foucault’s insight allows us to deconstruct the ritual of torture to reveal something else: The point of the interrogation is not to *reveal* the truth, but to *establish* it.

The isolation of the individual is only the beginning. The main target is the individual’s social and/or political network, and ultimately any locus of social cohesion outside the regime itself. The point, says Cavanaugh, is “to fragment the society, to disarticulate all the intermediate social bodies between the individual and the state – parties, unions, professional organizations...”²⁴ as a means of reinforcing the regime’s power. At the same time, the knowledge that people are being tortured — are confessing subversive activities real and imagined, are giving up names, true and fictitious — creates suspicion and distrust within organizations and between friends and neighbors. Weschler describes a dinner party in Montevideo, Uruguay, years after that country’s dictatorship had ended. The guests remember how their social worlds had contracted in those days, how they loosened their connections to old friends and avoided making new ones. “You kept to yourself,” explained one guest, “you stayed home, you kept your work contacts to a minimum.”

The Uruguayan government had assigned every citizen a letter “grade” of A, B, or C. A’s were deemed good citizens and eligible for state employment; B’s were suspect and eligible only for private employment; C’s lost all their rights and posed a danger to anyone who hired or

associated with them. “And” says Weschler, “the point was that anyone at any time could suddenly find himself reclassified as a ‘C’ – because, after all, they knew everything.”²⁵

Weschler quotes the Uruguayan sociologist Carina Perelli’s* description of the climate of fear created by a regime engaged in torture:

Fear exterminated all social life in the public realm. Nobody spoke in the streets for fear of being heard.... One tried not to make new friends, for fear of being held responsible for their unknown pasts. One suspected immediately those who were more open or were less afraid, of being ‘agents provocateurs’ of the intelligence service. Rumors about tortures, arrests, mistreatments were so magnified by our terror as to take on epic proportions.... The fear of accountability loomed, larger than life, over every single activity in the public realm.²⁶

This is the social and political effect of the use of torture: the victims’ shame at their confessions and betrayals, the lasting physical and emotional effects of torture (which often include a profound aversion to any form of intimacy), serve to isolate them from former friends and comrades.

At the same time, their mere presence in society, combined the knowledge and imaginings about what has been done to them, the suspicion about what they may have done or said under torture, creates an atmosphere of suspicion and terror that rends ordinary social and political bonds. As Cavanaugh puts it, “Torture breaks down collective links and makes of its victims isolated monads. Victims then reproduce the same dynamic in society itself, with the net result that all social bodies which would rival the state are disintegrated and disappeared.”²⁷

We have arrived, then, at a working definition of torture for the purposes of this discussion. If it seems we have taken the long way round to get here, I can only agree. But I would argue that the aridity and superficiality of contemporary ethical debates about torture arises at least in part from a failure to adequately interrogate the thing we are debating. By torture then, I mean *the intentional infliction of severe mental or physical suffering by an official*

* Perelli is perhaps better known to contemporary readers as a former director of the United Nations’ Electoral Assistance Division.

or agent of a political regime, which has the effect of dismantling the victim's sensory, psychological, and physical worlds, with the aim of establishing or maintaining that regime's power.

Practice: What do I mean when I say that torture thus understood is a *practice*? In one sense, this designation seems self-evident even to the most naïve observer. A student in one of my college-level Ethics classes provides a good example of this view: “Torture is a process,” he writes. “Unlike murder it is not a spontaneous thing. You can’t just torture someone in a short fit of rage. Torture is something that is ongoing over a period of time. This period of time gives a person more than ample opportunity to realize that what they are doing is wrong.”²⁸

Certainly torture is a process, “something that is ongoing over a period of time,” but to call an arena of human endeavor a *practice* implies more coherence than merely carrying out a series of steps that produce a cumulative result. Making a single pot of soup is a process, but we probably wouldn’t call it a practice. We might, on the other hand, call cooking, even home-cooking, a practice.

Alasdair MacIntyre offers a more expanded definition of practice in *After Virtue*. A practice, he suggests, is a “coherent and complex form of socially established cooperative activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity...”²⁹ A practice in MacIntyre’s sense has a history and standards of excellence developed through that history. Its existence implies a community of practitioners who share the practice and initiate others into it. I would argue that torture as I have defined it does indeed satisfy this description of a practice — albeit a practice whose “excellences” many people, myself included, find abhorrent.

