It's About Time:  
Defusing the Ticking Bomb Argument

J. Jeremy Wisnewski  
Hartwick College

ABSTRACT: The most common argument in favor of torture in the current literature is the ticking bomb argument. It asks us to imagine a case where only torture can prevent the detonation of a bomb that will kill millions. In this paper, I argue that the seeming effectiveness of this argument rests on two things: 1) the underdetermined semantic content of the term ‘torture,’ and 2) a philosophical attitude that regards the empirical facts about torture as irrelevant. Once we pay attention to the facts about torture, and particularly about the role time plays in actual torture, the ticking bomb argument becomes incoherent, and hence cannot provide a basis for accepting torture.

The most common conversations about interrogational torture tend to employ economic language: the give and take of question and answer, of pain and information, of possible costs and benefits. Indeed, the force of the most common argument in favor of limited permissibility (The Ticking-Bomb Argument) depends precisely on economic considerations: we are asked to imagine a scenario in which only torture will enable us to track down a bomb that is set to detonate in a densely-populated urban area. The case is meant to draw on our more utilitarian intuitions—on our desire to save the many at the cost of merely one. If there is a seemingly compelling argument in favor of limited permissibility (which is the most commonly defended view for the permissibility of torture), the ticking-bomb argument is it. It makes the benefits of the hypothetical torture quite high, and the costs (seemingly) low. In what follows, I will argue that there is a fundamental incoherence contained in this most-famous of pro-torture arguments.

I. THE TICKING BOMB ARGUMENT: TORTURE AS MORALLY PERMISSIBLE

Imagine that you, an agent of the CIA, have just captured a well-known terrorist. You have excellent information that there is an imminent attack planned on a major
US city. This attack will involve the explosion of a nuclear device. You also know that this attack will be carried out within the next 5–10 hours, making evacuation impossible. As it happens, you are also an expert interrogator, skilled in the dark arts of torture. You are convinced that through applying various techniques of physical and psychological manipulation you will get a confession of the location of the nuclear bomb, and thereby save the lives of perhaps a million US citizens. The question is simple: do you move forward with the torture?

Consider what someone might say to those who answered ‘no.’ If you refuse to torture, even though this would result in saving a million lives, you are essentially claiming that your own moral rectitude is more important than the lives of those in danger. This is a kind of moral narcissism that constitutes a moral failing: we elevate ourselves above those who will suffer. Sometimes, one might argue, the moral thing to do is to sacrifice ourselves.

The defender of answering ‘yes’ might also point out the following: most of us support imprisoning people against their will for long periods of time. Most persons also accept putting people to death when this is necessary for saving lives (such as in cases of self-defense, or in cases where a hostage taker is threatening the lives of a group of people). To accept the permissibility of killing in these cases while denying the permissibility of torture in a Ticking Bomb case seems to be flat out contradictory. Death is, the defender might continue, worse than torture—so if killing is justified to save lives, so too must torture be. Saving a dozen hostages by killing the hostage-taker is significantly more morally problematic than torturing someone in order to save a million. This, then, is the force of the dilemma.

It is difficult to answer ‘no’ to the question of torturing in this case, especially when one is pressed. Even Jeremy Bentham, a true activist for human well-being, thought that torture had to be permissible in certain cases.¹ This view has more recently been defended by Alan Dershowitz,² as well as a host of philosophers, legal theorists, and political scientists.³ Even Senator John McCain, the most vocal of the advocates of the recent ‘torture ban,’ has acknowledged that scenarios such as the one described above constitute an exception to the ban he advocates.⁴

Responses to the argument, of course, differ tremendously. Some argue that this shows us that we should permit torture under certain judicial oversight.⁵ Others claim that this would legitimate torture, and hence that we should proceed on a case by case basis, allowing courts to decide after the fact if an instance of torture was justified.⁶ Still others contend that torture should be routinely permitted, as it is no worse than many forms of punishment, and we routinely impose punishment on persons against their will in order to achieve a greater social good. (These authors typically use the above argument as a point of departure for the defense of their much broader acceptance of torture).⁷

Cases like the one described above are routinely referred to as ‘Ticking Bomb Arguments.’ They are by far the most powerful case that can be presented to contest the view that, morally speaking, torture is always to be avoided. The structure of the argument is fairly straightforward: we posit an extreme case where intelligence is required to prevent a massive evil. We are then presented with a choice that seems to require choosing a lesser evil in order to avoid some
disastrous consequences. Once we have conceded that in a case like this torture is permissible, all that is left to do (as George Bernard Shaw famously quipped) is haggle over the price. Given that we are willing to torture, we have to decide just how extreme the circumstances need to be to proceed. If we will torture for a million lives, will we do it for 100,000? 1,000? Four? In this way, the Ticking Bomb argument is a wedge argument. It is the first step in defending a more general policy allowing torture in some instances, even if these instances are strictly supervised and quite exceptional.

