

## The Problem with Assessing Torture

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*Abstract.* Here I argue that nearly everything over which evangelicals seem currently divided in assessing the ethics of torture is semantic not substantial, and I propose that solving this semantic problem will help us avoid rhetorical attacks and free us instead to focus on two subsequent challenges, (1) settling the question of what truly distinguishes the category of *inherently-evil-actions-that-can-never-be-justified-under-any-circumstance* from the category of *regrettable-actions-that-are-sometimes-justified-under-limited-but-morally-definable-circumstances*, and (2) settling the question of by what principles otherwise regrettable actions may sometimes be justified.

The country has been debating the ethics of torture off and on for several years beginning on April 28, 2004, when shocking accounts filled the news of prisoner abuse at the Abu Ghraib prison in Iraq.<sup>1</sup> In the aftermath, seventeen soldiers and officers were removed, of which eleven were variously convicted in courts martial, sentenced to military prison, dishonorably discharged, or demoted. And since that time the ethics of torture has been debated in presidential politics and at various conferences, summits and roundtables, resulting in several books.<sup>2</sup>

While no one defends what occurred at Abu Ghraib, the ensuing ethics debate has left the nation deeply divided, or at least confused, as to what moral boundaries apply to the way interrogators go about obtaining vital information from non-cooperating prisoners in a war against forces using terror tactics to implement Islamic *sharia* law claiming totalitarian authority over everyone in the world. The division we face now has nothing to do with what

occurred at Abu Ghraib, but rather concerns subsequent questions having to do with interrogating confessed or alleged terrorists such as those confined at Guantanamo. In this debate evangelicals are as deeply divided as others—a situation that leaves us open to suspicion that we could be shaping our ethics to fit political preferences rather than shaping our politics to conform with fixed ethical standards.<sup>3</sup>

I plan here to address this division compromising evangelical moral witness on torture and will suggest a way forward. In particular, I will argue there is nothing truly necessary causing this division, and will show that what appears to be contrasting positions is mainly a matter of semantics. That is, I believe it comes mainly from using a single word different ways and then supposing those who disagree are favoring positions they do not. But while a semantic problem stands in the way of addressing truly important questions lying beyond, solving this problem is easier said than done.

As a topic, torture is already so highly volatile all efforts to analyze the ethics of torture are in constant danger of sinking into a swamp of passion. Furthermore, the issue is complex rendering it susceptible to idealistic simplification, and natural human revulsion toward brutality makes attending other critical aspects extremely difficult. As a result, much of what passes for moral debate on torture is greatly muddied by desires either to attack or defend particular politicians, agencies, or parties. Since I mean to reconcile unnecessary disagreement, I will not attempt either to criticize or defend any government action, I will not catalog the ways prisoners have been brutalized, and I will neither describe nor try to justify occasions I have felt shocked at what others have said or done. Rather I only aim to produce what both sides will consider a truly fair assessment, and that aim leaves no room for preening or accusation.

## RECOGNIZING THE SEMANTIC PROBLEM

I first went on record about how failing to define torture hinders moral analysis soon after the current round of public discourse got started,<sup>4</sup> and I have mentioned it again several times since.<sup>5</sup> But I am not the only one to notice how failing to define torture makes it impossible to distinguish allies from opponents, much less engage in constructive moral debate.

Richard Posner says that, because “the word *torture* lacks a stable definition,” moral evaluation is controlled by whatever “point along a continuum . . . the observer’s queasiness turns to revulsion.”<sup>6</sup> Jean Bethke Elshtain says that, “if everything from a shout to the severing of a body part is *torture*, the category is so indiscriminate as to not permit of those distinctions on which the law and moral philosophy rest.”<sup>7</sup> David Gushee acknowledges that, when it comes to “the exact kinds of acts that constitute torture, there is no single definition.”<sup>8</sup> Tyler Wigg-Stephenson fears that, because assessing torture all depends on first defining what it means, we may be forever “stuck in the same fruitless, frustrated (false) agreement in which we presently find ourselves.”<sup>9</sup> David Luban notes that dictionary definitions of torture are all notoriously vague being nothing more than “a list of equally vague synonyms,” and for this reason remarks that any effort “to wring greater specificity . . . out of a dictionary is, by the very terms of the problem, a cheat” serving “only to provide a seemingly-objective source for spinning the meaning of a word” any way at all.<sup>10</sup> Finally Keith Pavlischek and I both criticized the *Declaration on Torture* issued by the National Association of Evangelicals in 2007 on mainly semantic grounds, with Pavlischek saying it failed “to define torture with any degree of precision,”<sup>11</sup> and with me saying it should not have divided evangelicals “into renouncers and justifiers” without defining the point at issue

because no evangelical anywhere “disagrees with rejecting immorality or defends mistreating fellow human beings made in the image of God.”<sup>12</sup>