Is torture a “coherent and complex form of socially established cooperative activity?” It is certainly coherent in the sense that it focuses the emotions, intellects, skills and efforts of diverse individuals on the “goods” of that activity – the fragmentation of individual and social bodies – and is often (though not always) organized with a bureaucratic efficiency. Indeed, although torture is conducted in secret, meticulous, even punctilious record-keeping is a frequent mark of torture regimes. Weschler quotes Jaime Wright, a Brazilian Presbyterian minister who oversaw a five-year clandestine project to photocopy thousands of accounts of torture by the Brazilian police: “The Brazilian generals,” he told Weschler, “were technocrats... they were obsessed with keeping complete records as they went along.”³⁰

Wright attributes this obsession to two causes. First, the generals never thought they would be prosecuted for what they were doing. As another informant told Weschler, “They imagined that they were laying the groundwork for a civilization that would last a thousand years – that, far from having to justify themselves for occasional lapses, they would be celebrated by all posterity for the breadth of their achievement.”³¹

Wright cited another reason for the generals’ record-keeping, one which reflects that the tortures carried out in Brazil during the 1960’s and 1970’s formed part of a longer history and tradition. Recording their activities, said Wright, was for the military regime “an almost traditional reflex, going back to the days of slavery and the Inquisition. A confession was extracted through torture, and its truthfulness was conclusively affirmed when the victim signed the written version of his statement.”³²

Torture is also a “cooperative” activity. It is true that the drama of interrogation which forms the basic dynamic of modern torture very often involves only two players, the torturer and the sufferer. But the systematic application of torture at the level of a state requires the

organized, concerted work of many people, from jailers and torturers to record-keepers and even the architects who design the spaces whose only purpose is the infliction of pain.

Nothing in the description of torture as “cooperative” suggests that all those who work together need be directly employed by the state itself. In a perverse twist on its present-day fascination with privatization, the U.S. government has begun to privatize torture, contracting with corporations such as the Virginia- and London-based CACI to assist in interrogations.³³ Another Virginia-based company, Anteon, provides training in interrogation methods at the U.S. Army’s training facility at Fort Huachuca in Arizona.³⁴ Tortures is also “out-sourced” through the well-documented practice of “extraordinary rendition,” in which people detained by the United States are transferred to other countries for torture.*

The practice of torture also has a history – or more accurately, histories – each embedded in its own national and cultural milieu. We can gain a sense of the complexities of these histories by observing the influences of other torture regimes on four South American countries where torture was used extensively from the 1960’s through the 1980’s: Brazil, Argentina, Uruguay, and Chile. In Brazil, the primary influences were American; in Argentina, they were French. Uruguay already had strong historical connections to France, having modeled its democratic welfare state on what Weschler calls “France’s anti-clerical and socialist example at the turn of the [20th] century.”³⁵ So it is not surprising that the Uruguayan military turned for guidance to the books of Jacques Massu, the architect of France’s torture regime in Algeria. In Chile, by contrast, the chief influences were German.

Even particular torture techniques have their histories, which can be traced as they travel from one locus to another. Weschler reports that the authors and several of the team members

* See, for example, the case of the Canadian citizen Maher Arar, whose 10-month ordeal in Syria has been reported widely in the U.S. and international press.

who collected the data for *Torture in Brazil*, an exhaustive account of the use of torture during the Brazilian dictatorship, believe that specific torture techniques such as the “parrot’s perch” – and perhaps the use of death squads against common criminals – originated with the Brazilians themselves. “According to these team members, the Brazilians and the Americans together standardized these techniques and facilitated their dissemination elsewhere – to Argentina, El Salvador, Chile and so forth.”³⁶ A more recent example is the migration of interrogation methods from the U.S. facility at Guantánamo to Abu Ghraib prison in Iraq.³⁷

This dissemination points to another quality torture shares with other practices: It is an endeavor into whose tradition new practitioners are initiated in particular ways. To put it bluntly, torturers are not born, they are made. * And they are made through a process of initiation which almost always includes a period of brutal and brutalizing instruction — whose central element is the endurance of months of ritualized physical, psychological and emotional abuse. Recruits are repeatedly beaten, tormented, insulted and humiliated, made to follow pointless and capriciously changing rules. After they have served their time as targets of abuse, they graduate into an elite corps, who are granted privileges and liberties not available to most members of the military. Among these, of course, is the privilege of abusing new recruits. In the process, initiates are formed in, and learn to value, certain qualities such as courage, endurance, ruthlessness, obedience, and loyalty to fellow corps members and country.³⁸

Having passed together through hell, those who will torture learn to think of themselves and their fellows as superior beings. By contrast, an important part of the initiation period

* Alert readers may well argue that experiments such as those of Stanley Milgram and Phillip Zimbardo, have shown that, given the right conditions, ordinary people quickly become torturers, without any indoctrination whatsoever. It is beyond the scope of this paper to address the argument here, except to say that the ground-breaking work of Milgram and of Zimbardo does not address the way that torture is actually practiced outside of experimental conditions.

