FEMINIST APPROACHES TO RELIGION AND TORTURE

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ABSTRACT

Feminists look critically at any infliction of pain on others, usually requiring that it be consensual, and often both consensual and for the benefit of the person afflicted. Most torture of women is not recognized under official definitions of torture because it is not performed by or with the consent of (government) officials. Women are, however, also victims of torture under official definitions as military or civilian prisoners or as members of defeated populations in war, and are more often subjected to sexual torture, which until recently has not been understood either as torture or even a war crime. Rape, especially serial gang rape, it is argued, should be understood as torture, as the essence of torture is the use of severe pain to obscure or obliterate the victim’s sense of agency.

KEY WORDS: torture, feminism, religious, human rights, rape

FEMINIST CONCERNS ABOUT TORTURE are part of a broader feminist opposition to civil or religious practices that inflict bodily pain without either consent or significant benefit to the subject—and for many feminists without both consent and benefit—whether as punishment for civil crimes or heresy, or in pursuit of personal virtue. Though many feminists look to religious faith for understandings of the human, of human rights, and of the common good, religions have generally opposed equal rights for women; when it comes to women’s bodies in particular, religions have offered little consistent wisdom. Globally, women’s rights have benefitted far more from secular human rights movements than from religious advocacy.

General feminist opposition to nonconsensual, non-beneficial infliction of bodily pain on others parallels opposition from other subordinated groups. A 2009 Pew Research Center survey in the United States found the religiously unaffiliated the least likely (40 percent) to support torture; the more a person attends church, the more likely to condone torture (Pew 2009). White evangelical Protestants were the most likely (62 percent) to support inflicting pain as a tool of interrogation (Pew 2009). In 2005 a survey found 72% of American Catholics supported the use of torture under some circumstances, compared to 51% of secularists (Turecek 2007). In a 2006 Scripps
survey, 66% of Americans self-identified as strongly Republican supported torture, while 24% self-reporting as strongly Democratic supported torture; further, whites were more likely to support torture than African-Americans or Hispanics, and men more than women (Hargrove and Stempel 2006). In contemporary Israel, surveys show, 53% of Jews favor some degree of state use of torture, with only 39% wanting strict rules controlling torture, while Muslims in Israel are unanimous against any state use of torture (BBC News 2006). The more powerful a group feels, the more likely it is to approve torture.

The secular human rights movement, which produced the 1984 United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has, from a feminist standpoint, an inadequate understanding of torture because it is blind to much of the torture of women. That document says:

For the purposes of this Convention, the term “torture” means 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, 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 [United Nations 1984].

The last phrase here—“acting in an official capacity”—removes from the category of torture the majority of the severe pain and suffering intentionally inflicted on women to punish, intimidate, or coerce them. The trafficking of hundreds of thousands of girls and women who are beaten, made into drug addicts, threatened with death, and enslaved either in sweatshops or brothels, many of whom die premature deaths with no known graves, is not, by this definition, torture unless some public official is among the traffickers. Nor is the torture of the untold thousands of women abducted, tortured and often killed in the United States and abroad by psychopaths.

A better definition, though one still primarily focused on police and military torture, comes from Elaine Scarry:

Torture is in its largest outlines the invariable and simultaneous occurrence of three phenomena, which, if isolated into separate and sequential steps, would occur in the following order. First, pain is inflicted on a person in ever-intensifying ways. Second, the pain, continually amplified within the person’s body, is also amplified in the sense that it is objectified, made visible to those outside the person’s body. Third, the objectified pain is
denied as pain and read as power, a translation made possible by the obsessive mediation of agency [1985, 28].

Under this definition, much more, but not all, of the severe nonconsensual pain inflicted on women against their wills would be recognized as torture. Much domestic abuse escalates, entails a real danger of death, is visible to others even outside the family, and is clearly interpreted as an exercise of power by both the abused and the abusers themselves. Certainly the suffering inflicted by psychopaths on kidnapped women often before killing them also follows this model. But the pain inflicted on victims of trafficking is not necessarily escalated; traffickers take their power over women for granted, and do not necessarily need to extract ever increasing pain from women to demonstrate their power. The difference between a person who casually inflicts pain on another in an uncaring way in the course of performing some other activity, and one who seeks out a victim deliberately and devotes himself to inflicting pain is important, because while the former indicates a lack of respect for the victim, there is absent the commitment to deny the victim any claim to agency. Thus not all involuntary suffering is torture. Yet much of the pain inflicted on women should qualify as torture.