What is interesting about these statements is how they come from both sides of the moral debate. Everyone truly serious about assessing the ethics of torture understands that we have a semantic problem, and if evangelicals now seemingly divided into opposing camps can delay charging into moral battle we may find we have more reason to cooperate than to attack.

### ANALYZING THE SEMANTIC PROBLEM

Following Luban’s advice to avoid dictionary definitions, and to focus instead on what is really being said in the torture debate, it is possible to discern four distinctly different senses in which the term is being employed. These I will label: (1) *no means ever torture*, (2) *evil means torture*, (3) *coercive means torture*, and (4) *any means possible torture*. The first and fourth of these are used by so few they are not worth serious attention. But the second and third are worth examining because all serious efforts to assess the ethics of torture end up using one or the other. I will first survey all four senses and then will show how the second and third, while semantically different, do necessarily conflict morally.

The first most broadly opposed sense in which torture is being used employs what we may call the *no means ever torture* definition. Used this way, torture refers to rejecting anything that overcomes a person’s will to withhold information, no matter how mild. Torture in this sense has no minimal limitation. It has no minimum threshold to what is disallowed. Andrew Sullivan takes this approach where he says, “what defines torture is not this or that technique” but rather is whatever brings prisoners to “the limit of their ability to withhold information.” It is anything however mild that causes “captives . . . to confess.”<sup>13</sup> In

other words, if a prisoner talks, he was by this definition “tortured” no matter what measures were used however minimal.

The second still very opposed but more discerning sense in which torture is being used employs what may be called the *evil means torture* definition, a definition using torture to reference any never justifiable form of coercion. This definition assumes coercive force but uses torture as a blanket term for treating fellow human beings in ways that can never be justified. It uses torture to indicate forms of treatment that are in themselves inherently evil and so can never be right no matter what. Torture in this sense is never justifiable because that is what torture means to the person using the term. Impossible to justify actions cannot be justified simply because that is what they are, and many participating in current debate are using the term in this sense. That is what Sister Dianna Ortiz means in saying torture is a “crime against humanity”<sup>14</sup>; it is what Douglas Johnson means in saying “torture is a crime against the human spirit”<sup>15</sup>; it is what Tyler Wigg-Stevenson means by saying torture is “to bend toward evil that which God has given for good” or is “to perpetrate the untruth that the nation is more than God has made it to be”<sup>16</sup>; it is what Glen Stassen means in saying “all torture . . . is a fundamental violation of God’s primordial will”<sup>17</sup>; it is what David Gushee means in saying “torture is always wrong,”<sup>18</sup> even though he agrees that “interrogators should have some flexibility in applying pressure to encourage prisoners to reveal information that could save lives”<sup>19</sup>; and it is what I meant when I said “it is always wrong to apply force immorally, and if that is what . . . (is meant) by *torture* then I do indeed strongly oppose torture . . . under any circumstance and urge everyone else to oppose it as well.”<sup>20</sup>

Interestingly and to the irritation of their critics,<sup>21</sup> this second sense in which torture refers to never justifiable evil means is the same definition Jay Bybee used in claiming

nothing less than pain “akin to that which accompanies serious physical injury such as death or organ failure” truly qualifies as torture,<sup>22</sup> and it is the same sense Marc Thiessen used in denying President George W. Bush ever authorized torture because for Thiessen only killing a person “would be torture.”<sup>23</sup>

The third somewhat less completely opposed, but also more inclusive and most highly nuanced, sense in which the term torture is used employs what may be called the *coercive means torture* definition. In this case torture refers to any sort of coercion employed for the purpose of forcing resistant prisoners to reveal information needed to save lives. Here torture refers to something more than mild persuasion but extends to cover all sorts of coercive treatment. It includes not only forms that may sometimes be justified but also forms that can never be justified. By this definition, torture not only covers ways of treating people that are always evil but also covers ways that are not always evil—or at least are not evil all the time—and can therefore at times be morally justified under limited circumstances. And because this is what torture means to those using the term this way, it means that for them torture includes both never justifiable as well as sometimes justifiable sorts of action.