involves learning to think of those whom they will torment as less than fully human. In Chile, one member of the Junta referred to those it deemed “Marxists” as “humanoids.”³⁹ A Brazilian judge in the trial of a 23-year-old student remarked that “tortures are an institution,” in which victims are reduced to “guinea pigs.” He described the defendant as “an instrument for the practical demonstration of this system, in a class in which more than 100 sergeants participated and whose teacher was an officer of the Army Police, called Lt. Ayton; that in this room, while slides about torture were being shown, practical demonstrations were given using the defendant... and other prisoners in the Army police.”⁴⁰

Not all torture regimes treat this initiation period as frankly as the regimes of Latin America and Greece. Often such indoctrination is presented as training in *resisting* torture. For example, many members of U.S. and British military intelligence deployed to Iraq have participated in a program called R2I (Resistance to Interrogation). The course is designed to teach resistance to a number of methods of interrogation, including the kind of sexual humiliation employed by the guards at Abu Ghraib.⁴¹ Another locus of such training for U.S. personnel is the various SERE (Survival, Evasion, Resistance, and Escape) courses required for elite Special Forces troops. In 2002, a CNN camera crew gained permission to film at a SERE course held at Ft. Bragg, North Carolina. The most difficult part of these courses is a period spent in a mock POW camp, during which, as CNN reports, “the ‘prisoners’ are hooded and roped together. After their capture, the school instructors attempt to strip soldiers of their identities.” The details of the methods – physical and psychological – by which this is accomplished are classified, but the camera crew noted the “flood of emotion” experienced by those who complete the course.⁴²

Torture, then, is a practice – a concerted, collaborative arena of human endeavor with a

history and tradition, embedded in particular societies. It has its own standards of excellence, which as MacIntyre says, “are appropriate to, and partially definitive of” it.⁴³ These include acquisition of dispositions of character (call them virtues or vices as you prefer) mentioned above, as well as the physical and psychological skills associated with torture.

That such standards, together with individuals who serve as their exemplars, exist and serve as objects of aspiration for would-be torturers is demonstrated by the rather pathetic words of U. S. Army Sgt. Ivan Fredericks II, one of the soldiers who took part in the torture of prisoners at Abu Ghraib. He admired the professional interrogators and wrote in an email home about the “close bond” he had been permitted to form with them by helping to get the prisoners “to break”:

It is very interesting to watch them interrogate these people. I have made some really close friends. They don't usually allow others to watch them interrogate but since they like the way I run the prison they make an exception... We have had a close bond with them since we help getting [the prisoners] to talk with the way we handle them. We have had a very high rate with our style of getting them to break. They usually end up breaking within hours.⁴⁴

At this point I might expect an attentive reader of MacIntyre to object. “Hold on!” she’d say. “MacIntyre anchors his definition of a practice in a larger context of an individual and societal quest for the good life for human beings, and a description of the virtues such a quest requires. How can you suppose that torture and the qualities engendered by its pursuit could contribute to identifying or living the good life for human beings? Besides, does MacIntyre not state explicitly that he doesn't believe that torture is an example of the kind of practice his ‘account of the virtues employs’?”⁴⁵

I can offer two responses to this quite legitimate objection. First, whether or not torture satisfies MacIntyre's definition of practice in all respects, it bears enough similarity to a practice in his sense, that we can fruitfully discuss the qualities of character – whether we call them virtues, anti-virtues, or vices – engendered in its practitioners and in the societies in which

torture is embedded.

Second, I would suggest that there are aspects of MacIntyre's own work that do support my appropriation of his understanding of a practice to describe torture. In the same passage quoted by my imaginary interlocutor, MacIntyre himself allows that "there *may* be practices...which *are* simply evil," although he is "far from convinced that there are."⁴⁶ However, he does not resolve this question in *After Virtue*. Instead he turns to the related – but different – problem that many of the realms of human activity that he considers to be genuine practices can and do issue in evil *results*. The question of whether or not a practice can be *ipso facto* evil is left dangling.

I think that MacIntyre returns to this problem, at least implicitly, in a later work, *Which Justice? Whose Rationality?* Here he makes a distinction between "internal" and "external" and human goods. While the achievement of both often involve striving and even competition, the former are the fruits of what he calls "excellence" and the latter of "winning." "Excellence and winning," he says, "are not the same. But it is in fact to winning, and only to excellence on the occasions when it does in fact produce victory, that a certain kind of reward is attached..." These are the "external rewards" of "riches, power, status, and prestige..."⁴⁷ The internal rewards of excellence are those he described in *After Virtue*, a life formed, enriched, and driven forward by the qualities and dispositions that render a person able to pursue the good for a human being.

