

PURSUIING THE  
GLOBAL  
COMMON GOOD

*Principle and Practice in U.S. Foreign Policy*

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# THE END OF BARBARISM? The Phenomenon of Torture and the Search for the Common Good

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South African novelist J. M. Coetzee won the Nobel Prize for Literature in 2003 for, among other books, his 1982 classic, *Waiting for the Barbarians*. In one passage in that work a large crowd awaits the appearance of a military contingent leading a group of prisoners (“Barbarians!”) who are tied to each other by a rope around their necks. In addition, a metal wire has been looped through a hole in each prisoner’s cheek which connects to a hole in his hand. “It makes them meek as lambs,” one soldier says. “They think of nothing but how to keep very still.”

The prisoners are paraded in front of the crowd so that “everyone has a chance ... to prove to his children that the barbarians are real.” Then the Colonel of Police steps forward.

Stooping over each prisoner ... he rubs a handful of dust into his naked back and writes a word with a stick of charcoal ... “ENEMY ... ENEMY ... ENEMY ... ENEMY.” He steps back and folds his hands ... Then the beating begins.<sup>1</sup>

Victims of torture sport no common profile. While they have often come from the ranks of racial or religious minorities within their societies, history is replete with examples of the once mighty whose fall from grace has led to brutal torment. But one thing that virtually everyone who has been subjected to such mistreatment has in common is that he or she has been defined as alien to the dominant culture—one of “them,” not one of “us;” in some sense less than fully human. In short, a “barbarian.”

No attitude toward our fellow creatures could be more at odds with the three great Abrahamic faith traditions than this. Judaism, Christianity, and Islam all explicitly teach that humankind is created in God’s image, by which they mean not that human beings resemble God physically but that the human spirit is a reflection of God’s own.<sup>2</sup>

Indeed, so exalted is the dignity of the human soul that in the Quran God commands the angels to prostrate themselves before it: “And when your Lord announced to the angels, ‘I shall create a human from [a kind of] baked clay. When I shall have fashioned him and breathed into him of My Spirit, fall in prostration to him’” (Quran, 15:28-29).

So intimate is the identification of the God of the Christian gospels with His children that no matter how poor, how thirsty, how naked, no matter whether they be sick or imprisoned, He and they are one: “For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, I was naked and you clothed me, I was

sick and you visited me, I was in prison and you came to me. Then the righteous will answer him... 'And when did we see thee sick or in prison and visit thee?' And the King will answer them, 'Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me'" (Matthew: 25: 35-40).<sup>3</sup>

And so important is human dignity (*kvod ha-briot* or "the dignity of created beings") in the Jewish tradition that it overrides rabbinic authority itself.<sup>4</sup> This applies to the sinner—even to the *nasha* or criminal—as well as to the virtuous, for dignity is independent of one's actions. It is so intrinsic to one's humanity as a creature of God "made in the likeness of God" that to deprive a human being of dignity, to humiliate and torture another person, is quite literally to seek to deprive God of His dignity, to humiliate and torture God.

God is at stake in human relations, harmed and violated through acts of cruelty and degradation, even in retaliation or self-defense ... *One must not shame and insult another human being, created in God's likeness, for to do so is to shame and insult God.*<sup>5</sup>

The reason the two greatest commandments common to these religious traditions—to love God with all of our heart, mind, soul, and strength, and to love our neighbors (our fellow human beings) as we love ourselves—are of *equal* importance is that they are the flip side of one another: to love God is to love one's neighbor and vice versa. Upon these two commandments, Jesus Christ promptly adds in Matthew 22:40, hang all the Law and the Prophets.

“Laws not only provide rules of conduct; they also establish cultural norms. The law is one of the primary means by which government encourages its citizens to be their best selves; hence laws ought to reflect our highest ethical imperatives and not seek to cleanse society of its dirty hands before the fact.”

