

Response Paper On : Ticking Time-Bombs and Torture:Fritz Allhoff

Fritz Allhoff begins by analysing the different ticking time bomb conjectures that have been thought of till now. He categorises them into two basic categories : Bentham and the others. These are differentiated only on one basis : whether the victims are already suffering or will suffer in the future (i.e., via the big explosion).

The author feels that the only factor required for him to analyse the case is whether torture is imminent or not.¹This is something I do not agree on, as while answering the question of whether torture is justified or not : **we must take into account the level of torture we have to use.**It seems logical that in case the harm to the masses is in the distant future, it gives time to increase the torture gradually ; and raising it just to the level required for the inflicter of pain in question to reveal the required information.This tactic is agreeable by every single point of view (be it Utilitarian, Deontological) , as the harm to the inflicter and his rights is kept to a minimal.This is also supported by the author ²

However in the other , Bentham's scenario , the question arises that if torture is to be applied, whether it would be ethically correct to invest time (which entails additional harm to the victims) and employ the above strategy to find the minimal level of torture required?Or would it be better to just use the

¹ "But so long as the torture is necessary, then whether the harm is ongoing, imminent, or even temporally distant is irrelevant. "

² First, torture should be the least harmful remedy applied, and, similarly, some insufferable form of torture should not be deployed when a lesser one would elicit the valuable information

quickest route possible i.e, just employ the level of torture that would extract the response from him immediately and free the victims from their current agonising situation? Do keep in mind, the level of torture employed in the above scenario might be quite higher than what was the minimal threshold for the tortured person to reveal the information required, and hence cause much more damage to the person than.

Analysing this from a Utilitarian point of view: the answer seems pretty simple and clear: we torture the person for the quickest results. The explanation is pretty straightforward, for every moment we invest, we are sacrificing the collective happiness of the thousands being tortured while saving one person from pain. The hedonic calculation just points one way. This case is not being taken into account by the author: when he states the following *“First, torture should be the least harmful remedy applied, and, similarly, some insufferable form of torture should not be deployed when a lesser one would elicit the valuable information.”*

Furthermore, the Utilitarian point of view shown by the author takes into account only the pain and suffering of the tortured. The text skips the collective indirect damage that torturing can do, which could be on the near and dear of the tortured, or, the damage done to the mental health of the torturer himself. I understand, this is not going to affect the outcome of the Utilitarian theory, however it adds some interesting observations to the Deontological theory towards torture. As discussed by the author: we have two approaches with the Deontological theory: the forfeiture theory and the justified infringement strategy.

As a quick recap, the forfeiture theory proposes that every human has certain rights. However, a right can be forfeited if an individual violates a right of another individual (In the case of the ticking time bomb this would be the right against torture.)

The justified infringement strategy states that rights can be forfeited under certain scenarios. Following the aggregate theory proposed by the author for this theory, we find it easy to justify the torture being inflicted.

However: let us look at the torturer's pain. That person has a right to not be going under the mental duress that he would have to subject himself to for torturing. This adds to the rights infringements taking place in the ticking time bomb scenario.

The aggregate theory also fails to explain why is it important for the torturer to torture, to reduce the rights violations of someone else. Could it not be possible that the torturer himself has no connection towards the masses being harmed, and declines to torture the inflicter. What binds the torturer to all these people about to die?

Arguing both sides of it, we first look at it from the Social Contract theory. This entails that as he is expecting protection from society, he shall also have to face the burden of their protection. Also looking at it from the forfeiture theory, the torturer, upon not torturing will actually allow them to die. Hence, here he also indirectly is threatening the right life of the masses. This makes him indirectly forfeit his right to life.

However, looking at it from the Kantian's point of view, the torturer is using the torturer as an end to a mean. Or to a Natural Theorist's, torturing is unethical as it is unnatural. These are absolutist theories, and are have quite a narrow minded approach. Situational ethics is offers much more wider range of options in this regard.

Returning to the aggregate theory, the author states "which would hold that the right actions are the ones that either maximise or minimise whatever features she takes to be morally relevant". This leaves room for a lot of subjectivism. In the case of the ticking time bomb there is just one rights infringement taking place (the right to life vs the right to not be tortured), hence

we do not have much room for argument. But in case we extend the argument to another example to put it to test, it fails to give us solid reasoning. The example being: A is going to kill B, if C doesn't shoot him. The number of rights infringement whether C chooses to kill A or not is the same. Under what basis must C choose whether to kill or not?

Exploring absolutism, the author has added his own pinch of imagination to it in his theory to go about it. With the tools of Absolutism in theory and Absolutism in practice, we go further into trying to oppose torture in the empirical situation. The author's take for the absolutism in practice is something that makes sense, as it opposes torture while keeping the flexibility that there exist cases where torture has a moral gain over not torturing. These cases might not have been seen in the world by now but could manifest as the rarest of the rare.

An addition to the argument against torture would be the slippery slope argument. If we return from the extreme conditions of the Ticking Time Bomb Scenario; we lose out on the most conspicuous feature for torture: the certainty that the person has the information. Without this, if torture is allowed for a certain degree of certainty, how do you know when to stop torturing the person. How is it that you may judge, that after this extent of torturing, the person does not have the information? You might simply keep going in harder, only to realise in the end that the person was innocent.

In conclusion: the ticking time bomb experiment is one of a kind, as it gives torture three major factors in its favour: (a) The certainty of information, (b) torture being the only method of extraction of information, and (c) a huge loss on not torturing the intended person.

In the empirical case, if any of these three are removed , the argument for torture loses a lot of value instantly :

If (a) is removed : the slippery slope argument prevails.

(b) is removed : Many avenues that might be much more accurate in the extraction of informations open up(hypnotism , a rapport building interrogation³,polygraphs)and entail much lesser violation of rights

(c) is removed : the Deontological argument for torture loses value.The Utilitarian theory will be valid even if the difference in numbers is small.

The Deontological argument does not hold true here: We have the mental health of the torturer to consider , and the right to life of the victims , and the right to not be tortured of the person causing the harm.

However in the ticking time bomb scenario ,the best way to go in for defending against torture are the absolutist theories , and among them the most flexible and hence probably the one most acceptable to proponents of other theories is the variant of absolutism in practice proposed by Fritz Allhoff.

³ <https://www.theatlantic.com/health/archive/2014/12/the-humane-interrogation-technique-that-works-much-better-than-torture/383698/>