

## **The Nation: Can The United States Really Get Things Right In The Future By Turning Away From The Past?**

By Jonathan Schell

From [CBS News Opinion](#) | Original Article

It has fallen to President Obama to deal with the policies and practices of torture inaugurated by the Bush administration. He started boldly, ordering an end to the abuses, announcing the closing in one year of the detention camp at Guantánamo and releasing the Bush-era Justice Department memos authorizing torture. Subsequently, he seemed to grow cautious. He discouraged formation of an independent commission to investigate the torture and reversed a previous position in favor of releasing Pentagon photos of abuses and instead opposed release. In his May 21 speech at the National Archives, he seemed to try to create a framework for understanding his policies, but they remained very much a work in progress. He surprisingly embraced a number of Bush policies, including military commissions for trying detainees, the use of the State Secrets privilege to protect information in court and the indefinite use of preventive detention--all to be revised in ways that were left vague or unspecified. Yet among these reversals and improvisations, one very general preference has remained steady. Throughout, Obama has expressed a desire to concentrate on the "future" rather than the "past." As he put it a while back, he is bent on "getting things right in the future, as opposed [to] looking at what we got wrong in the past." Or as he said in the National Archives speech, "We need to focus on the future" while resisting those "with a strong desire to focus on the past."

But can the United States really get things right in the future by turning away from the past? For one thing, the factual record is still incomplete. For another, the reasons for what went wrong aren't as clear as they might at first seem. Why did the United States make the decision for torture? What changes does it portend for American life? It seems likely that getting things right will depend on having answers to these questions.

When the full history of the Bush administration is finally told, one event may prove iconic: the torture of the Al Qaeda operative Ibn al-Shaykh al-Libi, who recently died, allegedly by his own hand, in a prison in Libya, where he was sent by the United States. Libi was captured in Pakistan in late 2001. At first, he was interrogated by the FBI, and he provided useful information on the inner workings of Al Qaeda. But more was wanted from him. The Bush administration, hellbent on justifying its forthcoming invasion of Iraq, was ransacking the intelligence bureaucracy to find or produce two things that, it turns out, did not exist: weapons of mass destruction programs in Iraq and cooperation between Al Qaeda and the regime of

Saddam Hussein. Pressure to find evidence of both intensified in 2002.

At the same time, the practice of torture--authorized by the White House, the Justice Department and the Pentagon--was spreading throughout the intelligence and military establishments. Soon, prisoners were being tortured to provide evidence of the Al Qaeda-Saddam link. As Col. Lawrence Wilkerson, former Secretary of State Colin Powell's chief of staff, has stated, the "harsh interrogation in April and May of 2002...was not aimed at pre-empting another terrorist attack on the U.S. but discovering a smoking gun linking Iraq and Al Qaeda." And according to the recent Senate Armed Services Committee report on the treatment of detainees, a former Army psychiatrist, Maj. Charles Burney, has confirmed the charge. "A large part of the time," he told Army investigators, "we were focused on trying to establish a link between Al Qaeda and Iraq and we were not successful.... The more frustrated people got in not being able to establish that link...there was more and more pressure to resort to measures that might produce more immediate results." The CIA took custody of Libi and began to expose him to abuse. Next, it "rendered" him to Egypt, where he was subjected to, among other torments, severe beatings and confinement in a tiny cage for more than eighty hours. He then produced the desired false statements linking Al Qaeda with the Iraqi government.

Just as minute specifications for torture were flowing down through the ranks of bureaucrats from the Justice Department, the Pentagon and the White House (where an array of abuses was once demonstrated to high officials, reportedly including cabinet members), so the results of the torture were flowing upward. By this route, Libi and his testimony were destined for a history-making role. The centerpiece of Powell's speech before the UN Security Council justifying the invasion of Iraq devoted a full nine paragraphs to a "senior terrorist operative" who "fortunately...is now detained." Libi, though unnamed, was the star of the performance. Powell unwound a long tale of terrorists and weapons of mass destruction (all subsequently disavowed by Libi as well as otherwise discredited). Al Qaeda, Powell said, had been pursuing weapons of mass destruction in Afghanistan but, finding the resources inadequate, had needed "to look outside of Afghanistan for help." So "they went to Iraq," where they received "chemical or biological weapons training." Thus did Powell weave together the two main fabrications about Iraq--that it was pursuing weapons of mass destruction and was cooperating with Al Qaeda. And Iraq's avowals to the contrary? "It is all a web of lies," he said.

