Our concept of “torture” has a narrow and generally accepted definition as the “infliction of severe bodily pain, as punishment or a means of persuasion.” Our concept of “torture” has a narrow and generally accepted definition as the “infliction of severe bodily pain, as punishment or a means of persuasion.” The Bible has no exact equivalent, and if we limit our discussion to this definition, we might too quickly conclude the Bible has little if anything to say directly about torture. This is so because the Bible’s lexical specifics have broader connotations. Words translated “oppress” or “torment” have semantic domains close to our meaning of “torture,” but not precisely equivalent. Thus the standard Bible dictionaries and encyclopedias are more likely to have entries on “crime and punishment” than “torture,” and these have quite different themes to cover. On the other hand, if we define “torture” as the use of excessive physical or mental pain against one’s enemy combatant or against innocent victims of armed conflict — what we might today call “war crimes” — then the Bible has plenty to say about this topic. Although the Old Testament does not contain large numbers of texts for us to consider, it has important passages in Deuteronomy and Amos pertinent to this theme, as well as scattered texts in the legal corpora. The New Testament, of course, presents the most vivid symbol of torture in human history in the form of the Roman cross.

The Old Testament contains passages that reflect the horrors of wartime torture, especially by prohibiting Israel from engaging in such inhumane acts or in condemning such actions in Israel’s neighbors. The most important of these texts comes from the book of Deuteronomy, which establishes (1) rules for conducting the war of conquest, when Israel entered the Promised Land and defeated the seven nations (sometimes six are listed) inhabiting the land (Deut 7:1-26), as well as (2) rules for ordinary warfare conducted after the settlement against enemies outside the Promised Land (Deut 20:1-20; 21:10-14, and cf. also 23:9-14; 24:5). With regard to the war of conquest, the famously difficult concept of “devotion to destruction” (ḥerem) seems impossible to interpret for today’s readers. Such a ban prohibiting personal consumption
or the taking of plunder is attested elsewhere in the ancient Near East, but in Israel it applies only to the war of conquest. When the Promised Land becomes Israel's, its inhabitants are devoted to Yahweh as a sacrifice in order to make the land itself holy and suitable for Yahweh's presence. We cannot address the admittedly perplexing questions raised by this feature of the Old Testament in this brief paper. It is enough to observe that the command and practice of exercising such a ban of destruction is limited to Israel's wars of conquest. It is the rules for ordinary warfare that hold promise for insight into our topic, to which we now turn.

The paradigmatic passages prescribing how Israel is to view warfare generally, Deut 20:1-20 and 21:10-14, occur in a series of legal texts (Deut 12-26). Their placement here aligns them with the Sixth Commandment, the prohibition of murder, and thus they generally take up the topic of limitations on the taking of human life and shedding of innocent blood. The debate between pacifism or "non-violence" versus just war or "justifiable warfare" theory is another topic beyond the scope of this paper, so it is enough at this juncture to observe that Deuteronomy makes the assumption that Israel, once settled in the Promised Land, will live in a world in which war against external enemies is inevitable. And so Deut 20:1-20 and 21:10-14 lay down strict guidelines for the conduct of warfare.

Deuteronomy is first aware that wartime becomes an occasion for events or experiences that simply ought not to be so. Terror or panic should not become the prevailing principle for Israelite warriors, even before a superior military force, because Yahweh himself does battle for them (20:3-4). More specifically, the builder of a new house should not fail to dedicate it himself because he has been killed in battle (20:5), nor should the planter of a vineyard fail to enjoy its fruit because he has become a casualty of war (20:6). Equally tragic is the young man who fails to marry his fiancée because he has fallen in battle (20:7). We see from these guidelines that Israel's principles for engaging the enemy in warfare are efforts to avoid whatever seems inhumane or unfair, in these cases, for Israelite warriors. Similarly, the next paragraph lays down rules for besieging cities that are not numbered among the inhabitants of Canaan (20:10-15). While enemy peoples within the boundaries of the Promised Land are to be annihilated during the war of conquest, any city outside the boundaries are to be offered terms of peace prior to the conflict (20:10). If they accept the terms, they are spared although reduced to forced labor. Otherwise, all males are to be exterminated, while the women, children, livestock, and other possessions may be taken as booty. The law thus establishes a means for waging peace instead of war wherever possible, and then restricts the extent to which Israel can plunder its enemies.