It is easy for many to respond to such arguments with a slippery slope objection. If we allow torture in certain extreme cases, we will wind up allowing torture in less extreme cases. In order to avoid torture becoming pervasive, we must adopt a strict no tolerance policy for such practices. This line of argument, in many cases, is fallacious. As Bagaric and Clarke point out, “laws that permit citizens to use self-help measures to inflict (even lethal) harm such as self-defense and necessity have not resulted in significant abuses. This is despite the fact that such laws are ‘gray’ in application and the lawfulness of the conduct is generally evaluated after that fact” (46). Thus, it is insufficient to simply point out that a current policy might lead to one that is substantially worse. This ‘might’ merely expresses a worry; it does not constitute an argument. As Bagaric and Clarke (correctly) argue, slippery slope arguments are objections only when they are based on evidence (like historical precedent). They cannot simply be invented.8

II. THREE INITIAL RESPONSES

1. The Dignity of Persons Objection

Perhaps the first response one might make to the above arguments is to meet utilitarian considerations with deontological ones. Rather than accepting that torture is like an economic transaction, where we trade one life for many others, one might emphasize a position typically associated with Kant: namely, the view that the respect of a given individual is inviolable, and is not the sort of thing that has a ‘price.’ Objects can be traded according to equivalences, human beings, however, cannot.

The problem with the Ticking Bomb argument, every Kantian will insist, lies with the model of torture (and of ethical thinking and agency) that it presupposes. The numbers game ignores the individual dignity and autonomy of the agents subject to its analysis. Although there are powerful arguments against the economic model of ethical analysis, and hence of a defense of torture along economic lines, it is important in the current context to see if the argument above works given economic assumptions. If the argument can be shown to be lacking even when we reason within economics parameters (with the conception of torture as mere transaction), its rejection will prove all the more decisive. Thus, despite my own predilection to accept the Kantian conception of the person, to combat the Ticking Bomb argument requires thinking about torture on the economic model that is the basis of the argument, at least if we prefer to avoid a stand-off of moral intuitions.
2. Artificial Cases Objection

The other immediate response often offered by those confronted with the Ticking Bomb argument typically involves pointing out how deeply artificial the case is. This objection is forcefully raised in Henry Shue’s classic paper, “Torture”:

There is a saying in jurisprudence that hard cases make bad law, and there might well be one in philosophy that artificial cases make bad ethics. . . . Notice how unlike the circumstances of an actual choice about torture the philosopher’s example is. The proposed victim of our torture is not someone we suspect of planting the device: he is the perpetrator. He is not some pitiful psychotic making one last play for attention: he did plant the device. The wiring is not backwards, the mechanism is not jammed: the device will destroy the city if not deactivated. (142)

As Shue makes clear, the Ticking Bomb case is practically beyond belief. In addition to the above problems, we must also know how to torture the perpetrator, that torture will be effective, that it will not take more time than is available, and so on.

But the artificiality of the Ticking Bomb case is in fact worse than any of this suggests: if we know that the bomb is wired correctly, and that this perpetrator is guilty of placing this bomb where it is, we must have acquired this knowledge in some way. How could we have the knowledge in question—a certainty that makes torture permissible—unless we saw the bomb being wired, and then saw this perpetrator place it? If we have seen these things, however, (and hence torture is permitted) there would be no need to torture.

3. Legitimation Objection

A final common objection to the Ticking Bomb argument has received a good deal of publicity. This objection can be very quickly articulated. It comes in two basic forms, and stems from one particular insight: if we accept torture in some cases, we wind up making torture more legitimate than it currently is; if we concede that torture might be acceptable in some cases, we also decrease torture’s deplorability in the minds of others, lending it a veil of legitimacy.

