Justified Torture in a Crucial Scenario

When it comes to deciding whether or not torture is justified, the “ticking time bomb” scenario is a prominent aspect of this moral investigation. Assume a terrorist has planted a Nuclear bomb in New York City. The bomb goes off in one hour and will kill one million people. You have captured the terrorist. He knows where the bomb is. He is not talking. What should you do? (Krauthammer 2). Attempting to answer this dilemma, it is imperative to consider the views of Charles Krauthammer, Alan Dershowitz, and Mark Liederbach of the Christian counter-argument. Alan Dershowitz’s views provide the most ethical arguments in this scenario proving that the terrorist should be tortured for information.

Approaching a moral answer to the “ticking time bomb” scenario, it is crucial to consider the views of Charles Krauthammer. In his article “The Truth About Torture” Krauthammer outlines that there are three distinct types of prisoners of war. There is the ordinary soldier caught in the field of battle, the captured terrorist, and the terrorist with information. The ordinary soldier is without a doubt entitled to humane treatment. The only purpose of capturing and imprisoning this soldier is to prevent combat. There is no moral reason to put this individual in any harm. Furthermore, Krauthammer explains the captured terrorist. He defines a terrorist as “an unlawful combatant: He lives outside the laws of war because he does not wear a uniform, he hides among civilians, and he deliberately targets innocents” (Krauthammer 1). Unlike an ordinary soldier caught in combat, terrorists are not subject to humane treatment. However, Krauthammer explains that despite this distinction, we still give terrorists this treatment. We act humanely towards terrorists because it is in our moral nature to act in such a way. Lastly, and
most importantly relating to the “ticking time bomb” scenario we have terrorists with information. In this very scenario Krauthammer emphasizes that torture is permissible. Krauthammer explains that, “on this issue, there can be no uncertainty: Not only is it permissible to hang this miscreant by his thumbs. It is a moral duty” (Krauthammer 2). It is clear that torture is not always impermissible. There are situations such as these, not as hypothetical, that require quick action and torture for information. It is our moral duty. There are those who believe high-level terrorists such as Khalid Sheikh Mohammed should not be imprisoned and that it is not morally justified for the United States to hold people like Mohammed. However, terrorists like these have knowledge. The United States should continue to hold these individuals and if permissible use torture to figure out future plans for mass murder. It is our moral duty to prevent terrorist attacks even if it means treating these individuals inhumanely.

Alan Dershowitz provides us with a similar stance to Krauthammer emphasizing more on the idea of “torture warrants” and their application to this scenario. Dershowitz explains that to many, similar to the Christian counter-argument, torture is barbaric and “the very idea of a “rational” discussion of torture is an oxymoron” (Dershowitz 1). However, similar to Krauthammer, Dershowitz believes that there are certain circumstances in which torture is essential. In a “ticking time bomb” scenario Dershowitz argues that no leader would want to be responsible for the death of thousands of innocent citizens. Dershowitz brings the idea of “torture warrants” to light with this argument. He has a strong belief that in a scenario like this we would torture the terrorist, however he questions whether it would be done openly or secretly under legal circumstances. Considering the majority of people would favor for torture in this type of dire scenario, it is important to question whether it should be done under the table or out in the open. Furthermore, Dershowitz personally believes that seeking torture warrants would decrease the aggressive nature and physical violence against suspects. Dershowitz explains
that, “Judges would require compelling evidence before they would authorize so extraordinary a
departure from our constitutional norms” (Dershowitz 2), and in this, law enforcement would be
quite hesitant to seek a warrant and use torture methods unless it was completely necessary
like the “ticking time bomb” scenario. It can be argued that torture warrants are not useful in
necessity. If there in an imminent threat, securing a torture warrant would not be practical or
feasible. However, in these situations, a search warrant should be rushed and handled with the
utmost authority. Dershowitz explains that these decisions should be made at the highest level
possible so a nuclear time bomb scenario can be handled swiftly by a high ranked official such
as the President of the United States or Secretary of Defense. The author emphasizes that, “It
should not be made by nameless and unaccountable law enforcement officials, risking
imprisonment if they guess wrong” (Dershowitz 3). Without a doubt, Alan Dershowitz, poses
arguments that draw off of Krauthammer providing not only beliefs into whether or not torture
should be implemented, but how we would approach these scenarios methodically and legally.

The Christian counter-argument outlined by Mark Liederbach takes the stance against
torture. Overall, Liederbach argues against torture in this scenario using the Christian principle
of neighborly love. The principle demands that you treat the potential terrorist as a human being
as well. This is one dimension of his argument. Furthermore, Liederbach explains that justifying
torture in cases where there is not an imminent threat, would corrupt the moral soul of a nation.
Liederbach uses a much more deontological approach to this scenario. He is very focused on
right and wrong and is very principle centered. Dershowitz and Krauthammer take a very
consequentialist stance centering their arguments around, “The right thing to do is based on the
best consequences, the wrong thing to do has the worst consequences.” Liederbach is under
the impression that “torture is evil” (Liederbach 1), whereas the others believe that there are
certain circumstances in which it is justified. Liederbach argues against Krauthammer’s claims
that it is our “moral duty” to torture a terrorist in a “ticking time bomb” scenario. He is very factual and solidified in his statement that in no circumstance should we torture a terrorist and that neighborly love is essential.

All three of these theorists provide diverse answers to the “ticking time bomb” scenario, however Dershowitz’s theory is the most persuasive. Alan Dershowitz not only explains why torture is justified in this scenario, but explains a method of legality through “torture warrants.” Drawing off of Krauthammer, Dershowitz explains that decisions should be made at a high ranking level for torture warrants in order to decrease the amount of torture situations and for overall efficiency in doing so. Although torture may not be morally justified in all cases, a terrorist with knowledge about a nuclear bomb set to kill millions of scenarios should be tortured for information under a warrant.

Works Cited

