

AN ALTERNATIVE APPROACH: EXAMINING ARGUMENTS AGAINST  
COERCIVE INTERROGATION TECHNIQUES  
FROM A BIBLICAL-ETHICS PERSPECTIVE

A thesis presented to the Faculty of the U.S. Army  
Command and General Staff College in partial  
fulfillment of the requirements for the  
degree

MASTER OF MILITARY ART AND SCIENCE  
General Studies

by

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Fort Leavenworth, Kansas  
2016

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<b>REPORT DOCUMENTATION PAGE</b>				<i>Form Approved OMB No. 0704-0188</i>	
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<b>1. REPORT DATE (DD-MM-YYYY)</b> 10-06-2016		<b>2. REPORT TYPE</b> Master's Thesis		<b>3. DATES COVERED (From - To)</b> AUG 2015 – JUNE 2016	
<b>4. TITLE AND SUBTITLE</b>  An Alternative Approach: Examining Arguments against Coercive Interrogation Techniques from a Biblical-ethics Perspective				<b>5a. CONTRACT NUMBER</b>	
				<b>5b. GRANT NUMBER</b>	
				<b>5c. PROGRAM ELEMENT NUMBER</b>	
<b>6. AUTHOR(S)</b>  Eric W. Leetch, Chaplain (Major)				<b>5d. PROJECT NUMBER</b>	
				<b>5e. TASK NUMBER</b>	
				<b>5f. WORK UNIT NUMBER</b>	
<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b> U.S. Army Command and General Staff College ATTN: ATZL-SWD-GD Fort Leavenworth, KS 66027-2301				<b>8. PERFORMING ORG REPORT NUMBER</b>	
<b>9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b>				<b>10. SPONSOR/MONITOR'S ACRONYM(S)</b>	
				<b>11. SPONSOR/MONITOR'S REPORT NUMBER(S)</b>	
<b>12. DISTRIBUTION / AVAILABILITY STATEMENT</b> Approved for Public Release; Distribution is Unlimited					
<b>13. SUPPLEMENTARY NOTES</b>					
<b>14. ABSTRACT</b> The use of coercive interrogation techniques (CIT) by U.S. military and intelligence personnel in the Global War on Terror (GWOT) has been widely criticized as inherently unethical and synonymous with the term torture. These condemnations have included those from within the Christian community who claim that CIT contradict the ethics of their faith. Considering that Christianity remains the religious tradition for the majority of U.S. military service members, it is a worthy task to examine if a potentially useful tactic in the GWOT is or is not in conflict with Christian ethics. As with all branches of philosophy, the field of ethics includes numerous schools of thought, each with its own chosen axioms. This thesis will analyse these arguments from only one, the ethical system of the Christian faith as it is found in the Bible. The result will be an answer to the question, "Are the use of CIT in the GWOT antithetical to biblical ethics?"					
<b>15. SUBJECT TERMS</b> Interrogation, torture, ethics, Christian, Bible, coercion, killing					
<b>16. SECURITY CLASSIFICATION OF:</b>			<b>17. LIMITATION OF ABSTRACT</b>	<b>18. NUMBER OF PAGES</b>	<b>19a. NAME OF RESPONSIBLE PERSON</b>
<b>a. REPORT</b>	<b>b. ABSTRACT</b>	<b>c. THIS PAGE</b>			<b>19b. PHONE NUMBER (include area code)</b>
(U)	(U)	(U)	(U)	100	

Standard Form 298 (Rev. 8-98)  
Prescribed by ANSI Std. Z39.18

MASTER OF MILITARY ART AND SCIENCE

THESIS APPROVAL PAGE

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

## ABSTRACT

AN ALTERNATIVE APPROACH: EXAMINING ARGUMENTS AGAINST COERCIVE INTERROGATION TECHNIQUES FROM A BIBLICAL-ETHICS PERSPECTIVE, by Chaplain (Major) Eric W. Leetch, 100 pages.

The use of coercive interrogation techniques (CIT) by U.S. military and intelligence personnel in the Global War on Terror (GWOT) has been widely criticized as inherently unethical and synonymous with the term torture. These condemnations have included those from within the Christian community who claim that CIT contradict the ethics of their faith. Considering that Christianity remains the religious tradition for the majority of U.S. military service members, it is a worthy task to examine if a potentially useful tactic in the GWOT is or is not in conflict with Christian ethics. As with all branches of philosophy, the field of ethics includes numerous schools of thought, each with its own chosen axioms. This thesis will analyse these arguments from only one, the ethical system of the Christian faith as it is found in the Bible. The result will be an answer to the question, “Are the use of CIT in the GWOT antithetical to biblical ethics?”

## ACKNOWLEDGMENTS

I would like to thank Dr. Jack Kem and the rest of my committee for taking the time to support this work. I am also indebted to my wife for providing the time necessary to see it through to completion. May God add His blessing to the reading of it and may it resound to His glory.

# TABLE OF CONTENTS

	Page
MASTER OF MILITARY ART AND SCIENCE THESIS APPROVAL PAGE .....	iii
ABSTRACT.....	iv
ACKNOWLEDGMENTS .....	v
TABLE OF CONTENTS.....	vi
ACRONYMS.....	ix
TABLES .....	x
CHAPTER 1 INTRODUCTION .....	1
Overview.....	1
Primary and Secondary Research Questions .....	4
Assumptions.....	5
Definitions and Terms .....	6
Limitations and Delimitations .....	12
Conclusion .....	13
CHAPTER 2 LITERATURE REVIEW .....	14
Introduction.....	14
The Sanctity of Human Life .....	17
The National Association of Evangelicals (NAE) .....	18
Derek S. Jeffreys.....	19
Human Rights .....	20
The National Association of Evangelicals (NAE) .....	20
The Roman Catholic Church (RCC).....	21
Moral Injury.....	23
The Roman Catholic Church (RCC).....	24
Derek S. Jeffreys.....	25
Ariel Dorfman and Mark Osiel .....	26
David P. Gushee.....	28
The Helpless Subject .....	28
Michael Skerker .....	28
Henry Shue.....	29
Derek S. Jeffreys.....	30
David P. Gushee.....	30
The Slippery Slope.....	31
Oren Gross .....	31

David P. Gushee.....	32
Mark Bowden.....	32
Jesus and the Gospel.....	33
The Example of Jesus.....	33
The Experience of Jesus.....	34
The Teaching of Jesus.....	34
The Gospel.....	34
The Teaching of the New Testament.....	35
Conclusion.....	35
<b>CHAPTER 3 RESEARCH METHODOLOGY.....</b>	<b>36</b>
Introduction.....	36
Research Methodology.....	36
Threats to Validity and Biases.....	41
Conclusion.....	43
<b>CHAPTER 4 ANALYSIS.....</b>	<b>44</b>
Introduction.....	44
The Bible and Justified Killing.....	45
The Sanctity of Life.....	47
Biblical Support.....	47
Consistency.....	49
Dialogue.....	50
Definition.....	51
Human Rights.....	53
Biblical Support.....	53
Consistency.....	56
Dialogue.....	57
Definition.....	58
Moral Injury.....	60
Biblical Support.....	60
Consistency.....	64
Dialogue.....	64
Definition.....	65
The Helpless Subject.....	65
Biblical Support.....	66
Consistency.....	67
Dialogue.....	70
Definition.....	71
The Slippery Slope.....	72
Biblical Support.....	72
Consistency.....	73
Dialogue.....	74
Definition.....	74

Jesus and the Gospel .....	75
Biblical Support .....	76
The Example of Jesus .....	76
The Experience of Jesus.....	77
The Teaching of Jesus.....	78
Consistency .....	79
The Gospel .....	79
The Teaching of the New Testament .....	79
Dialogue .....	80
Definition .....	80
Conclusion .....	81
 CHAPTER 5 CONCLUSIONS AND RECOMMENDATIONS .....	 83
Conclusions.....	83
Recommendations.....	84
Final Thoughts .....	85
 REFERENCE LIST .....	 87



## ACRONYMS

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CIT	Coercive Interrogation Techniques
CRCC	Catechism of the Roman Catholic Church
DOD	Department of Defense
GWOT	Global War on Terrorism
JP	Joint Publication
KTL	Known Terrorist Leader
MI	Moral Injury
NAE	National Association of Evangelicals
RCC	Roman Catholic Church
SERE	Survival Evasion Resistance Escape
UN	United Nations
USCCB	United States Conference of Catholic Bishops

## TABLES

	Page
Table 1. SERE techniques prohibited for use with detainees .....	8
Table 2. Evaluation Criteria: Explanation.....	38
Table 3. Evaluation Criteria: Explanation of Standards .....	40
Table 4. The Sanctity of Life .....	52
Table 5. Human Rights .....	59
Table 6. Moral Injury .....	65
Table 7. The Helpless Subject.....	71
Table 8. The Slippery Slope.....	75
Table 9. Jesus and the Gospel .....	80

## CHAPTER 1

### INTRODUCTION

#### Overview

You cannot be Christian and support torture. I want to be utterly explicit on this point. There is no possibility of compromise. The support of torture is off the table for a Christian. I suppose you can be some version of a “patriot” and support the use of torture, but you cannot be any version of Christian and support torture. So choose one: A torture-endorsing patriot or a Jesus-following Christian. But don’t lie to yourself that you can be both. You cannot.

— Brian Zahnd, *The Brian Zahnd Blog*

In this quote from Brian Zahnd, a Christian pastor and author, the term “torture” is used five times. It is clearly important to Zahnd and should be to every Christian who reads it, since he makes opposition to it a test of authentic Christianity. Therefore, it is odd that a term of such importance remains undefined. Zahnd is convinced that not only does he know what he means, but that his audience does as well. The assumption is that the definition of torture is self-evident and universally accepted. Unfortunately, this is not the case.

Based on the context of the entire article, it is clear that Zahnd is referring to the coercive methods used in interrogations of detainees and suspected terrorists in the Global War on Terror (GWOT). These methods, while left unidentified, are what he believes constitute torture. Later in this thesis, the present author explains why he disagrees with this use of the term. What is pertinent here is Zahnd’s contention that these methods, and even an endorsement of them, are antithetical to the Christian faith. Determining if this claim is accurate is at the heart of this thesis and therefore fames both

its primary and secondary research questions. The method for addressing these questions is an approach appropriate to the subject itself.

As the problem statement of this thesis indicated, arguments declaring coercive interrogation techniques (CIT) to be unethical do so on the basis of presuppositions derived from a particular system of thought (or philosophy). This is true regardless of whether or not the proponent of the position can articulate their philosophy in a systematic way. At the same time, an analysis of an ethical judgment must also proceed according to identified presuppositions. This thesis will evaluate the arguments against the use of CIT by utilizing the ethical system contained in the Bible, and the presuppositions that are a part of it. Yet this begs the question, is such an analysis warranted for a study meant to further the art and science of the military profession?

Understanding the operational environment, particularly when it comes to the human dimension, is an essential task for successful organizational leadership. Ethical decision-making is arguably the most critical aspect of any organization where people constitute the primary resource. In the United States, the Christian faith remains a dominant force in influencing the method by which a majority of its citizens make ethical judgments. In a 2010 national survey of religious preferences, 47.7 percent identified as Protestant with an additional 25.4 percent aligning with the Roman Catholic Church (The National Opinion Research Center 2010). Not surprisingly, a 2012 poll of active duty members of the armed forces resulted in almost identical numbers, with 42.3 percent selecting Protestant or non-denominational Christian, and 25.25 percent choosing Roman Catholic (MilitaryTimes 2012). While these results do not deal with ethics per se, it would be difficult to make the case that such identification with a religious tradition does

not influence how these respondents determine if an act is or is not ethical. Regardless of whether a leader identifies with the Christian faith or not, a proper understanding of how the majority of the force may process ethical questions is valuable in the stewardship of his profession. Therefore, the format chosen for this thesis is legitimate.

However, this thesis has a narrower focus than simply viewing CIT through the lens of the Christian faith. As the primary research question demonstrates, it is an attempt to use the source of Christian ethics, the Bible, as the means by which arguments against CIT will be judged. What the Bible has to say on this issue, or any other ethical dilemma faced by the military today, should be of interest to anyone who shares a concern for the future health of the force. The Army Warfighting Challenge number nine, “Improve Soldier, Leader and Team Performance,” supports this assertion. This challenge addresses the question of how the Army may develop “resilient Soldiers” and “adaptive leaders”, both of whom are committed to the Army ethic (Army Capabilities Integration Center 2015). It is the author’s belief that this thesis will assist in providing an answer.

The epidemic among combat veterans of what is now referred to as moral injury (MI) is due in part to actions taken in combat that violated perceived moral standards. It is important to note that this internal conflict did not prevent these veterans from doing their duty at the critical moment, but the long-term effect lead to a breakdown in psychological and emotional resilience. As was mentioned earlier, the majority of Soldiers on active duty who profess a particular faith-tradition identify themselves as Christians. Among this group, four out of five believe the Bible to be the word of God, and therefore authoritative (Gallup 2014). The problem with such statistics is that they do not provide any insight as to the level of biblical literacy among this group. It is possible

that many of the moral expectations and standards held by these Soldiers, which, when violated, result in moral injury, are based on misunderstandings of what the Bible actually teaches. At least in terms of CIT, this thesis is an attempt to determine what exactly those teachings are.

While it is critical for Soldiers who claim the Christian faith to build their ethical foundations solidly upon an accurate interpretation of Scripture, it is equally important for their leaders, be they Christians or not. One does not need to share the ethical system of a subordinate in order for an understanding of that system to be of value. An “adaptive leader,” by definition, should be able to predict which duties his subordinates are required to perform that could result in an internal conflict that threatens their resiliency in combat and beyond. This thesis is an attempt to equip both groups with just such an understanding, at least in terms of the particular ethical debate over CIT, and therefore assist in answering the Army Warfighting Challenge number nine.

#### Primary and Secondary Research Questions

The result of this effort hinges upon the author’s ability to provide a complete and unambiguous answer to the primary research question: Are the use of CIT in the GWOT antithetical to biblical ethics? Due to the wide-ranging nature of this topic and the debate surrounding it, a series of six secondary questions will assist in coming to a definitive answer to the primary. The order of the following list is arbitrary:

1. The Sanctity of Human Life: Does the biblical doctrine of the sanctity of human life prohibit the use of CIT in the prosecution of a just war?

2. Human Rights: Does the Bible teach that human beings are endowed with certain inherent rights which would be violated by subjecting them to CIT?

3. Moral Injury: Does the potential for adverse effects on the interrogator prove that CIT are in opposition to biblical ethics?

4. The Helpless Subject: Is the fact that the subject of an interrogation is physically defenseless before his interrogator make the use of CIT unethical in a biblical system?

5. The Slippery Slope: Are CIT acts that cannot be regulated in such a way as to prevent their being used in an unbiblical manner?

6. Jesus and the Gospel: Do CIT violate the ethical teachings of Jesus Christ, the New Testament authors, or the ethical mandates of the gospel?

#### Assumptions

The author has made three specific assumptions in order to narrow the focus of his research to material pertinent to the primary and secondary questions listed above. There will be no attempt to prove these three, as they are axiomatic to the author's position.

The first is that the Bible does in fact contain a system of ethics conformable to contemporary decision making. This assumption ends here. Whether or not this ethical system is applicable to this specific debate will be determined through the research and analysis to follow.