The strongest version of this view has been articulated by Zizek, who claims that any discussion at all (even this paper) legitimates torture. On this view, then, we should simply remain silent, not dignifying torture with any analysis or conversation. A weaker version of this objection runs as follows: if we discuss torture, specifying, say, that we can employ psychological pressure on agents along with sleep deprivation and other tactics, but that we cannot inflict harsh physical pain on such agents, we (perhaps inadvertently) legitimate the use of all and any techniques that are perhaps just below the level of torture. If it is considered torture to keep someone awake for 20 hours, and hence is regarded as illegitimate, this position might lead persons to subject others to 19 hours and 59 minutes of sleep deprivation. The thought here is that establishing actual policies will show persons where the line is, so that they can approach it more frequently with impunity.
III. REJOINDER TO THE CLASSIC RESPONSES

There is something right about each of the above objections—but they do not, in my view, silence our utilitarian intuitions quite forcefully enough. Indeed, it is difficult to know (at this point) whether or not these intuitions can be silenced. Moreover, it might well be thought that the above objections can be met. Consider how various supporters of torture might reply:

1. The Dignity of Human Beings

The most straightforward response to this particular objection runs as follows: a utilitarian perspective is perfectly compatible with a respect for the dignity of persons. This respect, however, must be absolutely egalitarian. No one person has any more dignity than any other: you are worth as much as I am in terms of our dignity, and the reciprocal of this holds as well. Nothing in the ticking bomb argument, or our intuitions regarding it, contradicts this. Indeed, it follows from this view that we must torture. To not torture in a ticking bomb case would involve elevating the dignity of the torturer above the millions who would be killed if torture were not undertaken. This is anti-egalitarian, and hence incompatible with a true respect for the dignity of all human beings.

2. Artificial Cases

We never have perfect knowledge. This is a reality of the human condition. To require perfect knowledge for action of any kind would result in chronic paralysis. Our standards of proof should certainly be high in all criminal cases, but we cannot ask for absolute certainty, as we will never get this. Moreover, the function of the argument is not about torturing under these exact conditions—it is about whether we in fact believe that there are no circumstances under which torture is acceptable.

The Ticking Bomb argument is meant to be an intuition pump—something that allows us to assess whether or not we actually believe that torture is impermissible. Once we have established that we do not think this, we can argue about the conditions under which it is acceptable. Thus, even if there is never a ticking bomb case, exploring such a case allows us to better understand and express our intuitions regarding torture—and thus to have a point of departure for thinking through this issue. The ticking bomb argument shows that appeals to the inhumanity of torture are insufficient to establish its impermissibility, as such a response likely comes more from our conditioned responses to the word ‘torture’ than to our actual moral intuitions about particular cases.

In response to worries about knowledge, a defender of torture might also claim that torture works along the same lines as evolution: even if a thousand different cases are tried that ultimately fail, if one successful case occurs, the endeavor has been worth its cost. Much as a thousand species must die for one successful species to emerge, so too must a thousand suspects be tortured to get one good lead. Thus, the fact that torturing often produces false leads is not really a very substantial objection when we play the numbers game. If one person in a thousand
produces a piece of good information (information that could potentially save several thousand people), then a torture policy would be justified.

3. Problem of Legitimation

An obvious reply to the claim about legitimation would be to argue that this objection engages in fallacious slippery slope reasoning. Permitting torture in extreme cases does not amount to permitting it in all cases, nor need it lead to the view that humans do not have dignity. It might lead to this—and this is certainly a worry to be considered—but it seems very difficult to establish this causal consequence of permitting certain instances of torture with any high degree of probability.

A second response that might be made to this line of objection would simply be to bite the bullet: yes, one might concede, permitting instances of torture would legitimate it, but (a defender of this view might continue) this is what we want to happen. Our failure to engage in this kind of activity in the open has been a mistake.

I do not find all of these responses to the above objections particularly persuasive—but that does not mean these responses can simply be ignored. What the responses demonstrate is that the above objections are not sufficient to end the debate about the Ticking Bomb argument. There are, however, several lines of objection which, in my view, do constitute a sufficient reason to cease utilizing these forms of argument when discussing the ethics of torture. It is to a consideration of these additional considerations that I now turn.