The moment is worth dwelling on. In the most dramatic and widely watched presentation of the case for war, the secretary of state, a man of high reputation at home and abroad, was conveying perjured testimony exacted by torture to the entire world in its appointed agora, the UN Security Council. Without knowing it, the assembled representatives had been dragged into complicity with a hidden system of torture. The war, as we learned later from the photos of Abu Ghraib, produced torture. But before that happened, torture had produced the war.

The event shows in microcosm the relationship of torture and truth. Supposedly, the aim of torture is to produce information. But its likelier outcome is to produce misinformation--which may be what is desired. A recent Washington Post cartoon by Tom Toles sums up the point. A torturer stands over his victim, who is on his back on a waterboard. The torturer says, "There's the problem of getting false information." Dick Cheney, standing next to him, responds,

"Problem??"

This purpose of the Bush-era torture is inscribed in its origins. In the Korean War, the Chinese invented torture techniques whose aim was to force American prisoners of war to make false confessions of participation in war crimes for use in propaganda. Since false confessions, not information, were the desired product, a heavy emphasis was placed on sensory deprivation and other techniques for producing mental breakdown. Later, in the so-called Survival, Evasion, Resistance and Escape program, the US military tried to train soldiers to resist confessing by subjecting them to milder variations of the techniques. It was these that the Bush administration turned back to their original use--which, of course, had been (and again was) not obtaining information but producing propaganda.

In a passage that uncannily anticipated the Powell speech, Elaine Scarry wrote in her classic work *The Body in Pain* that torture "permits one person's body to be translated into another person's voice" and "allows real human pain to be converted into a regime's fiction of power." The victim's world is "shattered" by torture. More than any other experience, extreme pain shuts a person up in a world of incommunicable agony. Jacobo Timerman, who underwent torture at the hands of the Argentine generals in the late 1970s, has written that even as he was tortured he tried to think how to communicate the experience to others in words but was unable. The torturer, inversely, asserts and expands his world--his word--at the expense of the shattered world of the victim, as Powell did at the UN. For, as Scarry writes, "the torturer and the regime have doubled their voice since the prisoner is now speaking their words."

But why is the gain only the "fiction of power"? It might seem that more than any other activity torture is an exercise in absolute power. The torturer can do anything he dreams up to the perfectly helpless prisoner. He can take his time deciding what torments to impose. He can slam the prisoner's head against a wall, waterboard him, order him to pray to a God not his own, smear his face with feces, lock him up in a small box, keep him awake for a week, hang him from the wall and beat him to death--all things that have been done in American detention centers since 9/11. But what is that power, and how far does it extend beyond the torture chamber? Scarry observes that the state, in denying the victim's pain, "converts the vision of suffering into the wholly illusory but, to the torturers and the regime they represent, wholly convincing spectacle of power." And it is "precisely because the reality of that power is so highly contestable, the regime so unstable, that torture is being used." Libi's behavior is a case in point. He produced material to buttress an illusion. The illusion was deployed to open the way to a war. The war had a high cost precisely in the currency of the power of the United States. Power to produce fantasy is not power in the real world, and the Iraq War has been a disaster in that real world.

It's no accident, then, that the United States approved torture at the highest levels of government exactly at the moment it began the most precipitous decline in global power in its history. Torture is one more sign of this weakness, which it feeds. It is a mere pantomime of the power notably missing elsewhere. In the torture chamber, the sole superpower still feels super, almost omnipotent. It is not so in the villages of Afghanistan, Iraq and Pakistan's Swat Valley, or in Pyongyang or Tehran. The cult of force can create an illusion of power in the "black site" prisons. Even the illusion is missing outside them.