MacIntyre then makes a distinction between the dispositions of character – the virtues – necessary to achieve victory (which he calls "effectiveness,") and those necessary to achieve excellence. There is, he acknowledges, some overlap between the two. For example, both require a kind of steadfastness of purpose. "But it is equally clear that these two sets of qualities also differ in striking ways, so that what is accounted a virtue in the pursuit of the goods of

effectiveness will often be very different from what is accounted a virtue from the standpoint of the goods of excellence.”⁴⁸

MacIntyre points out that allegiance to one kind of goods does not by necessity exclude allegiance to the other. After all, the goods of excellence can only be “sustained by being provided with institutional settings,” and the creation and maintaining of such institutions requires human beings to enact the virtues we associate with effectiveness. However, he adds, “It is always possible for a particular individual or social group systematically to subordinate goods of the one kind to goods of the other...”⁴⁹

Indeed, because the virtues necessary to achieving both kinds of goods often bear the same name and even produce similar actions and judgments, it is possible for a society to fail to recognize when it is about to give, or has already given, its allegiance to the goods of winning, to effectiveness rather than to excellence. It could be argued that, like the Athens of the 5th century BCE described by MacIntyre, the United States of the 21st century CE faces a similar moment as it grapples grotesquely with the question of whether the realities of a post-9/11 world permit - or indeed, require - our government to engage in torture. If I have rightly understood MacIntyre, it could be argued that in his lexicon, the qualities of character necessary to what I have termed the *practice* of torture are virtues of effectiveness, if not of excellence.*

Addressing Torture Through Practices of Virtue

If torture truly is best understood as a practice, then an ethics that addresses itself only to individual acts of torture is not adequate to the task of confronting torture on moral grounds. As long as we remain in the realm of isolated acts of torture, ethical arguments concerned with such

* MacIntyre’s distinction between goods of effectiveness and excellence forms part of a larger argument – begun in *After Virtue* and continued in *Which Rationality?* – about the failure of Enlightenment liberalism to provide any basis on which to make moral judgments, beyond personal preference.

acts - both deontological and utilitarian - will remain inconclusive. They will either devolve into questions about the definition of torture – does forcing someone to maintain a “stress position” for many hours constitute torture?^{*} – or into utilitarian arguments pro and con about torture’s usefulness in interrogation, its threat to U.S. personnel, or appeals to spurious “ticking time bomb” scenarios.

Rather than ask then, “Is torture categorically wrong?” or even, “Does torture work sufficiently well to justify the suffering of those who are tortured?” we might ask, “What dispositions of character, what virtues or vices, does the practice of torture require and produce in its practitioners and in a society that overtly permits its practice?” Are these the qualities that will allow our society to move towards its *telos*, its proper end, the good life for members of that society, as that end has been articulated in its founding documents, its traditions and history?

That the practice of torture can indeed form the character of a nation is attested to by many scholars, among them the psychologist Ervin Staub⁵⁰, whose argument John Conroy summarizes as the view that “a society can be an incubator for human rights abuse, that nations can march gradually along a continuum of destruction until the employment of torturers is no radical step and the men and women hired for the job merely reflect the attitudes of the larger society.” The process begins during periods of instability – in which a society’s leaders identify a group (Marxists, Jews, Arabs, Muslims) as the source of danger and uncertainty. “The scapegoated group is humiliated, ridiculed, dehumanized, and eventually finds itself beyond the compassion of the public at large.” Indeed, the very fact of having been imprisoned and tortured

^{*} The answer to this question, by the way, is an unequivocal “Yes.” Scarry notes on p. 45 of *The Body in Pain* that “Standing rigidly for eleven hours can produce as violent muscle and spine pain as can injury from elaborate equipment and apparatus,” – while leaving no marks on the tortured body.

can create contempt for the sufferers.* “Torture, kidnapping, and execution follow, adds Conroy. “[T]he *whole society learns by doing*, and the torturer is part of the process (emphasis added).”

I have already mentioned some of the qualities –ruthlessness, obedience - developed in successful individual torturers, but what becomes of a society that embraces torture? A complete taxonomy is beyond the scope of this paper, but let me briefly suggest that the present United States Administration seeks to inculcate at least two vicious dispositions of character in the people of this country.

The first I can only call cowardice. The people of the United States are being encouraged, indeed trained, to respond with fear and anger to the threat of terrorism. The threat itself is continuously magnified by periodic adjustments of alert levels, show trials of hapless would-be jihadists like Hamid Hayat of Lodi, California, and the theater of airport security checks. In response to danger, the coward thinks first and only of securing her or his own safety. Embracing torture because we believe (however inaccurately) that it will make us safer confirms us in our cowardice – and prevents us from developing that key classical virtue, courage.

