Written by **Thomas R. Eddlem** on April 19, 2009

When Torture Isn't "Torture"

Rivkin was commenting on four recently declassified Bush-era justice department memos written between 2002 and 2005 that attempted to justify torture techniques as not legally constituting "torture." One such memo, authored by John Yoo and issued under the signature of his Justice Department superior Jay S. Bybee, attempted to define torture virtually out of existence by claiming that torture only consisted of pain equivalent to "major organ failure or death." The dictionary defines "torture" as "excruciating" or "severe" pain. Under the Bush administration's manufactured definition of torture, bamboo shoots under the fingernails, electrical shocks on sensitive body parts, amputation of fingers or toes, and other torments considered torture under the definition of the word since the dawn of time wouldn't qualify as "torture." They don't consist of "major organ failure." They're just "harsh treatment," in the language of the former Bush administration and other apologists for torture.

"This data is analyzed in great detail to establish that the use of these techniques does not inflict either physical or psychological damage," Rivkin told the press of the Bush administration memos on April 17. But even under the Bush administration's ridiculous "definition" of torture, the administration unquestionably conducted torture. "Waterboarding" consists of drowning a victim, but reviving him in the last seconds before death. Drowning certainly qualifies as "major organ failure" (lungs, in this case) under the Bush administration's definition. Additionally, dozens of detainees died (see lists here and here) when subjected to techniques that were "not torture."

But that's apparently not enough for David B. Rivkin or Bush administration officials. Words never mean the same thing to politicians and lawyers as they do to the rest of us mortals. And that's why the most subversive book to the leadership in Washington is the dictionary. After the Bible, the dictionary is the most honest book in any library. Occasionally dictionaries are changed to reflect changed meaning of words, and sometimes these changes are for political reasons. But that's rare. Dictionaries nearly always reveal the meaning of words spoken or written at the time the dictionaries are printed, and previous dictionary editions serve as refutations for this relatively rare form of lying-by-dictionary. The whole purpose of a dictionary is to bind down speakers and writers to specific meanings in their words. People who regularly consult a dictionary are rarely deceived.

Of course, without specific meanings, accurate communication becomes impossible. Without a dictionary, all we have are vagaries and lies. Activist judges and lawyers constantly talk about how they must "interpret" the law, as if common terms including the terminology in the Constitution were written in a language other than English. They believe these terms require translation for the masses, just as if it were written in some obscure foreign language such as ancient Greek or Sanskrit.

Or alternatively, politicians and judges hold that public officials must "interpret" secret and hidden meanings from the words of the Constitution that eluded the authors' published opinions of the words. The U.S. Supreme Court, for example, in its 1973 *Roe v. Wade* decision legalizing abortion on demand, was somehow able to find that right in the U.S. Constitution. And in Massachusetts, a majority of judges on the state's Supreme Judicial Court found in 2004 that the state constitution John Adams had written in 1780 contained a right to same-sex marriage. Neither Adams nor any other legal expert had mentioned it in the 223 years after the document was ratified. Then in 2004, a majority of state Supreme Court judges cited "evolving constitutional standards" to explain how they were able to find such a never-before-recognized provision in the state constitution. The words of John Adams' constitution no longer mattered.

Torture? "Who can know what this means," politicians who support this practice essentially argue, "unless we consult lawyers? Only experts can know." You can always tell the man who's lying, because he's the one who never consults a dictionary.