

Duty Ethics on Torturing Terrorists

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Introduction

The question of whether authorities may torture a suspected terrorist is often presented through an emergency scenario: officials believe a detainee knows where an attack will occur, time is running out, and coercion might save lives. The original essay correctly identifies torture as intentional physical or psychological harm and recognizes that duty ethics places moral limits on how any human being may be treated. It remains uncertain about whether an emergency can override those limits and assumes that torture reliably produces information. A deontological analysis reaches a clearer conclusion. Torture uses a person's body and mind merely as instruments, violates dignity, cannot be universalized without destroying legal protection, and is absolutely prohibited under international law. The prohibition does not depend on the detainee's innocence, citizenship, or moral character. Consequentialist claims are also weaker than the hypothetical suggests because interrogators rarely know with certainty that a person has the information, that the threat is real, or that pain will produce truth. Ethical security policy should rely on lawful, evidence-based interviewing, intelligence analysis, judicial oversight, and emergency action that protects the public without institutionalizing abuse.

Defining Torture

The United Nations Convention against Torture defines torture through severe physical or mental pain or suffering intentionally inflicted for purposes such as obtaining information, punishment, intimidation, coercion, or discrimination when a public official is involved or acquiesces. Cruel, inhuman, or degrading treatment may fall below the treaty definition of torture but is also prohibited. The distinction should not become a search for techniques that are abusive but technically outside one word. Ethical analysis concerns the deliberate destruction of a person's agency and security by officials exercising custody and power. (United Nations, 1984; United Nations Committee against Torture, 2008; International Committee of the Red Cross, 2024)

Duty Ethics

Deontological ethics evaluates action according to duties, rights, and the moral character of the means rather than total outcomes alone. Immanuel Kant argues that rational beings possess intrinsic worth and must be treated as ends in themselves. The state may investigate, prosecute, and punish through law, but it may not reduce a person to a tool. Torture is designed precisely to overcome the subject's will through suffering. The fact that authorities seek an important goal does not change the structure of the act. (Kant)

The Humanity Formulation

Kant's humanity formulation requires treating humanity, in oneself and others, never merely as a means. Ordinary social cooperation uses people's skills, but it also respects consent and agency. Torture does the opposite. The detainee's body becomes leverage and pain becomes a method of control. Officials are not engaging the person as a reason-giving agent; they are attempting to break the capacity to choose. Even if information results, it is obtained through a relationship incompatible with respect for persons.

Universal Law

The universal-law test asks whether the principle behind an action could be accepted as a rule for everyone. Consider the maxim: "A government may inflict severe suffering whenever officials believe doing so could prevent serious harm." If universalized, the rule gives every government permission to define threats, select suspects, and create exceptions. Because officials can be mistaken, biased, fearful, or dishonest, the exception expands. Citizens could no longer rely on an absolute boundary against custodial abuse. The maxim undermines the legal security needed for persons to act as free members of a political community.

Perfect Duty

For a deontologist, the prohibition on torture resembles a perfect duty: a strict limit not to commit a certain kind of act. Duties to protect life are also serious, but they do not authorize every possible means. A police officer must try to prevent an attack, yet cannot frame an innocent person, execute a witness, or punish a suspect's child to create pressure. Moral duties operate together. Protection must be pursued through methods consistent with the rights that public authority exists to secure.

International Law

The Convention against Torture states that no exceptional circumstances—war, threat of war, political instability, or public emergency—may be invoked to justify torture. The prohibition is non-derogable. International humanitarian law also prohibits torture and cruel treatment of detainees. This absolute rule reflects historical knowledge that emergency exceptions become systems. The law does not ask whether officials sincerely believed abuse was useful. It removes torture from the range of permissible policy choices.

Why the Rule Is Absolute

An absolute prohibition protects more than one detainee. It gives soldiers, police, intelligence officers, physicians, lawyers, and commanders a clear answer under pressure. A balancing rule would force each official to decide how much pain is justified by an estimated threat. Such decisions cannot be audited reliably in real time, and secrecy magnifies abuse. Absolute rules are especially necessary where the state controls the evidence, location, and body of the person. The asymmetry of power makes ordinary consent or review impossible.

