

Why Not Torture Terrorists? Moral, Practical and Legal Aspects of the "Ticking Bomb" justification for Torture

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Description

- Presents an informed, in-depth analysis of interrogational torture as a moral, practical, and legal issue and a coherent, passionate defence of the absolute prohibition
- Provides a thoroughly-researched examination of current State practice in terrorist interrogation, including the US and Israeli models of interrogational torture
- Analyses the international legal framework prohibiting torture and the attempts to circumvent the prohibition through the 'defence of necessity' test and the denial that current practices amount to torture

The book addresses a dilemma at the heart of the 'War on Terror': is it ever justifiable to torture terrorists in order to save the lives of innocent civilians; the so-called 'ticking bomb' scenario?

The book first analyzes the ticking bomb dilemma as a pure moral one, facing the individual would-be torturer. A 'never-say-never' utilitarian position is pitted against a 'minimal absolutist' view that some acts are never justifiable, and that torture is one such act.

It then looks at the issues that arise once a state has decided to sanction torture in extreme situations: when, how, and whom to torture; the institutionalization of torture; its effects on society; and its efficacy in combatting terrorism in the shorter and longer runs.

Four models of legalized torture are next examined-including current ones in Israel and the USA and the idea of torture warrants.

Finally, related legal issues are analyzed; among them the lawfulness of coercive interrogation under international law and attempts to allow torture 'only' after the fact, for instance by applying the criminal law defence of necessity. A 'minimal absolutist' view - under which torture, whether by private individuals or by state officials, must be prohibited absolutely in law, policy and practice, and allowing no exceptions for ticking bomb situations - is defended throughout.