This is what Charles Krauthammer means in saying “torture is not always impermissible” and “there are circumstances in which, by rational moral calculation, torture not only would be permissible but would be required.”<sup>24</sup>; it is what Richard Posner means in saying that, “if torture is the only means by which to save the lives of thousands, perhaps tens or hundreds of thousands, of people . . . (then) it seems to me, torture must be allowed”<sup>25</sup>; it is what Jean Bethke Elshtain means by saying torture includes “extreme forms of physical torment” that are never morally justified, but also includes forms of “coercive interrogation” that “may, with regret,” be morally justified under very limited circumstances<sup>26</sup>; it is what

Albert Mohler means in saying “we cannot deny that there could exist circumstances in which . . . torture might be made necessary”<sup>27</sup>; it is what Wayne Grudem means when saying “government has a right—even a moral obligation—*within specified limits*, to use such compulsion”<sup>28</sup>; and it is what I meant in saying that, if we use Krauthammer’s view of *torture* as applying *coercion per se*, then, after setting proper boundaries for moral use, we should without apology defend obligation to exercise justified coercion within proper restraints.”<sup>29</sup>

The fourth and least critical sense in which the term appears in current debate is what may be called the *any means possible torture* definition. In this sense torture refers to justifying anything that works no matter how severe, distasteful, or inhumane. This approach like the first includes a side to the category with no limitation. But rather than having no minimum to what is disallowed, in this case there is no maximum to what is allowed. Although no one consistently defends this sense of the word, critics of torture fear it is what some defenders may be seeking,<sup>30</sup> and it certainly is true that some arguing in favor of torture have at times said things tantamount to using the term in this fashion. It is evident, for example, in John McCain’s notorious remark that “You have to do what you have to do. But you take responsibility for it”<sup>31</sup>; it is suggested in Richard Posner’s statement that, “*in extremis*,” one must apply “as much pressure as it takes”<sup>32</sup>; and it is suggested in former Vice President Cheney’s remark reported by Marc Thiessen that he and former President George W. Bush “were determined (in the aftermath of 9/11) to do everything that we could to avoid and prevent any further attacks on the U.S. . . . And we were prepared to take whatever heat was generated . . . (in order ) to prevail.”<sup>33</sup>

#### SOLVING THE SEMANTIC PROBLEM

At this point I wish to clarify that I know of no evangelical scholar who assesses the ethics of torture in either of the most radical senses that define torture in ways having no categorical limit. No evangelical employs either the *no means ever* or *any means possible* definition, which means of course that all evangelicals assessing the ethics of torture are employing either the *evil means* or *coercive means* definition. We will now look more closely at how these two more sensible definitions relate.

The first important thing to note is how neither sense used by evangelicals is conceptually limitless, and this means of course that no evangelical is employing either of the extreme definitions. This is important to recognize because in the passion of moral battle it is easy to tar opponents with positions they do not truly defend. *Evil means torture* evangelicals should not associate other evangelicals of defending *any means possible torture*, and *coercive means torture* evangelicals should not associate other evangelicals with defending *no means ever torture*.

Next, I recommend that evangelicals debating the ethics of torture set aside the passion of moral battle long enough to notice how we are all dealing with much the same thing. I mean here that we are all traversing the same moral landscape. Everyone involved agrees that some coercive actions are inherently evil and can never be justified no matter what, and that other coercive actions while regrettable may be justified under limited circumstances.

If we avoid the word *torture* for a moment and simply focus on what evangelicals use to frame moral analysis, there really is far more on which we agree than disagree. Every evangelical assessing the ethics of torture, whether in the *evil means* or *coercive means* sense, shares a common set of convictions that include the following:



1. That techniques of prisoner interrogation range on a continuum from extremely mild to extremely severe.
2. That some forms of coercion qualify as evil means that never can be justified, and these lie toward the severe end of the continuum of interrogative methods.
3. That besides these there are regrettable but not always evil forms of coercion that sometimes may be justified, and these forms lie toward the less severe end of the continuum of interrogative methods.
4. That even not always evil forms of coercion should never be used unless truly justified, and using them when not justified is terribly bad.
5. That there is a moral boundary distinguishing never justifiable forms of interrogation from sometimes justifiable forms of interrogation.
6. That the ethics of torture cannot be measured merely by whether techniques work or not, whether in the *no means ever* sense or in the *any means possible* sense.
7. That we must never cease caring more for morality than politics and must never substitute political expediency for moral scrutiny.
8. That we must never cease guarding ourselves against succumbing to forms of self-deception that justify descending into sin.
9. That legality and morality are not the same thing and, if they differ, legality must give way to morality not the other way around.
10. That U.S. law and international conventions ratified by our government are both too imprecise and need improving by adding more easily measured boundaries for distinguishing never justifiable from sometimes justifiable methods of interrogation.