IV. WHY WE SHOULD REJECT THE TICKING BOMB ARGUMENT

There is no problem in principle with artificial cases, but there are limits on what kinds of cases we can construct. For example, a case cannot violate what we know about the nature of the thing we are exploring. For example, if we were imagining cases involving, say, rabbits, we would have to stick with what we mean by ‘rabbit’ in (grounded) ordinary language. Nothing particularly contentious is meant by this. If we were asked to imagine a rabbit that was a dog, for example, we would be right to insist that the request was nonsensical. Rabbits—and this seems to be part of the use of the term—are not dogs. Thus, imagining one animal that is a rabbit precludes imagining that same animal as a dog (at best, it could be some mixture of the two—a ‘dabbit’ or ‘rog,’ if you like).

This is an incredibly important point when thinking about torture. When someone constructs a case of ‘torture,’ for example, in which no pain (mental or physical) is experienced, and in which said ‘torture’ is willingly submitted to, or even enjoyed, by both parties, it just is not clear that we’re talking about torture anymore. Now, this should not be exaggerated. Perhaps torture can be willingly submitted to.11 The point here is that the burden of argument is on the person who constructs such cases to show us that she is still talking about what we know to be torture. (Likewise, a rabbit might be a dog—but before we infer anything based on such a case, we’ll need some argument!)

This is the primary problem with ticking bomb cases. It is not that they are unrealistic epistemologically (though they are), or practically (though again, they
It’s about time: defusing the ticking bomb argument

are), or even psychologically (here they are unrealistic as well). The problem, rather, is that what is being called ‘torture’ strains credulity. In some versions of the argument, we are asked to imagine a practice that is done beneficently, that does not exceed necessary force, and that has no lasting effects on the torturer or the tortured. Examples of the Ticking Bomb argument postulating these conditions simply exceed the bounds of what attributes can be reasonably predicated of torturer, tortured, and what brings the two together.

One might here concede this point, allowing for a more realistic portrait of the torture that would be inflicted in the ticking bomb scenario: there will be too much pain, and it will have lasting effects on both parties to the torture. Moreover, the motives of the torturer, no matter how good they are initially, will ultimately deteriorate. For many, the ‘clear’ intuition that we ought to torture will evaporate at this point—particularly once we acknowledge the reality that we will make mistakes about whom we are justified in torturing. But this is not a sufficient reason to reject the Ticking Bomb Argument. After all, there are many versions of the argument, and the above (unrealistic) conditions do not seem essential to the thought experiment.

What, then, is essential? Two things.

a) There is a finite amount of time before the bomb will detonate. The time in question makes alternative means of intelligence-gathering unacceptable. Interrogation by torture is thus demanded given our time constraints.

b) A greater loss will occur as a result of a failure to engage in torture.

I will argue that once we have fleshed out what is involved in information-gathering (or ‘interrogational’) torture, we will be in a position to see that (b) is false in the Ticking Bomb case. It is false because interrogational torture, to be effective, simply cannot be carried out in the amount of time postulated in the Ticking Bomb argument. Once we give up (b), the Ticking Bomb argument falls apart.

For the argument I intend to present against the Ticking Bomb case to work, it is crucial to specify in some detail what the structure of this argument is. Importantly, I am not claiming that one cannot use highly unlikely scenarios to test our intuitions. We absolutely can and should do this. Hard cases are a good means of testing intuitions that must later be captured by reflective theoretical ethics. But this is not to say that any kind of thought experiment will adequately test our intuitions. There are constraints on thought experiments, constraints that are semantic and logical rather than probabilistic.

To be clear: a thought experiment needs to be logically possible to be useful. If you ask me to imagine a triangle with four sides, for example, and I claim that I can do it—that does not demonstrate that there are four-sided triangles, or that it is possible for there to be four-sided triangles. Rather, it demonstrates that I do not adequately understand the semantic content of the term ‘triangle.’ Thought experiments cannot contain contradictions, nor can they involve (to put the same point differently) semantic impossibilities. Thus, if one asks “If you arrive at a place before you left it, would you be on time?” one is entitled to simply reject
the case. It is not clear what is being asked. This is not tantamount to rejecting all possible thought experiments about time. It is an insistence that we do not steep ourselves in nonsense when we conduct such thought experiments.