The next assumption deals with the effectiveness of CIT in eliciting accurate and actionable intelligence, which is a central feature in the current debate. However, in order to limit the scope of this thesis only to ethical considerations, it will be assumed that CIT is at least capable of eliciting accurate intelligence.

Finally, it will be assumed that known terrorists are to be categorized as enemy combatants and therefore do not fall under Geneva Convention protections as prisoners of war (see Delimitations: Legality). Once again, this assumption is an attempt to avoid introducing additional research questions concerning related issues within the debate.

### Definitions and Terms

Chapter 1 opened with a quotation that repeatedly used the term *torture* in reference to coercive methods of interrogation. However, the author of this thesis has chosen instead to use CIT to refer to the same. The reason for this requires additional explanation and, unlike Zahnd, a precise definition. The primary problem with the term torture is that it defies just this type of precision. Were this not so, the debate over the use of it in interrogations would not be as difficult or as polarizing as it has been since September 11, 2001. While Zahnd is speaking to a popular audience, the absence of a strict definition of torture has plagued the academic world in equal measure:

The current review critically examines the body of torture research (N = 209), focusing on the definition and operationalization of the primary construct. Almost three-quarters (69.9%) of the studies reviewed did not reference any definition of torture. Few studies identified important contextual variables related to defining torture such as identities and motivations of perpetrators and severity of abuse. Definitional ambiguity further impacted how individuals were queried about their experiences and the extent to which torture was distinguished from other forms of maltreatment. Although there are notable exceptions, the methods used in the torture literature are variable and often undefined, impacting the interpretation of findings of risk factors, consequences, and treatment of torture events. (Green, Rasmussen, and Rosenfeld 2010, 528)

In many arguments, the default position is to accept the definition found in the United Nations' (UN) 1984 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). Article 1 of the Convention provides the following:



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.

While the phrase “for such purposes as obtaining . . . information,” is an accurate description of an interrogation, the remainder of the article draws such broad boundaries that it proves less helpful as a definitive definition of torture. For example, there is nothing in the CAT to aid the reader in determining what “severe” pain and suffering would be, nor how this pain could be mental as well as physical. A lack of specificity leaves room for interpretation, which is exactly what has occurred in the development of U.S. interrogation policy.

U.S. interrogation methods have experienced a series of changes since 2001, changes that parallel the legal and ethical debate over what techniques are permissible for a suspected terrorist. In order to keep this thesis within its designated parameters, a history of this debate and the changes that have resulted will not be given in detail. Rather, a list of specific interrogation techniques, unauthorized for use by DOD personnel, is the chosen means for structuring the discussion. These techniques are included for the sole reason that the author experienced them personally, and at the hands of DOD personnel.

The author attended the SERE-C (Survival, Evasion, Resistance, Escape: Level C) course on Fort Bragg in January of 2001, following his graduation from the Special Forces Qualification Course. Each of the techniques listed in the following table were, to one degree or another, experienced by him during the resistance phase of the training:

Table 1. SERE techniques prohibited for use with detainees		
No.	Technique(s)	Detail
1.	<ul style="list-style-type: none"> <li>-Deception</li> <li>-Hooding (transportation &amp; questioning)</li> <li>-Deprivation of light/auditory stimuli</li> <li>-Isolation</li> <li>-The use of stress positions</li> <li>-Removal of clothing</li> <li>-Removal of comfort items, including religious items</li> <li>-Mild, non-injurious physical contact, e.g. grabbing, poking or light pushing</li> </ul>	For use at GTMO: Approved in Dec 2002; Rescinded in Jan 2003 (Schlesinger 2004, App. E).
2.	-Maintaining temperatures and ventilation systems in detention facilities that fail to meet reasonable levels of comfort	A constitutional violation in U.S. criminal law (Chandler v. Crosby 2004).
3.	<ul style="list-style-type: none"> <li>-Forcing the detainee to be naked</li> <li>-Placing hoods or sacks over the head of a detainee</li> <li>-Applying beatings...or other forms of physical pain</li> <li>-Depriving the detainee of necessary food</li> </ul>	Prohibited by FM 2-22.3 (FM 34-52) 2006.
4.	<ul style="list-style-type: none"> <li>-Dietary manipulation, with a minimum caloric intake depending on the detainee's body weight and physical activity</li> <li>-Extended sleep deprivation for up to 96 hours and no more than 180 hours over a 30-day period (including through the use of physical restraints to prevent the detainee from falling asleep)</li> <li>-A "facial hold" to briefly keep the detainee's head immobile during an interrogation</li> <li>-An "attention grasp," in which an individual would be grabbed on each side of a collar opening for a few seconds</li> <li>-Abdominal slaps</li> <li>-Insult or facial slaps</li> </ul>	Recommended for use by CIA in 2007; rescinded in 2009 (U.S. Department of Justice 2007; 2009).

Source: Developed by Author.

In the 2007 Department of Justice memorandum recommending the techniques listed in this last category, a direct connection to the SERE program appears. The rationale seems to be that if an act is permissible for the training of U.S. military personnel, without controversy or detriment to the trainee, then it manifestly cannot be torture when inflicted upon a different category of persons:

[T]he CIA did not create the proposed interrogation techniques from whole cloth. Instead, the CIA adapted each of the techniques from those used in . . . (“SERE”) training. The SERE program is designed to familiarize U.S. troops with interrogation techniques they might experience in enemy custody and to train these troops to resist such techniques. The SERE program provided empirical evidence that the techniques . . . were safe. As a result of subjecting hundreds of thousands of military personnel to variations of the six techniques at issue here over decades, the military has a long experience with the medical and psychological effects of such techniques. The CIA reviewed the military's extensive reports concerning SERE training [and] found it important that no significant or lasting medical or psychological harm had resulted from the use of these techniques on U.S. military personnel over many years in SERE training. (U.S. Department of Justice 2009)

The techniques listed in table 1, which at one time were either authorized or recommended, are now forbidden for use in interrogations conducted by DOD personnel. Ostensibly, this is due to their classification as “torture” or “cruel, inhuman or degrading treatment” as defined by the CAT. However, to the author’s knowledge, no SERE students have ever made the claim that they were tortured in the conduct of their training. When critical terms receive vague definitions, such inconsistencies should not be surprising.

On June 27, 2005, Dennis Rader plead guilty and was convicted on ten counts of first-degree murder. Rader identified himself as the “BTK” killer, which stands for “bind, torture, kill.” As the moniker would indicate, Rader inflicted pain upon his bound victims

prior to ending their lives. According to his own testimony, Rader derived sexual pleasure from the experience (Biography.com 2015).

If a term can refer to the sadistic evil of Dennis Rader, the controlled interrogation of suspected terrorists, and the training of U.S. Army personnel, it can describe virtually anything. Such a term is impossible to apply universally and therefore ceases to be of value in a debate. This is the case with torture, and is the reason the author will not attempt to present either a biblical defense or condemnation of it in this thesis.

Beyond the fact that torture defies easy definition, there are two additional reasons for discarding it. First, it is a “loaded” term insofar as it causes an emotional response in the hearer, and a negative one at that. Very few are comfortable proclaiming that they support or promote torture without having to spend an inordinate amount of time qualifying the statement. The second is that the term itself does not carry with it any intrinsic idea of intention. Dennis Rader inflicted pain upon individuals with a specific intention, SERE instructors do so to their students for a very different one. Yet the same term could apply to both. Such a term is not only unhelpful, it is a hindrance to an ongoing and constructive debate.

In its place, the author selected CIT to represent the use of the aforementioned techniques, experienced by him during SERE training, in the specific instance of interrogating a suspected terrorist in the GWOT. The reason is that it simultaneously avoids the use of torture as well as the closely aligned enhanced interrogation techniques. This term originated in a legal opinion issued in 2007 by the Department of Justice Office of Legal Counsel. The document stated that six interrogation techniques could, when used according to their specific safeguards, be employed “in the interrogation of high

value detainees who are members of al Qaeda and associated groups” in a lawful way (U.S. Department of Justice 2007, 3). These methods have been included in those listed above. However, much like torture, enhanced interrogation techniques is now a “loaded” term, and the emotional response it can elicit is avoided by providing a new term with a specific and narrow definition.

While the author’s intent is to avoid using the term torture, it is nonetheless the default choice in the majority of the works reviewed in chapter 2. Rather than evaluate each author’s definition (if a definition is in fact provided), their description of the interrogative acts in question will be compared with those found in CIT. In other words, while the chosen literature may use a different term (i.e. torture), the analysis will align as closely as possible to the definition of CIT. If a particular author provides no definition, it will be assumed that he includes at least those acts listed under CIT.

The Bible: “Under the name of Holy Scripture, or the Word of God written, are now contained all the books of the Old and New Testament” (The Westminster Confession of Faith 1990, 1.2). These are the sixty-six books of the Protestant canon.

Biblical: A proposition or doctrine that “is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture” (General Assembly of the Presbyterian Church 1990, 1.2).

Christian: A proposition or doctrine based upon tradition, conventional wisdom, mistaken exegesis of the biblical text, or any other basis that fails to meet the criteria established for biblical.

Coercive Interrogation Techniques (CIT): The interrogation methods listed in table 1 and experienced by the author during SERE training.

Interrogation: The systematic effort to procure information to answer specific collection requirements by direct and indirect questioning techniques of a person who is in the custody of the forces conducting the questioning (U.S. Army 2006, 1-8).

Known Terrorist Leader (KTL): The subject of the hypothetical interrogative scenario used in this thesis (see delimitations).

### Limitations and Delimitations

The only limitations to this thesis are the time available and the abilities of the author. The necessity of sound exegesis and application of the relevant biblical texts must coexist with the requirements of the Command and General Staff College curriculum.

The author has incorporated several delimitations into this thesis in order to narrow its focus to, ideally, only those issues that pertain directly to his primary and secondary research questions. These appear below under headings chosen by the author:

Legality: This thesis is concerned solely with the ethics of CIT as seen through a biblical framework. It will not give in-depth consideration to the legal standing of the techniques in domestic or international law, as these standards can and do change.

Ethical Traditions: Other ethical traditions will not be discussed or compared with the biblical one. The only exception will be when an argument against the use of CIT originates from a particular tradition and for the sake of clarifying its presuppositions.

Chosen Scenario: In order to prevent the debate from becoming lost in endless potential cases, the author has restricted his analysis to a single hypothetical scenario with the following characteristics:

1. A KTL is captured by U.S. military personnel and his identity is confirmed.
2. The apprehension occurred during a named U.S. operation in support of a conflict considered “just” according to classic *jus ad bellum* principles.
3. The KTL admits to holding information about an impending attack upon U.S. citizens, yet refuses to divulge it to interrogators.
4. The KTL’s interrogators are experts in CIT as defined above.

The reason for this scenario is to remove as many obstacles to the use of CIT as possible. If CIT are fundamentally unethical, then they should not be employed no matter what the circumstances may be, and so a “weighted” scenario should not be objected to.

### Conclusion

This study is an attempt to examine a controversial ethical issue from a distinctive and, in the opinion of the author, underrepresented perspective. The Christian faith, and the system of ethics that is fundamental to it, remains a powerful force in shaping the way many U.S. military personnel make ethical judgments. If this system condemns the use of CIT, then it is right for the consciences of Christian members of the armed forces to be captive to the demands of their faith as well as the laws of their nation. However, if such acts do not violate biblical principles, then it is wrong for opponents of CIT to appeal to them in support of their position, as well meaning as their intentions may be.

U.S. policy regarding the use of CIT has changed over the last fifteen years. Considering that the GWOT is an ongoing conflict with no definitive end in sight, it is quite possible for it to change again. If so, it would behoove our policy makers to be aware of the biblical perspective when evaluating the ethics of the decision, just as it is for the individuals who will be obligated to carry out the resulting policies.

## CHAPTER 2

### LITERATURE REVIEW

#### Introduction

Answering the question, “Are the use of CIT in the GWOT antithetical to biblical ethics?” is more challenging than it may appear. This is due the fact that nowhere in Scripture is the issue of interrogations-in-war explicitly addressed. However, this is the same difficulty that opponents of CIT face when presenting biblically based arguments against their use. The method for overcoming this obstacle, and the presuppositions that are a part of it, appear in chapter 3.

The focus of chapter 2 is on presenting a selection of the most common contemporary arguments against the use of CIT on ethical grounds. Due to the specific focus of this thesis, those arguments which are based upon a biblical or Christian foundation have been given priority. Literature from secular ethical perspectives are included, but only insofar as they reinforce or elaborate more fully on the same theme.

Six arguments undergo analysis, chosen specifically because they appear frequently in the anti-CIT debate and are capable of using biblical rationale in their defence. Each is given a thorough explanation in order to present them in the strongest light possible. An evaluation of these positions, particularly in light of the relevant biblical texts, will occur in chapter 4.

In February 2006, *Christianity Today* published a cover article called “5 Reasons Torture is Always Wrong.” Its author, David P. Gushee, is the professor of moral philosophy at Union University in Jackson, Tennessee. According to Gushee, the article was responsible for “launching the evangelical antitorture movement” (Gushee 2010). As



the title indicates, the author presents five reasons to support his position on interrogational torture:

[B]ecause it violates human dignity and the *imago dei*, it mistreats the powerless and thus violates government's mandate to do justice especially toward the most vulnerable, it trusts government too much (giving it a power no government should have), it invites the dehumanization of not just the tortured but the torturer, and it erodes the character of the nation that tortures. (Gushee 2010)

This article became a blueprint for the National Association of Evangelicals (NAE) 2007 document, “An Evangelical Declaration against Torture: Protecting Human Rights in an Age of Terror.” As the principal drafter of the declaration, Gushee had the opportunity to expand upon his five reasons and provide additional support (Gushee 2010). As one of the largest and most influential para-church organizations within conservative Protestantism, the NAE’s adoption of this document speaks to how persuasive Gushee’s arguments have been in the Christian community.

Because they appear frequently in both religious and secular sources, two of the arguments given by the NAE have been selected for analysis. The first is that the use of CIT ignores the biblical doctrine of the sanctity of human life (The National Association of Evangelicals 2007, 2.1-2.14). The second, and closely related argument, is that they violate the inherent rights of man (The National Association of Evangelicals 2007, 3.1-3.7). While not given detailed attention in the NAE declaration, Gushee’s own writings highlight a third, and commonly used, argument. It is that these techniques demean the interrogator just as it does the subject of the interrogation. These first three arguments are the following:

1. The Sanctity of Human Life
2. Human Rights

### 3. The Effect on the Interrogator

The next argument is also pervasive in secular works, but finds an articulate religious perspective from Derek S. Jeffreys in his book, *Spirituality and the Ethics of Torture*. Jeffreys is Associate Professor of Humanistic Studies and Religion at the University of Wisconsin, Green Bay (Jeffreys 2009, cover). True to this position, Jeffreys does not champion any particular religious ethic or doctrinal tradition. His appeal is rather to a general view of man as a spiritual being, a view that borrows heavily upon the biblical idea of the *imago dei*, or the image of God. From this foundation Jeffreys argues that the use of CIT is unethical because, unlike the armed combatant on the field of battle, the subject is helpless at the hands of his interrogator. This argument is listed below:

### 4. The Helpless Subject

The fifth argument deals not with the ethics of CIT *per se*, but with the challenge of controlling their application if approved for use. Addressing this issue is important as it reflects the biblical truth that an act may be legitimate in theory, yet sinful when carried beyond its intended purpose. The literature addressing this issue is extensive and comes primarily from secular sources. Nonetheless, the biblical ethic needs to address it if this treatment is to be comprehensive in scope. The following title represents this argument:

### 5. The Slippery Slope

The final and most important objection is that CIT contradict either the moral teachings of Jesus Christ as found in the gospels, the ethical mandates resulting from what he accomplished on the cross (i.e. the gospel), the imperatives of the inspired writers of the New Testament, or some combination of the three. This particular objection

finds a voice in several sources and from a variety of Christian and non-Christian traditions. It appears under the following heading:

#### 6. Jesus and the Gospel

These six arguments are the basis for this thesis' secondary research questions. In order to formulate answers, each argument receives its own treatment with a focus on determining the premises that lead to their proponents' conclusion, that the use of CIT is unethical. The result should be a clear understanding of each argument, a necessary precursor to the analysis contained in chapter 4, and ultimately an answer to the primary research question, "Are the use of CIT in the GWOT antithetical to biblical ethics?"