And Jesus applied the second commandment not just to our immediate neighbors or our own clan but to anyone in need, including social outcasts (Luke 14:13). Even more explicit is his teaching at the synagogue in his hometown of Nazareth where he quotes the prophet Isaiah and identifies himself with the ancient charge “to preach good news to the poor ... , proclaim release to the captives, recovery of sight to the blind, and to set at liberty those who are oppressed.” (Luke 4: 18). In spite of being the victim himself of excruciating torture commemorated each year on the darkest day of the Christian calendar, he prayed that God would forgive those who tortured him.<sup>6</sup>

Similarly, the core of Islamic law, the Sharia, is built on these two fundamental commandments, with the sole difference that “to *honor* God and neighbor,” rather than “to love God and neighbor,”

more accurately captures the nuances of these commandments in Islamic legal language.<sup>7</sup> The supreme importance of honor and human dignity (known as *`ird* or *karama*) is reflected in the fact that they are among the six objectives of the Sharia (*maqasid al-shari'a*) that Muslim jurists unanimously agree the Sharia's laws seek to protect, preserve and further. Even today in many parts of the non-Western world, to deprive someone of his dignity and honor, to make him "lose face," is to make him suffer a fate worse than death.

There is, then, a code of behavior that is based on eternal ethical principles common to the Abrahamic faith traditions, namely, that if we would love and honor the Holy, we must treat our fellow human beings with basic respect. This principle in turn is fundamental to any notion of the "common good." For the common good presumes that human beings share certain needs and values that transcend religious, racial or political differences.

For Americans this notion of shared dignity is enshrined in the words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Such rights are "unalienable" exactly because they are given to all human beings by the Creator and not by any human agency. They inhere in the very fact of our being human and cannot be suspended or revoked by any government. It is therefore as contrary to the founding principles of this country as it is to the basic tenets of Judaism, Christianity, and Islam to act in a way that denies those unalienable rights, and one of those rights is surely the right not to be tortured.<sup>8</sup> What could be more at odds with Life, Liberty, and Happiness than that?

Yet despite the teachings of these three great traditions and our Declaration of Independence, torture persists. It is practiced by more than a hundred countries around the world and, tragically, we must count the United States among them. But scores of non-state actors are guilty of the use of torture as well.<sup>9</sup> The principal focus of this essay is U.S. policy, but our criticisms of the United States are in no way meant to justify the use of brutality by others, to ignore the heinousness of kidnappings, bombings, and beheadings, or to absolve America's adversaries of moral responsibility for their own actions.

Moreover, misguided as the American use of torture is, it has arisen in a context of genuine threat to American interests and, indeed, to American lives. We would in no way dismiss or belittle the justifiable fear that terrorism has struck in the hearts of many around the world. It is simply that the way the United States has chosen to respond to that fear has done enormous damage to our country's credibility. The practice of torture and ill treatment at Guantanamo Bay, Abu Ghraib, Bagram Air Force Base in Afghanistan, and the secret prisons that the United States has maintained around the world to house "high value" Al Qaeda suspects has caused America's reputation for moral rectitude to plummet, even among our traditional allies.

A 2006 survey, for example, documented "a dramatic deterioration in the United States' reputation as an effective advocate of human rights in the world." Seventy-eight percent of Germans and 56 percent of the British said that the U.S. government did a "bad job" of promoting human rights. Eight years earlier, less than one in four Germans (24 percent) and Britons (22 percent) rated U.S. performance in this area as "bad."<sup>10</sup>

All this is hardly surprising. The repugnance torture generates in the human heart turns natural allies into skeptics and erodes the sympathies of the undecided. It has made it far harder for the United States to exert leadership even where its motives may be pure and far easier for America's adversaries to recruit new minions to their cause. Few images, for example, have been more damaging to the United States' interests around the world, to our security as a nation and to the safety of our troops, than the image of the hooded prisoner at Abu Ghraib, his arms extended, his fingers connected to putative electrodes.

