The Immorality of Torture. A Deontological Approach

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Abstract

When discussing the issue of torture, we usually focus on two aspects, the moral status and the legal status of such acts. In this paper I will argue, using a deontological approach, that torture is never moral. We know that some countries practice this type of act even though it is prohibited by the International Law, but that does not mean we should legalise it. I will also discuss the ticking bomb argument and try to show that when deciding whether or not torture is justified, we need to use other arguments.

Keywords: torture, immoral, deontological, epistemological gap, moral law, maxims.

I. Introduction

In light of the events occurred in recent years, talks about torture have become more prominent. While some still hold that this type of act is so abhorrent that we should not even discuss it, others are trying to clarify whether or not torture can be morally justified. For those who want a complete definition, I recommend to them the one that Bagaric and Clarke talk about in their article (Satris 2013, 268). They remind us about the international law, and that torture represents any act that

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1 University of Bucharest, Faculty of Philosophy. I want to give my special thanks to professor Michael S. Jones, Liberty University, for helping me with corrections and feedback. An earlier version of this paper was presented on his course “Religious Issues in Ethics” in June 2015. This final version has several changes and a new chapter regarding the legal status of torture.
inflicts pain, physical or mental, that has the purpose a) to obtain some crucial information, b) to punish or intimate one or more persons.

The articles debating this problem seem to focus on two aspects, the moral status and the legal status. Regarding the former, we can say that torture is always, sometimes, or never moral. On the legal aspect we say either that torture should or should not be legalised.

There are six possibilities: (1) always moral and legal, (2) always moral and illegal, (3) sometimes moral and legal, (4) sometimes moral and illegal, (5) never moral and legal, (6) never moral and illegal.\(^2\)

Although there are people who hold (5) or (6) and think that we should not even be discussing this issue, the main debate seems to revolve around (3) and (4). There is the idea that sometimes torture can be morally justified because it averts a greater harm.

Torture is usually used as an interrogation method or as a punitive measure. For the latter I will only say that someone might argue, using Nozick’s book *Anarchy, State and Utopia*, that retributive theories of justice are not efficient. In this paper I will focus on the former.

II. The Ticking Bomb Argument

The most common argument, when we see a justification for acts of torture, is the *ticking bomb argument*. It presents us with a difficult situation, in which we have captured a person who has information about an impending attack on a highly-populated city that he does not share. We know that this person is guilty and that people will die because there is no time to evacuate. We have the means and *we know* that torture is the only way to make him talk. We also *know* that torture will be successful and those people will not die.

Surely in this extreme situation such an act must be conceived as morally justified. If we do not torture the terrorist, many people will die.

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\(^2\) The difference between (3) and (4) is that while both views argue that torture can be thought as moral, when it prevents a greater harm, (3) holds that this practice should be legalized in order to better regulate it, and (4) argues that legalization will lead to a slippery slope, and thus acts of torture that might not always be so justified.
Of course, that does not mean that we always ought to use it, but that there are situations logically possible in which our intuition tells us that it is *right and good* to torture someone, in order to avert a greater harm.

**III. Can We Decide if Torture Is Moral Based on This Argument?**

I will argue, using the article by Jeremy Wisnewski, that justification of torture is not possible if we ground it on this type of immediate situation, in which we have to make a quick decision of whether or not to torture someone who is guilty, in order to prevent a greater harm. I will argue that at least some of the three objections to the ticking bomb argument that he presents actually hold and that his own argument, regarding the semantic contradiction of ‘torture’ manages to show that the ticking bomb example cannot be used to morally justify the use of torture. The three objections are:

1. The type of metaethics used in the argument is clearly utilitarian, but what do we do about the other theories, like virtue ethics or deontological ethics? It is hard to see how torturing someone means respecting his dignity. Kant holds that we must respect people, not because they have good attributes, like kindness or honesty, but rather for the humanity in them.

   We can say that in the ticking bomb argument people are treated with respect. If all are equal in virtue of their nature, surely it is better to save more persons, even though we must sacrifice one or two, because this way we respect the dignity of a greater number of people. We do not enjoy the act of torture, but we do recognise that sometimes we must do it. Not acting as such means not respecting people, because we are letting them die even though we have an effective option not to.