Finally, each of the six arguments uses the term torture as its central term. Rather than presenting a detailed review of the definition used in each argument, the author has instead examined them in light of the definition of CIT espoused here. Each of the six, despite their semantic differences, would include CIT in their definition of torture.

#### The Sanctity of Human Life

The secondary research question, "Does the biblical doctrine of the sanctity of human life prohibit the use of CIT in the prosecution of a just war?" is answered in the affirmative by several critics of CIT, two of which appear below. The first argument is that of David P. Gushee as it is presented in the NAE's *Evangelical Declaration Against Torture*, issued in 2007. This is followed by Derek S. Jeffreys' position that he articulates in his book, *Spirituality and the Ethics of Torture*.

## The National Association of Evangelicals (NAE)

The idea of the sanctity of life is central to the NAE's position. In a related article, Gushee instructs readers on how to approach the declaration, "First, read it as an expression of a sanctity-of-life ethic" (Gushee 2007, 61). The declaration begins by defining what it means by sacred, "something that has . . . been sanctified, dedicated, consecrated, venerated, or hallowed" (The National Association of Evangelicals 2007, 2.11). Applying this idea to human life results in "a conviction that all human beings . . . are to be perceived as sacred, as persons of equal and immeasurable worth and of inviolable dignity" (The National Association of Evangelicals 2007, 2.2).

The declaration bases this conviction on two primary foundations. The first is the doctrine of the *imago dei*, or the divine creation of man in the "image of God." Because of this, every human life is precious to God, deserves respect, and guarded by his fellow man. Of note is their citing of several texts to support their view that this protection of life is especially important for those who cannot defend themselves (Is. 1:17; Jer. 7:6; Zech. 7:10). This is to connect, presumably, to connect the doctrine specifically with the issue of interrogations and their associated methods.

The second principle used to support the idea of the sanctify of life is the personal ethic and teachings of Jesus Himself. Central to the topic at hand is the reference to Matthew 25:31-46. Here Jesus speaks to the importance of ministering to "the least of these," meaning the lowest on the social spectrum. While not stated explicitly, the authors infer a connection between the subjects of interrogations and "our nation's imprisoned, sometimes hungry, sometimes sick, sometimes naked strangers" (The National Association of Evangelicals 2007, 2.9). While all men are made in God's image, and

therefore have a “sacred” life, it is a moral imperative for Christians to assume responsibility for the life of those image-bearers who cannot do so on their own. For the NAE, the use of CIT is an assault upon such a person and is “a source of sorrow and a call to action” (The National Association of Evangelicals 2007, 1.1).

Derek S. Jeffreys

While his language is different from that of the NAE, Jeffreys likewise grounds his opposition to CIT in a sanctity of life doctrine. According to his particular view, a human life is sacred not because it is a creation of God, but because man is a “spiritual” being. For Jeffreys, spirituality “includes the capacity to transcend ourselves through knowledge, self-possession, and communication” (Jeffreys 2009, 22). This capacity makes man unique, giving him “special value” above all other living things. This value is “inherent in human beings” and is not the result of “contracts or agreements” (Jeffreys 2009, 116). This definition of spirituality closely parallels the doctrine of the *imago dei* as presented by the NAE.

Jeffreys’ argument against the use of CIT is a simple one, it undermines the spirituality of the person. Specifically, it destroys an individual’s “spiritual transcendence” by undermining the capacity to transcend “biological and cultural limitations” due to the overpowering presence of pain” (Jeffreys 2009, 55). Likewise, they endanger the individual’s *self-possession*. It does so by pitting the subject against himself, forcing him to choose between physical self-preservation or internal fidelity to beliefs and values” (Jeffreys 2009, 62). Such assaults are inherently unethical because they target that which makes human life unique, valuable, and sacred.

## Human Rights

The next issue reviewed is that of human rights and focuses on answering the secondary research question, “Does the Bible teach that human beings are endowed with certain inherent rights which would be violated by subjecting them to CIT?” Two perspectives appear below. The first is contained in the NAE *Declaration* with the second coming from the collective teachings of the Roman Catholic Church (RCC).

### The National Association of Evangelicals (NAE)

The NAE declaration answers this secondary research question in the affirmative. Similar to their understanding of the sanctity of life, the NAE grounds human rights in the doctrine of the *imago dei*. Man is endowed with certain unalienable rights by virtue of being made by God and in His own image. As such, they cannot lose these rights any more than they can lose their humanity.

According to the NAE, these inherent rights include the right not to have one’s life taken unjustly, or to have one’s body mutilated, abused, maimed, tortured, molested, starved or detained (The National Association of Evangelicals 2007, 3.7). Being unalienable, these rights cannot be lost, even by the unrighteous acts of the individual themselves. This includes the crime of terrorism, either committed or intended, “Even when a person has done wrong, poses a threat, or has information necessary to prevent a terrorist attack, he or she is still a human being made in God’s image, still a person of immeasurable worth” (The National Association of Evangelicals 2007, 5.2).

The responsibility of protecting human rights of all men, including those of suspected terrorists, is based upon the teaching of Scripture. The NAE cites the example of the Good Samaritan (Lk. 10:25-37) and the command to protect the defenseless (Ps

68:5-6, 82:3-4; Jer 22:3) as evidence that a detainee is not to be subjected to CIT. Furthermore, biblical evidence is given to demonstrate that the taking of human life does not negate inherent human rights, specifically the example of God's dealing with Cain (Gen 4:15) and the establishment of "cities of refuge" in Old Testament Israel (Num 35:9-34). Finally, the NAE ties this concept to their view of the sanctity of human life and why these twin doctrines are foundational to their opposition to CIT, "We ground our commitment to human rights, including the rights of suspected terrorists, in the core Christian belief that human life is sacred" (The National Association of Evangelicals 2007, 2.1).

#### The Roman Catholic Church (RCC)

Opposition to the use of CIT based on human rights extends beyond the evangelical world to that of the RCC. However, this conclusion requires comparing the RCC's teachings from a number of sources.

*The Catechism of the Roman Catholic Church* (CRCC) and the declarations of the Second Vatican Council provide broad definitions of torture that are insufficient to determine if CIT would be included in their condemnations. However, descriptions that are more specific are found in the publication, *Torture is a Moral Issue: A Catholic Study Guide*, a collaboration between the National Religious Campaign Against Torture and the Office of International Justice and Peace of the United States Conference of Catholic Bishops (USCCB). In this work, the CAT definition is cited and further elaborated on by the addition of techniques included in this thesis to describe CIT, "Detainees may be beaten, deprived of sleep, hooded for long periods" (The United States Conference of

Catholic Bishops 2008, 15). Therefore, it is safe to assume that the RCC's use of the term torture includes most if not all of the techniques that define CIT.

In the CRCC, the Church's understanding of human rights appears explicitly:

The inalienable rights of the person must be recognized and respected by civil society and the political authority. These human rights . . . belong to human nature and are inherent in the person by virtue of the creative act from which the person took his origin. Among such fundamental rights one should mention in this regard every human being's right to life and physical integrity from the moment of conception until death. (The Vatican 1993, 2273)

Like the NAE, the RCC grounds human rights in their being a creation of God.

Therefore, these rights cannot be taken from an individual (or forfeited by them), and should be respected as such by the state. Of note is the catechism's inclusion of the right to "physical integrity," a right that is potentially infringed by detention and the use of CIT. The authors of *Torture is a Moral Issue* specifically identify the *imago dei* as a basis for human rights, as did the NAE. They add the reality of Christ's incarnation as an additional basis, since by this act, "Jesus Christ becomes one with the human family's members" (The United States Conference of Catholic Bishops 2008, 8). In support, the work includes Colossians 1: 16-17.

After acknowledging the Church's use of similar techniques during the inquisition, *Torture is a Moral Issue* makes the following claim concerning torture as they define it, "Catholic social teaching today opposes torture in the treatment of any detained or imprisoned person. For the Church is convinced that every human person bears a God-given dignity; respect for that dignity must always be present" (The United States Conference of Catholic Bishops 2008, 11). Therefore, the reason for their opposition is that such acts violate the subject's rights, in this case, the right of respect for human dignity.



Turning specifically to the use of CIT, the authors quote the Jesuit John Perry, “the Church's position on interrogational torture is absolute: It may never again be used” (Perry 2006). However, no Scriptural evidence is given to support these statements. The closest the authors come to providing an authoritative foundation is Pope Benedict XVI's declaration that “Means of punishment or correction that either undermine or debase the human dignity of prisoners” must be abandoned by those in authority (Benedict 2007). However, this statement was delivered to a gathering of prison ministers, and therefore deals with an issue very different from CIT in the GWOT.

Speaking about human rights in general, Pope John Paul II did attempt a biblical defense of the Church's position:

The Prophets point an accusing finger at those who show contempt for life and violate people's rights: ‘They trample the head of the poor into the dust of the earth’ (*Amos 2:7*); ‘they have filled this place with the blood of innocents’ (*Jer 19:4*). Among them, the Prophet Ezekiel frequently condemns the city of Jerusalem, calling it ‘the bloody city’ (*22:2; 24:6, 9*), the ‘city that sheds blood in her own midst’ (*22:3*). (Paul 1995, 49)

Whether these verses address the issue of CIT is a topic reserved for chapter 3. What can be said is that these selections make it clear that the RCC believes interrogational torture (which would include CIT) violates the inalienable rights of human beings, created by God and in His image, and in particular the right to physical integrity.

### Moral Injury

Since the beginning of the GWOT, the psychological community has become aware of the large percentage of combat veterans who have been traumatized by a condition that did not fit the *Diagnostic and Statistical Manual of Mental Disorders'* definition of posttraumatic stress disorder. In 2009, Brett Litz et al. coined the term moral

injury (MI) to account for this condition, which is characterized primarily by an unshakeable sense of guilt. According to their definition, the existential struggle of those suffering from MI is a result of “perpetrating, failing to prevent, or bearing witness to acts that transgress deeply held moral beliefs and expectations” (Litz et al. 2009, 695). While MI is not a term used specifically in the literature reviewed here, its definition suits this objection to CIT.

This objection, that the application of CIT does significant injury to the interrogator as well as the subject, appears in an article by Krish Kandiah in *Christianity Today*, “A Christian response to torture is concerned both about what it does to the person being tortured and what it does to the person doing the torturing. Torture dehumanizes both the victim and the violator” (Kandiah 2014). The intent of this section is to answer the secondary research question, “Does the potential for adverse effects on the interrogator prove that CIT are in opposition to biblical ethics?” Once again, the perspectives of the RCC, Derek S. Jeffreys, and David P. Gushee are the chosen representatives. Added to these will be those from two contributing writers from the work, *Torture: A Collection*.

#### The Roman Catholic Church (RCC)

Father Louis V. Iasiello, a Roman Catholic priest and retired Navy Chaplain, provides a description of this objection from the RCC perspective:

The code of the warrior exists not only to protect the innocent . . . also to protect the warriors themselves, to guard against the invisible wounds of battle that oftentimes affect warriors psychologically and spiritually the rest of their lives. Torture is an immoral option not only because it denies dignity to fellow human beings, but because it saps the humanity from those who employ it. (Iasiello 2006)

Father Iasiello does not provide a biblical defense of the assertion that the use of CIT “saps the humanity” from the interrogator. However, he does cite the Second Vatican Council that states, “all violations of the integrity of the human person, such as mutilation, physical and mental torture . . . debase the perpetrators more than the victims and militate against the honor of the creator” (Flannery 1996, 27).

From these sources, the following conclusions follow. First, the use of CIT injures the interrogator because it is an assault on the dignity of the subject. This dignity is likely another term for the inherent rights of the person, grounded in their being made in the image of God. Second, the interrogator is likewise guilty of an assault against this same God whose image-bearer is under his power. Finally, these offenses are liable to affect the interrogator “psychologically and spiritually the rest of their lives.” It is in this lingering effect that ties this condition to the idea of MI. Therefore, CIT are off-limits because of their offensive nature and its potential impact upon the humanity of the interrogator.

#### Derek S. Jeffreys

Similar to the RCC’s position outlined above, Jeffreys’ provides no Scriptural support for his belief that “the will to torture diminishes the person” (Jeffreys 2009, 110). At the same time, Jeffreys, like the RCC, seems to base this view on his understanding of the nature of man. While the RCC follows the orthodox understanding of man as the *imago dei*, Jeffreys relies upon his view of man’s spirituality and its components, transcendence and self-possession. Through the application of CIT, the interrogator injures his own humanity by his assault on that of the subject, “When we deliberately

undermine another's transcendence and self-possession, we create an internal absence or fissure" (Jeffreys 2009, 110).

This "fissure" in the heart of the interrogator is why Jeffreys uses this argument against CIT. The ramifications to the spiritual health of the interrogator who applies CIT are dramatic, even if they do not appear immediately, "Those sensitive to their crimes may confront them years after they tortured and struggle to make recompense. Others may simply ignore their internal poison, rationalizing it away with appeals to duty or their important place in history. However, the fissure in their being remains latent within them and is bound to appear in some manner" (Jeffreys 2009, 110).

According to Jeffreys, the interrogator who uses CIT will eventually struggle with guilt over the offense he has committed against another human being, making the connection to MI an appropriate one. The interrogator's spirituality is a part of his nature, he cannot separate it from himself even as he undermines by applying CIT to his subject. This double-injury is, according to the author, a strong reason for forbidding its use in interrogations conducted in the GWOT.

#### Ariel Dorfman and Mark Osiel

The authors listed above appear together for two reasons. First, they both contribute an essay to the work, *Torture: A Collection*, edited by Sanford Levinson. Second, both speak to the issue of the existential impact of CIT on the interrogator. While neither offers a complete and substantiated theory, their comments provide further argumentation that may be analyzed in chapter 4 of this thesis.

Dorfman, like the positions discussed already, stresses the point that the use of CIT dehumanizes the interrogator. However, from his perspective, this is the result of a

self-protecting act of the will, “[Torture] craves our abrogation of our capacity to imagine others’ suffering, dehumanizing them so much that their pain is not our pain. It demands this of the torturer, placing the victim outside and beyond any form of compassion or empathy” (Dorfman 2004, 8). Such a denial of our natural empathy to the suffering of another is “a crime committed against the imagination.” Why this denial is a “crime” is not explained. However, why the interrogator commits it is due to self-preservation. For if he did not, “that incessant awareness of the incessant horror, [he] could not go on living” (Dorfman 2004, 9). This is an apt description of what we now call MI.