That photograph became emblematic of U.S. hypocrisy and contributed mightily to a diminution of American credibility and stature. As two distinguished Marine Corps commandants wrote recently,

Victory in [a counterinsurgency war like Iraq] comes when the enemy loses legitimacy in the society from which it seeks recruits and thus loses its "recuperative power..." Torture methods...have nurtured the recuperative power of the enemy. *This war will be won or lost not on the battlefield but in the minds of potential supporters who have not yet thrown in their lot with the enemy. If we forfeit our values by signaling that they are negotiable in situations of grave or imminent danger, we drive those undecideds into the arms of the enemy. This way lies defeat, and we are well down the road to it.*<sup>11</sup> [emphasis added]

No matter what its short-term rationale, torture is almost always self-defeating. How, then, might we overcome this plague? In order to put an end to torture, we first need to understand its grip on us. If we would vanquish it, we first need to lay it bare.

### *The Attraction of Torture and the Case of the "Ticking Bomb"*

Why is torture such a widespread phenomenon despite all the strictures against it, both religious and legal? A South African neuropsychologist has recently theorized that cruelty, especially in males, is grounded in an adaptive reaction from the Paleozoic era when early humans were predators and had to hunt for their food. The appearance of pain and blood in the prey was a signal of triumph, and gradually the evocation of such reactions—howls of pain, the appearance of blood—in our fellow humans became associated with personal and social power, with the success of the hunt.<sup>12</sup>

Even if this were true, we are *human* because we have the capacity to overcome those ancient evolutionary impulses through reason and faith. Not every person by any means ends up a torturer. It is in large measure a "learned" behavior, requiring the sanction of authority (few torturers operate without at least the implicit approval, even encouragement, of their superiors); a rationale ("These are the people who are threatening our country." "These are the people who are killing your comrades."); dehumanization of the victims ("ENEMY! ENEMY! ENEMY! ENEMY!") and an expectation of impunity.

And what is true of torturers themselves is true as well of the societies that tolerate them. Be it the ancient Greeks and Romans, whose Wise Men assured them that the only way to solve crimes and force confessions was to torture slaves because slaves, unlike free citizens, lacked the capacity

to reason and hence could not dissemble. Or be it the Hutus, who responded in 1994 to the call of their leaders to eliminate the “cockroaches” (in many cases their longtime Tutsi neighbors with whom they had lived for years in peace) in order to save Rwanda from minority rule. Societies put up with torture when respected leaders fan flames of fear or opportunity and identify those who they claim do not share in a common humanity and hence no longer deserve the protection of a common understanding of rights.

**“The United States has every right to defend itself, its people and its values. But in doing so, it must act consistent with its values or it risks sacrificing its leadership capacity and moral authority, thereby making its adversaries’ task easier.”**

It is no coincidence, then, that as many as 63 percent of Americans in some public opinion surveys have said that torture is justified at least occasionally.<sup>13</sup> After all, American opinion leaders have adopted polarizing language that divides the world into “them” (the “terrorists,” “Islamofascists”) and “us” (“those who love freedom,” “Western civilization”). Samuel Huntington’s notion of a clash of Western and Islamic civilizations has become the lens through which many in the West viewed 9/11 and subsequent events. And the Bush Administration has demanded that foreign governments declare whether they were “with us or with the terrorists.”

Fear can play havoc with moral sensibilities, and American leaders have been quick to contend that only “tough questioning” can keep Americans safe. But might that sometimes be true? Might there be some rational uses for torture, some circumstances under which torture is indeed justified—to procure vital information, for example?

Some of the world’s most distinguished philosophers, among them the 18th century utilitarian thinker Jeremy Bentham, have defended what is often called the “ticking bomb argument” for torture—the idea that it is not only ethical but perhaps even morally obligatory to do everything in one’s power to extract information from a subject quickly if that information will lead to the saving of innocent lives.<sup>14</sup> And, indeed, from a strictly utilitarian, cost-benefit point of view, a plausible argument can be made that torturing one person to a point short of death in order to save the lives of dozens of others is a defensible act.

But quite apart from whatever qualms we may have about brutalizing another human being, proponents of the ticking bomb argument rarely offer adequate reply to all those objections which make a case that looks so appealing in the abstract crumble into dust in real life. Why, for example, are there so few confirmed instances in which ticking bomb torture worked? Why do the vast majority of professional interrogators claim that torturing a detainee is the least effective way to get accurate information?<sup>15</sup>

Or from another moral vantage point, how certain do we need to be that the suspect has the life-saving information we seek in order to justify torture? Fifty percent? Ten percent? What if the

torture of the suspect in custody doesn't produce the desired effect but torture of his two-year-old daughter would? Is that justified to save 1,000 lives? And what if the torture of one individual in custody succeeds in producing information that saves those thousand lives but generates such resentment among his family and comrades that they then plant enough bombs to kill 10,000? What happens to our cost-benefit calculation then?