   While I agree that such dire situations can occur I do not think that, when we choose not to torture, we respect the known terrorist more than the other persons, as some critics might say. Rather, we think

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that the humanity in all people is sacred and must not be violated, no matter what. We can all agree that the known terrorist is a bad person, but that does not mean that we should harm his dignity, even though we know that by not doing so, in our example, people will die. A Kantian might choose to torture, considering the severity of the situation, but he will never believe that he has acted morally, rather that he was prudent. Sure, the act is beneficial because a great number of people are saved, but he did not respect the dignity of every person. The moral option for him would be to act in accordance with the moral law, by not torturing anyone, even if the consequences will be unpleasant.

It seems that the act of torture is justified in a utilitarian metaethics and perceived beneficial and moral, but this is not the case of other theories. We cannot ignore them simply because our first thought is to save the greater number of people. When acting in a certain way we must have a justification, which I do not think is offered by utilitarianism. I will discuss this issue later in the paper, but now it is important to notice the distinction between what is beneficial and what is moral. The first one concerns something that is good when we achieve other things, while the second one is good in itself. If I say that torture can be beneficial I mean to say that this type of act is perceived as being good when it is used as a means to achieve a goal like saving a great number of people. Of course, this does not mean that the act is moral too, but that it has the intended effects.

2. By justifying torture, we make it less abhorrent and more understandable. We cannot hold anymore that we should not even discuss it, if torture is conceived as moral in certain circumstances.

3. Some critics argue that the example is too artificial. They understand the use of such a conceivable case in ethical thinking, but consider that real situations are not that easy, in terms of decision-making. We do not always know if someone is really a terrorist, if torture will be successful, or if we have enough time to save all the people, and using fictional cases to justify torture can be perceived as...

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4 His actions are driven by a specific purpose, and he will act in such a manner that his objectives are accomplished. His will is determined by a goal, rather than by sole reason, as it should be.
bad. Sure, a sound moral theory must respond to all the critics, but they argue that this is not the case with the ticking bomb argument, since it is too artificial. But, as Wisnewski argues, the example appeals to our intuition and helps us decide if torture is ever justified (Wisnewski 2008, 107-108). Even though we do not always have the information that we need, we can find a case in which this type of act is moral. Surely then torture must be justified in some cases if it can be conceived as such in at least one example.

He does not argue that, but he holds that the ticking bomb argument involves a semantic contradiction and that a “thought-experiment that involves semantic contradictions should not be used as the basis of a position on a controversial topic.” (112) ‘Torture’ in our example is shown to be an act that is willingly done, with ease, efficient, with no mention of possible negative effects on both parties. We know that this is not the case and that we use the term ‘torture’ to refer to an act that is used as a last resort, of extreme cruelty and with repercussions on both parties, something not so easily done and not always efficient. We are not happy that we need to torture, even if it has very good consequences.

The idea is that ‘torture’ from the ticking bomb argument refers to an act that differs in nature from the acts of torture that actually happen. He argues that what is essential in our example is that a) there is no time, thus making torture a viable option; b) if we do not torture, we will have a greater loss, because more people will die.

If b) is true, then torture is morally justified, but if b) is false, then the ticking bomb argument cannot help us. Wisnewski tries to prove the latter by appealing to the idea that torture in real situations is different than ‘torture’ in the ticking bomb example.

In order for torture as an interrogation device to be successful, to prevent a greater harm, it needs to find out relevant and crucial information that the terrorist would otherwise not share. Even though we cannot predict the exact time we need, Wisnewski, after an analysis of both physical and psychological torture, stated that in order for the interrogation to be successful, you need time. If we use the former we “may actually intensify his will to resist,” (113) to a point in which we would have to increase the pain until the terrorist is ready to talk, but
then we can even expect false information from him, since his desire is to avoid that tremendous pain. If we use psychological torture, we need time to bring him to a mental state in which he is helpless, so that he will answer our questions.

Wisnewski is saying that even though it is possible to have a situation like this in the ticking bomb argument, when you know who the terrorist is, where the bomb is, etc., the nature of torture is different. You cannot obtain the relevant information in such a short period of time. Both types of torture actually need time in order to be successful, a thing that we do not have in the ticking bomb argument. Whether or not we choose to inflict pain, in our example, we cannot save all those people, because we lack the time for an effective torture. Thus, Wisnewski holds that the argument fails to show how such an act is morally justified, since it does not prevent a greater harm.\(^5\) The strength of his argument does not rest on the idea that in real life things do not happen like in the ticking bomb argument, but rather that torture, in order to be effective, actually takes time, time that we might not have.

