



Torturous Thoughts

‘Is there any evil you would not do in the name of defeating evil?’

SINCE THE TERRORIST mass-murder attacks of 9/11, we have seen a growing debate over the use of torture. The famous civil liberties and defense attorney Alan Dershowitz, in *Why Terrorism Works*, wrote a full chapter to justify the use of an authorized “torture warrant” under highly controlled conditions. In an article in *The Los Angeles Times* in November 2001, “Is There a Torturous Road to Justice?” and in a later conversation with Wolf Blitzer on CNN, Dershowitz elaborated on the circumstance of a “ticking bomb” case: a captured terrorist who knows of an imminent large-scale attack could be tortured to “prevent the deaths of thousands.” He had no doubt that our law enforcement authorities would torture; he just wanted to make sure that it would be written into law.

In the following months, with the disgusting pictures from Abu Ghraib prison, the reports of secret detentions in “black sites” in eastern Europe and the Middle East and Senator John McCain’s success in winning a 90-vote Senate majority banning “cruel, inhuman and degrading” treatment of any prisoner, the issue is well known to most Americans.

In fact, as a Harris poll in December 2005 reported, most Americans disagree with the Senate. A slim majority believes that “rendition” to secret prison camps where torture is used, as well as torture itself, is sometimes or often justified. An even larger majority, 80 percent (apparently not believing the president’s claim that the United States does not torture),

think that we actually do.

I am not surprised. If there is an unspoken ethical worldview shared by most Americans, it is the moral position of John Stuart Mill’s utilitarian principle that whatever yields the greatest good for the greatest number is morally acceptable. This means that no act is prohibited, provided it produces the greatest good for the greatest number of people.

Such a line of thinking seems to haunt “The Truth About Torture: It’s Time to Be Honest About Doing Terrible Things,” an article by Charles Krauthammer in *The Weekly Standard* (12/05/05). In discussing a variation of Dershowitz’s “ticking bomb” case—a captured terrorist has information about a nuclear bomb planted in New York City—Krauthammer has no doubt that you should torture him. “Not only is it permissible to hang this miscreant by his thumbs. It is a moral duty.” He holds this position despite saying that any form of torture is a “monstrous evil...as degrading and morally corrupting to those who practice it as any conceivable human activity.” We must simply do whatever is necessary, Krauthammer says, but only what is necessary, to get the information that could prevent mass murder.

His position might seem intuitively right, as you read it. But I would like you, as well as Dershowitz and Krauthammer, to consider my own thought experiment about the “ticking bomb.”

First, however, we have to set aside temporarily consideration of some very important topics: definitions, degrees and forms of torture or “inhuman” treatment; the sad history of the Catholic Church, including some saints, with respect to torture; the issue of the captured terrorist’s guilt, which for some might qualify him as a candidate for tor-

ture; and whether there is any difference between terrorism and the terror-bombing of cities. (These and many other topics are well treated in John Perry’s *Torture: Religious Ethics and National Security*.)

The point I am interested in here is not so much the issue of torture as the reduction of ethical right and good to positive outcomes—the end justifying the means.

Here is the case: if we can do anything, even a “monstrous evil,” to prevent the “ticking bomb” from going off, may we torture the terrorist’s only son before his eyes? We know our hypothetical terrorist has himself withstood torture in the past, and has even seemed willing to undergo a slow death for his cause. But his pride and joy, his son, is his weak spot. He could not bear seeing the boy tortured. This is our only chance to break him. And he will know we are serious if we begin by cutting off his son’s fingers one at a time.

Even here, one might think it worth it. One innocent life for the sake of a city or a nation? Well, would it be worth it if we had to torture three innocent children? Or three thousand? Or burn a city of civilians?

This utilitarian reduction of persons to numbers has been done before to horrific proportions. From ancient times to the last century of world wars, exterminations and ethnic cleansings, all the way to the terrorists of 9/11, countless humans have been rendered expendable for the sake of some desired “good.” This logic, moreover, will haunt future discussions concerning the birth of mildly handicapped infants, the treatment of Alzheimer patients and the execution of people on death row. It now haunts our talk of torture; and it serves us well to determine what side we are on in this debate.

Calculate the greatest happiness for the greatest number, if you will. But I say there are some “monstrous evils” we ought never do. We must ask ourselves honestly: is there any evil we would not do, to be victorious over evil? If we cannot think of one, we have paid a terrible price to achieve our victory. “The evil ones” will have succeeded in conquering, not our lands, but our souls.

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