Regardless of the answer to these questions, what we know for certain is this: Rare as it is in real life to need to get information so speedily from a suspect that torture seems the only option, the original ticking bomb case for torture almost always morphs into a much larger, more unwieldy set of circumstances in which torture is utilized and justified. The rationale for the United States' use of torture at Abu Ghraib, for example, was the need to soften up the prisoners so that they would be more amenable to providing information to military intelligence not necessarily regarding imminent attacks on U.S. troops but on all aspects of the counter-insurgency.

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Virtually all of the hundred plus countries that employ torture would claim that they do so in order to protect lives and defend national interests, yet it is hard to believe that they are all limiting their brutal interrogations to contexts in which bombs will go off within minutes if their questioning is not successful. And even in cases where the motives are “pure” and the need for information real, we know that such information can often be obtained through other means. Information about the 9/11 attacks, for instance, appears to have been available to the government prior to the suicide assaults on New York and Washington.<sup>16</sup>

Might there be ways to avoid this descent into unbridled barbarism? Should torture be legal and permissible but only in very limited circumstances in which it appears to be the sole option left to save the innocent? Harvard University Law Professor Alan Dershowitz argues that, regardless of laws or moral imperatives, public officials, when faced with a threat to their citizens, will inevitably resort to torture and therefore should be provided a mechanism through which to seek prior authorization for such conduct in the form of “torture warrants” issued by a court. This is the way, Dershowitz argues, to avoid the expansion of the category of cases in which torture will be used.<sup>17</sup>

Others have contended that torture should always be considered illegal and if a public official feels compelled by circumstances to violate the law, to commit what has been called “official disobedience,” he or she should be forced to defend the decision after the fact, pleading necessity,

if warranted.<sup>18</sup> The official will then face the consequences, be they legal or in the court of public opinion. This is the route the Israeli Supreme Court opted for in eventually ruling illegal the use by security forces of “moderate physical pressure.”<sup>19</sup>

Which route we take depends upon our view of law and its role in society. Laws not only provide rules of conduct; they also establish cultural norms. The law is one of the primary means by which government encourages its citizens to be their best selves; hence, laws ought to reflect our highest ethical imperatives and not seek to cleanse society of its dirty hands before the fact. That a law may be violated is the very reason to have it. We don’t need laws to prevent people from doing that which they are already disinclined to do.

The old cry of the segregationists during the civil rights movement (“You can’t legislate morality!”) has been proven time and again to be false. Most people obey laws, and one of the ways cultural norms change is when a critical mass of people obey even laws they don’t like. In so doing, they gradually learn that the new world they are living in may not be so bad after all. *Torture ought therefore to be outlawed under every circumstance.*

### *Doing Away with Torture: A Religious Imperative*

To end torture—to *end all human suffering willfully imposed by humans upon others*, we may add—requires, then, an absolute commitment to obeying the golden rule in all our human interactions, from daily individual acts to state, domestic and foreign policy. Jesus’ contemporary, Rabbi Hillel, described this best when asked to explain the Torah “standing on one leg.” He said, “*Do not do to others that which you do not wish others to do to you. All the rest is commentary; go and learn!*” by which he meant “Go and apply this rule to *all* others, not just some.” “See others not as ‘the Other’ but as you see yourself.”