Mark Osiel studied Argentinian military personnel who conducted interrogations during the country’s “Dirty War” in the 1970s and 80s. Osiel highlights the fact that many interrogators sought counsel from their chaplains about the ethics of what they were required to do. This desire for guidance is, according to the author, is evidence of the fact that CIT are intrinsically immoral, “any sincere expression of doubt by the soldier . . . bespeaks at least a tentative awareness of the wrongfulness of his conduct” (Osiel 2004, 137-138). Osiel sees the fact that interrogators tasked with applying CIT often undergo a crisis of conscience as evidence that the act is both unlawful and unethical.

In summary, both Dorfman and Osiel believe CIT are unethical, with the evidence coming from its impact on the interrogator. For Dorfman, the “crime” is that these techniques force the interrogator to deny the empathy that characterizes the noblest aspect of his character. Osiel instead focuses on the interrogator’s internal struggle prior to this self-denying act of will. His conscience both inspires him to seek guidance from a moral authority and gives strong evidence that his duties violate universal ethical standards.

David P. Gushee

As was mentioned in the introduction to this chapter, David Gushee outlined five reasons why he believes torture is always wrong, one of which is that “it invites the dehumanization of not just the tortured but the torturer” (Gushee 2006, 36). Gushee believes that the temptation to move from CIT to the infliction of pain “for the sheer fun of it” is all the stronger because of the nature of the GWOT itself. The fact that this type of warfare is characterized by a “fear and loathing of the enemy” and provides no identifiable end-state puts an unbearable pressure upon the interrogator to push his methods to the extreme. By leaving the option of CIT available to him, the nation is also an accessory to the injuries he will inflict on both his subject and to himself.

### The Helpless Subject

Another frequent objection to CIT is that, by definition, they happen to a subject who is not an immediate physical threat to the interrogator and is, presumably, restrained in order to keep him in that state. An analysis of this objection will assist in answering the secondary research question, is the fact that the subject of an interrogation is physically defenseless before his interrogator make the use of CIT unethical? Along with those of Jeffreys and Gushee, the perspectives of authors Michael Skerker and Henry Shue appear below.

Michael Skerker

Skerker basis his objection on the just war doctrine of proportionality, “physical force is disproportionate to use against a detainee because the detainee is not a physical threat to the interrogator” (Skerker 2010, 184). This is straightforward and essentially the

secondary research question restated as a proposition. However, Skerker goes further and explains why a detainee's intelligence value does not reach the threat level necessary for force to be used against him, "whereas violence used against enemy soldiers is the most efficient and direct way to incapacitate them (and in some tactical situations, it is the only means), causing pain or disorientation to a detainee has no direct relation to him telling interrogators the truth" (Skerker 2010, 189). In other words, force is permissible only if it is the only means available to achieve the desired result. In a sense, this reasoning is based on another just war principle, that of "last resort."

Skerker believes CIT violate the *jus in bello* principle of proportionality and the *jus ad bellum* principle of last resort (on an individual level). In both cases, his argument is based on the fact that the subject is not an immediate physical threat to his interrogator.

#### Henry Shue

Henry Shue continues along the same line of reasoning as Skerker by basing his objection on classic just war principles. In this case, it is the *jus in bello* idea of noncombatant immunity or discrimination. Shue believes the intent of this principle is not primarily to protect civilians and thereby limit casualties, but rather the more general moral principle "which prohibits assaults upon the defenseless" (Shue 2004, 50). The central idea is that a just combat would be a "fair fight" between belligerents who both have the capacity to kill or be killed.

Naturally, a detainee no longer possesses the capacity to kill his interrogator, the fight is no longer a fair one, and therefore CIT become "a cruel assault upon the defenseless" (Shue 2004, 51). For this reason, the use of CIT is unethical as they violate accepted ethical rules for the use of force in war.

Derek S. Jeffreys

Jeffreys' definition includes the adjective "helpless", and it is that condition which ties his definition to this particular objection. While he does not use the same terminology, Jeffreys seems to follow Shue in believing that, if force is to be used, there needs to be at least a semblance of equality in the means to resist. However, Jeffreys goes further and adds an additional inequality, that of knowledge, "The inequality in knowledge is vast because the victim has no idea what will happen" (Jeffreys 2009, 38).

Like Skerker, Jeffreys addresses the issue of CIT applied to SERE students. According to Jeffreys, this experience never amounts to torture since the students always have the option to "exit" the training if and when they desire (Jeffreys 2009, 42). Having the knowledge that this option is available means that SERE students are never "helpless", and so this objection does not apply to them any more than does the term torture. But for the GWOT detainee, no such option exists.

Jeffreys' specific objection to CIT applied to a helpless subject is a sub-set of his overall objection, that they assault man's spirituality or spiritual nature. In this case, it strips them of their "expectation of help" which the author believes is fundamental to man and critical to his spirituality (Jeffreys 2009, 38).

David P. Gushee

Unlike the previous authors, Gushee bases his argument directly from Scripture. Citing Exodus 22:21-23 in support, Gushee believes CIT target a divinely protected class, those who have no power to protect themselves, "Torture mistreats the vulnerable and violates the demands of justice. In the Scriptures, God's understanding of justice tilts toward the vulnerable" (Gushee 2006, 35). The challenge for Gushee is to show that the



examples of powerless victims given in his chosen verses (widows, orphans, and aliens) also include a KTL as defined in this thesis. A more detailed analysis of this idea appears in chapter 4.

### The Slippery Slope

When used to express a necessary causal relationship (If X, then Y), the slippery slope argument is fallacious and is therefore a weak foundation for any position. However, in the context of the debate over CIT, it is rarely presented so as to rule out other potentialities. In other words, the argument is normally structured as: If X is permitted, Y (something worse than X) is likely to result. As such, this argument can be quite persuasive. Authors who use this type of reasoning in the debate over CIT include Oren Gross, David P. Gushee, and Mark Bowden. Their arguments appear below and will assist in answering the secondary research question, “Are CIT acts that cannot be regulated in such a way as to prevent their being used in an unbiblical manner?”

#### Oren Gross

Oren Gross believes that the danger of governmental abuse of powers requires an absolute prohibition on CIT. Among his many arguments in support of this position is that of the slippery slope. According to Gross, allowing CIT in exceptional cases within the context of the GWOT opens the door to three specific dangers:

(1) use of interrogational torture for nonpreventive purposes (including for purposes of retribution and early punishment); (2) use of interrogational torture in less-than-truly-exceptional cases; and (3) expansion of the use of interrogational torture beyond the confines of antiterrorism, such as applying similar methods to “ordinary” criminals. (Gross 2004, 236)

These dangers are legitimate concerns because “torture creates a certain mindset among interrogators, as well as a broad-based constituency for torture (Gross 2004, 236). Gross does not elaborate on these assertions. However, in terms of the interrogator’s mind-set, it is likely he believes that the experience of using CIT successfully (and legitimately) in one context will make the decision to expand it into another a temptation that would be difficult to resist. The same is true for general public and governmental support for the practice.

#### David P. Gushee

Gushee bases his version of the slippery slope argument on man’s sinful nature, also known as the doctrine of total depravity. Because every aspect of human nature is tainted by sin, no man can be trusted with unlimited power, especially when it comes to the power over the life of another. Gushee believes that “authorizing even the ‘lightest’ forms of torture” are a step onto the slippery slope and will likely, if not necessarily, lead to more egregious abuse (Gushee 2006, 35).

#### Mark Bowden

Although seemingly in favor of authorizing CIT as defined in this thesis, Bowden is sensitive to the power of the slippery slope argument, and presents an argument very similar to Gushee’s. However, Bowden does so not on the biblical understanding of total depravity, but on a secular approach that leads to the same conclusion, “Sadism is deeply rooted in the human psyche. Every army has its share of soldiers who delight in kicking and beating bound captives. Men in authority tend to abuse it—not all men, but many. As a mass, they should be assumed to lean toward abuse” (Bowden 2003, 18).

## Jesus and the Gospel

Given the nature of this thesis, this final section is arguably the most important since the arguments presented derive their premises directly from the Bible. These arguments appear in to the following subcategories: (1) The Example of Jesus, (2) The Experience of Jesus, (3) The Teaching of Jesus, (4) The Gospel, and (5) The Teaching of the New Testament. Due to the volume of material available, only a brief synopsis of the content of each is provided below. A more detailed presentation and analysis will occur in chapter 4. The intent of this section is to answer the secondary research question, “Do CIT violate the ethical teachings of Jesus Christ, the New Testament authors, or the ethical mandates of the gospel?”

### The Example of Jesus

Characteristic of the life of Jesus Christ was His mercy toward the undeserving. Nowhere is this exemplified more powerfully than, at the moment of His greatest agony, He prayed for those were responsible for His unjust suffering, that they might be forgiven their crimes (Lk 23:34). Yet His mercy was not limited to earthly enemies, but extended even to the demonic powers (Mat 8:29, Mark 5:7). If the righteous judge of all practiced such an all-encompassing ministry of mercy to those who deserved the opposite, how can His people do less when faced with a choice over how to treat their enemies?

The other side of this argument is that it is the enemies of Christ that practice the kind of cruelty exemplified by interrogational torture. Texts listed in support of this assertion include Psalm 25:19 and 71:4. Therefore, Christians should reject the ways of the world and follow the example of Christ by meeting their enemies’ cruelty and hatred with love, mercy, and forgiveness.

### The Experience of Jesus

While it is true that the execution of Jesus was according to the laws of the state under which He and the people of Israel lived, this was not the extent of His suffering. The mental and physical abuse He experienced prior to death, much of which occurred simultaneously with interrogation by the state's representatives, are clear examples of torture. Since the New Testament is clear that the sufferings of Christ were unjust, should this not warn us away from employing similar practices even if they are condoned by the state and the laws of the land?

### The Teaching of Jesus

While it is true that the Old Testament is replete with examples of God sanctioning war against the enemies of His people, the New Testament displays a new ethic to which His followers must conform their conduct. Jesus' repeated use of the phrase "You have heard that it was said . . . but I say to you," marks this change throughout the gospels. Nowhere is this more significant to the issue of CIT than in Matthew 5:38-39, where Jesus reverses the retributive command of the Old Testament with the new ethic to love even our enemies. The weapon for resisting evil is now love, controlled by the principle of the golden rule (Lk 22:36). Jesus provided the example of the Good Samaritan (Lk 10:25-37) to show us what this looks like in action. As such, there remains no place for retributive and violent actions like interrogational torture.

### The Gospel

The cross-work of Christ was the one true and final "Holy War" waged against the dominion of evil and sin. The resurrection and ascension marked the victorious

completion of this campaign, won through the satisfaction of divine wrath and on behalf of all men. As such, when we face our enemies in this world we are confronting those for whom Christ suffered and died. This truth carries with it ethical mandates that did not exist prior to the cross. Christ was the final sacrifice for sin. He was humiliated, dehumanized, abused, and tortured in order that no man would have to undergo the same. Our treatment of our earthly enemies should reflect this once for all victory.

### The Teaching of the New Testament

The apostle Paul understood warfare. Of his many metaphors for the Christian life, none is more frequent than that of combat. Yet he does not leave us in doubt as to how that warfare is to be waged, “if your enemies are hungry, feed them; if they are thirsty, give them something to drink,” and his accompanying command to “overcome evil with good” (Rm 12: 20, 21). No matter how necessary cruelty and abuse of our enemies may seem, the New Testament is clear that such behavior is not permissible. Utilitarian considerations cannot override the commands of God’s apostolic emissaries.

### Conclusion

This chapter reviewed arguments against the use of CIT from a number of sources with the intent of answering this thesis’ secondary research questions. An analysis of these arguments will occur in chapter 4. In the next chapter, an explanation of the research methodology used in this study appears along with how it will aid in determining the answer to the primary research question, “Are the use of CIT in the GWOT antithetical to biblical ethics?”

## CHAPTER 3

### RESEARCH METHODOLOGY

#### Introduction

This thesis is structured around its six secondary research questions, each of which address the ethical standing of CIT from a specific perspective. If any of the six result in an affirmative response, so too will the primary research question, “Are the use of CIT in the GWOT antithetical to biblical ethics?” The reason for this is tied directly to the nature of biblical ethics itself. If an act is unethical in only one respect, it is, in the eyes of God, prohibited in every respect, “For whoever keeps the whole law but fails in one point has become accountable for all of it” (Jm. 2:10). This chapter describes the author’s chosen methodology for evaluating each of the six arguments to determine if any of their conclusions correspond to the ethical teaching found in the Bible.

#### Research Methodology

The authors reviewed in chapter 2 argued that CIT, for one reason or another, are inherently unethical. Chapter 4 will analyze those arguments in an effort to determine the soundness of their premises and the persuasiveness of their conclusions.

The primary means by which the six arguments will be analyzed is through the application of four evaluation criteria. As this thesis is an attempt to further the art and science of the military profession, it is only appropriate to define these criteria using Joint Publication (JP) 5-0, *Joint Operations Planning*. According to this document, evaluation criteria are “those aspects of the situation . . . that the commander deems critical to mission accomplishment” (U.S. Joint Chiefs of Staff 2011, IV-30). These criteria, chosen

subjectively by the commander, assist in the comparison and eventual selection of the best among competing courses of action. This understanding of evaluation criteria is the carried over for use in this thesis. The author selected the four criteria according to his subjective priorities and for the purpose of evaluating, not the strengths and weaknesses of operational courses of action, but those of the arguments reviewed in chapter 2.

The four criteria are: (1) biblical support, (2) consistency, (3) dialogue, and (4) definition. JP 5-0 rightly emphasizes the need for defining these criteria, “Each must have a clearly defined definition. Defining the criteria in precise terms reduces subjectivity and ensures that the interpretation of each remains constant” (U.S. Joint Chiefs of Staff 2011, IV-30). Such definitions appear in table 2.

Table 2. Evaluation Criteria: Explanation	
Biblical Support (4)	The quality of biblical support is based on the number of individual texts or passages of Scripture cited to support the argument (more is better). Texts should be used in the context in which they were written. How these texts relate to the debate over CIT should be explained so that their applicability is easily understood. Ideally, the texts should cover the entire canon (OT & NT) and from multiple genres. In the absence of specific texts, a biblical principle may be used (i.e. Justice for all, regardless of social status), but its contextual applicability to the issue at hand must also be explained in the same manner.
Consistency (3)	The opponent of CIT should remain consistent in applying his logical and theological supports to other, related ethical issues. If an apparent contradiction exists, it should be identified and reconciled by the proponent. For example, if biblical ethics forbid a soldier to use CIT, but do allow him to kill another combatant, then an explanation accounting for why these cases are different should be given. This explanation should then be logically and theologically consistent.
Dialogue (2)	Opponents of CIT, in addition to articulating their own positions, should engage in the ongoing debate by presenting opposing views. When doing so, these alternative arguments should be presented clearly and, ideally, in the words of their proponents. This should be followed by a systematic refutation that identifies the flaws in these arguments as well as how the supported position is preferable in those areas.
Definition (1)	At a minimum, a definition of torture (or similar term) should be provided. If the definition is borrowed from another source, like the UN's CAT, it should be presented in detail. Ideally, any qualifying term used in an original or borrowed definition should receive its own definition or description in order to avoid subjective interpretations or equivocation. These same standards apply for other critical terms (i.e. rights, sanctity, etc.) when they hold a central place in an argument.