These points of agreement show that what divides evangelicals on the ethics of torture is more a matter of semantics than substance. We employ a commonly held moral framework that involves a continuum of interrogative means extending from extremely mild measures (such as delaying a meal or restricting visitors) to measures everyone agrees are never justifiable (such as killing innocent family members or rape). And we all understand

that along this continuum, between measures that are never justifiable and those not worth disputing, there is a third category consisting of measures that need to be restricted as far as possible but that are sometimes justified under limited circumstances. Whether and under what circumstances such measures are properly justified requires exercising relative moral judgment, a form of wisdom by which decisions are reached on whether or when to use measures hardly ever allowed and never preferred but also are not in the category of means that are never justifiable. What I mean here is nothing more than what David Gushee means when acknowledging interrogators need “some flexibility in applying pressure to encourage prisoners to reveal information that could save lives,”<sup>34</sup> or than what Wayne Grudem means in saying government has a moral obligation “within specified limits” to use measures “in order to attempt to compel the terrorist to do what is morally right”<sup>35</sup>; or than what I have meant in saying elsewhere that “we should without apology defend obligation to exercise justified coercion within proper restraints.”<sup>36</sup>

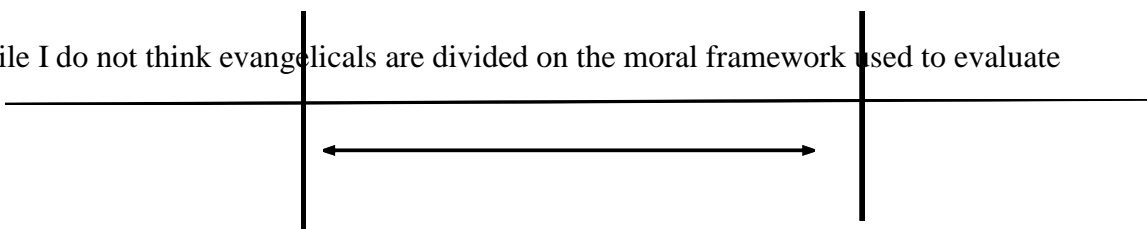
In diagram form, all evangelicals are assessing the ethics of torture by dividing the continuum of interrogative means into three moral categories as follows:

Rarely objectionable  
mild means

Coercive means that must be avoided as much  
as possible but are sometimes justified

Never justifiable  
inherently evil means

What this shows is that much of what passes for disagreement separating evangelicals on the ethics of torture is not substance but semantics; and where that is the case we should clarify terms and work together as allies rather than act like opponents. But, while clarifying semantics solves one problem, it also reveals other more complex and difficult problems. So while I do not think evangelicals are divided on the moral framework used to evaluate



torture, I do recognize that we are genuinely divided and need to continue debating how the framework we use applies to particular forms of interrogation.

I mean by this that, while evangelicals are not really disagreeing on what frames moral analysis, we should not ignore two important further questions revealed by recognizing this fact. These further questions are: (1) how to draw the moral boundary separating the never justifiable evil means category from always regrettable but sometimes justifiable category; and (2) how to go about making the relative judgments needed to decide whether and when forms of coercion in the sometimes justifiable though regrettable category are truly justified or not. I will now consider these briefly before concluding.

#### GOING BEYOND THE SEMANTIC PROBLEM

No serious effort to assess the ethics of torture can afford to ignore either of the further questions exposed by solving the semantic problem. But of these two further questions, the first is more difficult than the second, and that is because it cannot be answered without settling two things about which people very often disagree—accepting the reality of universally fixed norms, and then identifying what norms apply when drawing the moral boundary beyond which no exceptions are allowed. While evangelicals agree on the first condition, we are not agreed on the second. When it comes to identifying never justifiable forms of coercive interrogation, Jean Bethke Elshtain relies on personal intuition saying, “everything in me says no” when confronting “extreme forms of physical torment,”<sup>37</sup> and Marc Thiessen sees no boundary short of physical death.<sup>38</sup> But evangelicals must do better because neither of these options provides any real help—Elshtain because feelings cannot be

measured in any reliable way, and Thiessen because death limits nothing so far as getting prisoners to talk.