Ervin Staub, who has studied torture and genocide across a variety of cultures, notes that:

Whereas defining people as “them” and devaluing them motivates or allows harming them, defining or perceiving them as “us,” as similar to or like oneself, generates caring for them and empathy with them. People so seen are more likely to be helped and less likely to be harmed.<sup>20</sup>

Nor is this the only lesson religion has to teach us about torture. All three Abrahamic traditions hold that, no matter who employs it:

- Torture corrupts the hearts of the perpetrators just as readily as it destroys the bodies and souls of its victims. Consistent with the principle that whoever wrongs another wrongs him or herself, a religious perspective affirms that the nucleus of the common good is the good of the individual and that torture does harm to both perpetrator and victim alike and hence to the common values of civilization.
- Torture does enormous damage to the reputations of those who employ it, to the cause of those who would fight terrorism in the name of defending freedom and the rule of law, and to the good name of any religion under whose putative banner it is waged.

- Torture is an affront to religion itself because religion and spirituality are about the positive transformation of souls, about transforming “sinners” into “saints.” It is bad faith, and bad religion, to disguise or rationalize the use of torture, be it as an instrument of government policy for some legitimate end such as protection of a populace or as a tool of terrorists who see themselves bringing “justice” to infidels. Torture for whatever reason is torture, and our religious traditions require us to call it by its true name and to repudiate it. Religion is, after all, about overcoming fears and, to the extent torture is motivated by fears, religion at its best can be a vehicle for transcending them.

### *Doing Away with Torture: The Role of Government*

But religion alone cannot put an end to torture without the cooperation of government. Part of the job of government is to ensure the national security of its people. The United States has every right to defend itself, its people and its values. But in doing so, it must act consistent with its values or it risks sacrificing its leadership capacity and moral authority, thereby making its adversaries’ task easier. Among those values are a commitment to respecting the fundamental rights and dignity of even the most evil and heinous people among us—the right to due process, for example, and the right not to be tortured even if you yourself are guilty of torture or murder. Values such as these are bedrock to the American character. If people of good will cannot offer them common affirmation, it is unlikely we will find common ground about anything.

These values are not just American values, however. All governments, as we have said, are obligated to encourage their citizens to be their best selves rather than their basest. This reflects the perennial battle, which the Prophet Muhammad described as the “Greater Jihad (struggle),” that each individual has to wage within him or herself and, indeed, which each society has to wage within itself as well. If such a struggle is to be won, it will require the building of *a coalition across the spectrum of identities*—across nations, ethnicities, religious groups, clans, and genders—all of whom collectively recognize that what people share in common is far greater than what divides them; that all people feel the need to be safe in their homes and to be treated fairly by the authorities; to pass on a better life to their children; and to enjoy their rightful share of the earth’s abundance. It requires such a coalition to understand that demonic urges exist in every human being and every society and to work against them.

Can any government that suborns the intentional humiliation and capricious brutalization of those in its custody—and thereby undermines the basic human right to be treated with dignity—claim to honor the religious heritage upon which its political tradition may be based, be that tradition Jewish, Christian, or Muslim? Can an America that permits the use of torture or allies itself with other nations that do stand on its own constitutional foundations? Human rights emerge out of the common needs of humankind, giving voice to our shared misery and promise to our highest aspirations. They define what it means to be a civilized society and a reputable state. Only those governments that unequivocally repudiate the use of torture have the right to claim to be either.

Americans often underestimate the power of their example. But the United States is the only global superpower. U.S. policy and practices have enormous influence on global values that

in turn shape international geopolitical events. How the United States addresses this issue will, therefore, profoundly affect how widespread the use of torture remains around the world.

### *An End to Barbarism?*

The Western world, led by the United States, has demonstrated that democracy, defined as government that rules by the consent of its people, is a far superior form of government to that provided by authoritarian regimes. Yet the West has yet to resolve fully how best to integrate its religious traditions into its public life. Surely the strong, empowered, and wealthy are just as much in need of religion as the weak and impoverished, but continuing debate about such issues as abortion and stem cell research reflect the fact that America still struggles with how best to express a religious impulse *within the guidelines set forth in the Constitution*, especially the establishment clause of the First Amendment.

The challenge of the Muslim world is just the reverse. Muslims have lived with cycles of economic deprivation and political disempowerment for generations, but they have not and doubtless will not ever live without their faith. Life holds no meaning without the spiritual and existential gratification that Islam has provided them for 14 centuries. The contemporary debate in the Muslim world is about how to formulate the ideal Islamic State *within the guidelines of universal human rights and principles of democratic government* consistent with Islamic law.