### IV. The Epistemological Gap

When we use torture as an interrogation method we want some sort of confession or crucial and relevant information from the one that we are torturing. It is a known fact that throughout history people who were either innocent or did not hold the information requested of them were tortured\(^6\). The reason for this is that the torturers believed that they

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\(^5\) We could also argue that, since torture is usually used as a last resort, it would not be needed in situations where we have enough time for such an act to be effective, because we might have other options. Thus, torture never seems to be justified, since a) we have enough time and can avert it, or b) we lack time and torture does not prevent a greater harm.

\(^6\) One example is that of the witch trials that began in the 15th century. Innocent girls were accused of using evil spells with the intent to do harm to God-fearing people, and were put to trial. They were asked to give some sort of crucial information, about their evil practices or regarding other witches, information that they did not possess. They could not prove their innocence, so they had to
I knew (1) the person was guilty, and (2) could confess or give out crucial and relevant information. I think that there is an epistemological gap between what is believed to be known and what is known in fact when this occurs.

I will hold in this section that in order for an act of torture to be successful, it needs to achieve its purpose, the obtaining of crucial and relevant information. If we torture someone who is innocent, that act is not only immoral, but unsuccessful too. Thus, when we think about the possibility of torturing someone we must know that he is guilty and can provide the information requested of him.

I take knowledge to be a justified, true belief about something or someone. When I say that I know that x is y I hold that:

a) I believe that x is y.

b) I am justified in believing that x is y.

c) It is true that x is y.

Though we know in the argument who is the terrorist and the information that he holds, this is not true in many real situations. Sure, we can say that we usually see the leaders of terrorist organizations on their broadcasts, when they make the demands, thus identifying them as such, but this is not always the case. The persons who are being captured and possibly tortured are usually not those leaders, but people who are either a lower rank in that organization or even innocent. The fact that we see a woman near a known terrorist, hugging him, does not mean that she holds relevant information and that by torturing her she will reveal something important. We can say that we had some justification in believing that, but that does not mean it is also true.

Even if we know that someone is a terrorist that does not mean that he holds the relevant information. We are justified in believing that a lower rank member must know the plans in order to act, but that does not mean that it is automatically true. We do not torture someone just because he is a terrorist, we believe that we can find out some crucial

suffer and die because other people perceived them as evil. Now, it is widely accepted that a person cannot raise the dead, or use evil incantations to harm others. We have overcome that fear.

7 This idea is found in Plato’s Theaitetos.
information that he would otherwise not share. That is the goal of torture as an interrogation method.

If all real situations were like the ticking bomb example, then our decision might be easier to make, but this is not the case. We do not always know if the person we capture is a terrorist, or that he holds relevant information. We might not even have the time to determine if he really is what we are justified in believing about him, due to the emergency of the situation. We should be prudent and take into consideration all the facts that are available to us.

In order to know that torturing someone will achieve a good intended goal, like the saving of a certain number of people, we must have a justified, true belief that someone (1) is guilty, and (2) he holds crucial and relevant information. It is important to notice that in order to form such a belief we must use objective facts rather than emotions.\(^8\)

If we could find a permanent solution to the problem of knowledge as justified, true belief, through technology or other means, I would argue that we would not have an epistemological issue.\(^9\) Exactly like in the case of the ticking bomb example, we would know that the captured persons are guilty and hold relevant information. This does not mean that I justify torture, but that we are rid of a potential problem and we can have knowledge on this issue so that we will not make the mistake of torturing those persons who are either innocent or do not have the information that we require.

Even if we do not find a solution to the epistemological limits of our nature, I would argue that we still need to be as sure as we can, through technology or other means, that the persons that we want to torture have relevant information and are guilty. I think we have a duty

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\(^8\) We form our beliefs based on our view of the world. If we let our emotions rather than reason dictate what we believe, then our representations become subjective. We might think that an ethnic group is to blame for an act that only a few made, simply because we are angered or scared. In the face of danger people’s reactions are often irrational.

\(^9\) We can say that the polygraph test is a possible solution, but people found ways to cheat it. Of course, there is no incentive to cheat the test unless you are guilty or afraid of something, but the person who is evaluating you does not know that your responses are not veritable.
towards other people, when we want to harm them for “good reasons”, to ensure as much as we can, that, by doing such abhorrent things, we will actually achieve that greater good. If we fail to do that, then, even from a utilitarian perspective, torture would be immoral.

V. Hume’s Guillotine

Some people argue that torture is beneficial and therefore we ought to do it. I agree with the fact that this type of act has good consequences from a utilitarian perspective, when it deters a greater harm, but it is not clear to me why we must do it.