*Source:* Developed by Author.

As necessary as these definitions are, they do not explain the specific selection of these four nor the weighting assigned to each. The first criteria, biblical support, appears because it relates directly to the primary research question. If an argument claims to be biblical, and not merely Christian, it must find support in references to the Scriptures themselves.

The second, consistency, is a characteristic of any rational argument and should be present in both secular and religious attempts. This criterion has the added benefit of



being a characteristic of the Bible itself. As the *Westminster Confession* states, the “consent of all the parts” is one of the evidences of its divine authorship (General Assembly of the Presbyterian Church 1990, 3.1). If the Bible is non-contradictory, then any argument purporting to be a biblical one should be as well. For this reason, *consistency* has been weighted at 3, second only to biblical support in importance.

Good argumentation should include opposing views and appropriate refutations, which is the basis for the third criteria, dialogue. As the authors interact with these other perspectives, they may not always have the occasion for an exhaustive account, but the space allotted to them should provide an honest presentation of their premises. This criterion has been weighted at 2 since, while important, is not essential for the argument to be articulated sufficiently.

The last criteria is that of definition. If an author does not provide a definition of their critical term(s), it is because he either will not or cannot do so. Choosing not to provide definitions raises concern for the honesty of the author and the strength of their argument. If they cannot, then no matter how persuasive their argument may otherwise be, they do not know what they are writing about. Nonetheless, as this criterion is based solely on clear communication rather than on biblical content, it has been weighted at 1.

The standards by which these criteria will be applied are found in table 3. The final score will function in the same manner as a commander would treat the results of course of action comparison. As there is no set score that would obligate a commander to accept or reject a particular course of action, none shall be present here either. The criteria and their resulting scores are objective criteria that will assist in a subjective conclusion by the author, but they do not dictate what it will be. However, the higher the

score (more is better), and the stronger the case for CIT being antithetical to biblical ethics, the more significant must the author's reasons be for, if necessary, making a contrary conclusion.

Table 3. Evaluation Criteria: Explanation of Standards					
	N/A (0)	Deficient (1)	Substandard (2)	Acceptable (3)	Excellent (4)
<b>Biblical Support</b> (4)	No biblical evidence supplied.	Few texts cited. Texts are taken out of context. No attempt to explain exegesis.	Multiple texts cited but with minimal contextual explanation; limited in scope.	Multiple texts cited and used in original context. Explanation of exegesis provided. More than one genre represented.	Texts used in context and in support of an identified principle; OT and NT texts represented; Exegesis is sound and explained.
<b>Consistency</b> (3)	Inadequate information on proponents' other positions.	Argument contradicts positions on related issues.	Contradictions exist, are acknowledged, but no explanation is given.	Contradictions exist, are acknowledged, attempted reconciliation is given.	Positions on related issues are consistent with premises given.
<b>Dialogue</b> (2)	No mention of opposing arguments are made.	Opposing views are limited to straw-men; description is limited and pejorative.	Opposing views are mentioned but dismissed with only limited argumentation.	Opposing views identified and refuted but with limited argumentation.	Opposing views presented in strongest light. Refutation is done in a logical and thorough manner.
<b>Definition</b> (1)	Definitions of critical terms are not provided.	Definitions are borrowed from outside sources with no elaboration.	Definitions are borrowed from outside source; minimal elaboration attempted.	Definitions are original and explain any ambiguous modifiers.	Original definitions express clearly what the term does and does not mean in the context of the argument.

*Source:* Developed by Author.

### Threats to Validity and Biases

The six arguments presented in chapter 2 were the result of research conducted by the author. As in all research, this effort is vulnerable to threats to its validity in how it was collected or transmitted, thereby calling any resulting conclusions into question. Since the answer to the primary research question is dependent upon this foundational research, it is important to identify and address these potential threats.

The authors and sources cited in chapter 2 appeared under six subject headings chosen by the author of this thesis. In each case, a judgment as to the essential nature of an evaluated author's position had to occur. In order to be confident in the validity of these judgments, the reader must believe that the author has accurately presented each source's views, positions, or conclusions. To this end, the author has made extensive use of primary sources and quoted the authors of those works extensively in order to avoid the charge of taking them out of the context in which they originated.

Even if primary resources are capable of speaking for themselves, if they represent only minority opinions, the validity of a universal conclusion remains in doubt. Therefore, chapter 2 made use of a variety of sources from both secular and religious worldviews. The religious sources themselves display a large degree of diversity, with selections from evangelical, Roman Catholic, and those who identify only in terms of "spirituality." By bringing these different perspectives into a complementary whole, the author hopes to mitigate the danger of selecting only those opinions which lead to a predetermined conclusion.

The final threat is that which comes from the bias of the author himself. Every researcher brings his own personality and life-experiences to the task of collecting and

evaluating sources, and these factors pose a threat to the validity of the project if not addressed. However, in the case of this thesis, it is a more difficult challenge to identify the source of such biases than it may initially appear.

As a Chaplain in the U.S. Army and an ordained Presbyterian minister, the assumption could be made that the author is predisposed toward the conclusion that CIT are biblically unethical. Considering the position of the NAE, cited extensively in chapter 2, this would seem to be a valid assumption. However, the author is also a former Special Forces commander with multiple combat deployments, experience with tactical questioning, and high-risk SERE training. Taken alone, these experiences could lead to the opposite assumption, that the author is likely in favor of the use of CIT in the GWOT environment.

In either case, it is impossible for the author to dispel the assumption of bias by declaring his work free of it. This is because the author would have to assume he is aware of all latent biases he may have, as well as full knowledge on their impact upon his research and rational inferences. This he cannot do. However, the one mitigating factor available is to minimize the amount of subjectivity present in the research and analysis methodology. In terms of chapter 2, this was the intent of providing as many direct quotations as possible. In chapter 4, the Scriptures themselves will become the objective standard of measurement rather than the opinions or experiences of the author. While this method will retain subjectivity (it is the author who must interpret the Scriptures), it is nonetheless a means for minimizing the effect of whatever inherent biases that may be present, either in support of CIT or in opposition to them.

## Conclusion

With threats to validity and potential biases identified and, as far as possible, mitigated, there remains one final step of the methodology, evaluating the results of the analysis. As has been mentioned before, it is only necessary for one of the six arguments to result in an affirmative conclusion for the primary research question to be answered. As such, the argument with the highest resulting score from the formal analysis will then be examined by the author in isolation. This final analysis will determine the answer to the primary research question, “Are the use of CIT in the GWOT antithetical to biblical ethics?”

## CHAPTER 4

### ANALYSIS

#### Introduction

This chapter will analyze each of the six arguments reviewed in chapter 2 according to the evaluation criteria described in chapter 3. This analysis will result in answers to the secondary research questions and establish a basis for answering the primary question, “Are the use of CIT in the GWOT antithetical to biblical ethics?” The fourth criterion, definition, has an application different than the other three. While the critical terms for a given argument appear sequentially, the definition of torture (or similar term) receives an evaluation as appropriate for each author or source.

While these criteria provide a structured and objective means for evaluating each argument, they remain subordinate to the role assigned to the Bible itself. The intent of this thesis is to examine the debate over CIT from a biblical-ethics perspective. Therefore, what the Scriptures have to say on this and related issues will be of paramount importance to answering the primary research question.

As was mentioned in the introduction to chapter 2, the challenge in applying this concept is significant since the Bible never directly addresses the issue of interrogations, either in war or any other context. However, what does appear extensively are the ethics for justified killing. Due to the fact that it will have a direct impact on many of the arguments to follow, it is worthwhile to provide a brief overview of what the Bible has to say on this issue.

## The Bible and Justified Killing

The prohibition against the unjust taking of the life is given clearly in Exodus 20:13: “You shall not murder.” Contrary to those who use the sixth commandment to argue against capital punishment, it is the heinousness of this crime, committed against an image-bearer of God, that is the basis for it, “Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image” (Gen. 9:6). The fact that the sixth commandment does not prohibit the justified taking of human life is made clear in the very next chapter, Exodus 21, where God begins to legislate under what circumstances this punishment may or may not be executed. What is important to note is that all of these guidelines are for Israel as a nation, and not to individual citizens to execute according to his or her own discretion. While that nation no longer exists, the power to take life remains, in the New Testament age, with the State.

The critical passage in supporting the assertion that the power to take life in the New Testament era rests with the State (here defined as the recognized government of a country) is Romans 13:1-4:

Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God’s servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God’s wrath on the wrongdoer.

Paul’s primary focus in the passage is on the necessity of obedience to the God-ordained authorities under which a person lives. This idea naturally leads to questions about civil disobedience or, in the case of a soldier, under what conditions a particular conflict may be unjust and in which one should not participate. While these are important issues in

their own right, they are not pertinent to this thesis, for it assumes a just-war scenario. Rather, it is Paul's contention that the governing authorities "bear the sword" as instruments of God's wrath, that deals directly with justified killing. Due to the limited scope of this thesis, the following inferences occur without their supporting exegesis. First, the government of the United States fits within Paul's definition of a governing authority, thereby placing the soldier in service both to his government and to God when he goes to war. Second, "the sword" refers to the power to take life, making both the executioner and the soldier, not as private citizens but as agents of the State, biblically justified in killing in the conduct of their duties.

While the regulations of Exodus and the context of Romans 13 deal with the administration of capital punishment, it must also extend to the state's conduct of self-defense and foreign wars. This is consistent with Paul's theme as the apostle nowhere makes a distinction between domestic and international execution of this power. In addition, Matthew Poole shows that there is a positive side to the state's power as well as the negative: "The magistrate hath not his authority for nothing, or for no purpose; but that he may punish the evil, as well as *defend the good* [emphasis added]" (Poole 1853, 524). Indeed, this idea is echoed in the U.S. Army's Oath of Enlistment, where the soldier swears to defend the Constitution against "all enemies, foreign and domestic" (Army.mil 2015). The power to kill is delegated by God, not to the individual, but to the State. When that State enters into an international conflict (again, in a just-war scenario), it does so with the authority to defend its citizens and punish its enemies with the use of deadly force (Leetch 2015, 61-62).



The institution of capital punishment in Genesis 9:6 was for the sole crime of unjustly taking the life of another. Murder is so heinous an assault upon the *imago dei* that it requires the ultimate recompense, the forfeiture of the killer's own life. The conclusion is that killing another human being, either unjustly through murder or punitively by the state, is the most serious act a man can commit. There exists no greater crime nor punishment that can be inflicted than the taking of another life. This concept will prove to be an important one in the analysis to follow.

### The Sanctity of Life

The first argument evaluated is collected under the title, the sanctity of life. While individual authors and sources receive analyses below, only those that perform best against the evaluation criteria (table 2) will receive a final score. Therefore, what appears in the concluding matrix is a "best of" the representative literature. The intent of this section is to answer the secondary research question, "Does the biblical doctrine of the sanctity of human life prohibit the use of CIT in the prosecution of a just war?"

### Biblical Support

The NAE provides numerous biblical references to support their belief in the sanctity of human life. Life is sacred because it flows from the creative work of God (Gen. 2:7) and because man is made in His image (Gen. 1:26-28). It is for this reason that murder is forbidden (Gen. 9:5-6; Ex 20:13) and man is given the responsibility to conserve and respect the life of others (Gen 9:5; 4:8-10, 15).

The texts cited above do not require extensive explanation by the NAE since they are self-evident expressions of historic orthodox doctrines of the nature of man and the

sanctity of human life. However, when the authors of the declaration move from these ideas to those more closely aligned with the CIT debate, this lack of exegesis continues, and with detrimental effects.

The NAE provides three texts (Is. 1:17; Jer. 7:6; Zech. 7:10) to support their contention that the duty to preserve the life and well-being of our fellow man is especially critical to those in society who are most vulnerable to abuse. These texts do support this idea, but each of them refers to a specific societal group, “the widow, the fatherless, the sojourner, [and] the poor” (Zech. 7:10). The authors apparently want the reader to infer that God includes a detained KTL in this category. However, such an inference is contrary to the context of the texts and therefore requires extensive explanation by the authors to demonstrate how such a connection follows. Such an explanation is absent.

A similar error occurs in the NAE’s citing of Matthew 25:31-46. Like the previous Old Testament passages, this text refers to the disenfranchised of society, but also includes those who are imprisoned. On the surface, this would seem to provide strong support to the NAE’s stance against CIT with detainees. However, as was the case in the previous examples, this inference does not follow from the context of the passage. The NAE quotes Matthew 25:40 as “as you did it unto the least of these, you did it unto me.” The problem is that this is not what the passage states. The actual text is “as you did it unto the least of these, *my brothers*, you did it unto me [emphasis added].” The omission of any portion of a cited text, without indication, is problematic in its own right, but is made even more so when that portion is critical to the context. When Jesus speaks of ministering to the imprisoned, it is in reference specifically to His “brothers” who, by

definition, are members of His church (Mt. 12:50, 28:10; Rm. 8:29). The context leads to the inference that the imprisoned are so because of their faith in Christ. While it still may be true that the Christian ethic demands a ministry to those in prison for criminal acts or wartime activities, such a position cannot be supported from the passage the NAE has chosen to use.

### Consistency

Based on the doctrine of the *imago dei*, the NAE contends that all men “must be treated with the reverence and respect commensurate with this elevated moral status. This begins with a commitment to the preservation of their lives” (The National Association of Evangelicals 2007, 2.2). However, this statement fails to take into account the fact the authors alluded to previously, that this same doctrine is also the basis upon which God forbids murder (Gen. 9:5-6). While it is true that this passage prohibits murder because of the *imago dei*, it also institutes capital punishment as the divinely appointed response. The dual aspect of the passage is critical to the debate over CIT, for it shows that human life is indeed sacred, yet also that this status does not preclude the judicial taking of life.

This duality is found nowhere in the NAE’s declaration, and its absence shows a lack of consistency in their position. If human life is sacred unconditionally, then capital punishment is equally unacceptable. However, in 1972 the NAE approved a resolution calling upon federal and state lawmakers to either maintain or reinstitute the death penalty for various crimes, including murder. This resolution was reaffirmed in 1973 and stands today (The National Association of Evangelicals 1973). This position contradicts the statements of the declaration regarding the sanctity of life of all men.

Derek S. Jeffreys does not contradict himself in the manner of the NAE, but this is primarily due to the fact that he never addresses the related issue of justified killing. As was detailed in chapter 2, Jeffreys' understanding of the sanctity of human life is inexorably connected to his understanding of man's spirituality, something CIT can damage or destroy. The problem is that killing a man would have the same impact on the subject's spiritual nature, only in a permanent fashion. Making a distinction between the killing act and interrogation-induced-suffering is not a peripheral issue. Unless Jeffreys is a full-pacifist in his views on war, it is incumbent upon him to explain how these acts are different and where the ethical lines are to be drawn. Without them the reader is left asking questions that his work should, but does not, answer.

#### Dialogue

The NAE presents their view on the sanctity of life as a foundation for their position on inherent human rights. It is therefore not surprising that this section avoids engaging contrary positions. Yet this begs the question, what contrary positions are there? The authors rightfully point out that the sanctity of life is an historically orthodox Christian doctrine, which means they should face no opposition from that quarter. At the same time, it is hard to imagine a secular ideology that would disagree that human life is sacred, albeit from differing perspectives. Therefore, it is difficult to understand the need for an entire chapter to be devoted to this issue.