**“Torture corrupts the hearts of the perpetrators just as readily as it destroys the bodies and souls of its victims.”**

It is surely in the West’s best interests to support this goal unambiguously, but the use of pejorative words such as “Islamofascism” is unhelpful in this regard—for such words associate Islam as a faith with the worst of authoritarianism and can be taken to imply that the West believes that Islam is inherently incompatible with democracy and human rights, which is simply untrue.<sup>21</sup> We need to use language and adopt policies that bridge the gap between American and Islamic values and perceptions. Americans need to understand that:

- Islam is *not* a religion of terror, nor does it sanction terrorism. Those who try to rationalize the use of terror in its name are not being true to the teachings of the Prophet.
- Islamic law supports the inalienable human rights of all people, not just Muslims, among which are the right to live a life of dignity and to secure the means to that life, including the right to property, education, and religion.

Similarly, Muslims need to be able to believe with confidence that:

- U.S. foreign policy is *not* based on the paradigm of a “clash of civilizations” with Islam; the “war on terror” is not a camouflage for a Western war on Islam.

- America does not deny Muslims the human rights it grants to other nationals or ethnicities, nor does it single out Muslims as a matter of policy for torture and mistreatment.

In order to change the first set of perceptions, Muslim leaders need to speak out forcefully and consistently against terrorism and in defense of fundamental human rights. And Americans need to be far better educated about Islam as a faith. In order to change the second set of perceptions, which is the major focus of this essay, the United States will need to undergo changes in both attitude and policy.

In some respects torture has been a symptom—dramatic and prominent, but a symptom nonetheless—of broader problems having to do with how the United States regards non-citizens and how it has chosen to conduct the war against terrorism. American law generally recognizes that non-citizen residents can claim some but not all rights under the Constitution. The notion that foreigners may be limited to a fundamentally less robust set of rights than U.S. citizens invites the kind of disparity that can result in mistreatment. Torture often follows upon discrimination. And confusion over whether the United States is pursuing a war model or a criminal justice model in dealing with alleged terrorists risks shortchanging the rights available to prisoners under either model.

Unless these larger policy issues are addressed, torture—and its continuing damage to the interests and credibility of the United States—is likely to continue. Apart from these broader issues, however, there is much that the United States could do to ensure that torture becomes a practice of the past. U.S. policymakers could:

- Establish a bipartisan national commission on interrogation to clarify policy on the treatment of detainees, especially as it applies to non-military security forces for which the status of torture as a permissible option is ambiguous.
- Close the prison at Guantanamo Bay and transfer prisoners who may legitimately be charged with a crime to the U.S. judicial system.
- Restore *habeas corpus* rights for all detainees in U.S. custody, citizen or non-citizen.
- Close all secret prisons and end the practice of extraordinary rendition.
- Give the International Committee of the Red Cross access to all detainees in U. S. custody.
- Via Congressional action, prohibit use of funds for CIA programs that employ interrogatory techniques of a cruel and inhumane nature.
- Limit all U. S. government agencies to interrogatory techniques described in the Army field Manual on Intelligence Interrogations.

In addition, there is much the United States could do to change the negative perception of its leadership around the world, especially in Muslim communities. It could:

- Ratify the International Criminal Court instead of attempting to undermine it.
- Make a concerted effort to end the slaughter in Darfur, thereby demonstrating that U.S. leadership and resources can be used for constructive ends, not just damaging ones.
- Find a variety of ways to reiterate U.S. support for the international system without pretending that that system is without flaws—either by ratifying the Convention on the Rights of the Child, joining the U.N. Human Rights Council and using that forum to fight for our values, or codifying our support for the recently-minted U.N. doctrine of the “responsibility to protect.”<sup>22</sup>
- Support economic development in OIC (Organization of the Islamic Conference) nations.
- Urge OIC nations to co-sponsor with Western nations inter-religious human rights conferences, meetings, and workshops between the Abrahamic religions to delineate commonalities that can become part of national and international policy.