I believe that when trying to justify torture, this way we encounter Hume’s – ought problem.10 It is wrong to try to infer what we ought to do from facts, because there is a logical gap between the premises and the conclusion. The latter does not follow from the former. We cannot derive from the fact that torture is beneficial, when saving lives, that we ought to torture in those types of situations. We have an observation about a fact and from that we arrive at the conclusion that things ought to happen in a certain way, but this is a logical error. You cannot derive an evaluative conclusion from strictly factual premises.

When discussing torture, we must take into consideration this issue. We know that torture is beneficial from a utilitarian perspective, when a greater harm is deterred, but that does not mean that we ought to torture. This specific type of argument does not work because of the logical gap between the premises and the conclusion.

VI. A Kantian Approach to Torture

We have seen that trying to justify torture it is not an easy task, since we can encounter various problems. Those who still maintain that

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10 This is discussed in part I of book III, David Hume, A Treatise of Human Nature. I have used the version edited by Lewis Amherst Selby-Bigge (1739), http://oll.libertyfund.org/titles/hume-a-treatise-of-human-nature.
torture can be conceived as moral in special cases, need to find a way to respond to this issue. I will propose in this section a deontological approach, based on Kant’s *Critique of Practical Reason*, and I will argue that torture is never moral, not even in special conceivable cases like the ticking bomb example.

When we discuss about the practical reason we need to have in mind (a) that our will is determined by a principle\(^\text{11}\), (b) our will has an object, something that we wish to achieve by acting in a certain manner. We also need to remember the fact that, for Kant, a moral theory needs to be universal in order to have normative force. You cannot tell people what they ought to do if you do not have an objective, universal and necessary basis.

We know that a practical principle has rules that are either subjective or objective. Those rules are particular, *maxims* or universal, *practical law*. If reason is sufficient in determining our will, we will have universal rules by which we have to abide, but if we need to have an object in order to determine our will, then we have particular rules for each individual. We cannot establish an objective justification for our decisions, but rather say that we act in a certain way because it is good for us.

The thing is that we desire some object, because we know that obtaining it will give us pleasure. We know this only *a posteriori*. We acknowledge that happiness makes us feel good, because we experience it. We do not have any universal *a priori* rule by which we attain happiness, but rather *maxims* for each individual.\(^\text{12}\) The argument is this:

1. We desire an object because of the pleasure that will bring with it.
2. We know that something will give us pleasure *a posteriori*.

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\(^\text{11}\) Kant argues that reason is sufficient in determining our will, in the sense that there is a principle that makes us act in a certain way. Our reason does not need to be empirically conditioned to give us principles by which we act. We are talking about a causality of freedom, in which reason determines our will different from how the laws of nature causes things to happen in the world.

\(^\text{12}\) Even though *all people* have a natural desire to be happy, the actions that we need to do in order to obtain it differ. Some might need to get rich while others might need just to get married.
(3) If an object determines our will,\textsuperscript{13} we will have *maxims* that guide us.

(4) If this is the case, then we cannot tell someone that he ought to act in a certain way.

(5) If reason is sufficient in determining our will, then we have normative force, a *practical law* that we must all respect in order to be moral.

(6) Since a moral theory needs to be universal and necessary, it needs to have an a priori principle that determines our will, namely the *moral law*.

There may be some who doubt (4) is true and to those I say that because we do not have an objective basis, we cannot tell people what they ought to do. Sure, our goals might sometimes be the same, and thus our *maxims* the same, but that does not mean that we could tell all persons that a course of action is moral and another not.

Someone might argue that (6) is false, and I remind them that Kant believed that in order for something to be universal and necessary it needs to be a priori given. That means that the objects of practical reason cannot be that way, and if such an object determines our will, then our moral theory will not have the normative force.\textsuperscript{14} Kant argues that the only principle that should determine our will is the *moral law*, and our sole motive for acting in a certain way must be the respect of this *practical law*. He does not ignore the fact that people want happiness, amongst other things; he only says that in order for an action to be moral, we need to do it because we acknowledge the duty that we have as rational beings to respect the *moral law*.

If we think in this context about torture, we will immediately see that we either have a universal rule, in which such an act must not be done no matter the consequences, because it is immoral, or a particular

\textsuperscript{13} In the sense that we act in a certain way, because of the object that we desire. For example, if we want to achieve happiness, we will do those things that make us happy.