Jeffreys' understanding of man's spirituality is what he believes to be the basis of human worth. In defense of this position, Jeffreys critiques philosophies such as neo-Kantianism and evolutionary theory, along with skeptics like David Hume, all for lacking "a metaphysical defense of a person's value" (Jeffreys 2009, 98). While Jeffreys does not

mention the biblical perspective, this brief acknowledgement that the concept of the sanctity of human life requires an identifiable foundation, one which may be strong or weak depending on the particular philosophy from which it comes, is what a proper argument requires.

### Definition

Despite using the term 43 times in their declaration, the NAE fails to provide a definition of torture. While they do make extensive use of statements from international bodies (The Geneva Conventions, The UN International Covenant on Civil and Political Rights, UN High Commission on Human Rights Civil and Political Rights), the citations refer only to prohibitions on torture, not what the term does and does not mean.

The NAE does a better job at defining the critical term for this argument. They define sacred as an attribute of something “that has already been sanctified, dedicated, consecrated, venerated, or hallowed” (The National Association of Evangelicals 2007, 2.11). In reference to human life, this status is conferred by God and is something that “our attitudes, attributes, and activities neither deserve nor can nullify” (The National Association of Evangelicals 2007, 2.11). While this definition is complete, it begs the question addressed earlier. If our activities, particularly those that are evil or criminal, cannot nullify this condition, then killing in war also violates the sacred.

In contrast with the NAE, Derek S. Jeffreys provides an original and complete definition of torture, “it is voluntarily and intentionally inflicting severe mental or physical suffering on a helpless victim for the purpose of breaking his will” (Jeffreys 2009, 34). Jeffreys goes further and notes that each aspect of his definition must be present for the term to apply. He even recognizes the ambiguous nature of the word

“severe,” calling it “hopelessly subjective” (Jeffreys 2009, 34). While this insight into the importance of definitions is something for which Jeffreys is to be commended, his refusal to specify what he means by “severe” is a disappointment. Believing that such precision leaves room for “lawyers and bureaucrats” to find ways around current restraints, he prefers instead to “leave the concept of severe vague” (Jeffreys 2009, 35).

The problem is that it is this type of capitulation to ambiguity that is the cause of much of the current debate over CIT. If definitions of what constitute torture and its modifiers displayed “legalistic” precision, then Jeffreys work would not have needed to devote several chapters to describe what it is. Instead, he could have simply described why these techniques, clearly defined and understood by all, are unethical. Jeffrey’s definition is an improvement over the NAE, but he needs to take an additional step toward precision if his contribution is to have a lasting impact on the debate.

Table 4. The Sanctity of Life						
	N/A (0)	Deficient (1)	Substandar d (2)	Acceptable (3)	Excellent (4)	TOTALS 20
Biblical Support (4)			NAE			8
Consistency (3)		NAE				3
Dialogue (2)				Jeffreys		6
Definition (1)				Jeffreys		3

*Source:* Developed by Author.

## Human Rights

The second argument to be evaluated is collected under the title, human rights. While individual authors and sources will be analyzed below, only those that perform best against the four evaluation criteria (table 2) will receive a final score. Therefore, what appears in the concluding matrix is a “best of” the representative literature. The intent of this section is to answer the secondary research question, “Does the Bible teach that human beings are endowed with certain inherent rights which would be violated by subjecting them to CIT?”

### Biblical Support

The NAE’s first contention is that, because human rights are unalienable, “a person cannot legitimately cease to have those rights, whether through waiver, fault, or another’s act” (The National Association of Evangelicals 2007, 3.3). In support of this, they offer the example of God’s dealing with the first murderer, Cain (Gen. 4:15). While left unstated, the conclusion the reader is to reach seems to be that Cain’s human rights were the reason that God exiled him rather than take his life. The contradiction inherent in this conclusion will be covered in the next section. However, the NAE seems to have forgotten the subject at hand, which is not the killing of an individual, but the infliction of pain or suffering upon them. It is conceivable that God’s curse upon Cain could, according to some definitions currently in use, constitute torture. This is apparently how Cain himself viewed it, “My punishment is greater than I can bear” (Gen. 4:13). Regardless, the NAE cites this incident yet ignores the passages it cited earlier which recounted God’s establishment of capital punishment in response to murder. This conflict

is irreconcilable when the premise is that even God respects the right to preservation of life, even that of a murderer.

A similar error occurs in the NAE's citing the establishment of cities of refuge (Num. 35:9-34) in Old Testament Israel to "protect the rights of killers" (The National Association of Evangelicals 2007, 3.3). The Scriptures are clear as to the purpose for these cities, and it was to protect, not the rights of killers, but specifically the life of a manslayer, someone innocent of the crime of murder and the capital punishment they would otherwise have been their due.

Errors in applying biblical texts found in the previous argument, the sanctity of life, are repeated here as well. Several texts concerning the duty to protect the defenseless (Ps 68:5-6, 82:3-4; Jer 22:3) are cited as evidence that a detainee is not to be subjected to CIT. As was the case previously, none of these texts apply to a KTL in the scenario developed here, and amount to little more than a strawman defense.

These previous critiques have to do with specific texts taken out of context or used to support positions for which they do not apply. However, the most serious error in the NAE's argument deals with the nature of their position itself. This error is of such proportions that it will resurface in two of the three criteria still to come. The problem is that the concept of inherent and inalienable rights, simply for being human, is antithetical to biblical ethics.

There are several reasons for this fact. The first is that nowhere in the Scriptures does this idea appear. Men do have rights, but these rights are not natural, they are imputed, and that by a sovereign God. Because God is sovereign, He is beholden to no one and may do as He wishes with His creatures. If rights were inherent and inalienable,



then God would be obligated to recognize and adhere to them. Of course, this would empty the word sovereignty of its meaning.

Second, if such a concept were true, it would eliminate punishment of any kind and for any reason. As John Robbins points out:

Fines, for example, violate the inalienable right to property. Imprisonment violates the inalienable right to liberty. Execution violates the inalienable right to life. The natural right theory is logically incoherent at its foundation. Natural rights are logically incompatible with justice. (Robbins 1994, 5)

At the heart of Christianity stands the cross of Christ, an instrument of Roman justice used by God to administer his own divine wrath upon sin. Even if every other example were removed from the pages of Scripture, the atoning work of Christ would be enough to demonstrate the logical contradiction inherent in the concept of human rights. If judicial punishment cannot coexist with inherent human rights, and the Bible teaches that God exercises and commands such punishment, then these rights do not exist. If so, then they cannot be used as a premise in an argument that CIT are in violation of them.

The RCC's doctrine of inherent human rights mirrors that of the NAE, "Among such fundamental rights one should mention in this regard every human being's right to life and physical integrity from the moment of conception until death" (The Vatican 1993, 2273). As was detailed in chapter 2, the RCC believes these rights are the result of creation in the image of God. However, the only biblical support provided in RCC writings on this issue deal with man as the *imago dei*. Yet this is a basic orthodox position, it is not in debate, and therefore borders on tautology. The issue that requires biblical support is how this ontological reality requires unalienable rights.

The closest the RCC comes to an answer is in Pope John Paul's use of Amos 2:7, Jeremiah 19:4, and several passages from Ezekiel, to demonstrate God's displeasure with

those who “violate people's rights” (Paul 1995, 49). The problem is that the concept of human rights is not present in these texts. What is present is God’s displeasure over those who violate His commands. While it was not his intent, John Paul demonstrated how to defend an ethical position biblically, which is to show that a particular act violates a divine command. In this context, the selected texts should demonstrate His commands regarding inherent human rights, and then that CIT would violate these rights. The RCC fails to provide evidence of either one.

### Consistency

As was the case in the previous category, the NAE fails to see that their acknowledgment of the biblical origin of capital punishment, along with their contemporary support of it, contradicts their view of inherent human rights. Biblical ethics are the result of the commands of God, and nothing else. An act is right or wrong because a sovereign God declares it to be, not because it corresponds with an external standard. This is what the NAE is proposing. Such a position is both contradictory and antithetical to biblical ethics.

The Catechism of the RCC describes the right to life and physical integrity as being inalienable and therefore “must be recognized and respected by civil society and the political authority” (The Vatican 1993, 2273). If so, then there should be no circumstances when these rights no longer apply. However, the Catechism alone provides three circumstances when they do exactly that. The first is in the use of lethal force by an individual for the purpose of self-defense (The Vatican 1993, 2264), the use of the same by the magistrate in defense of the community (The Vatican 1993, 2265), and finally, the infliction of proportionate punishment by the state upon the guilty party that “does not

exclude recourse to the death penalty” (The Vatican 1993, 2267). If CIT are off-limits because they violate the inherent and inalienable rights of the subject, then these three cases must also be prohibited. By allowing for them, the Catechism, and the RCC, has contradicted itself.

### Dialogue

The NAE makes a concerted effort to support their position on human rights, devoting an entire chapter to the task. They begin in the 17<sup>th</sup> century with the work of the Englishman Richard Overton, who based his argument on “reason, experience, and Scripture” (The National Association of Evangelicals 2007, 4.1). Unfortunately, no evidence of Overton’s biblical emphasis appears.

After mentioning the writings of the North American dissenter Roger Williams, the NAE move immediately into the 18th century and secular documents such as the *American Declaration of Independence*, the French Assembly’s *Declaration of the Rights of Man and of the Citizen*, and Thomas Paine’s *The Rights of Man*.

Finally, the NAE move to the 20th century and point to the UN’s *Declaration of Human Rights* and the Roman Catholic Church’s pronouncements in the Second Vatican Council. Yet even here, in the writings of the world’s largest Christian body, no biblical support is present.

As for presenting opposing views, the NAE provides the following,

Throughout history the primary opposition to a concept of human rights has emerged most intensely from privileged groups (religious, economic, political, ethnic, etc.) determined to maintain their unjust advantages or resist challenges to their mistreatment of those whom they dominated. (The National Association of Evangelicals 2007, 4.5)

It is the author's hope that the NAE did not intend to include within this description those opponents who base their opposition on biblical grounds. Even if that is the case, the dialogue presented by the NAE emphasizes the secular and religious history of this argument, but nowhere addresses its biblical opponents. From a secular organization, such an omission would be understandable and even expected. From the NAE, its absence can only be due to their inability to refute them or of their ignorance of their existence. In either case, it does not inspire confidence in the integrity of their argument.

In reference to its understanding of human rights, the RCC mentions the UN's *Universal Declaration of Human Rights* with approval (Pontifical Council for Justice and Peace 2004, 152). However, other than brief allusions to communist and totalitarian regimes' violation of these rights, no significant interaction with opposing views is made.

#### Definition

In their declaration, the NAE devotes 2 of its 7 chapters to the concept of human rights. In those chapters it describes what they do "Human rights function to protect the dignity of human life," but never, in those thirteen chapters, do they tell the reader what they are. As interesting as their historical overview of the concept's history may be, without a precise definition (or even an imprecise one), there is no way for the reader to know if the NAE's understanding of the term is the same as those historical examples they provide.

Like the NAE, the RCC fails to provide a complete definition of human rights. The concept is repeatedly presented as something self-evident, and therefore does not require a precise definition beyond simply identifying its source, man as the *imago dei*. However, the RCC is to be commended for at least attempting to articulate what rights

are included in their doctrine. Pope John Paul II included the following as belonging to inherent and inalienable human rights:

[T]he right to life, an integral part of which is the right of the child to develop in the mother's womb from the moment of conception; the right to live in a united family and in a moral environment conducive to the growth of the child's personality; the right to develop one's intelligence and freedom in seeking and knowing the truth; the right to share in the work which makes wise use of the earth's material resources, and to derive from that work the means to support oneself and one's dependents; and the right freely to establish a family, to have and to rear children through the responsible exercise of one's sexuality. In a certain sense, the source and synthesis of these rights is religious freedom, understood as the right to live in the truth of one's faith and in conformity with one's transcendent dignity as a person. (Paul 1991, 47)

While this list is likely not exhaustive of the RCC's doctrine, it nonetheless fails to articulate that "right" which would prohibit the use of CIT upon a KTL. The only one which could potentially be used for this purpose is the first, "the right to life." However, this would open the Church to the charge of inconsistency as described earlier. Finally, John Paul II provides no biblical support for any of the examples included in this list.

Table 5. Human Rights						
	N/A (0)	Deficient (1)	Substandard (2)	Acceptable (3)	Excellent (4)	TOTALS 13
Biblical Support (4)		NAE				4
Consistency (3)		RCC				3
Dialogue (2)			NAE			4
Definition (1)			RCC			2

Source: Developed by Author.

## Moral Injury

The third argument evaluated appears under the title, moral injury. While individual authors and sources will be analyzed below, only those that perform best against the evaluation criteria (table 2) will receive a final score. Therefore, what appears in the concluding matrix is a “best of” the representative literature. The intent of this section is to answer the secondary research question, “Does the potential for adverse effects on the interrogator prove that CIT are in opposition to biblical ethics?”

This argument displays a complete absence of biblical support, even from proponents of the Christian faith like the RCC and David P. Gushee. The most gracious explanation for this silence, from the author’s perspective, is that the proponents believe the conclusion of their argument follows necessarily and therefore, being self-evident, does not require additional support. Their position, although articulated in various ways by each source, is that the use of CIT can result in “invisible wounds of battle that oftentimes affect warriors psychologically and spiritually the rest of their lives” (Iasiello 2006). The inference drawn is that no morally acceptable act could possibly result in this type of spiritual crisis, or moral injury. For this argument, due to the lack of biblical support provided by the authors, an attempt will be made to show that the Scriptures provide the necessary insight into just such a situation and thereby show that this inference is not a necessary one.

## Biblical Support

As the biblical record does not address interrogational techniques directly, the act of killing in combat will provide an alternative for analysis. This is appropriate since it would appear to be included in the RCC’s condemnation of CIT, “all violations of the

integrity of the human person . . . debase the perpetrators more than the victims” (Flannery 1996, 27). The contradiction inherent in this position is clear from the earlier discussion. So too has the biblical justification of killing by a soldier of the state in the course of a just war. What remains to be seen is how such an act that is justified biblically may still result in an overpowering sense of guilt that can “affect warriors psychologically and spiritually the rest of their lives” (Iasiello 2006).

As many of the authors already examined have pointed out, orthodox Christian theology holds that man is the *imago dei*, created by God and in His image. Part of this image is an *a priori* understanding of the law of God. The law against the unjust taking of life constitutes a portion of this innate knowledge, written on the hearts of every human being when he or she enters this world. The law is present, it is understood, and God holds each accountable for its violation.

When this law is violated, it results in guilt. Yet, this is fundamentally an ontological condition: the lawbreaker is guilty, regardless of what their subjective thoughts or emotions may be. Nonetheless, both of these aspects of human nature play a part in communicating this objective reality to the subjective individual. They are both exercised through the divine gift of the conscience in its role of alerting sinners that their actions violate the law of God.

Man’s *a priori* knowledge of the Law, as well as his awareness of having fallen short of the responsibility to obey it, is communicated through the internal witness of the conscience: “Their conscience also bears witness, and their conflicting thoughts accuse or even excuse them” (Rom. 2:15).