Here I think the five reasons David Gushee gave in *Christianity Today* for rejecting never justifiable actions are very helpful.<sup>39</sup> I mean they should be considered, not for guiding the sort of relative moral judgment needed for deciding whether or when regrettable forms of coercion are sometimes justified, but rather for drawing the moral line for knowing when we are dealing with forms of treating people that can never be justified no matter what. On this question, it is theologically and biblically sound for evangelicals to hold that no means of coercion can ever be used that by its very nature either (1) dishonors the image of God, (2) oppresses the innocent, (3) deifies human government, (4) is arbitrary or sadistic, or (5) destroys the moral purpose of civil government. These five characteristics are all rather general and subject to interpretation, but they are also indisputably biblical which means using them to draw the line on never justifiable forms of coercion makes much better sense than using nothing more than subjective feeling or stopping at nothing short of death. But in answering this question, I think evangelicals should also accept and apply the portion of just war tradition that has long eschewed a list of measures judged to be inherently evil therefore never to be justifiable no matter what, a list usually thought to include acts of rape, pillage, purposefully indiscriminate destruction (terrorism), purposefully harming or killing innocent third parties, sexual molestation, and desecrating holy places.<sup>40</sup>

The second question that comes from realizing evangelicals are all using the same framework for assessing the ethics of torture is how to decide under what circumstances otherwise regrettable forms of interrogation may be warranted. Here the obvious answer is to

employ principles of just war restraint that apply to assessing regrettable actions short of those judged to be inherently evil and never justifiable. Interaction between interrogators and captured members of an enemy force is itself a form of war involving actions threatening general or personal welfare, plans or information affecting life-or-death, which side wins or loses, and need to evaluate if, when, or to what degree using force by one side against the other is justified. The principles of just war have been worked out for making morally responsible decisions where relative judgment is required in just this sort of situation. Thus applied to evaluating when otherwise regrettable forms of interrogation might be justified, just war tradition offers the following:

*No evil means:* Morally justified interrogation must never include any means so corrupt in itself as never to be justifiable no matter what. See the discussion above for determining where this moral boundary lies.

*Just cause:* Morally justified interrogation must always try to correct or prevent some wrong actually done or threatened by a prisoner or forces with which he is aligned. No coercive interrogation is justified only for fear of something never done or threatened, or only to express racial, religious, or cultural prejudice, or only to fish for information with no prior basis in fact.

*Competent authority:* Morally justified interrogation must be authorized by whatever authority is ultimately responsible for national security. No coercive interrogation is ever allowed by interrogators unaccountable to the higher authority.

*Comparative justice:* Morally justified interrogation must determine that stakes justifying coercive measures are more worthy than stakes justifying resist. Justice is sometimes divided, and no coercion is justified for reasons interrogators themselves know are less worthy than reasons justifying a prisoner's refusal to cooperate.

*Right intention:* Morally justified interrogation must intend to restore properly justified social order and nothing else. No coercion is allowed simply to punish,<sup>41</sup> entertain, do research, send a message, or only to promote the self-interest of interrogators.

*Last resort:* Morally justified interrogation must never use any regrettable means except as a last resort. No coercion is ever allowed if the same result can be achieved other ways.

*Probability of success:* Morally justified interrogation must have some basis for believing the one interrogated knows the information sought. Coercive interrogation is more or less justified to the degree interrogators know a prisoner is withholding information. No coercion is justified on prisoners with no way of knowing the information sought, and little is justified where likelihood of a prisoner knowing desired information is low or uncertain. Concomitantly, much coercion may be justified to obtain information from prisoners who are known to have targeted information.

*Proportionality of projected results:* Morally justified interrogation must have reasonable hope of achieving a good worth more than whatever harm or loss may be suffered in obtaining it. No coercive means is allowed that intentionally causes more harm than good.

*Proportionality in the use of force:* Morally justified interrogation must never use more coercion than required to correct or prevent whatever wrong justifies interrogating a prisoner in the first place. No form of coercion is allowed that exceeds what justifies taking someone prisoner.