Finally, religious communities and leaders themselves can contribute significantly to the struggle against torture by joining the National Religious Campaign Against Torture ([www.nrcat.org](http://www.nrcat.org)), signing the “National Denominational and Faith Group Leaders Statement against Torture” or the NRCAT’s “Statement of Conscience,” and supporting the action agenda of the organization.

In her new book *Inventing Human Rights: a History*, historian Lynn Hunt argues that the contemporary notion of human rights could not have arisen until the moral imagination had been sufficiently refined to recognize that your suffering and mine bear an intimate likeness.<sup>23</sup> Such moral imagination is often threatened by fear, uncertainty, or exhaustion. But the imperative it advances is one that all great religious traditions—and certainly the three we speak of here—readily share.<sup>24</sup> If anything ought to remind us of our common human fragility, of the fact that all blood flows red, even the blood of my adversaries, it is torture. That is why the rejection of torture offers as promising a vehicle as any for the proclamation of a common good, across religious traditions and civilizations: an acknowledgment of our common frailty, an affirmation of our common bonds, and a recognition that to act “barbarically” against those we regard as “barbarians” is to put in peril not just our lives but our humanity itself.

## Endnotes

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1. J. M. Coetzee, *Waiting for the Barbarians* (New York: Penguin Books, 1982), pp. 102-105.

2. Genesis 5:1 and Ahmad b. Hanbal, *Sahih Bukhari*, hadith number 5759.

3. See: Evangelicals for Human Rights, “An Evangelical Declaration Against Torture: Protecting Human Rights in an Age of Terror” (n.d.), available at [www.evangelicalsforhumanrights.org/pb/wp\\_abaf1d69/wp\\_abaf1d69.html?0.060027795951972496](http://www.evangelicalsforhumanrights.org/pb/wp_abaf1d69/wp_abaf1d69.html?0.060027795951972496).

4. As the Meiri summarizes: “*Kvod-ha-briot* is very highly prized....The rabbis laid down a cardinal rule: great is human dignity, which overrides any negative, rabbinic commandment...” Rabbis for Human Rights: North America, “A Rabbinic Resource on Jewish Values and the Issue of Torture” (2005), p. 7.