So, is the ticking bomb argument nonsense? It certainly does not initially appear to be. This might be the result of it not being nonsense (the usual view), or it might be the result of us simply leaving the semantic content of interrogational torture under-determined (this is the view I will defend).

The term ‘torture,’ by itself, is a term that cannot be characterized as having clear semantic borders: there are cases of domestic abuse that look quite a lot like torture; the Middle Ages present us with torture as a judicial process; some cases seem to aim at information, while others aim at evidence, humiliation, or simply the expression of power. Nevertheless, we can get much clearer about the semantic content of torture when we distinguish it into types and models. It is my contention that much can be said about each of these models, as well as about types of torture presented in particular models. Thus, we are currently examining interrogational torture on an economic model. This, indeed, is the conception of torture on which the Ticking Bomb argument relies: the claim is that we need information (hence, the torture is interrogational), and that torture is acceptable given that it will save a greater number of lives (hence, the model is economic). (Recall that these two things are conditions (a) and (b) enumerated above.)

Despite the semantic promiscuity of terms like ‘torture,’ such sub-classifications permit us to gather relatively concrete semantic content. It may well be impossible to adequately define ‘torture.’ It is hardly impossible, though, to define ‘interrogational torture on an economic model.’ (We might start with something like the following: the intentional infliction of physical or psychological pain on a subject in order to acquire information from that subject. Pain is traded for potential information.) This specification permits us to understand in much greater detail what is involved in interrogational torture—how it works, what its limitations are, and so forth. (This is analogous, though only analogous, to the distinction of types of triangles enabling us to say much more about what is involved in each type.)

It is at this point that we can begin to flesh out the nature of interrogational torture. Importantly, I do not think that the nature of torture should be understood as resulting from a priori considerations. While we might well explore concepts that do not involve intentionality without reference to empirical facts about human beings, the same cannot be said about intentional concepts. In other words, the semantic content of terms like ‘want’ and ‘desire’ are determined (at least in part) by the putative nature of the creatures that can want and desire things. While we do not need to consider human beings to explore the semantic content of ‘triangle,’ we do need to consider human beings in talking about torture (indeed, it seems to be part of the semantic content of ‘triangle’ that we do not need in particular cases to refer to the actions of persons to talk about the properties of triangles). Torture is something that human beings do. As far as we know, it is only something that human beings do. There is thus no way of articulating the elements of torture without paying attention to it as a practice, and hence to paying attention to human beings.
Thus, in considering what interrogational torture is and how it works, we will of necessity require some empirical content. This is an important point, as it demonstrates that semantic contradictions might be contradictions because of empirical facts. (Thus, there might well be necessary a posteriori truths about torture.) For example, if one postulated a thought experiment in which we had to begin by imagining that water was solid, and hence not wet, we could rightly point out that this violated the semantic content of ‘water.’ (I'm not particularly interested in defending the view that semantic contradictions are fundamentally distinct from logical contradictions. With Wittgenstein, I regard the two as sharing a very blurry boundary. The line between empirical and conceptual is often too fuzzy to make neat divisions.)

Before applying these remarks directly to the case of interrogational torture, there is an objection that must be met. One might very well contend that there are perfectly convincing thought experiments that involve semantic contradictions, and hence that the claims we have thus far been making cannot be completely correct. If a thought experiment can demonstrate x, despite relying on semantically nasty features, then surely this cannot be an objection to the Ticking Bomb argument. An example of such a thought experiment is Judith Jarvis Thompson's famous people seed example.

Suppose it were like this: people-seeds drift about in the air like pollen, and if you open your windows, one may drift in and take root in your carpets or upholstery. You don't want children, so you fix up your windows with fine mesh screens, the very best you can buy. As can happen, however, and on very, very rare occasions does happen, one of the screens is defective; and a seed drifts in and takes root. (745)

Using this example, one might argue as follows: This example, as wonderfully clever as it is, seems to rely on a semantic contradiction. While we certainly do not know everything about persons, we are as certain as we can be that they are not plants—that they do not grow from seeds. Thus, if this thought experiment works, the claim that thought experiments cannot rely on semantic contradictions must be false.

There are two lines of response here that are worth exploring. Determining exactly what response is appropriate in this particular case might well require a book, so I will limit myself to a few words. The point of enumerating these responses, then, is to make clear that this example is not a counter example. We think this is likely as close as one might come to a counter-example to the claim I have been defending (namely, that thought experiments cannot contain semantic contradictions), though, admittedly, other counter-examples will need to be assessed on a case by cases basis.