North America is full of accounts of disappeared women, especially poor or minority women. Nine women have disappeared from the tiny town of Rocky Mount, NC since 2005, with six of their tortured bodies recovered (Patterson 2009). In November 2009, a Cleveland man being investigated for attempted rape was arrested when eleven sexually abused and tortured female bodies were found buried around his house (Farkas 2010). In Ciudad Juárez, a maquiladora district just across the Mexican border from El Paso, the bodies of 370 young women between twelve and twenty-two years old were found, weeks or months after disappearances beginning in the 1990s, in ditches and desert strips, showing signs of sexual violence, torture, and mutilation. These 370 are only a small number of the more than 4,000 women who have gone missing from Ciudad Juárez since 1993 (Calderón Gamboa 2007). The disappearances stopped in 2005, beginning again in mid-2008. Since then, twenty more young women have disappeared (Dowling 2009). But none of these cases count as torture, even though, compared to torture cases by officials, these cases have a much higher mortality rate.

While definitions of torture exclude a great deal of the severe pain and suffering deliberately inflicted on women throughout the world because no official is in charge of it, there are nevertheless many women whose pain and suffering do fall within the definition. Many women prisoners in war—and in peace—are victims of rape, as are girls and women in occupied territories. Yet in the history of the world,
it was not until the March 2000 trials of Serbian officers that mass rape and forced prostitution by a military were treated in themselves as war crimes (Beck 2002, 255).

Long before this, however, it had been clear that rape was treated very differently within the same army depending upon the identity of the raped women. A classic case is the comparison of World War II German military rape trials in occupied France with those in occupied Poland and the Soviet Union. Though rape by German soldiers was believed to be much less common in France than in the Slavic areas, punishments for rape in France were severe, while rape charges were often dismissed or treated very lightly in the Slavic areas. Historians point to officer approval of the rape of Slavic women, and their reluctance to preclude this outlet for the fears and tensions the bloody eastern front engendered in their troops. This view is supported by the Barbarossa decree of May 13, 1941, which declared that all crimes and criminal offenses committed against Soviet citizens by German soldiers were to go unpunished unless a court martial was necessary to preserve military discipline or safeguard troops (Beck 2002, 266).

But we do not need to look back half a century in military history to find rape treated as less than torture. When Congress ordered the U.S. Department of Defense in 2005 to appoint a Task Force to examine sexual assault in the U.S. military, the DOD waited three years before appointing the Task Force (Wright 2010). In 2006, the first year the U.S. Department of Defense was mandated to keep sexual assault records, 2,974 of the 200,000 women on active duty in the U.S. military filed rape and sexual assault charges against military personnel. Those 2,974 led to 292 prosecutions. In 2007, there were over 2,200 cases and only 181 prosecutions. In addition, the Department of Defense estimates that 80% of military rapes go unreported (Defense Task Force 2009). While not all rape should be understood as torture, certainly rape by a military superior (and especially serial rape) should have some standing as torture, due to its inevitable damage to the victim's sense of agency and the sense of ongoing vulnerability engendered by it.

Common explanations for why rapes—even mass rape, serial rapes by superiors, or brutal rapes—are usually not considered torture share two related assumptions. First, it assumes nonconsensual sex is the ordinary lot of women, who until relatively recently were legally property of men; second, it assumes that men's sexual desire makes any unprotected women—including all women in “male space”—fair game (Askin 1997). Through the late Middle Ages, according to Askin, “opportunities to rape and loot were among the few advantages open to . . . soldiers, who were paid with great irregularity by their leaders . . . triumph over women by rape became a way to measure
victory, part of a soldier’s proof of masculinity and success, a tangible reward for services rendered... an actual reward of war” (Askin 1997, 26-27). Military commanders whose divisions have committed widespread rape and pillage after hard campaigns with heavy casualties have long claimed that rape is natural.1 Men have sexual needs/desires that must be gratified, so the story goes, and will therefore inevitably rape other women in the absence of their own, with or without authorization by commanders. Thus the violent rape of women prisoners or women in conquered territory is excused by many by likening it to ordinary sex, for which men are considered to have a need and perhaps even a right, and which women are not considered to have a right to refuse (Gottschall 2004). The bodies of women are not considered fully their own, but are evidently considered in these circumstances to be the property of men at large. Such explanations supply the background that creates callousness toward even the most violent denials of women’s bodyright.

Definitions of and attitudes toward torture such as found in western laws and UN declarations are founded largely upon modern liberal worldviews—they draw upon the same philosophical roots as modern democracy, human rights, and understandings of the integrity of the human individual. In the past, as we see in my colleagues’ articles in this issue, so little was the integrity of the human person and body regarded that torture was more often than not regarded as a necessary part of interrogation by both civil and religious authorities. Extracting truth required inflicting suffering. Francis Bacon’s defense of early modern science “for tearing into and penetrating nature in order to learn its secrets” compares science to King James I’s use of torture in the interrogation of women accused of witchcraft, which Bacon praised as necessary and appropriate (Bacon 1623/1870, 296).

