

Tortured: A dangerous policy

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It's easy enough to say torture is bad (though it took President Bush a while to do so). But how does one address this classic ethical dilemma: A nuclear bomb is ticking somewhere in an urban area. The bomb-setter has been captured by police but refuses to divulge the location of the bomb. Does one honor the rule against torture, or does one use whatever methods it takes, including torture, to extract information that could save millions of innocent lives?

Even in this case, there's no guarantee that torture will produce accurate information. But the point remains—an undeniable good might be done for innumerable innocents at the expense of evil performed on a single evil one.

This is the argument that proponents of some forms of torture make (when they admit to doing anything unpleasant to prisoners at all). "Waterboarding" is an effective interrogation technique, some military officials claim, and they say it is not really torture, since it inflicts no permanent damage. Detainees are tilted backward, and their breathing passages are blocked with a wet rag (or, by some accounts, they are plunged under water) to simulate drowning. The *Chicago Tribune* recently quoted a Navy SEAL who said that when he and his fellow trainees practiced the technique on one another, every one of them "broke" almost immediately. It's assumed that this was the technique used to extract information from the captured al-Qaeda mastermind Khalid Shaikh Mohammed.

So is it permissible to do such harm on the way to doing good? Suddenly we are back in sophomore ethics class. Those in the "deontological" or absolute-command tradition of ethics, from Augustine to Kant, would say that it is never permissible to do evil in pursuit of some greater good. Those in the consequentialist or utilitarian camp would approve of doing some amount of evil for the sake of a greater good.

But weighing those two alternatives is perhaps not the best way to approach ethics or policy. When Dietrich Bonhoeffer set aside his Christian commitment to nonviolence in order to help assassinate Hitler, he remained convinced that he was engaged in a serious sin. He was not adopting a "position" on the use of violence

that could then be extrapolated into a policy. He was making an extraordinary decision in extraordinary circumstances.

Life rarely presents issues in the way that case studies do. And there is great danger in using a consequentialist argument for the lesser of two evils, based on a hypothetical case, as the rationale for establishing normal military policy. The military's performance thus far in the war on terrorism shows how easily a lax policy on treatment of prisoners can result in widespread abuse—as at Iraq's Abu Ghraib prison and in the use of secret detention centers and the transfer of terrorist suspects to third-party countries that practice torture. Is any information worth the price of treating such evils as normal?