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Torture and the American Civil Religion

Torture violates the rule of law which is the tie that binds us together as a nation. The tie is, in a sense, religious.

When the nation is our ultimate concern, we have entered into the cathedral of civil religion. In the United States of America we declare a doctrine of separation of church and state. But, deeper down, for some, there is a piety, devotion, religious attachment, a faith in the state that is as strong as or even stronger than other religious confessions. We ought to examine our own souls to know whether or not the state is our ultimate concern, the ultimate object of our faith.

When we enter the cathedral of the civil religion, we sing its hymns – My Country Tis of Thee, America the Beautiful, God Bless America, Lift Every Voice and Sing, The Star Spangled Banner and others. We read its sacred texts – We hold these truths to be self-evident; We the people of the United States in order to form a more perfect union; and that government of the people, by the people, and for the people, shall not perish from the earth; I have a dream; there is not a liberal America and a conservative America; there is the United States of America. We honor the lives of our martyred saints—Abraham, John, Martin, and Bobby and others. We revere our sacred spaces – Independence Hall, the Washington Mall and others. We worship the gods and goddesses of the state – Providence, Nature and Nature's God, Lady Liberty, Blind Justice.

The rule of law holds this all together. Because when the state is our ultimate concern, we can love it, but it is not an entity that can love us in return. It can only provide us some measure of security through the rule of law. President Obama was right to release the memos regarding enhanced interrogation techniques a.k.a. torture. Now the question becomes: what we as a nation ought to do next. The president does not want to prosecute people who carried out the torture and has referred the matter to the justice department.

I say: If laws were violated, the legal process ought to go forward. A grand jury may or may not hand down indictments. An indictment does not mean that people will be convicted by a jury of their peers, and a conviction does not necessarily mean jail time. The president has the power to issue commutations and/or pardons. Holding people accountable for violations of the law is not a criminalization of another administration's policies. It is a statement that no one, no administration is above the law.

In the American civil religion, there is no God that forgives and casts our transgressions as far as the east is from the west. There is no savior who suffered and died for our sins. There is no oft returning, gracious and merciful master of the Day of Judgment. There is no cosmic karma. There is no condition of no soul, no self. There is no Great Spirit blessing us with gentle wind and rain no matter our mistakes. There is no divine, radical love.

When the nation is our ultimate concern, the laws that we ourselves put in place through a national consensus are ultimate. They derive from our national sense of morality that is constantly striving for a more excellent way. If we allow the terrorists to terrorize us into letting frightened lawyers rewrite our nation's laws and modify our moral consensus, if we ignore the rule of law for the sake of moving forward and avoiding the embarrassment of investigations and trials, if we ignore our national sense of moral purpose because we want to hold onto the notion of American exceptionalism, then we weaken our laws, betray our morality and nullify our exceptionalism.

We will have allowed the terrorists to make us the agents of our own destruction. And the sacred texts and hymns of the civil religion become empty and hollow. The tie that binds us will be broken.