The wound goes deeper. Even as the torturer shatters the world of his victim, he assaults the foundation of his own world, although he does not know it. Indeed, his blindness is a consequence of the torture, even a condition for it. The torturer and his victim are close to each other. There is physical contact. Yet in every other respect they are as distant as it is possible for one person to be from another. In the moral and affective vacuum that has been generated, sympathy, empathy, pity, understanding--every form of fellow-feeling--have been reduced to absolute zero. That is why torture is always, in Scarry's words, an "undoing of civilization," and, probably more reliably than anything, it foretells the descent of a civilization into barbarism. The power of the state that tortures may be increasingly fictional, but the degradation of its civilization is real.

Those symptoms are brought on, of course, not just by the torture but by society's reaction to it. The interrogator faces his choice when the order to torture comes down from on high. The people face their choice when reports of what he did are made public, as is happening. If the people choose denial, the pathology of torture tends to reproduce itself in the society at large. The result is a kind of cognitive dislocation, which can be more or less severe. Fundamental human capacities begin to atrophy or are impaired. Certainly, abuse of human beings and abuse of words go hand in hand. The words that name the deed fog over, or are driven from the language. Refusal to face the fact of torture has cost us the very word "torture," now widely referred to, as if in obedience to some general edict, as "enhanced interrogation techniques" or "harsh methods." Torture's writ thus runs in the editorial rooms of newspapers.

Other words drift free from their appropriate contexts and float into inappropriate ones. For example, in a statement responding to the recent release of memos from the Office of Legal Counsel authorizing forms of torture, Dennis Blair, the director of national intelligence, objected to "pain" that had been caused. But he did not mean what one would have thought--the pain of the victims. He meant the torturers' pain upon finding themselves censured for their abuse. Recalling the discomfort of operatives who had been called to account after the Vietnam War, he said that he could "remember well the pain of those of us who served our country even when the policies we were carrying out were unpopular or could be second-guessed." Now, he complained, "We in the intelligence community should not be subjected to similar pain." In this response, the screams of the tortured had been shut out and only the whining of the torturers could be heard. (Blair's statement prompted a pitch-perfect satire on the blog Balkinization by David Luban, who penned a mock inquiry into whether "'second-guessing' would violate the prohibition on torture found at Section 2340A of title 18 of the United States Code." He found that it did.)

Or consider the frequently made charge that indictment of those who performed or ordered torture would amount to "criminalizing policy decisions." In this accusation, those who really criminalized policy--that is, those who ordered crimes as a matter of policy--are given immunity by charging those who would prosecute the crimes with "criminalizing." Torture, after all, was made criminal not by those who would apply the law but by those who drafted and passed the law, including Title 18 of the US Criminal Code. The application of that law no more "criminalizes" any deed than a prosecutor criminalizes bank robbery when he indicts a bank robber.

At an even deeper level, the bonds that connect the very tenses of human life--past, present and future--may start to come unglued. It is in this context that our new president's determination to get things right in the future by ignoring what went wrong in the past is troubling. Here, the past per se is at risk of being demeaned by a sort of guilt by association with torture. The other two tenses, though seemingly preferred, do not escape unharmed. The danger is most obvious in the legal system, where it is precisely the past--the precedent of law plus the factual record of the case--that determines the future to be taken. Someone brought into court for dealing drugs is not invited to say to the judge, "Let's not look at the past; let's concentrate on getting the future right." But more than the legal system is at stake. For whatever else civilization may be, it is surely intercourse between past, present and future. Without the past to guide it, judgment about the future is reduced to clueless conjecture, and without informed judgment about the future, we wander lost in the present.

Better to look the torture in the face and having looked, to remember, and having remembered, to respond, and having responded, to call those responsible to account so that we never do this again.

*Jonathan Schell* is the Harold Willens Peace Fellow at *The Nation Institute* and teaches a course on the nuclear dilemma at *Yale*.