The last paragraph of Deuteronomy 20 censures gratuitous destruction of trees, and especially protects the fruit trees of Israel's enemies (20:19-20).
Fruit trees served a central feature in ancient life-support systems, taking many years to mature and requiring long-term care and cultivation. The rhetorical question – “Are trees in the field human beings that they should come under siege from you?” – draws focus to the human tragedy when the area’s ecosystem is ruined, and therefore condemns the “scorched-earth policy” so frequent in warfare of all periods. Israel is not permitted to employ a military tactic that leaves behind a ruined ecosystem and deprives future inhabitants of the area of a viable life-support system.

A final concern of Deuteronomy’s laws of warfare is the humane treatment of captives (21:10-14). The passage assumes a scenario in which Yahweh has granted victory to Israel against an outside enemy. If an Israelite soldier is attracted to a woman captured from the vanquished enemy, he is not only prohibited from raping her, as so often happens in warfare, but he must accord her proper rites of mourning for her losses, provide time for her to become fully integrated into Israelite society and culture, and make her a full wife, equal in status to any other wives. Furthermore, she will be protected under the same rules of divorce that pertain to Israelite wives. The central concern here is for the dignity of prisoners of war, and especially captured women.

In sum, the laws of warfare in Deuteronomy do not address criteria for going to war (iust ad bellum) but are exclusively devoted to proper conduct of the war (ius in bello). This does not mean Deuteronomy provides a precise manual of military rules, for we find nothing here of weaponry, field tactics, or overall stratagems. Instead, Deuteronomy’s military laws provide limitations on inhumanity in times of warfare. The book of Deuteronomy urges its readers to find “avenues of compassion, human concern, and care of the natural order in the midst of the death and destruction” endemic to war. As this may relate to the question of torture in our contemporary context, it may be said that Deuteronomy establishes a principle of restraint, including fairness and concern for the well-being of those who must conduct the war, protection of the environment, and civility for noncombatant captives. Taken together these laws “bespoke a humanitarian idealism that sought to hold in check military abandon,” including wanton destructiveness and cruelty.

Beyond the specific laws of war found in Deuteronomy, the Old Testament has other passages here and there that reveal a concern for compassion and humaneness in the conduct of war. Perhaps most striking in this regard is the list of war-crimes detailed in the condemnation of Israel’s neighbors in Amos 1-2. Other prophetic books contain oracles against the nations (cf. Isa 13-23; Jer 46-51; and Ezek 25-32), but Amos’s are unique in several ways. Nowhere else does a prophetic book begin with the oracles against the nations, nor organize them around a recurring rhetorical formula so systematically as
Amos, nor use that formula to compare and contrast the sins of Judah and Israel with the other nations. It is doubtful whether these oracles were ever actually intended to be addressed to the nations in view, but instead their sins and punishments are intended to be lessons for the Israelite audience.

The crimes of the nations are war crimes and general atrocities against humanity. There was nothing so elaborate as the Geneva Convention in antiquity, nor even anything like the rules of chivalry of medieval warfare. Yet Amos assumes the right to appeal to principles of conduct that he believes all nations ought to accept. Where they fail to live up to the international common ethos, they become responsible for their own “transgressions” (peša‘, a particularly strong word for “sins”), we might say based on natural or general revelation. Thus, the Phoenicians, Philistines, Moabites, etc., are responsible for their war crimes, just as Israel and Judah are for their failure to maintain a just society, although the responsibility of other nations is more generally assumed rather than specifically related to the Torah of Yahweh. These crimes against humanity are not mentioned in regard to Judah and Israel, not because they were never guilty of them, but because they were held to a higher standard, a standard of law and revelation. The nations must answer for their sins, but Yahweh uses a different standard than that for Israel and Judah, who are responsible for Torah observance and the social welfare of all in their kingdoms. Thus, Amos 1-2 uses the rhetorical formula to compare and contrast the sins of the nations with those of Judah and Israel.

For our purposes in this brief survey, we limit our discussion to the crimes of Damascus, Gaza, Tyre, Edom, Ammon, and Moab. These are condemned because they are guilty of crimes that may in general be described as unchecked militarism. In the specific crimes of Israel’s and Judah’s neighbors in Amos 1:3 – 2:3, this includes inhuman treatment of captives, exiling defeated populations, cruel treatment of innocent noncombatants, and unrestrained violence against one’s enemies.