The Ticking-Bomb Scenario

The familiar ticking-bomb hypothetical assumes several facts: an attack is imminent, the detainee is responsible, the detainee knows how to stop it, ordinary methods will fail, torture will produce accurate information quickly, and officials can act on that information. Real cases rarely provide all these certainties. The scenario is constructed to make one prohibited act appear as the only route to rescue. It is useful for testing moral intuition but dangerous as a policy model because institutions operate under uncertainty rather than philosophical stipulation.

Epistemic Uncertainty

Officials may detain the wrong person, misunderstand the threat, or overestimate what the suspect knows. A person subjected to extreme suffering has a strong incentive to say whatever appears likely to stop it. The interrogator then faces multiple claims without an independent way to identify truth. False information consumes time and resources and can direct authorities away from the actual threat. The more urgent the situation, the more costly this diversion becomes.

Information Reliability

Torture is often defended as though pain functions like a truth machine. It does not. Suffering can impair memory, concentration, orientation, and communication. A detainee may provide accurate information, fabricated information, partial information, or information already known. The interrogator's expectations can shape questions and interpretation. Rapport-based interviewing, careful evidence presentation, strategic questioning, and corroboration are more consistent with reliable investigation and human dignity. (O'Mara, 2015)

False Confessions

Coercion can produce admissions that confirm the interrogator's theory even when the theory is false. Once a confession appears, confirmation bias can cause officials to reinterpret other evidence around it. Innocent people may name others to satisfy demands, creating expanding networks of suspicion. A system that rewards the production of names rather than verified intelligence can generate volume without accuracy. Legal safeguards against compelled statements therefore protect both the individual and the quality of decision-making.

The Problem of Thresholds

If torture were permitted only for catastrophic threats, officials would need a threshold. How many lives? How imminent? What probability? What degree of suffering? Who authorizes it? Each answer creates further cases near the boundary. A suspected attack on hundreds becomes a threat to dozens, then a possible future risk. Once an institution trains personnel, prepares facilities, and develops secrecy, there is pressure to use the capability. The exceptional method becomes available for ordinary intelligence gathering.

Institutional Corruption

Torture changes organizations. Personnel must be selected, instructed, protected, medically monitored, and taught to conceal or rationalize their conduct. Lawyers may write narrow definitions, physicians may be asked to keep a detainee capable of enduring abuse, and supervisors may shape records. The practice therefore spreads moral responsibility beyond one interrogator. It corrupts professions whose duties are law, care, evidence, and command. Deontology examines not only the isolated act but the kind of institution created by making the act normal.

Command Responsibility

Senior officials cannot avoid responsibility by using ambiguous language or delegating methods. Leaders establish incentives, legal interpretations, reporting channels, and accountability. If abuse is predictable and tolerated, responsibility extends through the chain of command. Clear orders, independent inspection, access to counsel, accurate detention records, and investigation of allegations help prevent a culture in which subordinates believe results matter more than rules.

Medical Ethics

Health professionals have duties to care, avoid harm, preserve confidentiality, and respect dignity. Participation in torture—whether by designing methods, assessing how much suffering a person can endure, or concealing injury—conflicts with those duties. Clinicians may examine and treat detainees, document injuries, and advocate for safety. Their knowledge should never be used to optimize abuse. Medical independence is a safeguard for both patients and the integrity of the profession.

Lawyers and Legal Advice

Government lawyers must advise officials about lawful authority, not manufacture permission through definitions detached from the purpose of the prohibition. A legal memorandum can influence conduct even when no court reviews it immediately. Professional responsibility includes candor about treaty obligations, criminal liability, evidence consequences, and institutional risk. Secret law that authorizes conduct publicly denied is incompatible with accountable government.

National Security Consequences

Even a purely consequence-based analysis must count more than information from one interrogation. Torture can damage alliances, expose personnel to reciprocal abuse, provide propaganda to violent groups, discourage witnesses from cooperating, and undermine prosecutions when evidence is tainted. It can reduce trust in government among communities whose cooperation is essential for prevention. These wider effects make the promised security benefit even less certain.

Reciprocity and Treatment of Captured Personnel

International rules protect a state's own soldiers and citizens as well as its enemies. A government that creates exceptions weakens its ability to demand humane treatment when its personnel are captured. An adversary may violate the law regardless, but maintaining the prohibition supports diplomatic, legal, and moral pressure. Ethical duty is not conditional on the enemy's conduct; otherwise, the least restrained actor would determine everyone's standards.