*Discrimination:* Morally justified interrogation must only use coercion with combatants serving a power threatening national security and public safety. No coercive measure may ever be applied to innocent third parties or to parties not themselves responsible for hazarding national security or public safety.

*Good faith:* Morally justified interrogation must always keep promises made to prisoners and must always treat them as human not sub-human (i.e., as animals or devils). No coercive measure is ever justified that breaks promises or degrades humanity.

*Right spirit:* Morally justified interrogation should only be authorized and conducted by those who regret needing to use coercive measures. No coercion can be rightly authorized or applied by persons who relish or enjoy doing so.

## CONCLUSION

I have argued that nearly everything over which evangelicals seem currently divided in assessing the ethics of torture is semantic not substantial, and I have proposed that solving

this semantic problem will help us avoid rhetorical attacks and free us instead to focus on two subsequent challenges, (1) settling the question of what truly distinguishes the category of *inherently-evil-actions-that-can-never-be-justified-under-any-circumstance* from the category of *regrettable-actions-that-are-sometimes-justified-under-limited-but-morally-definable-circumstances*, and (2) settling the question of by what principles otherwise regrettable actions may sometimes be justified.

I do not think that solving the semantic problem will or even should end all evangelical divisions; and I expect that in some ways solving the semantic problem might even increase the intensity of evangelical debate. But, if that happens, it will bring a new sort of intensity that produces better results than produced thus far. In fact, I do not think solving the semantic problem even requires that we all agree on a single definition of *torture*, only that we recognize semantic differences well enough to treat each other fairly and to cooperate in assessing the truly important questions that follow. If we ever reach that point, I think evangelicals should continue challenging each other very strongly on how best to answer the threshold of essential evil question and the justification of regrettable means question. I only hope that solving the semantic problem will allow us to lay aside acrimony, demagoguery, prejudice, and politics and to focus instead on pursuing a shared goal—all done in a manner characterized as much by love as by reason, and as much by reason as by love.

#### END NOTES

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1. The Abu Ghraib story was first reported by Dan Rather on the CBS program, *60 Minutes II*, on April 28, 2004.

2. Significant books contributing to recent debate concerning the ethics of torture include: Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review of Books,

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2004); Sanford Levinson, ed., *Torture: A Collection* (New York: Oxford University Press, 2004); Jennifer K. Harbury, *Truth, Torture, and the American Way* (Boston: Beacon Press, 2005); Karen J. Greenberg, ed., *The Torture Debate in America* (New York: Cambridge University Press, 2006); Alfred W. McCoy, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror* (New York: Henry Holt and Company, 2006); Bob Brecher, *Torture and the Ticking Bomb* (Oxford: Blackwell, 2007); David P. Gushee, ed., *Religious Faith, Torture, and Our Soul* (Macon, Georgia: Mercer University Press, 2010); and Marc A. Thiessen, *Courting Disaster: How the CIA Kept America Safe and How Barak Obama Is Inviting the Next Attack* (Washington, DC: Regnery, 2010).

3. For example, David Gushee has wondered if “instinctive political conservatism” was to blame for keeping evangelicals from joining efforts to condemn the former Bush Administration for espousing torture (David P. Gushee, “What the Torture Debate Reveals about American Christianity,” in *Religious Faith*, ed., Gushee, 78).

4. Daniel R. Heimbach, “The Truth about Torture?” *A Christian Ethics Symposium* (December 16, 2005), accessible at: <http://www.evangelicaloutpost.com/torture/archives/001741.html>.

5. Daniel R. Heimbach, “Daniel Heimbach on Torture,” *First Things* (posted January 6, 2010), accessible at: <http://firstthings.com/blogs/evangel/daniel-heimbach-on-torture>; Daniel Heimbach with David Gushee and Jonathan Merritt, “Online Bonus: Just War vs. Just Peacemaking,” *Relevant Magazine* (Wednesday, 22 April 2009), accessible at: <http://www.relevantmagazine.com/component/article/118-mayjune-2009/16702-online-bonus-just-war-vs-just-peacemaking>; Daniel Heimbach with David Gushee and Jonathan Merritt, “Just War: Christian Views Clash over War and Peace. Is There Such a Thing?” issue 39, *Relevant Magazine* (May-June, 2009):68-72, accessible at: <http://www.relevantmagazine.com/compoent/article/119-issue-preview/16629-digital-issue-mayjune>, or at: <http://www.mygazines.com/issue/759/73>; Daniel Heimbach, “A Take on Torture Talk,” *The Weekly Standard* (January 2, 2006/January 9, 2006):6. Also see: Erin Roach, “Ethicist: NAE torture declaration ‘irrational,’” *Baptist Press* (March 15, 2007), accessible at: <http://www.bpnews.net/printerfriendly.asp?ID=25190>; Ken Camp, “Not all coercive force is torture, Baptist ethicist insists,” *Religious Herald* (October 2, 2008), accessible at: <http://www.religiousherald.org/2736.article.print>; and Ken Camp, “Human Rights & Wrongs: Not all coercion is torture, ethicist says,” *Associated Baptist Press* (October 2, 2008), accessible at: <http://www.abpnews.com/content/view/3547/53>.

