



Perspective

Perspective 22 June 2005 - Sandy Gifford

[This is the print version of story <http://www.abc.net.au/rn/talks/perspective/stories/s1398298.htm>]

Academia is a world of privilege, leadership and responsibility. But academia has always had its darker side. Professor Mirko Bagaric and Ms Julie Clarke have the notorious distinction of joining the ranks of public intellectuals who, through narrow thinking and flawed scholarship, provide a 'moral' framework for justifying evil.

In their soon to be published paper, entitled *Not enough (official) torture in the world? The circumstances in which torture is morally justifiable*, Bagaric and Clarke make the unequivocal argument that torture is morally justifiable, even in some instances for 'innocent people'. In giving voice to the justification of torture, through so called *scholarly argument*, they give legitimacy to destructive regimes of power. They follow in the footsteps of other public intellectuals throughout history who have, knowingly or not, provided social legitimacy for horrendous acts. Fortunately however, Bagaric and Clarke's scholarship is feeble, their arguments fallacious.

Good scholarship rests on a sound understanding of the problem at hand, which, in turn, must be based on a strong body of evidence. Bagaric and Clark fail on both counts. They begin with a very narrow understanding of torture purposefully focusing attention on the first part of the definition in the UN Convention against Torture - severe pain or suffering...for such purposes as obtaining information or a confession' - and away from the second part of the definition which includes intimidation and coercion for any reason based on discrimination of any kind...'. This slip of writing is misleading at best and devious at worse.

Focusing on torture as a means of obtaining information totally ignores the fact that torture has become one of *the* most effective strategies used by political regimes to destroy civil society. Further, using a utilitarian ethic, Bagaric and Clarke attempt to convince us that torture is morally justifiable in circumstances where it is necessary to "ward off some great threat to society", where "the harm caused to the agent will be offset by the increased happiness caused to other people". In reality, torture knows no rational limits. There is no *happy* benefit.

There is a large body of solid evidence from research across a range of disciplines, that documents the destructive effects of torture on the individual, family and wider community, effects that are passed from one generation to the next becoming collective nightmares that haunt the successful rebuilding of community and civil society in post-conflict situations.

Where does this lead us? What does this say about the role of public intellectuals and academic leadership in today's world? One of the most important values enshrined in our institutions of higher education is the freedom to engage in public debate without fear of censorship or retribution. But this so called right comes with responsibility. And it is here that Bagaric in particular, fails in his duty to protect these rights and privileges.

Professor Bagaric is entitled to expression of scholarly thought. Indeed, speaking about the unspeakable is crucial, as evil can only be faced when driven from underground. However, Professor Bagaric breaches his responsibilities when he speaks from his position of leadership within a university, instead of speaking from his position as a researcher and intellectual. Professor Bagaric authors his paper as “Head of Deakin Law School”. It is indefensible that his contentious arguments be legitimized from such a position of power. Further, it is indefensible that the Vice Chancellor of that university not draw this distinction in her defense.

This is dangerous ground on which we tread. Academics have a responsibility, now perhaps more than ever, to speak truth to evil. And in our postmodern world, there are indeed many truths and evil takes many forms. Bagaric and Clarke deserve to be heard, but they also deserve to be called to account for further harm they will most surely inflict because of their views and because of Bagaric’s misuse of his position of leadership. Academia carries with it great freedoms and privileges. It also carries with it the responsibility of leadership. To argue as a scholar for the benefits of torture, no matter how abhorrent is protected by freedom of intellectual thought and speech. But to advocate the benefits of torture under the auspices of ‘Head of School’ violates the privileges and responsibilities of scholarship and treads the dark side of academia.

Guests on this program:

Sandy Gifford

Professor of Public Health

Refugee Health Research Centre, La Trobe University

Further information:

University of San Francisco Law Review

<http://www.usfca.edu/lawreview/upcoming.html>

Producer: Sue Clark

© 2005 Australian Broadcasting Corporation

Copyright information: <http://abc.net.au/common/copyrigh.htm>

Privacy information: <http://abc.net.au/privacy.htm>