1:3, Damascus “threshed Gilead with threshing sledges of iron”
1:6, Gaza “carried into exile entire communities, to hand them over to Edom”
1:9, Tyre “delivered entire communities over to Edom”
1:11, Edom “pursued his brother with the sword and cast off all pity; he maintained his anger perpetually, and kept his wrath forever”
1:13, Ammon “ripped open pregnant women in Gilead in order to enlarge their territory”
2:1, Moab “burned to lime the bones of the king of Edom”

The precise crime of the Arameans of Damascus against Israel’s holdings in Gilead is not entirely clear. Such sledges may have been low-hanging wagons
with teeth or spikes of flint or iron underneath for dragging across ears of 
harvested grain on a threshing floor, and some have assumed they were used 
in antiquity as a torturous method of executing POWs. However, there is no 
evidence from the ancient Near East of such use and it appears more likely 
that we have here a “metaphor for the savage conquest of a territory.”15 Both 
Gaza and Tyre were guilty of exiling “entire communities,” most likely 
denoting the capturing and selling into captivity the populations of conquered 
towns or villages. Neo-Assyrian rulers, followed to a lesser extent by their 
Neo-Babylonian successors, routinely used the exile of populations, which 
were resettled and often pressed into slavery. Edom’s crime was a failure to 
restrain anger during wartime, yielding instead to wanton and merciless killing. 
Ammon’s atrocity is perhaps most frightening of all, in an attempt to wipe 
out the enemy’s future by killing pregnant women. Moab’s crime, that of 
desecrating a royal tomb, although sounding less severe, is perhaps more 
telling because it illustrates the point that these are general crimes against 
humanity, involving common decency that it was assumed all peoples should 
know. The violation of tombs was a dreaded sacrilege in antiquity, and graves 
were routinely protected by curses.16 The act of removing and burning bones 
would reflect a belief that doing so inflicted more harm on the dead than 
could be done to the perpetrator by the protective curse. “Such a risky act 
must have been motivated by intense vindictiveness.”17 This table of war 
Crimes reflects what we may assume were widely accepted forms of warfare, 
which the prophet could assume all would know – a sort of “international 
customary law” or “common ethos” of agreed upon conventions and accepted 
Norms of conduct.18

Beyond these proscriptions against inhumane acts of violence during 
wartime, Old Testament legal texts famously establish talionic punishments, 
including “life for life, eye for eye, tooth for tooth,” and so on, continuing 
with hand, foot, burn, wound, and stripe (Exod 21:23-25; cf. also Lev 24:19- 
20, Deut 19:21). The practice was also an innovation in Old Babylonian law 
of the early second millennium BC, which almost certainly illustrates its 
origins in early semi-nomadic Amorite practices and suggests an historical 
link between Babylonian and Israelite laws.19 Although the idea seems barbaric 
to readers today, the purpose of the lex talionis (“the law of retaliation”) was 
to establish limitations on vengeance and vindictive punishment. The idea 
was to match the punishment to the crime precisely, limiting vindictiveness 
and preventing unjust and cruel punishment. Jesus, of course, acknowledges 
and transcends the talionic principle in the Sermon on the Mount (Matt 5:38- 
39; and cf. 7:12 and Luke 6:31) but in general, the Greco-Roman world of the 
first century was no improvement on it. This leads us to turn briefly to the 
New Testament for insight on this topic, in which we find few passages 
specifically devoted to “torture.” Instead we find at its theological core perhaps
the most famous symbol of cruel and tortuous punishment – the Roman cross, which transgresses well beyond the preventive protections of the Old Testament’s *lex talionis*. Death by crucifixion for a Rabbi guilty of teaching submission to the Roman Emperor but accused of insurrection is certainly an example of disproportionate punishment and demonstrates that the Israelite ideal of limited retaliation institutionalized in the talionic principle would have been an improvement over Roman practices.

The Roman cross is itself perhaps the ultimate symbol of the inhumanity of humans or the extent to which one human being can torture and maim another beyond all reasonable limits. We have archaeological evidence for crucifixion in the first century AD, which provides illuminating details of its procedures and excruciating results. We know that the practice has origins in the ancient Near East prior to the Romans, most crediting the Persians with inventing it as a mode of execution. If the Roman practice of cross-beam crucifixion is to be found in Persian execution by impalement, we even have reference to this practice in late biblical times (Ezra 6:11). Simple impalement on stakes was also a favored form of public execution used by the Assyrians, most famously illustrated by the Neo-Assyrian siege of Lachish in 701 BC, for which we have a graphic series of reliefs from the palace of Sennacherib showing POWs impaled on stakes near the city walls to demoralize the conquered foe, while other POWs were stripped and flayed (for the biblical account, see 2 Kgs 18:13-17; 2 Chr 32:9; Jer 34:7). So we conclude that while the practice has its origins in the early first millennium BC, the Roman innovators were dissatisfied with how quickly the victims died and presumably wanted a way to prolong the suffering and the effect of the public spectacle. Thus they devised the now familiar method of affixing the victim on the stake, supported by the cross-beam, and prolonging the agony with as much pain and ignominy as possible, as an example of what happens to those who oppose Roman might. The Roman cross has become the ultimate symbol of the world’s ability to torture, and serves as a reminder of Assyrian, Babylonian, Persian, Greek, and Roman institutional torture. But significantly, the New Testament’s portrait of that same cross has transformed this cruellest form of torture, by the grace of God, into a symbol of love and grace for millions of believers around the globe and through the ages. So we close these brief reflections on torture in the Bible by celebrating a theology that moves from one of the vilest forms of inhumane torture – the Roman cross – to the sublimest of all expressions of forgiveness – the cross of Christ.

