

Defusing the 'Ticking Bomb': Why the Argument for Torture Fails

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“Suppose a bomb has been planted somewhere where it will kill many people if it goes off. Suppose we have the bomber in custody, the bomber refuses to say where the bomb is. We have no other way of either locating the bomb or safely removing people from the vicinity of the bomb.”

- 5 Should we torture the bomber to locate the bomb? This is in fact one variation of a number of problem scenarios, known collectively in moral philosophy as “emergency case” scenarios.

10 The “ticking bomb” scenario has only acquired serious torture supporters since an [article](#) published by Alan Dershowitz shortly after the attack on the World Trade Centre, and since the invasion in Iraq. It is not coincidental that it is American, Australian, and British theorists who have promoted this argument. All pro-torture arguments are logically flawed and morally implausible.

15 Pro-torture arguments are invariably consequentialist and usually utilitarian.² That is, they nominally justify torture under the principle that we are morally justified in doing whatever produces the best consequences. “Best” in this context is understood as whatever produces the greatest amount of utility or satisfies the greatest number of interests.

20 The argument suggests that in circumstances where lives are at stake, and we have no other means at our disposal, we may torture a person if doing so produces information that would save lives. Torture is an effective means of gaining information. The loss of benefit to the individual tortured is less than the loss of benefit to those who will die if we do not torture. Therefore, we are morally justified in using torture.

Such arguments also rely upon a sub-argument that is subsumed within the contrived details of the scenario itself. The implications of the sub-argument are that we *know* that the person we have in custody is responsible for the bomb and that they *know* where the bomb is located. In reality this is a conceit.

- 25 In 2005, [Jean Charles de Menezes](#) was shot dead by British security forces who believed they *knew* that he was a suicide bomber about to blow up a train in the London underground. He turned out to be a young Brazilian man on his way to work as an electrician. In the real world

¹ [Text copied from [Online Opinion](#). Line numbers, footnotes, and links in the text added by Jeremy Anderson.]

² [Jeremy Bentham, one of the founders of modern utilitarianism, [used a similar scenario](#) to advocate torture.]

rather than the fantasy world of counterfactuals, and even with the best intentions, we cannot avoid error. Sometimes innocent people would be tortured.

30 However, my interest is in the substantive argument so I shall leave the problem of torturing the innocent to one side.

Pro-torture arguments only get off the ground at all if, *in fact*, torture is an effective means of gaining information and if, *in fact*, gaining information under torture does produce a net benefit.

35 Many opponents of torture have rightly focused on rejecting the premise of this argument. There is a great deal of evidence to suggest that torture is not an effective means of gaining useful information. Some wits have observed: if torture produced reliable information then we would be obliged to acknowledge the existence of witches and the devil since thousands of people once confessed, under torture, to being witches and consorting with the devil.

40 Equally, the use of torture by the French against the insurgency in Algeria changed a situation which was arguably militarily winnable, into a complete loss. Less commonly cited but perhaps more pertinent, is the example of Vietnam. Viet Cong prisoners were routinely tortured by members of the South Vietnamese army and their American allies. Again, the historical evidence is that the use of torture was actually strategically disastrous for much the same reason as in Algeria.

45 We also have examples such as the [Guildford Four](#), who confessed under police torture to being IRA bombers. Actually, their only crime was to be poor, Irish and in the wrong place at the wrong time.

50 In fact there is a great deal of scholarly research into torture in the *real* world that shows all sorts of interesting things. It indicates that there is a substantial difference in the behaviour of ordinary criminals and people with ideological commitments, that the innocent are much more likely to confess than the guilty, and that the pool of potential torture victims tends to expand.

Overwhelmingly, the conclusion of this research is that torture is not an effective means of gaining information. Indeed, in some cases torture is even less effective “than flipping coins or shooting randomly into crowds”.

55 This may appear counter-intuitive to people who have no actual experience of torture. But intuition applied outside the realm of immediate experience is often seriously misleading.

Leaving aside the false premise: if we were to accept, for the sake of argument, torture reliably produces truthful information, even so, the argument will only work if *in fact* torture generates a net benefit.

60 In the case of the ticking bomb we are invited to consider only the immediate interests of the principle parties, namely the bomber and the victims of the bomb. The net gain in “benefit” may seem obvious in these cases. We simply count up the number of lives on each side of the equation.

But this interpretation of the consequentialist principle is known to be implausible. It has the
65 implication that we are justified in killing individuals whenever doing so produces a greater gain to others. So, *a la Monty Python*, we would be justified in killing healthy individuals to harvest their organs. Individual deaths would be outweighed by the greater number of lives saved with the organs harvested.

Similarly, governments would be justified in lacing drinking water with Ecstasy. The increase in
70 the amount of happiness produced would outweigh the loss of benefit to those who suffer psychotic effects.

Consequentialism is only plausible when it operates over *reasonably foreseeable* consequences when measuring benefits against losses.

Under this reasoning we should measure (a) the evil caused by the murders of bomb victims
75 against (b) the corruption of key social institutions including the practice of law and medicine; the evil of mistakenly torturing people who are innocent; the ruination of torturers; the likelihood that torture will generate still further bombings and the number of lives likely to be lost in such bombings; the corruption of international laws and treaties; and so on.

Strictly, we should also count the loss of benefit to those who support the actions of the bomber.
80 Utilitarianism does not distinguish between persons. The loss of benefit is a loss no matter who suffers it. Thus, even if tens of thousands of lives were at stake in the “ticking bomb” case, this would not outweigh the foreseeable loss of benefit to literally millions of other lives.

Finally, pro-torture advocates frequently insist that they are not in favour of the wide-spread use of torture but only seek to justify torture in “emergency” situations. This is meant to forestall
85 some of the adverse consequences to legal institutions. However, the only way of avoiding such adverse implications is keep the practice of torture secret. In other words, they seek to provide a public justification for a practice that they claim is privately justified only when it is publicly denied. The contradiction should be obvious.

In any case, the “emergency” claim is simply risible. Who could forget that prior to the invasion
90 of Iraq, Prime Minister Blair declared that England was a mere three minutes away from destruction? Every politician, every inept bureaucrat and police officer wants us to think that their situation is unique. They want us to think that they, and they alone, are justified in doing

what would otherwise be impermissible. The “emergency” nature of these arguments is simply case of special pleading. No moral theory, not even utilitarianism, countenances this.

95 In short, pro-torture advocates wield a principle they do not really understand. They engage in flawed reasoning, emotive rhetoric and appeals to popular prejudices. They fail to offer any verifiable evidence to support their claims. They play upon the fears of people whose only knowledge of torture is restricted to Hollywood’s fantasies.³

100 Pro-torture proponents serve someone’s interests but they do not serve the cause of moral philosophy. No one should believe that torture can be justified by such arguments. It cannot.

(This article is an edited version of [a lecture](#) given to the Rationalist Society of Australia on March 21, 2007.)

³ [Interestingly, the late US Supreme Court Justice Antonin Scalia defended torture by [referring to its frequent, effective use in the popular television series 24.](#)]