6. Richard Posner, “Torture, Terrorism, and Interrogation,” *Torture*, ed., Levinson, 291.

7. Jean Bethke Elshtain, “Reflections on the Problem of ‘Dirty Hands,’” *Torture*, ed., Levinson, 79.

8. David P. Gushee, “5 Reasons Torture Is Always Wrong,” *Christianity Today* (February 2006): 33.

9. Tyler Wigg-Stephenson, “Tortured Truth,” *Religious Faith*, ed., Gushee, 137.

10. David Luben, “Liberalism, Torture, and the Ticking Bomb,” *The Torture Debate in America*, edited by Karen J. Greenberg (New York: Cambridge University Press, 2006), 58.

11. Keith Pavlischek, “Human Rights and Justice in an Age of Terror: An evangelical critique of *An Evangelical Declaration Against Torture*” *Books & Culture* (December 3, 2008), accessible at: <http://www.booksandculture.com/articles/webexclusives/2007/september/ept24a.html>.

12. Quoted by Erin Roach in “Ethicist: NAE torture declaration ‘irrational,’” *Baptist Press* (March 15, 2007), accessible at: <http://www.bpnews.net/printerfriendly.asp?ID=25190>.

13. Andrew Sullivan, “Mark Thiessen: It Was Torture,” *The Daily Dish*, 21 April, 2009), accessible at: [http://andrew.sullivan.theatlantic.com/the\\_daily\\_dish/2009/04/mark-thiessen-it-was-torture](http://andrew.sullivan.theatlantic.com/the_daily_dish/2009/04/mark-thiessen-it-was-torture).