Contemporary definitions of torture, by contrast, presuppose respect for human rights, in particular for bodyself, as a social norm and therefore define torture as exceptional, contrary to ordinary

1 Following World War I the 1919 War Crimes Commission, which investigated the atrocities committed by Germany and other Central Powers during World War I, included rape and forced prostitution among the charges, but despite massive evidence, prosecution failed. Later, following World War II, despite the tremendous weight of evidence, including both witnesses and documents, of Nazi approval of military rape on the Eastern Front, no charges of rape were ever brought at the Nuremberg War Crimes Trials. There was fear of prosecuting rape, lest it set a precedent that could later be used against the prosecuting nation. In the Tokyo war crimes trials after World War II, there were rape charges, but only for rape during the “Rape of Nanking.” Racism is often suggested as the reason that the Tokyo trials were so much harsher than the Nuremberg trials (de Brouwer 2005, 5-7). Justice Richard Gladstone, Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia remarked, “Rape has never been the concern of the international community” (Simmons 1996).
treatment and expectation, associated only with captivity imposed in war, espionage, or police interrogation of criminals, with the object of extracting either information, or sadistic pleasure from the tortured. But in the experience of women and other subordinated groups, these assumptions about torture are skewed; in much of the world basic human rights simply are not granted to women, especially regarding bodyright. Twenty-two of the 186 nations which signed the UN Convention on Elimination of Discrimination Against Women (United Nations 1981) presented reservations to the very article (#2) requiring them to act to protect women under the treaty. Seven nations—including the United States, United Kingdom, and Australia—have not yet signed the 1981 Treaty (Deen 2009). To our shame, many of the reservations to the Treaty were rooted in religion. As extraordinary renditions have made clear, our world is not made up of democratic, egalitarian societies; torture is a prerogative accorded police and military by governments in practice, even though contrary to law. A look at the torture inflicted on women globally makes clear that the privilege of torturing is not limited to police and military; the ability to torture with impunity is often extended to husbands and fathers, and in some places in-laws.

Torture is neither limited to war, nor to criminal psychopaths; it is a part of how our world works, and women and other subordinated groups are disproportionately affected by it. Two New York Times reporters, Nicolas Kristof and Sheryl WuDunn, wrote that they had moved to China just before the Tiananmen Square massacre, and reported it for months as “the human rights story of the year” (Kristof and WuDunn 2009, xiv). But over the following months they discovered that every year in China, due to preference for sons, 39,000 girl babies under the age of one unnecessarily die for lack of ordinary care; the number that die each week is equivalent to the total number of dead in the Tiananmen Square massacre. These deaths go virtually uncovered. Both inside and outside China they are considered a problem that will be solved gradually, through economic development; there is no need for special attention to this horror. Similarly, bride burnings in India occur every two hours; in the twin cities of Islamabad and Rawalpindi, Pakistan, 5,000 females have been set afire or seared by acid by family members or in-laws for perceived disobedience since 2000. Kristof and WuDunn conclude:

When a prominent dissident was arrested in China, we would write a front-page article; when 100,000 girls were routinely kidnapped and trafficked into brothels, we didn’t recognize it as news. Partly that is because we journalists tend to be good at covering events that happened on a particular day, but we slip at covering events that happen every
day—such as the quotidian cruelties inflicted on women and girls [2009, xiv].

Journalists are not alone in this callousness; the arrest of one person on a specific day is easier to comprehend than habitual abuse of women and girls across cultures, religions, and historical periods, and we humans like things simple. But aside from our mental sloth in preferring simplicity over complexity, we are also desensitized by those quotidian cruelties perpetrated on girls and women. Such cruelties are part of the background of our world. Even the victims themselves often come to feel that torture is socially inevitable, that women were created to suffer, that nothing and no one can make them safe from abuse. In fact, this is the root of the sin of torture: it strips victims of their humanity, their selfhood. The very action of the torturer says to the victim, “You are not in charge of your body, your life, your very feelings—I am. I can make you be and do whatever I want.” Repetition of torture makes the message inescapable. As Elaine Scarry makes clear in her study of torture, “What assists the conversion of absolute pain into the fiction of absolute power is an obsessive, self-conscious display of agency [by the torturer]” (Scarry 1985, 27).

In conclusion, given the instances of U.S. use of torture in our twenty-first-century wars and policing, clearly American churches need to educate their own flocks that the integrity of the human person—all human persons—precludes recourse to torture. But perhaps just as necessary is our need to look beyond the headlines so that we also recognize as torture many of the invisible because quotidian physical and mental cruelties visited on women and other powerless groups in our world.

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