A second vice is that pride which credits itself with the omniscience necessary to “know” the guilt of someone whom we have identified as “one of the really bad guys” – without benefit even of that imperfect process of adjudication developed to partially ameliorate the failure of human omniscience, the legal trial. We may properly torture “terrorists” because we already “know” they are guilty. In so doing, we are encouraged to arrogate to ourselves a kind of knowledge that is in fact beyond human capacities.

* At Guantánamo, detainees would seem to have fallen lower than beasts in the minds of their jailers; they have become vegetables. In a reference to their orange jumpsuits, detainees are colloquially known as “carrots.” In *The Carrot Patch*, an amateur on-line video popular with Guantánamo guards, stick figure soldiers gleefully beat their hapless orange charges until they spurt satisfying quantities of animated blood (<http://www.stickdeath.com/qcamup.html>).

Our understanding of the relationship between torture and the limits of human knowledge has changed since the fifth century, when St. Augustine treated the subject in *The City of God*. There he described the terrible responsibility borne by the Christian judge, whose government position required him to torture. “How pitiable, how lamentable” was the situation of such judges. “For indeed those who pronounce judgment cannot see into the hearts of those on whom they pronounce it. And so they are often compelled to seek the truth by torturing innocent witnesses” or the accused. Unlike his 21st century counterparts, however, Augustine did not view the authority to torture as a sign of human wisdom and perspicacity. Rather, the Bishop of Hippo was horrified by what seemed to him an inescapable judicial responsibility. He called the necessity of torture as the sole means to truth “a mark of human wretchedness.”⁵¹

To such pride, we might oppose the Christian virtue of humility, along with classical prudence, *phronesis*, or practical wisdom.

Torture and Eucharist: In 1987, Timothy Sedgwick published a little book called *Sacramental Ethics: Paschal Identity and the Christian Life*.⁵² In it he argues for a Christian ethics that begins, not with the texts of the tradition, nor with discussion about the nature of Jesus and God, but rather with communal worship. He chooses this starting point because, in his view, both scripture and theology – as well as ethics - “arise from the life of a community and give expression to their experience of God.”⁵³ Worship is the place where faith and life meet, says Sedgwick, where the narrative of faith is retold, and, even more importantly, where the participant is changed and transformed in relation to God.”⁵⁴

Sedgwick never refers in *Sacramental Ethics* to MacIntyre’s reclamation of virtue ethics, but his exposition of an ethics grounded in the practice of worship invokes concepts familiar to a reader of MacIntyre– virtue, practice, narrative, and tradition. He describes Christian ethics as

being concerned not only with what we should *do*, but “how we should form our lives. We act in certain ways,” he says, “because of the kind of people we are.”⁵⁵ We become the people we are (or as MacIntyre might say, we can speak of our selves and our lives as having a unity) as a result of the “history of our lives and the life of the community.”

Furthermore, says Sedgwick, our understanding of the meaning of that history, what MacIntyre might call the Christian “tradition” takes the form of an *argument* about, among other things, “the meaning of God and how Jesus Christ relates the believer to God.”⁵⁶ This is an excellent example of what MacIntyre understands a tradition to be, that is, “an argument precisely in part about the goods which constitute [the] tradition.”⁵⁷ That this argument is in the end circular, each answer begetting new questions, is not problematic for Sedgwick. It is in the cycling round of the argument that we are able to discern the content of Christian ethics, “the fundamental reasons for the way we live and act.”⁵⁸

What distinguishes Christian worship for Sedgwick is what he calls its “paschal” character. By this he means that Christian worship involves the remembering of the paschal mystery, the passion and resurrection of Jesus Christ. But more than a mere retelling of a history, however foundational, worship is an actual participation in the paschal mystery. We participate as a community in that death and that resurrection. In the process we are made Christ’s body in the world.

Sedgwick describes the liturgy of the Eucharist* as involving a “paschal movement.” God offers God’s self to the worshippers in the liturgy of the Word, we respond in the Offertory, God accepts the offering in the Great Thanksgiving, and we embrace a mission to the world in

* Sedgwick writes out of his own particular, Anglican, liturgical tradition. I think it can be argued, however, that the Eucharistic pattern he describes underlies the celebration of the Eucharist in most, if not all, liturgical churches.

communion and the dismissal.

The theologian Nancey Murphy has argued that Christian worship is very much a practice in the sense meant by MacIntyre. If that is so, what might we say are the “goods internal” to that practice? What are “those standards of excellence which are appropriate to, and partially definitive of, that form of activity...”?⁵⁹ Sedgwick identifies two of the “goods” which are found in the liturgical practice of the Eucharist; these are “a community of love and a community of service.”⁶⁰ The standards of excellence necessary both to *discern* the body (as St. Paul says in the first letter to the Corinthian church)⁶¹ and to *be* the body are those “attitudes and dispositions as well as the intentions and purposes that are central to Christian life.”⁶² These are the Christian virtues, both named and unnamed.

