

MORAL THEOLOGY

- Topic: "Judging Torture: Prophetic Approaches in Moral Theology"
 Convener: William C. Mattison III, The Catholic University of America
 Moderator: Kari-Shane Davis Zimmerman, College of St. Benedict/St. John's University
 Presenters: Kenneth Himes, Boston College
 William Cavanaugh, DePaul University
 Joseph Capizzi, The Catholic University of America

In his paper entitled, "Why is Torture More Wrong Than Killing?" Kenneth Himes sought to explain why exactly torture is banned absolutely. What makes it "worse than killing," since killing is not banned absolutely? Answering this question prompted Himes to identify what exactly makes something torture. He noted that particular acts commonly associated with torture need not constitute torture depending on the context, or if done only once. The thesis of his paper, naming both what constitutes torture and why this is always wrong, was the following: "Contemporary methods of torture focus primarily on attacking the inner life of the individual, seeking to undermine essential features of the *imago Dei*. And it is this that provides the basis for the absolute ban on torture."

Relying on the work of Jean Porter and Lisa Cahill, Himes claimed that torture "is an attack on the person as *imago Dei*" and "violates personal integrity and denies the rational freedom of the other through attacks on the interiority of a person," respectively. It is this feature of torture, "the destruction of the human person's interiority for the purpose of breaking down the individual's sense of self," that justifies the absolute ban of torture.

In his paper entitled "Torture and Social Imagination," William Cavanaugh, drawing on both his research on Pinochet's Chile for the 1998 book *Torture and Eucharist* and his analysis of recent debates over the United States' use of torture, argued that the point of torture is not simply getting information, but rather fostering a certain "collective imagination." His presentation served to helpfully balance the other two paper's focus on action theory and delineation of specific actions by instead looking at the social context for practices of torture. Cavanaugh identified four ways that torture shapes a collective imagination: by stoking fear; by producing (really constructing) enemies; by making our leaders seem like they are protecting us; and, by making us seem more righteous. Torture nourishes what Cavanaugh called "American exceptionalism" by simultaneously reinforcing our moral resistance to use of torture, and yet justifying precisely such torture due to the perversity of our enemy and gravity of their threat to what America stands for. He concluded by encouraging Christians to witness to a counter-imaginary, and offered three ways this could be done: by resisting the friend/enemy distinction; by remembering the victims of torture; and by forming a Eucharistic healing body through radical social practices (e.g., protest and worship).

In his paper entitled "The Condemnation of Torture and Recent Catholic Teaching," Joseph Capizzi attempted to identify what is condemned by condemnations

of torture. Drawing on contemporary discussions in act analysis, he identified the object of the act of torture as choosing to inflict severe pain or suffering on a captive for the purpose of breaking his will to resist, thereby making him a usable instrument of military intelligence. He compared this notion of torture's object with other contemporary analyses of torture; namely, that found in the Bybee-Woo memo of the Bush Administration and that found in the *Catechism of the Catholic Church*. These alternative analyses of torture were found insufficient, as they did not adequately specify the choice made in torture. By more adequately specifying the object chosen in torture, Capizzi was able to reveal that the Bybee-Woo memo relied too heavily on a conception of intention collapsing into the agent's "state of mind," and then he showed the Catechism's need more adequately to distinguish torture from punishment. His essay and the discussion it provoked re-engaged Himes' paper constructively, as the authors and the audience attempted to refine the absolute condemnation of torture.

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