5. *Ibid.*, from an interpretation of a classic *midrash* by Rabbi Tanhuma.
6. For a medical description of the torture Jesus endured on the Cross, see William D. Edwards, Wesley J. Gabel, and Floyd E. Hosmer, "On the Physical Death of Jesus Christ," *Journal of the American Medical Association* 255 (March 1986): 1445.
7. God's commandments contained in about 250 Quranic commandments and 1,200 Prophetic commandments.
8. As codified in the Convention Against Torture, the International Covenant on Civil and Political Rights, and many other domestic and international human rights instruments.
9. Amnesty International, "Amnesty International Report 2007" (2007).
10. "Publics in Europe and India See U.S. Violating International Law at Guantanamo," *World Public Opinion*, July 17, 2006, available at [www.worldpublicopinion.org/pipa/articles/btjusticehuman\\_rightsra/229.php?nid=&cid=&pnt=229&lb=bthr](http://www.worldpublicopinion.org/pipa/articles/btjusticehuman_rightsra/229.php?nid=&cid=&pnt=229&lb=bthr).
11. Charles C. Krulak and Joseph P. Hoar, "It's Our Cage, Too: Torture Betrays Us and Breeds New Enemies," *Washington Post*, May 17, 2007.
12. See: Victor Nell, "Cruelty's Rewards: The Gratifications of Perpetrators and Spectators," *Behavioral and Brain Sciences* 29 (2006), available at [http://journals.cambridge.org/download.php?file=%2FBBS%2FBBS29\\_03%2FS0140525X06009058a.pdf&code=0109c5cd8f7ca4fbc5fb4dfe7e2a40f0](http://journals.cambridge.org/download.php?file=%2FBBS%2FBBS29_03%2FS0140525X06009058a.pdf&code=0109c5cd8f7ca4fbc5fb4dfe7e2a40f0).
13. Fifteen percent say it is "often" justified; 31 percent say it is "sometimes" justified, and 17 percent say it is "rarely" justified. Pew Research Center for the People and the Press, "America's Place in the World" (Nov. 17, 2005).
14. Jeremy Bentham, "Of Torture," as cited in: W. L. Twining and P. E. Twining, "Bentham on Torture," *Northern Ireland Legal Quarterly* 24 (1973): 345-356.
15. A 1963 CIA training manual, for example, observed that "interrogates who have withstood pain are more difficult to handle by other methods. The effect has not been to repress the subject but to restore his confidence and maturity." ("The Case Against Torture," *The Village Voice*, Nov. 28-Dec. 4, 2001.) In contrast, if the torture victim "cracks," he is likely to say anything to make the pain stop. Art Hulnick, a former CIA officer who interviewed North Korean prisoners after the Korean War, reported that prisoners taken into custody by American troops and treated humanely were much more forthcoming, over time, than those held by the South Koreans and tortured. ("U.S. Ships Al Qaeda Suspects to Arab States," *The Christian Science Monitor*, July 26, 2002.) The FBI teaches 30 techniques to make suspects talk without crossing the line into mistreatment—from inducing boasts to making false promises. The secret for "human intelligence collectors," as the questioners are now called, is to establish "positive control." Retired Army major general Bill Nash describes that as "imposing on [prisoners] a psychological sense of isolation, domination and futility, and trying to establish the conditions by which you can then reward them for information, as opposed to punish them." ("Captives: Rumsfeld Defends Treatment by U.S. of Cuban Detainees," *The New York Times*, Jan. 22, 2002.) As Christopher Whitcomb, a former FBI interrogation instructor put it, "Interrogation is an art form, not a street fight. It is built on guile, perseverance, and a keen understanding of how people respond to need. People will tell you anything if you present the questions in the proper context. You simply have to find the right way to ask." (Christopher Whitcomb, "The Shadow War," *Gentleman's Quarterly*, Jan. 2002.) Skepticism about the effectiveness of harsh techniques has been reinforced recently by a group of experts advising U.S. intelligence agencies who have decried such techniques as outmoded and unreliable. ("Advisers Fault Harsh Methods In Interrogation," *The New York Times*, May 30, 2007.)
16. See: National Commission on Terrorist Acts in the United States, "Chapter 8: The System Was Blinking Red," *Final Report: The 9/11 Commission Report* (n.d.), available at <http://origin.www.gpoaccess.gov/911>.
17. Alan Dershowitz, *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* (New Haven: Yale University Press, 2002).
18. See: Michael Walzer, "Political Action: The Problem of Dirty Hands," and Oren Gross, "The Prohibition of Torture and the Limits of the Law." In Sanford Levinson, ed., *Torture: A Collection* (Oxford: Oxford University Press, 2004).
19. Supreme Court of Israel: Judgment Concerning the Legality of the General Security Service's Interrogation Methods, 38 ILM 1471, 1488 (1999).

20. Ervin Staub, "The Psychology and Culture of Torture and Torturers." In Peter Suedfeld, ed., *Psychology and Torture* (New York: Hemisphere, 1990), p. 53.
21. Based on the directives of the Prophet Muhammad, Islamic law prohibits torture or maiming of the enemy, for example, even in a just war. The Prophet allowed literate enemy captives to ransom themselves by teaching a number of illiterate Muslims, thereby emphasizing the importance of education as a human right.
22. For a more detailed list of recommended actions, see: "Ten Steps to Restore America's Moral Authority," available at <http://hrw.org/english/docs/2007/02/22/usdom15384.htm>.
23. Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton, 2007).
24. Such an affirmation goes well beyond Judaism, Christianity, and Islam as well. According to the *Bodhicharyavatar of Santiveda* in the Mahayana Buddhist tradition, for example, "All have the same sorrows, same joys as I...so likewise this manifold universe has its sorrows and joys in common...Why should I not conceive my fellow's body as my own self?" As quoted in: Darrell J. Fasching, "Authority and Religious Experience." In William Schweiker, ed., *The Blackwell Companion to Religious Ethics* (Oxford: Blackwell Publishing, 2005), p. 66.

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