Note that for both Sedgwick and Murphy, liturgical practice works its effects not only through the language that accompanies liturgy, but through the participation in the ritual work that is liturgy itself. The authors of *Habits of the Heart* describes something similar in their account of an Episcopal pastor who discerned a connection between his church’s liturgical practices and its involvement in Amnesty International and the sanctuary movement that protected Central American refugees in the 1980’s:

The Book of Common Prayer provides a pattern of liturgy that is continuous with the practices of worship from the early centuries of the church.... The liturgical year is taken seriously, with the Lenten and Easter seasons having a particular salience. Father Paul Morrison, rector of St. Stephens, believes that for those who come regularly, worship ‘becomes a genuine source of life and of focussing (sic) what they do during the week....’ He attributes the effectiveness of worship not to the preaching but to the Eucharist, which ‘draws people in and somehow informs them of the source of life that is present at the heart of worship.’⁶³

What has Sedgwick’s discussion of virtue and liturgical practice to do with a Christian response to the use of torture? In *Torture and Eucharist* William Cavanaugh draws on Sedgwick’s work suggests that the church’s practice of the Eucharist cannot rightly be understood, indeed, cannot rightly be enacted, if we fail to recognize and oppose the state’s

practice of torture. Writing about the Catholic church's confrontation with the use of torture by the Pinochet regime in Chile, Cavanaugh argues that "a Christian practice of the political is embodied in the Eucharist, the remembering of Jesus' own torture at the hands of the powers of this world." But the Eucharist is more than mere memorial, it is "the church's response to torture, and the hope for Christian resistance to the violent disciplines of the world."⁶⁴

The Catholic bishops of Chile issued an order of excommunication (without naming any names) on anyone who participated in, or knew about and did not act to prevent, torture. (It should be noted here that in their order of excommunication, the Bishops understood themselves not as cutting torturers off from the means of grace but rather publicly ratifying something that the torturers had themselves already done. By participating in the torture of members of the body of Christ, the generals and their minions had already, in the Bishops' view cut themselves off from communion with that body.)

In the Eucharist, we not only remember the Lord's death by torture, but we recall life of Jesus Christ. In that ritual meal, we both remember and reenact the core of Jesus's own practice: the abundant, transgressive fellowship of the table at which all are welcome, most especially the poor and the outcast. In acknowledging his death, we acknowledge the tortured nature of that death and the cost of solidarity with those pushed to society's margins. We are formed in the faith that endures the horrors of the world. In proclaiming the resurrection, we are formed in the Christian virtue of hope. In feasting together, we are constituted one body. We are formed in the virtue of solidarity, which we might also name *caritas* or love.

Christians in sacramental traditions speak of their sacraments as being a "means of grace." I would suggest that we experience that grace when sacramental practices forms in us what are called the theological (or in St. Thomas Aquinas's language, "supernatural") virtues of

faith, hope and love. These are the virtues which, I suggest, we will need if we are to confront the tactical use of terrorism with responses other than an endless “War” and torture.

This discussion undoubtedly raises more questions than it answers. I close with a few possible directions for further exploration. It might be useful to expand on this essay with:

- A more systematic taxonomy of virtues and vices associated with, and arising in response to, the practice of torture
- A systematic taxonomy of virtues formed in Christian sacramental practice
- An exploration of the implications of other Christian sacraments, for example baptism, for a Christian virtue ethics, and in particular an ethics of torture
- An exploration of the practices of non-liturgical Christian churches to identify loci of character-formation analogous to the Eucharistic practice explored in this essay
- An exploration of ritual practices in traditions of faith other than Christianity to identify analogous intersections of practice and virtue, particularly in response to the problem of torture