1) Although it is clear that persons are not plants, it is not clear whether or not embryos have the same status as persons. Thus, the appropriate analogue here is between the people seed and embryo (obviously). We cannot say that the embryo has the same status as a person, as this would beg the question. Indeed, the issue here is to test our intuitions about whether or not there is a semantic contradiction in the example. If we assume that there is such a contradiction, the thought experiment cannot do its job (namely, to test for
contradiction). Analogously, if someone began the Ticking Bomb scenario by saying ‘imagine an impermissible act of torture . . . ’ it could not test our intuition about whether or not torture was permissible in this case.

2) Finally, the temptation to accept the thought-experiment might well come from a disposition to accept what it shows (the permissibility of abortion). In fact, the plausibility of this case (in my view) stems largely from the earlier thought experiment (concerning the violinist) that effectively demonstrates the permissibility of abortion without committing semantic contradiction. There is nothing contradictory in imagining being physically connected to another person such that the person has use of your organs. Given that, a few paragraphs earlier, this thought experiment went such a long way to establish the moral plausibility of removing life from one’s body that depends on one, we are much more likely to accept that this thought-experiment works on its own. If we imagine Thompson’s argument without the initial violinist example, the force of the people-seed example is significantly weakened.

Any thought-experiment that involves semantic contradictions should not be used as the basis of a position on a controversial topic. Its argumentative weight is significantly limited. This does not mean, though, that such thought experiments are entirely without value. As in the Thompson case, they might well re-enforce an already established position. Admittedly, though, this is of rhetorical, rather than argumentative, value.

Returning to the Ticking Bomb argument, we are now in a position to explore the conception of torture implicit in (a) and (b) above, and explore whether or not this conception of torture runs afoul of the semantic content of interrogational torture (on an economic model). It is my view that it does run afoul, but to show this will require an examination of some of the features of effective interrogational torture. Recall that the claim made in the Ticking Bomb argument is that interrogational torture will be effective in a relatively short amount of time. If it would not be effective, then this torture would not prevent a greater harm than it would cause (and hence (b) would be false).

It is relatively non-controversial to point out that the amount of torture required before any particular interrogatee divulges information cannot be predicted. Torture cannot be timed in advance (this agent will break in two hours). It is part of the nature of torture that there is simply no formula for what will work on particular persons at particular times. This is in fact part of the wisdom of interrogation manuals—and has been for a very long time (more on this in a moment). The significance of this, however, has been lost on the advocates of the Ticking Bomb argument. It is part of the nature of effective interrogational torture, I will show, that one has potentially limitless time in which to conduct one’s dark work.

The ability to draw out torture indefinitely is crucial to its potential effectiveness in virtually every case. If a detainee knows that they are free to give information after a certain period of time (say, ten hours), this creates a strong incentive to maintain composure until it is no longer necessary. Virtually every interrogation manual in the modern era relies on the use of temporal confusion as a means of
‘regressing’ a person to the point where they will talk. The 1963 *Kubark Interrogation Manual* remarks that:

Some interrogatees can be regressed by persistent manipulation of time, by retarding and advancing clocks and serving meals at odd times . . . [this] is likely to drive him deeper and deeper into himself, until he is no longer able to control his responses in adult fashion.\(^{14}\)

The CIA’s *Human Resource Exploitation Manual*, compiled thirty years later as a revision of the *Kubark*, verifies that this tactic is tried and true:

The ‘questioner’ should be careful to manipulate the subject’s environment to disrupt patterns, not to create them. Meals and sleep should be granted irregularly, in more than abundance or less than adequacy, on no discernible pattern. This is done to disorient the subject and destroy his capacity to resist. (L-3)

Indeed, psychological torture involves breaking down the identity of the person interrogated. Typical strategies involve sleep deprivation, time disorientation, and general strategies for multiplying confusion. (the CIA *Human Resource Exploitation Manual* recommends things like rewarding non-cooperation and nonsensical questioning). Breaking down the world of an agent, as well as the agent’s own self-understanding, is crucial to making the agent a mere information-vomiting puppet. This is the very aim of torture—regression, which “is basically loss of autonomy” (*Kubark Interrogation Manual* 1963, 41).

