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Shocking the Conscience

Photos from Abu Ghraib prison showing prisoners stripped naked, cowering at dogs and forced to simulate sex acts shocked the conscience of the American public. "How could this happen?" screamed the press. "A few bad apples," the Administration replied. So far, only 10 soldiers have been prosecuted for prisoner abuse in Afghanistan and Iraq—none above the rank of staff sergeant.

Yet steadily, articles in the mainstream press (*The Atlantic*, Oct., 2003; *The New Yorker*, Feb. 14, 2005; *Mother Jones*, March/Apr, 2005) project a horror movie of American interrogators systematically getting information from military suspects any way possible. Call it "coercion," "aggressive interrogation," or "physical persuasion." Techniques employed by American interrogators using ferocious dogs, stress positions, beatings, sexual brutality and "water-boarding"—immersing a bound suspect in water until he nearly drowns—are classified by the Geneva Conventions as torture.

At least 8 detainees have died in U.S. custody in Afghanistan, two of whom military officials have ruled as homicides. The Afghanistan Independent Human Rights Commission received 120 reports of abuse by coalition forces. Many prisoners complained about excessive force during the course of arrest, but some allege coalition soldiers stripped them naked and sexually abused them.

While U.S. law forbids the torture of prisoners, following 9/11 the Bush Administration signaled an indifference about the rights of suspects. Administration lawyers classified detainees in the war on terror not as civilians or P.O.W.s—two categories protected by the Geneva Conventions—but as "illegal enemy combatants." The lawyers had invented a third category to skirt international law and under that term the Administration included members and supporters of both Al Qaeda and the Taliban. On January 8, 2002, the Administration suspended its observance of the Geneva Conventions in the war on terror.

At the same time the Bush Administration stepped up a program of outsourcing torture, known as

"extraordinary rendition." This secret program extradites terrorism suspects from U.S. custody to a country assumed to use aggressive methods of persuasion, including torture. The most common destinations for rendered suspects are Egypt, Morocco, Syria and Jordan—all of which have been cited for human-rights violations by the U.S. State Department and are known to use torture. An estimated 150 people have been rendered since 9/11.

The reason for torture is to get vital information about terrorism. But critics question the reliability of such information derived under stress and point to the large number of detainees that have nothing of value to tell. Rather than violating human rights, experts encourage more creative means for human intelligence gathering, such as eavesdropping and infiltration.

Morally speaking, torture represents an ends-justify-the-means approach. The *Compendium of the Social Doctrine of the Church* explicitly teaches "a prohibition against torture as a principle which cannot be contravened under any circumstances" (#404). Besides violating the dignity of the victim, torture also debases the soul of the torturer. In reality, justifying the abuse of human rights represents a disguised form of moral relativism.

Fear of terrorism and the need for quick, reliable intelligence has driven the acceptance of torture. Catholics reflecting about the Church's social teachings need to recall the analogy of a frog sitting in water over a burner. Bringing terrorists to justice feels like the proper temperature of a refreshing bath for the frog. Defining terror suspects as "illegal enemy combatants" raises the flame higher. Suspending the Geneva Conventions finds small bubbles forming on the bottom of the cauldron, as the frog struggles to move and jump out. But, outsourcing torture and violating human rights now has the effect of boiling the frog—and likewise objective morality.