- Allhoff, Fritz. "Terrorism and Torture." *International Journal of Applied Philosophy* 17 (2003).
- Alter, Jonathan. "Time to Think About Torture." *Newsweek*, November 5 2001, 45.
- Archdiocese of São Paulo. *Torture in Brazil: A Shocking Report on the Pervasive Use of Torture by Brazilian Military Governments, 1964-1979*. Translated by Jaime Wright Special Publications. Austin: University of Texas Institute for Latin American Studies, 1998.
- Bellah, Robert N., Richard Madsen, William M. Sullivan, Ann Swidler, and Steven M. Tipton. *Habits of the Heart: Individualism and Commitment in American Life*. New York: Harper & Row, 1985.
- Bush, George W. "Press Conference, September 15, 2006." ed. White House, 2006.
- Cavanaugh, William T. *Torture and Eucharist*. Malden, Mass.: Blackwell Publishers, 1998.
- Chatterjee, Pratap. *Intelligence, Inc.: Military Interrogation Training Gets Privatized* [Website]. Corpwatch.org, 2005, accessed 09/28/06 2006; Available from <http://www.corpwatch.org/article.php?id=11940>.
- Dershowitz, Alan. "Want to Torture? Get a Warrant." *San Francisco Chronicle*, January 2 2002, A-19.
- Fisher, Ian. "Iraqi Tells of U.S. Abuse, from Ridicule to Rape Threat." *New York Times*, May 14 2004.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Vintage, 1995.
- Frederick II, Ivan. *Email and Diary of Ivan Frederick* Le Monde, 2003, accessed 5-12-04 2004; Available from www.lemonde.fr.
- Haritos-Fatouros, Mika. *The Psychological Origins of Institutional Torture* Routledge Research International Series in Social Psychology, ed. W. Peter Robinson. New York: Routledge, 2003.
- Hersh, Seymour M. . *Chain of Command : The Road from 9/11 to Abu Ghraib*. New York: HarperCollins, 2004.
- Huggins, Martha K., Mika Haritos-Fatouros, and Philip G. Zimbardo. *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities*. Berkeley: University of California Press, 2002.
- Leigh, David. *Uk Forces Taught Torture Methods* [Guardian Unlimited web site]. London: The Guardian, 2004, accessed May 8 2004; Available from <http://www.guardian.co.uk/Iraq/Story/0,2763,1212197,00.html>.

MacIntyre, Alasdair. *After Virtue*. Second ed. Notre Dame: Notre Dame University Press, 1984.

_____. *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press, 1988.

Office of the Vice President. *Interview of the Vice President by Scott Hennen, Wday at Radio Day at the White House* 2006, accessed 11/1 2006; Available from <http://www.whitehouse.gov/news/releases/2006/10/20061024-7.html>.

Orwell, George. *1984*. 1983 ed. New York: Harcourt, Brace, 1983.

Scarry, Elaine. *The Body in Pain: The Making and Unmaking of the World*. New York: Oxford University Press, 1985.

Sedgwick, Timothy F. *Sacramental Ethics: Pascal Identity and the Christian Life*. Minneapolis: Augsburg Fortress Press, 1987.

Sere Training [Web site]. 2002, accessed 10-06 2006; Available from http://www.training.sfahq.com/survival_training.htm.

Seto, George. "Essay on Torture." ed. Rebecca Gordon. San Francisco, 2006.

St. Augustine. *Concerning the City of God against the Pagans*. Translated by Henry Bettenson. New York: Penguin Books, 2003. Reprint, 2003.

Staub, Ervin. *the Roots of Evil : The Origins of Genocide and Other Group Violence* New York: Cambridge University Press, 1989.

Weschler, Lawrence. *A Miracle, a Universe: Settling Accounts with Torturers*. New York: Penguin, 1990.

¹ See for example, Alan Dershowitz, "Want to Torture? Get a Warrant.," *San Francisco Chronicle*, January 2 2002. and Jonathan Alter, "Time to Think About Torture," *Newsweek*, November 5 2001.

² See for example Fritz Allhoff, "Terrorism and Torture," *International Journal of Applied Philosophy* 17 (2003).

³ Consider, for example, President Bush's defense of the CIA's use of coercive interrogation methods and efforts to reinterpret the Geneva Conventions to permit such methods in his press conference of September 15, 2006. George W. Bush, "Press Conference, September 15, 2006," ed. White House (2006).

⁴ Office of the Vice President, *Interview of the Vice President by Scott Hennen, Wday at Radio Day at the White House* (2006, accessed 11/1 2006); available from <http://www.whitehouse.gov/news/releases/2006/10/20061024-7.html>.

⁵ United Nations Office of the High Commissioner for Human Rights, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1987, retrieved April 26, 2003 from http://193.194.138.190/html/menu3/b/h_cat39.htm