Democratic Legitimacy

Democratic government claims authority through law rather than fear. Secret detention and abuse place important decisions beyond courts and public accountability. Citizens cannot evaluate policies whose facts and legal standards are hidden. National security requires confidentiality in some operations, but confidentiality is not immunity from law. Legislative oversight, inspectors, courts, and

independent investigation help ensure that emergency power remains public power rather than personal domination.

Responsibility Toward Victims of Terrorism

Rejecting torture does not minimize terrorism or the state's duty to protect potential victims. Authorities must investigate threats urgently, disrupt attacks, rescue people, secure sites, and prosecute offenders. The moral seriousness of terrorism is precisely why the response must be effective and legitimate. Victims are not honored by methods that create additional victims, unreliable intelligence, and institutional dishonesty. Security and human rights should be designed as reinforcing duties.

Lawful Interrogation

Effective interviewing can use preparation, rapport, open questions, careful sequencing, evidence disclosure, contradiction testing, and corroboration. Interviewers should understand culture, language, psychology, and the case record. Information is assessed against independent sources rather than accepted because it was produced under pressure. Humane treatment can encourage communication and preserve the possibility of lawful prosecution. The goal is reliable intelligence, not domination.

Intelligence Analysis

Emergency prevention depends on more than one detainee. Communications data obtained lawfully, surveillance, financial records, travel information, informants, community reporting, forensic evidence, and interagency coordination can reveal a threat. Analysts should test competing hypotheses and identify uncertainty. A ticking-bomb narrative narrows attention to one dramatic source, while real prevention is usually a distributed process of collection and verification.

Due Process

Access to legal review, registration of detention, communication with counsel where applicable, medical care, and independent monitoring reduce the risk of disappearance and abuse. Due process is sometimes portrayed as delay, but reliable procedures help officials identify mistaken detention and preserve evidence. Emergency rules can permit rapid action while maintaining review. The choice is not between doing nothing and torture.

Accountability

Allegations of torture require prompt, impartial investigation. Victims need rehabilitation and remedy, and responsible officials should face lawful consequences. Classification should not be used to conceal wrongdoing permanently. Accountability also protects personnel who refused unlawful orders and clarifies standards for future crises. Without consequences, formal prohibition becomes symbolic.

The “Dirty Hands” Argument

Some philosophers argue that a leader may have to commit a moral wrong to prevent a greater catastrophe and then accept guilt. This approach acknowledges that torture remains wrong rather than redefining it as good. It still fails as public policy because legal systems cannot authorize an act while pretending it remains prohibited. Once officials receive advance permission, the exceptional personal tragedy becomes an institutional practice. A constitutional government needs rules that can be administered, reviewed, and taught.

What If Torture Appeared to Work?

A single story in which abuse precedes useful information would not establish that the method is ethical or generally effective. Information may have been obtainable lawfully, mixed with falsehood, or confirmed through independent sources. Deontology would still reject the act because success does not transform a person into an acceptable instrument. The law’s absolute prohibition is designed precisely for cases in which officials believe the outcome is valuable.

A Deontological Judgment

Duty ethics rejects torturing a suspected terrorist because the practice violates human dignity, cannot be universalized as a lawful rule, and destroys the conditions of equal legal protection. The suspect’s alleged wrongdoing does not erase personhood. Punishment follows conviction and law; interrogation is not punishment. The state’s duty to protect citizens must be fulfilled through measures that remain consistent with the rights the state claims to defend.

Conclusion

Torture is an intentional use of severe suffering to obtain information, punish, intimidate, or coerce. Deontological ethics opposes it because a human being may not be reduced to an instrument, even for an urgent public purpose. The ticking-bomb scenario hides uncertainty about identity, knowledge, imminence, reliability, and alternatives. In practice, coercion can generate false information, corrupt

institutions, damage prosecutions and alliances, and weaken democratic legitimacy. International law therefore makes the prohibition absolute and non-derogable. Governments still have a demanding duty to prevent terrorism, but they must fulfill it through humane interviewing, verified intelligence, lawful surveillance, emergency coordination, due process, and accountability. A society demonstrates commitment to human dignity most clearly when it preserves that commitment under fear.

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