\textsuperscript{14} It would rather be a finite number of advices on how to reach your goals that will not be universally applied to all, since happiness is achieved differently by each individual.
rule, that torture can be done when a certain goal is desired\textsuperscript{15}. Even if our intention is to save a great number of people, our actions are not moral, because we only act this way in order to reach our objective. We are not being moral when we torture someone; rather we are prudent because we have an important goal, to save the life of a great number of people.

Torture is never moral because of how our will is determined. If we have a principle a priori given, we are talking about a practical law that we all must respect. This cannot be the case of torture since we know that if we universalize it, we a) violate the dignity of other persons, b) might torture innocents, and this goes against our nature. If an object, like happiness, determines our will, we have maxims, a finite number of advices for each of us on how to act. We cannot tell someone whether or not torture is moral since we do not have an objective basis\textsuperscript{16}. We can advise him and say that he should torture in such a dire situation like the ticking bomb case because of the good consequences, but he can do as he pleases if morality becomes relative.

Even if we choose to ignore how our will is determined, torture is never moral because of the Formula of Universal Law (FUL) and the Formula of the End in Itself (FEI). The latter asks us to always treat the humanity in others as an end in itself, rather than just a means to an end,

\textsuperscript{15} We could say that there could be a universal law like “You ought to torture”, but this clearly violates the dignity that we should respect in people. Even if we say that some might deserve to be tortured, we know that throughout history innocent persons have been interrogated this way. Universalizing this rule goes against our human nature as rational beings.

\textsuperscript{16} Someone might argue that since we cannot decide whether or not something is moral when an object determines our will, I am wrong to say that torture is never moral. What I mean to say is that in this case we cannot even talk about morality because all is relative. No matter how we put it, torture is never moral. If we have a universal rule that we ought to do such an act, we are clearly immoral, and if we have maxims then we cannot say to someone that he ought to torture because we do not have an objective basis. If we accept them as rules, we will have a finite number of advices that work only in specific contexts and only for some people that want to achieve a certain purpose. People do not want the same things, through the same methods. Some want happiness, while others crave knowledge or virtue. The rules by which they act will be different, and thus the maxims will be subjective rather than objective.
while the former requires us to universalise our maxims and see if they can become universal laws. When I torture someone, I treat the alleged terrorist as a means to an end, because the only thing I desire from him is the information that he has about the bomb. I do not care for his well-being or his happiness; I just want to save all those people. I treat the persons that I save as ends in themselves, but do not do so with the terrorist.

We know that real life situations differ from the ticking bomb case because we do not always have all the information we need. If we try to universalise the practice of torture in such dire circumstances we will immediately see that c) innocent people will be tortured, d) torturing innocents leads to fear and lack of faith in those who perform such acts, and the relations between people will deteriorate. This maxim cannot become a universal law, because it goes against our human nature, thus torture is not moral.

I argued in this section that torture is never moral because (1) we have an object that determines our will when we choose to act as such, and (2) our maxims cannot pass the test of the two formulas of the categorical imperative, FUL and FEI.

VII. Legal Status

Even though the act of torture is prohibited by the International Law\(^\text{18}\) and the constitution of all the countries, we have knowledge of the fact that in the last years, this type of act has occurred in several countries, with or without the knowledge of the government. We know that after 9/11 The United States of America, through the CIA, tortured

\(^{17}\) Of course, this does not happen necessarily, but it is hard to imagine that this will not be the case. We know that throughout history, people who were innocent were tortured. If this practice would be allowed, because of our epistemological limits and our subjectivity, it would be most likely that there will be cases of innocent people tortured.

\(^{18}\) I am referring to the Geneva Convention relative to the Treatment of Prisoners of War (1949) and to The Universal Declaration of Human Rights. The act of torture against another human being is prohibited. I read the document online at https://www1.umn.edu/humanrts/instree/y3gctpw.htm.
several people with the intention of getting information about (1) other impending attacks, (2) the location of people responsible for the disaster. They did not go on that path because they enjoyed inflicting pain to others, but rather they believed those actions were necessary in order to avert a greater harm. The pressure of finding those who are responsible, emotions like fear or rage convinced them that they must do whatever is needed in order to obtain crucial information. After all, it was them or the terrorists! – surely, it is a moral duty to defend your people against such hate.