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End Notes


2 So, for example, the OT has ‘nh in the Piel, “afflict, oppress, mistreat, hurt,” which in some contexts comes quite close in semantic domain to our “torture” (e.g., Exod 1:11), and lḥš, “oppress” and its noun “oppression”, which at times connotes something close to “torture,” as when Yahweh observes how the Egyptians have oppressed Israel (Exod 3:9). Similarly, the NT has basanizō, “torture, torment,” and its nouns (basanisms, basanistes, and basanos), which may connote “the torture of a scorpion when it stings someone” (Rev 9:5).


5 For more on herem, see Jackie A. Naudé, “ḥrm,” NIDOTTE 2:276.

6 See also Deut 7:1-26; 23:9-14; 24:5. For details, see the standard commentaries, and for helpful discussion of the “theoretical character” of much of Deuteronomy’s laws, noting their lofty idealism and aspirations but limited experiences, see Peter C. Craigie, The Book of Deuteronomy (NICOT; Grand Rapids, Mich.: Eerdmans, 1976), 56-58.


8 For more on non-violent response versus justifiable warfare, see Bill T. Arnold, 1 and 2 Samuel (The NIV Application Commentary; Grand Rapids, Mich.: Zondervan, 2003), 100-104.

9 The intervening verses (20:16-18) briefly return to the nature of the war of conquest to distinguish it further from the rules for ordinary war being established in the chapter. On the syntactical markers dividing Deut 20 into three units (vv. 1-9, 10-18, and 19-20), see J. G. McConville, Deuteronomy (Apollos Old Testament Commentary 5; Leicester, England/Downers Grove, Ill.: Apollos/InterVarsity Press, 2002), 317.

10 For details, including deliberate orchard destruction as a Neo-Assyrian tactic, see Jacob L. Wright, “Warfare and Wanton Destruction: A Reexamination of Deuteronomy 20:19-20 in Relation to Ancient Siegecraft,” JBL 127/3 (2008): 423-58, esp. 434-45. Wright argues that the biblical prohibition in Deut 20:19-20 relates to cutting down fruit trees when a city has refused to capitulate after an extended siege (p. 430).

11 Patrick D. Miller, Jr., Deuteronomy (IBC; Louisville: John Knox Press, 1990), 159.


14 We have a reference to David’s especially cruel treatment of Moabite
POWs, in which he appears to have slaughtered two-thirds of them (2 Sam 8:2).


16 For example, the Phoenician king ‘Aḥirom of Byblos, had his sarcophagus inscribed with the following warning for any future king or governor who dares to desecrate it: “May the scepter of his rule be uprooted, may the throne of his kingship be overturned, and may peace depart from Byblos! And as for him, may his inscription be effaced with the double edge of a chisel”; P. Kyle McCarter, “The Sarcophagus Inscription of ‘Aḥirom, King of Byblos,” in Context of Scripture (eds. William W. Hallo and K. Lawson Younger, Jr.; 3 vols.; Leiden: Brill, 1997-2003), 2:181.

17 Andersen and Freedman, Amos, 288.

18 Barton, Amos’s Oracles, 43-45 and 51-61. Thus for Amos, ethics is not simply a matter of theonomy, or narrow obedience, as is often assumed, but also of conformity to human conventions “held to be obvious universally”; Ibid., 2.


21 However, the scattered references in Herodotus and Thucydides, upon which this claim is based, could just as easily refer to simple impalement on a stake rather than cross-beam crucifixion as we think of it in Roman terms; Herodotus, 1.128.2; 3:125.3; 3.132.2; 3.159.1; and Thucydides, 1:110.3.

22 But see the caveats of H. G. M. Williamson, Ezra, Nehemiah (WBC 16; Waco, Tex.: Word Books, 1985), 72 and 83. The book of Daniel speaks of the Babylonian practice of ripping the victim “limb from limb” and turning his house into ruins (Dan 2:5), which may reflect the same custom of tearing out the weight-bearing central beam of one’s house and impaling the owner on it, thus destroying both the house and resident.