The problem with this process is that the conscience is not infallible. Man's consistent attempt to suppress the truth can "sear" or "defile" the conscience, rendering it impotent to fulfill its task of sounding a call to repentance (1 Tim. 4:1-2; Titus 1:15; 1 Cor. 8:7). To function properly, it must be informed by the truth of Scripture. Therefore, it is possible an individual may commit an act that is biblically justified, yet due to their ill-informed conscience, they may be convinced that they are guilty of sin.

This is the great challenge facing many veterans who have killed in war. Being made in the image of God, they have an innate understanding of the divine prohibitions against the unjust taking of life. This impression may be so strong, and their awareness of the biblical apologetic for justified killing in war so weak, that their conscience may convict them of a crime they did not commit. This challenge is all the more acute due to the nature of war itself.

War is not inherently sinful. Yet, it exists as a result of sin. War is not an activity in which our original and unfallen natures were designed to be engaged. When a soldier kills, he is staring the results of man's fallen condition squarely in the face, and this, although not sinful, is an awful reality to behold. The fact that such an activity is not "natural" can be seen in several passages where God instructs His people concerning warfare and killing. In Deuteronomy 7:2, after he has commanded the Israelites to destroy their enemies, He adds the command to "make no covenant with them and show no mercy to them." The presence of the command suggests that, if it were not present, this is precisely what Israel would have been inclined to do. Similarly, in Exodus 13:17, God shelters His people from the horrors of war, knowing that the act of killing is inherently troubling to the soul, by leading them away from the land of the Philistines:



“Lest the people change their minds *when they see war* [emphasis added] and return to Egypt.” Despite our depravity, killing other creatures made in God’s image is so unnatural that it could, absent the divine commands to the contrary, cause God’s people to show mercy to those He ordained for destruction, or even return to a life of slavery rather than engage in it on a large scale. They simply were not prepared, as a nation, to do what war demands.

Overcoming the horror of the killing that war demands can and does occur, normally through training and experience. The Scriptures explain one of the reasons the Lord did not drive out all the nations from Canaan following the death of Joshua. “Now these are the nations that the Lord left, to test Israel by them, that is, all in Israel who had not experienced all the wars in Canaan. It was only in order that the generations of the people of Israel might know war, *to teach war* [emphasis added] to those who had not known it before” (Judg. 3:1-2). War, and the killing that is essential to it, is something that God’s people must be taught to do through direct experience. The combat experiences of Joshua’s generation would not benefit the one that would follow them. They must overcome their fear of killing on their own.

Judges 3:1-2 is a critical passage in understanding the nature of killing in war. This passage simultaneously eliminates the idea that the activity is inherently sinful (for God ordains that it be done), while showing that it is not one that comes natural to man, it must be learned by necessity and experience.

In the context of the debate over CIT, it is unfortunate that such explicit references to interrogations are not present in Scripture. Nonetheless, this analysis of killing in war, and man’s natural resistance to it, is helpful in at least one respect; it can

refute the argument that any act that incurs a psychological or spiritual toll upon the perpetrator is necessarily immoral. This is the position held by the representatives of the RCC, Jeffreys, and Gushee. Mark Osiel identified the Argentinian interrogators' desire for spiritual guidance as proof their techniques were unethical. If this section has done nothing else, it has shown that Osiel and the others cannot simply assert these connections; the authors must show they follow necessarily, either from biblical instruction or in accordance with an identified ethical theory. If these sources are to prove that CIT belong in a category different from justified killing in war, then it is incumbent upon them to demonstrate this. Failing to do this, their argument remains unpersuasive.

#### Consistency

The primary contradiction inherent in this argument appeared previously, that killing in war or as an act of punitive justice is acceptable, but the same assault upon a man's physical integrity through CIT is not. In the case of this argument, the authors are begging the question, why is the presence of moral injury among CIT practitioners evidence of its immorality, but not in those who are suffering the same from having killed in war? Unless they answer this question, their argument remains contradictory. Since the RCC provides, in its Catechism, the clearest doctrinal teaching on justified killing, they will represent this category in the evaluation matrix.

#### Dialogue

As the term "moral injury" was supplied by the author, no direct reference was made to the ongoing debate over its causes and connection to killing in war. David P. Gushee's position is unique among the authors in that he believes the danger to the

interrogator is in his being exposed to the temptation to continue to increase the level of pain he inflicts the longer he practices CIT. However, this concept will be covered in greater detail in the section on the slippery slope.

### Definition

Each of the authors identify with a particular definition of torture, most adhering to that found in the CAT. One exception remains Jeffreys, whose original definition is complete and detailed, even if some of its terminology remains intentionally vague. Nonetheless, his contribution is the strongest and will be the one evaluated below.

Table 6. Moral Injury						
	N/A (0)	Deficient (1)	Substandard (2)	Acceptable (3)	Excellent (4)	TOTALS 6
Biblical Support (4)	All					0
Consistency (3)		RCC				3
Dialogue (2)	All					0
Definition (1)				Jeffreys		3

*Source:* Developed by Author.

### The Helpless Subject

The fourth argument to be evaluated is collected under the title, the helpless subject. While individual authors and sources appear below, only those that perform best against the four evaluation criteria (table 2) will receive a final score. Therefore, what

appears in the concluding matrix is a “best of” the representative literature. The intent of this section is to answer the secondary research question, “Is the fact that the subject of an interrogation is physically defenseless before his interrogator make the use of CIT unethical?”

### Biblical Support

While this argument finds representatives from a variety of traditions, only one attempts to support it from a biblical perspective. As was the case in two of the previous arguments, David P. Gushee interprets the Scriptural commands to refrain from abusing the poor, the widow, the orphan, and the alien, as including in the class detainees in the GWOT. He cites Exodus 22:21-23 in support, “You shall not wrong a sojourner or oppress him, for you were sojourners in the land of Egypt. You shall not mistreat any widow or fatherless child. If you do mistreat them, and they cry out to me, I will surely hear their cry.” According to Gushee, “In the Scriptures, God's understanding of justice tilts toward the vulnerable” (Gushee 2006, 35).

Gushee does not explain what it means for God’s justice to “tilt” toward a particular class. Presumably, he means God applies His “understanding of justice” either more consistently or with greater severity when the crime is against a member of this class. However, if this is indeed what the author believes, it runs counter to God’s clear instruction for the administration of justice by the magistrate in Leviticus 19:15 “You shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor,” and in Exodus 23:2-3, “You shall not . . . be partial to a poor man in his lawsuit.” God’s understanding of justice does not “tilt.” The reason for His concern for these particular classes is that they are more easily abused by those in power, but those

acts of abuse have already been identified in His law as being sinful for all, regardless of their ability to defend themselves. Therefore, the use of these texts to demonstrate the unethical nature of CIT is simply an exercise in begging the question.

### Consistency

Jeffreys does not contradict himself in his formulation of this argument, but he nonetheless fails to consistently carry through his premises to their ultimate conclusions. Jeffreys believes that force, if used in an interrogation, must display at least a semblance of equality in the means to resist. Why this ought to be the case is not explained. Nonetheless, Jeffreys goes further and adds an additional inequality, that of knowledge, “The inequality in knowledge is vast because the victim has no idea what will happen to her” (Jeffreys 2009, 38).

In support, Jeffreys uses the example of CIT applied to SERE students. According to Jeffreys, this experience never amounts to torture since the students always have the option to “exit” the training if and when they desire (Jeffreys 2009, 42). Having the knowledge that this option is available means that SERE students are never “helpless,” and so the term torture cannot apply to them. But for the GWOT detainee, no such option exists, he is helpless, and therefore his interrogation becomes torture.

This argument fails on two fronts. First, it is not true that the SERE student knows what they will experience. True, they know that they will have CIT applied to them. But what techniques will be used, when they will be used, and to what severity, are all kept hidden from the students. This lack of predictability is essential to the training. It could even be argued that the detainee holds a more legitimate hope of avoiding CIT than does the SERE student. The student knows that he is there for training, so no matter what he

may do or say, that training (to include experiencing CIT) will be carried out. On the other hand, the KTL, as defined here, has the ability to avoid experiencing CIT completely by providing the sought after intelligence. Knowledge of this fact means the KTL is not in the condition Jeffreys insists is necessary for CIT to be unethical.

This leads to the second failure, found in the notion that the KTL is helpless before his interrogators because he cannot escape his fate. The reality is that, of all the parties involved, the KTL is the one with the power to determine both his own future and that of the interrogator. What will happen in the session is dependent entirely upon his decision to relinquish the intelligence or not. Unfortunately, for the SERE student, his situation, as described above, means he holds no such power.

Finally, Jeffreys fails to see where the SERE student and the KTL detainee's situations are similar. The author seems to believe the student's knowledge that they may "exit" the training at any time means he is not helpless, while the KTL, absent this knowledge, is. As previously addressed, the KTL has more power than Jeffreys admits to, but it is likewise true that the SERE student has far less than he describes. When the author of this thesis attended the SERE course, he did so as a Special Forces qualified officer, but one who had yet to take command. That opportunity, the fulfillment of over a year of training, and his future in the Army, all depended on enduring the experience of CIT and completing the course. It is clear that these considerations made the possibility of exiting the training far less comforting than Jeffreys seems to make it.

Michael Skerker presents a similar argument to Jeffreys', yet contradicts himself in a different way. His understanding of the just war principle "last resort" leads to the belief that violence in war is permissible only after exhausting every other option for

achieving the desired result. He believes that killing enemy combatants meets this criteria, while applying CIT does not, “whereas violence used against enemy soldiers is the most efficient and direct way to incapacitate them (and in some tactical situations, it is the only means), causing pain or disorientation to a detainee has no direct relation to him telling interrogators the truth” (Skerker 2010, 189). Skerker argues that, with some exceptions, violence against enemy soldiers is “the most efficient and direct way” to eliminate the threat they pose. However, “last resort” is not concerned with efficiency or directness, but solely in whether or not all other options have been exhausted. Second, Skerker makes the assertion that applying CIT “has no direct relation” to gaining the intelligence desired. It does not matter that this is not defended, what does in that he continues to argue effectiveness, not ethics based on last resort.

In the scenario chosen for this thesis, the KTL is not defenseless. So long as he refuses to divulge the intelligence he admits to having, he remains a threat to innocent life. In this sense, he is a combatant. This negates Henry Shue’s use of the *jus in bello* idea of noncombatant immunity. For Shue, the criteria for combatant status seems to be the posing of an immediate physical threat to the adversary. Yet this position is impossible to maintain consistently in the current environment, where it is legitimate to engage targets who pose no immediate physical threat to any friendly personnel.

Once again, the comparison with killing is appropriate. The current administration uses drone strikes to kill (with the possibility of injuring or maiming if unsuccessful) enemy combatants who hold no immediate threat to any specific individual except in terms of what they may be planning for the future. For that matter, any form of offensive operation that relies upon the element of surprise, or strikes from a standoff position (i.e.

bombing from the air), is engaging an opponent who does not pose an immediate physical threat, but rather a likely future one.

To push this premise to absurdity, it is also true that felons are helpless when experiencing capital punishment. While the use of CIT in the GWOT is not punitive, this example nonetheless shows that the lack of an immediate threat to the interrogator does not necessarily give the type of physical protections Shue describes. In terms of using violence, either the extreme form of kinetic operations, or the milder form of CIT as defined here, the critical factor is an identified threat posed by the subject. What places the KTL in this category is not the weaponry he holds in his possession, but his knowledge of future attacks. Once this knowledge is relinquished he no longer poses a threat, and the *jus in bello* protections Shue commends can then be applied consistently.

#### Dialogue

As was the case in the first argument analyzed, Jeffreys does an excellent job in addressing, and attempting to refute, contrary views on the subject being helpless or defenseless. He cites CIT apologists from the Bush administration who made this argument a critical part of their defense of the techniques and, better than any other author surveyed, addresses the presence of CIT in SERE training (Jeffreys 2009, 38). While Jeffreys argument is weakened by his insistence that the subject cannot know what information is required of him (this scenario removes that objection), he nonetheless confronts these contrary views directly and presents them with a modicum of fairness.



## Definition

Jeffreys defines the “helplessness” of a detainee as a condition wherein they are unable to “put up any real moral or legal resistance” (Jeffreys 2009, 38). While an attempt to define the critical term in the argument is a positive sign, this definition raises as many questions as it answers. First, what would this moral or legal resistance look like if the subject was capable of it? Second, how do enemy combatants on the battlefield, as opposed to an interrogation room, offer this type of resistance? For example, what moral or legal resistance can the driver of a T-72 offer in response to an attack from the air? If this criterion makes the application of CIT unethical, why would it not do the same to other offensive actions in war? Jeffreys should address these questions in order to support his position, or else provide an alternative definition.

Table 7. The Helpless Subject						
	N/A (0)	Deficient (1)	Substandard (2)	Acceptable (3)	Excellent (4)	TOTALS 15
Biblical Support (4)		Gushee				4
Consistency (3)		Jeffreys				3
Dialogue (2)				Jeffreys		6
Definition (1)			Jeffreys			2

*Source:* Developed by Author.

### The Slippery Slope

The fifth argument to be evaluated is collected under the title, the slippery slope. While individual authors and sources will be analyzed below, only those that perform best against the evaluation criteria (table 2) will receive a final score. Therefore, what appears in the concluding matrix is a “best of” the representative literature. The intent of this section is to answer the secondary research question, “Are CIT acts that cannot be regulated in such a way as to prevent their being used in an unbiblical manner?”

### Biblical Support

Just as he did in the previous argument, Gushee provides the sole attempt to support this objection to CIT with a biblical justification. Because man is inherently sinful, providing him with the authority to inflict pain in interrogations, even the moderated form found in CIT, is to risk a slide into barbarity. In support of his understanding of inherent sinfulness, Gushee cites Romans 3:10-18. This is the only biblical reference the author provides, but it is an appropriate one for his task. The passage does indeed teach that man, without exception, is tainted by the effects of sin. He is also correct in being skeptical of authorizing any individual or group with “unchecked power” (Gushee 2006, 35).

However, given that this single text exhausts his appeal to Scripture, Gushee proceeds to assert what he should prove: that because man is sinful and cannot be trusted, then CIT is unethical. As will be shown below, this brings his argument into conflict with other positions where men receive, biblically, even greater authority.

## Consistency

This chapter began purposefully with an overview of the biblical understanding of justified killing because of the doctrine's importance to the CIT debate. Gushee's contention that man's sinful nature will inevitably lead to a slide down the slippery slope of escalation and abuse, is an example of where this doctrine proves informative.

Gushee is correct in using Romans 3:10-18 to support his understanding of the doctrine of total depravity. However, his failure to see how the same biblical author, in the same book, demonstrates that this fact does not preclude God from bestowing upon man a power of even greater severity, the taking of life itself. Romans 13:1-4 gives the power of the sword, the power to kill, specifically to the agent of the state. This fact is not in conflict with the truth of man's sinfulness, it is a result of it. If God entrusts sinful men with this responsibility, then it follows that the lesser power, inflicting pain in interrogations, cannot be ruled out.