-
- ⁶ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985).
- ⁷ William T. Cavanaugh, *Torture and Eucharist* (Malden, Mass.: Blackwell Publishers, 1998), 37.
- ⁸ Ibid.
- ⁹ George Orwell, *1984*, 1983 ed. (New York: Harcourt, Brace, 1983), 253.
- ¹⁰ Ibid., 255.
- ¹¹ Ibid., 256.
- ¹² Scarry, 29.
- ¹³ Ian Fisher, "Iraqi Tells of U.S. Abuse, from Ridicule to Rape Threat," *New York Times*, May 14 2004.
- ¹⁴ Ibid.
- ¹⁵ Cavanaugh, *Torture and Eucharist*, 28
- ¹⁶ Lawrence Weschler, *A Miracle, a Universe: Settling Accounts with Torturers* (New York: Penguin, 1990), 125.
- ¹⁷ Cavanaugh, 38.
- ¹⁸ Foucault, Michel, *Power*, translated by Robert Hurley et al.; James D. Faubion, editor. Volume 3 of *Essential Works Of Foucault*, Paul Rabinow, series editor. (NY: The New Press, 1994), 332
- ¹⁹ Ibid, 333
- ²⁰ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1995), 184.
- ²¹ Ibid., 185.
- ²² Ibid., 184.
- ²³ Ibid.
- ²⁴ Cavanaugh, 38.
- ²⁵ Weschler, 91.
- ²⁶ Ibid.
- ²⁷ Cavanaugh, 34.
- ²⁸ George Seto, "Essay on Torture," ed. Rebecca Gordon (San Francisco: 2006).
- ²⁹ Alasdair MacIntyre, *After Virtue*, Second ed. (Notre Dame: Notre Dame University Press, 1984), 187.
- ³⁰ Weschler, 15.
- ³¹ Ibid., 48.
- ³² Ibid., 15.
- ³³ Seymour M. Hersh, *Chain of Command : The Road from 9/11 to Abu Ghraib* (New York: HarperCollins, 2004), 32-33.
- ³⁴ Pratap Chatterjee, *Intelligence, Inc.: Military Interrogation Training Gets Privatized* [Website] (Corpwatch.org, 2005, accessed 09/28/06 2006); available from <http://www.corpwatch.org/article.php?id=11940>.
- ³⁵ Weschler, 121.
- ³⁶ Archdiocese of São Paulo, *Torture in Brazil: A Shocking Report on the Pervasive Use of Torture by Brazilian Military Governments, 1964-1979*, trans. Jaime Wright, Special Publications (Austin: University of Texas Institute for Latin American Studies, 1998), 63. quoted in Weschler, 63.
- ³⁷ Hersh.
- ³⁸ See Martha K. Huggins, Mika Haritos-Fatouros, and Philip G. Zimbardo, *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities* (Berkeley: University of California Press, 2002). and Mika Haritos-Fatouros, *The Psychological Origins of Institutional Torture*, ed. W. Peter Robinson, Routledge Research International Series in Social Psychology (New York: Routledge, 2003). for a full description of this process under the Greek and Brazilian military governments.
- ³⁹ Cavanaugh, 27.
- ⁴⁰ Weschler, 40.
- ⁴¹ David Leigh, *Uk Forces Taught Torture Methods* [Guardian Unlimited web site] (The Guardian, 2004, accessed May 8 2004); available from <http://www.guardian.co.uk/Iraq/Story/0,2763,1212197,00.html>.

-
- ⁴² *Sere Training*, [Web site] (2002, accessed 10-06 2006); available from http://www.training.sfahq.com/survival_training.htm.
- ⁴³ MacIntyre, 187.
- ⁴⁴ Ivan Frederick II, *Email and Diary of Ivan Frederick*(Le Monde, 2003, accessed 5-12-04 2004); available from www.lemonde.fr.
- ⁴⁵ MacIntyre, 200.
- ⁴⁶ Ibid.
- ⁴⁷ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988), 31-32.
- ⁴⁸ Ibid., 32.
- ⁴⁹ Ibid., 35.
- ⁵⁰ Ervin Staub, *the Roots of Evil : The Origins of Genocide and Other Group Violence* (New York: Cambridge University Press, 1989).
- ⁵¹ St. Augustine, *Concerning the City of God against the Pagans*, trans. Henry Bettenson (New York: Penguin Books, 2003; reprint, 2003), 859-60.
- ⁵² Timothy F. Sedgwick, *Sacramental Ethics: Pascal Identity and the Christian Life* (Minneapolis: Augsburg Fortress Press, 1987).
- ⁵³ Ibid., 14.
- ⁵⁴ Ibid., 15.
- ⁵⁵ Ibid., 13.
- ⁵⁶ Ibid.
- ⁵⁷ MacIntyre, *After Virtue*, 222.
- ⁵⁸ Sedgwick, 13.
- ⁵⁹ MacIntyre, *After Virtue*, 187.
- ⁶⁰ Sedgwick, 47.
- ⁶¹ 1Cor 11: 27-9
- ⁶² Sedgwick, 46.
- ⁶³ Robert N. Bellah and others, *Habits of the Heart: Individualism and Commitment in American Life* (New York: Harper & Row, 1985), 240.
- ⁶⁴ Cavanaugh, William T., *Torture and Eucharist* (Malden, MA: Blackwell Publishers, Inc., 1998), 2