The Eight Amendment prohibits torture, so in 2002 they found a way around it, by saying that they will not employ torture, since that would be illegal by the International Law, but rather they will make use of some enhanced interrogation techniques that will have the desired effect, finding out crucial information. They performed actions like sleep deprivation, slapping and threatening, waterboarding, and other inhumane practices, to persons who were believed of being responsible for the attack. The CIA convinced members of the government that this type of interrogation technique was quite effective, and that in the end, it played a big part in catching the leaders of the terrorist organizations. They believed that without these actions, the culprits would have remained unpunished, and the threat would have not been eliminated. The actions seem justifiable, because they had good intentions, and the results were beneficial.

The fact of the matter is that the actions were brutal and not effective\(^{19}\), not to mention the breaking of several human rights. This interrogation method (1) made people lie, because they could not stand the pain anymore, (2) was not effective, because the detainees did not know the crucial information. We now know that they tortured several innocent people, believing that they knew something more than they had already told. The scars, both physical and psychological, are unimaginable. Legally speaking, they might have found a loophole, but they were not morally justified in acting that way, regardless of whether

\(^{19}\) This information can be found in the Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program, http://fas.org/irp/congress/2014_rpt/ssci-rdi.pdf, 9.
or not they tortured innocents. They treated the prisoners like means to an end, disrespected their humanity and dignity, inflicted damage in the name of protecting others. We also see in these examples that the argument of the epistemological gap holds and should be taken into consideration.

What of the legal status, though? Could we live in a world where torture is legal? After all, we know that these types of acts happen. If we cannot stop them, why not make them legal?

A possible argument against it would be that, when we legalise torture, we might end on a slippery slope. More and more countries may feel justified in committing such abhorrent acts, in the name of protecting others. Emotions like fear or rage will play their part, making people do things that they would not normally do. Hate against other ethnicities would rise, and prejudice would take the place of reason.

But what if the conditions under which an act of torture is legal would be so drastic that only a few exceptions, in extreme situations, would be permitted? Surely then the cases would be (a) rare, (b) closely monitored. Mirko Bagaric and Julie Clark (Satris 2013, 273), for example, argued for a torture warrant that will put a heavy burden on the government.

I will argue that if we legalize torture, one of two things is bound to happen. By giving one more option (that of torturing) to countries who did not take that into consideration, because it was illegal, we increase the possibility of these type of acts to take place, thus harming more and more people, innocent or not. This will lead to an increased violation of human rights, human dignity, and will make people distrustful. That is, the consequences will be negative, even though we will better regulate the practice. The second thing concerns the strict rules and stipulations that an act like this would have. While it is true that this might lead to fewer cases of torture because of the drastic conditions, I think it is safe to assume, looking at how the world is, that it is more likely that people will find loopholes in the system that permit them to torture, even when they do not respect all the conditions. This might be done because they think they have a just cause, or that the situation is so dire that it requires such a course of action, but this does not change the fact that they manipulate the law in their advantage.
In both cases, the recurrence of torture as an interrogation method is likely to be higher than in the situation where it would be immoral and illegal. If we do not support torture now, by deeming the practice inhumane, why would we support it when it is more likely to happen? Are we really that better off with torture as a legal practice?

Whether we like it or not, we know that these acts happen, and we need to decide what to do with the information. At first it might seem that immoral and legal is the solution, but I would argue that immoral and illegal is the way to go. Even though we might regulate better the practice of torture, the negative consequences outweigh the good that the legalisation might do. We cannot ignore that fact that it happens, but that does not mean we should condone or endorse it. After all, the way the world ought to be does not derive from how it is. Our humanity is sacred, and we should treat all the people as ends in themselves.

VIII. Conclusion

I argued in the first part of the paper that when trying to justify torture, we must be aware of the problems that can arise. I presented the argument by Jeremy Wisnewski in order to show that the ticking bomb argument cannot help us in deciding if torture is moral or not. After that I discussed the epistemological gap that can occur between what is believed to be known and what is known in fact, and the fact that we cannot infer what ought to happen from what is actually happening. After that I tried to show how a deontological approach to the issue of torture will bring us to the conclusion that torture is never moral because (1) the will is determined by the object, (2) we do not pass the test of the two formulas, FUL and FEI. In the last section I argued that torture should not be legalised, even though we cannot ignore the fact that it is happening. We need to have some rules and laws that deal with this issue.

The purpose of this paper was to show that torture is never justified because it is never moral, and that it should never be legal, because of the consequences that will arise. Torture is an abhorrent act, and no one, no matter how evil he is, should be subjected to this type of
inhumane practice. The day we will consider this act morally justified is the day when we have failed as moral human beings.

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