14. Sister Dianna Ortiz, “What Torture Does to Human Beings,” *Religious Faith*, ed., Gushee, 44.

15. Douglas A. Johnson, “What Torture Does to Human Beings,” *Religious Faith*, ed., Gushee, 63.



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16. Tyler Wigg-Stevenson, "Tortured Truth," *Religious Faith*, ed., Gushee, 146-7.
17. Glen Stassen, "The Religious Roots of Human Rights," *Religious Faith*, ed., Gushee, 163.
18. David P. Gushee, "5 Reasons Torture Is Always Wrong," *Christianity Today* (February 2006), 33-7; Gushee, "What the Torture Debate Reveals," *Religious Faith*, ed., Gushee, 75.
19. Gushee, "5 Reasons," 33.
20. Quoted by Ken Camp in "Not all coercive force is torture, Baptist ethicist insists," *Religious Herald* (October 2, 2008), accessible at: <http://www.religiousherald.org/2736.article.print>; and in "Human Rights & Wrongs: Not all coercion is torture, ethicist says," *Associated Baptist Press* (October 2, 2008).
21. Tyler Wigg-Stevenson is frustrated with how, on the issue of torture, "our opponents have undone us with their agreement, their nonresistance," and with therefore being forever "stuck in the same fruitless, frustrated agreement in which we presently find ourselves." Tyler Wigg-Stevenson, "Tortured Truth," *Religious Faith*, ed., Gushee, 136-7.
22. Jay S. Bybee, "Memorandum for Alberto Gonzales, Counsel to the President; Subject: Standards of Conduct for Interrogation under 18 USC; §§ 2340-2340A" (August 1, 2002).
23. Marc Thiessen, *Courting Disaster* (Washington, D.C.: Regnery, 2010), 2, 18, 131.
24. Charles Krauthammer, "The Truth about Torture," *The Weekly Standard* (December 5, 2005), 22. Also, Charles Krauthammer, "The Truth about Torture," *Torture*, ed., Levinson, 309.
25. Richard Posner, "Torture, Terrorism, and Interrogation," *Torture*, ed., Levinson, 293.
26. Jean Bethke Elshstain, "Reflections on the Problem of 'Dirty Hands,'" *Torture*, ed., Levinson, 87.
27. Albert Mohler, "'The Truth about Torture?'" *A Christian Ethics Symposium* (December 16, 2005), accessible at: <http://www.evangelicaloutpost.com/torture/archives/001741.html>.
28. Wayne Grudem, *Politics According to the Bible* (Grand Rapids: Zondervan, 2010), 428.
29. Daniel R. Heimbach, "The Truth about Torture?" *A Christian Ethics Symposium* (December 16, 2005), accessible at: <http://www.evangelicaloutpost.com/torture/archives/001741.html>; Daniel R. Heimbach, "Daniel Heimbach on Torture," *First Things* (posted January 6, 2010), accessible at: <http://firstthings.com/blogs/evangel/daniel-heimbach-on-torture>; and Daniel Heimbach, "A Take on Torture Talk," *The Weekly Standard* (January 2, 2006/ January 9, 2006):6.
30. For example, David Gushee warns against "the kind of self-deception . . . characteristic of a descent into sin" that allows us to "deny we are torturing" when we are (Gushee, "5 Reasons," 37); and this has led Gushee to conclude when it comes to renouncing torture "white evangelicals" have "lost touch with their own tradition and with the broader Christian tradition" (Gushee, "What the Torture Debate Reveals," *Religious Faith*, ed., Gushee, 76-7)."
31. Reported by Evan Thomas and Michael Hirsh in "The Debate Over Torture" *Newsweek* (November 21, 2005).
32. Posner, "Torture, Terrorism, and Interrogation," *Torture*, ed., Levinson, 293.

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33. Thiessen, *Courting Disaster*, 236.
34. Gushee, "5 Reasons," 33.
35. Grudem, *Politics*, 428.
36. Heimbach, "Truth about Torture," "Heimbach on Torture," and "Take on Torture," 6.
37. Jean Bethke Elshtain, "Reflections," 85.
38. Thiessen, *Courting Disaster*, 131.
39. David P. Gushee, "5 Reasons Torture Is Always Wrong," *Christianity Today* (February 2006), 33-7.
40. References to prohibiting within just war tradition all use of certain means held to be inherently immoral or evil under any circumstance can be found in: Roland H. Bainton, *Christian Attitudes Toward War and Peace* (Nashville: Abingdon, 1960), pp. 97 and 166; Thomas E. Murray, *Nuclear Policy for War and Peace* (New York: World, 1960), p. 43; Paul Ramsey, *War and the Christian Conscience* (Durham, NC: Duke University Press, 1961), pp. 79, 84, 224, 229 and 275. References can also be found in Augustine, the Second Lateran Council, and Vitoria. Augustine in the 5<sup>th</sup> century held that Christian moral influence did not allow soldiers fighting a just war to profane temples, kill persons who fled to temples for refuge, rape women, take plunder or exact revenge. Cf. *City of God*, I.1-7. In the 12<sup>th</sup> century, the Second Lateran Council (1139) held that just war did not allow using crossbows, bow and arrows or siege weapons. Cf. "Second Lateran Council (1139)," *Catholic Encyclopedia* (New York: Robert Appleton, 1913). Then, in the 16<sup>th</sup> century, Francisco de Vitoria held that just war generally did not allow indiscriminate slaughter, indiscriminate destruction of property, raping virgins, dishonoring matrons, killing women or children, looting temples, taking booty from the property of innocent victims, executing all captured enemy soldiers, executing all surrendering enemy soldiers, selling an enemy population into slavery, or setting captured cities on fire. Cf. Francisco de Vitoria, *The Indian and the Law of War* (1539), III.
41. While Francisco de Vitoria in the 16<sup>th</sup> century argued that punishing a defeated foe is a properly warranted intention (cf. *The Indian and the Law of War*, III), Vitoria's justification of punishment is not generally accepted as consistent with classical just war tradition which restricts proper intention only to restoring civil peace by stopping or undoing whatever wrong justified going to war in the first place. Punishing a defeated foe is more typically associated with the crusade ethic of war. But whether punishment is or is not a proper just war intention in the overall sense, it still has no proper place in determining justified forms of prisoner interrogation.