Gushee fails to acknowledge that the practice of carrying out this responsibility of the state, at least in the conduct of war by U.S. forces, is never one of "unchecked power." The most obvious example of this are Rules of Engagement, which are incorporated into every conflict our nation becomes involved in. Their intent is to control what Gushee has identified as the critical problem, man's tendency to wield the power of the sword beyond its rightful limits, and therefore to descend the slippery slope. Every war provides examples of Rules of Engagement violations or war crimes, but these are identifiable because these safe-guards have been erected. Gushee must demonstrate how CIT differ from killing in combat, and why it is impossible to regulate it in the same or

similar way. This he has not done, and therefore displays an inconsistency in his use of the doctrine of total depravity as an argument against CIT.

### Dialogue

Mark Bowden does an excellent job in reviewing attempts by others to avoid the threat of the slippery slope in the application of CIT. One of the most important is his short review of Alan Dershowitz's now infamous suggestion of issuing warrants, approved by a specially designed judicial body, for the use of CIT (Dershowitz 2004, 259). These "torture warrants," as they are now called, are meant to provide the same oversight provided to safeguard American citizens from unlawful search and seizure. He also examines the 1987 Israeli commission that studied the use of moderate physical and psychological pressure on detainees, and how to authorize and control such techniques (Bowden 2003, 74). While this author may not agree with Bowden's own conclusion on the matter, his treatment of opposing views is commendable.

### Definition

Once again, Bowden's treatment of this subject sets the standard for how this debate should commence. The author begins by providing a definition of torture from Webster's New World Dictionary, moves to that of the Geneva Convention, then examines the number of ambiguous terms contained in these and other definitions currently in use. He concludes the section by providing his own, "Hereafter I will use 'torture' to mean the more severe traditional outrages, and 'coercion' to refer to torture lite, or moderate physical pressure" (Bowden 2003, 54). Bowden's procedure, which begins with accepted definitions, moves to debatable words, then concludes with a clearly

identified and specific working definition of his own, is the type of clarity this debate desperately needs.

Table 8. The Slippery Slope						
	N/A (0)	Deficient (1)	Substandard (2)	Acceptable (3)	Excellent (4)	TOTALS 22
Biblical Support (4)		Gushee				4
Consistency (3)			Gushee			6
Dialogue (2)					Bowden	8
Definition (1)					Bowden	4

*Source:* Developed by Author.

### Jesus and the Gospel

The sixth argument is collected under the title, Jesus and the Gospel. Due to the volume of material available, and the amount of repetition among the sources, individual authors remain unnamed. Instead, the arguments are combined to reflect the strongest presentation of a particular position. Those that perform best against the four evaluation criteria (table 2) will receive a final score. Therefore, what appears in the concluding matrix is a “best of” the representative literature. The intent of this section is to answer the secondary research question, “Do CIT violate the ethical teachings of Jesus Christ, the New Testament authors, or the ethical mandates of the gospel?”

## Biblical Support

### The Example of Jesus

This argument is based on the premise that, since Jesus showed mercy to his enemies, so too should His followers in dealing with detainees in the GWOT (in this case, with a KTL). Two biblical texts are given as examples. The first is the pronouncement of Jesus from the cross in Luke 23:34, “Father, forgive them, for they know not what they do.” The immediate problem with the use of this text is that it is conditional; based primarily upon the ignorance of those involved. The chosen scenario for this thesis removes this condition, and therefore it does not apply.

The second problem is that Jesus, despite being a member of the Godhead, is nonetheless speaking as a man, as an individual. This is not the case with an interrogator serving in the GWOT. He is an agent of the state, a position that bestows upon him responsibilities prohibited as an individual citizen. For example, by divine command, the taking of vengeance by an individual is forbidden, “Never avenge yourselves, but leave it to the wrath of God, for it is written, ‘Vengeance is mine, I will repay, says the Lord’” (Rom. 12:19). Yet six verses later the Apostle Paul explains that the soldier, or some other instrument of the state, is one of the means by which the Lord executes His just vengeance, “[H]e is the servant of God, an avenger who carries out God's wrath on the wrongdoer” (Rom. 13:4). Such is the case with the interrogator. It is not for him to follow the example of Christ by forgiving the KTL and refusing to apply CIT, since the injury was not committed against him, but against the state. Therefore, the basis of this argument is a premise that does not apply to the specifics of this debate.

The second passage used to demonstrate Jesus' mercy toward His enemies, in this case demonic powers, is Matthew 8:29, "And behold, they cried out, 'What have you to do with us, O Son of God? Have you come here to torment us before the time?'" Not only does this verse fail to show a clear correlation with the debate over CIT, it could just as easily be used to demonstrate the opposite of what its proponents desire. The demons in the passage actually acknowledge that Jesus will "torment" them at some point in time. Their only question is whether their suffering will begin prior to the final judgement, which was their expectation. For the reader to see how this exchange demonstrates why the state must not apply CIT to a KTL requires extensive explanation. This explanation is not provided, and therefore it may be dismissed.

### The Experience of Jesus

Matthew 27:26-31 describes the suffering Jesus suffered at the hands of the Roman authorities prior to His crucifixion. The argument is that just as Jesus was interrogated by Pilate and abused, and that unjustly, this template must not be repeated in our own time by our own authorities. However, even more so than the previous argument, is clearly an example of taking a passage out of the context in which it was written. The abuse Jesus suffered in the passage cited above occurred after His interrogation and His sentencing were complete. In many ways, it marked the beginning of His execution, and its severity was likely the reason He did not survive for long once finally placed on the cross. Regardless, what Jesus experienced, whether it be just or unjust, cruel or unusual, is not of concern to this debate and should not be used by either side to support their position.

## The Teaching of Jesus

The error outlined earlier, that of confusing the Christian ethic for the individual with that of the state, is never more apparent than when an appeal is made to the ethical teachings of Jesus, particularly those contained in the “sermon on the mount.” It is here where most pacifists build their position, which can at least be commended for being consistent. If Jesus’ command not to resist one who is evil is applicable to the state, then the use of force in any context must be prohibited. Of course, as has already been explained, Romans 13:1-4 places this teaching into its proper context, which is for the individual facing affronts to his personal dignity and pride, but says nothing about the defense of others or the duties of the state to its citizens.

However, one additional clarification remains. Appeal is often made to Jesus’ apparent reversal of the *lex talionis*, “You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you, Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also” (Mat. 5:38-39). Two points must be made clear in response to this line of reasoning. First, the *lex talionis*, found in Leviticus 24:19-20 and elsewhere, was never meant as a license for retribution, but as a safe-guard against it, to ensure proportionality was maintained. Second, Jesus does not discard the statute, but demands that it remain where it belongs, within the judicial sentencing of the state. The error Jesus was addressing was the use of this concept, once again, in the ethical decision-making of individuals. The debate over CIT is what actions the state may or may not use in the conduct of an interrogation within the GWOT. To say that Jesus’ teaching in Matthew 5:38-39 forbids the use of CIT by the state is to sever it from the context of both the passage and the Bible as a whole.



## Consistency

### The Gospel

The argument that the death and resurrection of Christ, and the victory over sin and death they represented, means that CIT are sinful, contradicts Scripture and other related positions. First, the cross-work of Christ atoned for the sin of His people, but it did not eliminate either sin or its effects from creation. Romans 13:1-4 makes this clear by declaring that God established the governing authority specifically to act as a guard against the sin inherent in man. Many of the positions taken to support the slippery slope argument were based on precisely this truth, that man remains steeped in sin and it is a mistake to trust anyone with too much power or authority. Secondly, such an argument would demand, as did the previously, a complete pacifist position on both war and capital punishment. No author or source analyzed for this section has taken such a position, and so is being inconsistent with this argument's ultimate application.

### The Teaching of the New Testament

An appeal to Romans 12:20-21 falls into the same error identified previously, individual ethical principles are, in the case of CIT, applied to the state. To make such an error with this passage is inexcusable since, in the preceding verse, Paul commands his readers not to seek vengeance for wrongs committed against them. Yet in the next chapter, he explains how the "governing authorities" are responsible for the task of executing God's own vengeance upon the wrongdoer. Unless the proponents of this argument believe the apostle contradicted himself, it is clear that the individual ethic of chapter 12 does not necessarily apply when it comes to the conduct of the state.

## Dialogue

One of the great weaknesses of the arguments put forth in this section is the complete absence of alternative approaches or interpretations. The biblical arguments are simply asserted with the authors apparently assuming that their conclusions are self-evident. They are not, and had such a procedure been followed, it may have allowed the authors to see their inconsistency in the use of biblical passages and doctrines.

## Definition

Despite the theological nature of the arguments presented in this section, the critical term remains torture. For example, when the scourging of Jesus, the slapping of the cheek, and the use of CIT in interrogations are all referred to by this term, it demands a precise definition. The authors do not provide such a definition.

Table 9. Jesus and the Gospel						
	N/A (0)	Deficient (1)	Substandard (2)	Acceptable (3)	Excellent (4)	TOTALS 14
Biblical Support (4)			All			8
Consistency (3)			All			6
Dialogue (2)	All					0
Definition (1)	All					0

*Source:* Developed by Author.

## Conclusion

This chapter analyzed six select arguments in opposition to CIT through the use of standardized evaluation criteria and resulting in the following scores: (1) The Sanctity of Life (20); (2) Human Rights (13); (3) Moral Injury (6); (4) The Helpless Subject (15); (5) The Slippery Slope (22); (6) Jesus and the Gospel (14).

Each of the six addressed a secondary research question, all of which were answered in the negative. Five of the questions dealt with ethical challenges to the use of CIT from a biblical perspective. The one exception was argument five, the slippery slope, and its secondary research question, “Are CIT acts that cannot be regulated in such a way as to prevent their being used in an unbiblical manner?” Even if CIT are not prohibited, it is possible that they will necessarily lead to abuse. For this reason, and because it received the highest score among the six, this argument will receive its own summary.

The foundational concept for the slippery slope argument is the sinfulness of man. This idea was present in both the religious and secular sources reviewed, each concluding that this inherent tendency toward abuse is so strong that to entrust men with the authority to apply CIT is both unwise and unethical.

The critical weakness in this argument is not in its view of man as sinful, since this is a biblically accurate portrayal. Rather, it is the conclusion that such men are incapable of establishing safeguards to prevent, or at least limit, the abuse of this power. The fact that they can is demonstrated through the long history of chivalric codes, rules of engagement, just-war theories, and a host of other traditions that acknowledge man’s violent nature, and yet seek to restrain it in war. The slippery slope arguments analyzed

here failed to adequately deal with this comparison, and therefore failed to persuade that CIT fall into a category where such safeguards could not be applied.

As the strongest of the six arguments, a negative response to the slippery slope argument leads directly to an answer to the primary research question: Are the use of CIT in the GWOT antithetical to biblical ethics? That answer, is no. However, this result does not conclude the analyses of this topic. Rather, it allows for new avenues to be explored which were beyond the scope of this thesis. Several of these, along with additional conclusions, will be discussed in the following chapter.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

Despite varying levels of performance against the evaluation criteria, each of the six secondary research questions resulted in a negative response. Therefore, the answer to the primary research question, “Are the use of CIT in the GWOT antithetical to biblical ethics?” is no, they are not.

However, this conclusion does not mean U.S. military and intelligence personnel are therefore free to apply these techniques at their own discretion without fear of violating the commands of God. The passage most frequently cited in this thesis is Romans 13:1-4, the critical text for supporting the state’s right, and even its obligation, to use force to defend and avenge. At the same time, it also contains within it the biblical mandate to “be subject to the governing authorities” (Rom. 13:1). So long as CIT remain prohibited in the GWOT, then their use would mean disregarding the laws of the governing authorities. In other words, it would be sinful.

At the same time, laws and regulations can and do change. The intent of this thesis was to determine if there existed something about the nature of CIT which made them unethical from a biblical perspective, regardless of what the current legal restrictions may be. Should future contingencies once more allow for the use of CIT, the conclusion of this thesis is that biblical ethics do not forbid their responsible use in the pursuit of victory, and an eventual peace, in the conduct of a just war. Naturally, if such a reversal in policy should occur, the arguments against CIT analysed here will likely appear again and with renewed vigour. Therefore, it is imperative that both leaders and

Soldiers understand this conclusion in order to inform their conscience, strengthen their resiliency, and thereby meet the challenge posed by the Army Warfighting Challenge number nine.

### Recommendations

1. This thesis addressed six arguments, chosen according to the frequency of their use in the literature reviewed by the author. Doubtless there are more, some with the potential of demonstrating where the Bible forbids the use of CIT. Future researchers, particularly those with an understanding of biblical ethics, should consider expanding the scope of this thesis to include additional arguments in order to verify its conclusions.

2. As the Bible does not address interrogations directly, much of the analysis in this thesis depended upon comparing CIT with the ethics of justified killing.

Foundational to this comparison was the author's belief, based on the teaching of Scripture, that killing a man is an act of greater legal and existential severity than is inflicting pain upon the same. Therefore, an argument from the greater to the lessor can be made. However, if it can be shown that this is not the case, or that in some instances this equation can be reversed, then many of the author's conclusions would need to be adjusted. Further research into what the Bible says about this challenging ethical idea would prove valuable in confirming or denying the author's conclusions.

3. In the conclusion of chapter 4 it was shown that the slippery slope argument failed to acknowledge the similarities between killing in combat and CIT, and how each could be regulated in order to prevent their abuse. Biblical principles may be of service in developing such regulatory safeguards. For example, applying CIT to the family members of a KTL to coerce his cooperation may be a violation of the principle that each

man must answer for his own sin (Dt. 24:16). At the same time, the Scriptures appear to condone the use of deception (Jos. 8:6), espionage (Jos. 2:1), and purposefully inducing fear as a strategy (Jud. 7:21) in the conduct of war. An argument could be made that the threat of violence toward family and associates could be made, even if the execution of the threat were forbidden. Regardless, this remains only an example and a more thorough examination is required to show that the Bible truly is sufficient “for every good work” (2 Tim. 3:17).

4. Staying within the context of this thesis, the question that remains to be answered is if biblical ethics may be used as a positive test as well as a negative. In other words, can a biblically faithful argument be made to show that not only are CIT not prohibited by God’s Word, but that particular principles argue in favor of their use. Such an effort in this direction would prove to be a valuable contribution to this debate.

### Final Thoughts

This thesis began with a quote from Brian Zahnd that claimed one cannot be a Christian and support torture. The critique that followed pointed out Zahnd’s failure to define what he means by torture, and so his claim is impossible to confirm or deny. However, it is equally true that Zahnd failed to define his other critical term, “Christian.”

A biblically accurate definition of that term will not be given here, but one attribute of a genuine Christian is, or at least should be, someone who bases their view of the world, their philosophy, firmly in the pages of Holy Scripture. This is no less true for the ethics of CIT than it is for sin and redemption. If a Christian believes these techniques of interrogation are unethical, then a biblically faithful and consistent rationale must be identified from the Bible. This thesis has attempted to evaluate a number of contemporary

arguments from this perspective, and they have been found wanting. While our nation's leaders may continue to forbid the use of CIT in the prosecution of the GWOT, their ethical reasoning should not be based on the idea that CIT are antithetical to biblical ethics.

The Bible teaches that the distinction between right and wrong depends entirely upon the commands of God. There is no natural law that makes actions right or wrong, and matters of right and wrong certainly cannot be decided by majority vote. In the words of the *Westminster Shorter Catechism*, "sin is any want of conformity to or transgression of the law of God." Were there no law of God, there would be no right or wrong.

— John W. Robbins, *What is Christian Philosophy?*



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