Of course, one might argue that the use of physical torture rather than psychological torture is what is required in ticking bomb cases. Because psychological torture (the preferred kind, I hasten to remind everyone) cannot be adequately completed in a short span of time (our identity must be destroyed, and this necessarily takes time when approached psychologically), a ticking bomb scenario requires the immediate application of brutal physical tactics.

Again, however, this type of argument seems to miss entirely the nature of torture—which of course includes the propensities of both torturer and tortured. As the authors of the CIA’s *Human Resource Exploitation Manual* make clear, the use of physical torment from agents may well prevent the acquisition of information:

The torture situation is an external conflict, a contest between the subject and his tormentor. The pain which is being inflicted upon him [the interrogatee] from outside himself may actually intensify his will to resist. On the other hand, pain which he is inflicting on himself is more likely to sap his resistance. For example, if he is required to maintain rigid positions such as standing at attention or sitting in a stool for long periods of time, the immediate source of discomfort is not the ‘questioner’ but the subject himself. His conflict is then an internal struggle. As long as he maintains this position, he is attributing to the ‘questioner’ the ability to do something worse. But there is never a showdown where the ‘questioner’ demonstrates this ability. After a period of time, the subject may exhaust his internal motivational strength. (my italics, L-12)\(^{15}\)

As we can see, the manual (which was used by the CIA to train torturers in South America and Asia, for example) points out that applying pain to a subject from the outside (such as hitting the agent) “may actually intensify his will to resist.” Thus, in using pain, the recommendation is to use pain that results from the subject’s own
body. Of course, as the manual also points out, self-induced pain requires “long periods of time.” Time is precisely what we lack in the ticking bomb case.

What a defender of the Ticking Bomb Argument will likely state, in this instance, is that we must simply take off the proverbial gloves in an attempt to extract information more quickly. Rather than hitting and slapping, then, we remove fingernails with pliers, we smash toes with hammers, we send electricity through the genitals. Once again, the CIA’s *Human Resource Exploitation Manual* warns against this:

> Intense pain is quite likely to produce false confessions, fabricated to avoid additional punishment. *This results in a time-consuming delay* while investigation is conducted and the admissions are proven untrue. During the respite, the subject can pull himself together and may even use the time to devise a more complex confession that takes still longer to disprove. (my italics, L-12)

The result here, I think, is clear: all interrogation takes time. If we want to acquire accurate information through torture, it simply cannot be done in a day using psychological means. The subject must be ‘regressed’ to a state where there is no strong identity, where things no longer make sense. While one can increase levels of physical pain as a means to get information, this will likely result in subjects saying *anything at all.* Of course, eventually this will likely result in real information—but this, much like psychological torture, relies on time that we simply do not have in the ticking bomb case. We must thus conclude that torture in the ticking bomb case simply will not result in the saving of a million lives. Once we have adequately described the nature of torture—the tried and true techniques of government agencies the world over—we must concede that it is an ineffective means of acquiring information when the clock is running.

I should emphasize, again, that the point here is not that torture will *never* result in accurate information. It might very well (at least in a few cases). But we are not at leisure to simply postulate that torture *will* work in the case we are considering. If effective torture, by its very nature, requires the judicious use of time, then postulating that torture can work in the Ticking Bomb Case (where time is limited) might well be like postulating that one can jump without moving. Any case that asks us to imagine such a case is intrinsically suspicious, and by no means should constitute the basis for a view that endorses torture either as policy or in particular cases. Indeed, if our exploration of effective interrogational torture has been adequate, I have shown that there is a semantic contradiction in the very idea of interrogational torture that can be effectively executed in a small amount of time, whether that time is five minutes or five hours.

Everything hangs on the immediacy of the impending bomb. It is this immediacy, however, that makes the thought-experiment incoherent: there is no such thing as effective interrogational torture that lasts only thirty seconds. One does not need torture if a suspect is willing to talk, and if a suspect is not willing to talk, any method of coercion will require substantial time to be effective. This leads directly to a straightforward dilemma: if there’s no time for alternative approaches to intelligence acquisition, then everything we know about interrogational torture tells us that this torture simply will not be effective. If there *is* time for other approaches to
intelligence acquisition, then torture is unnecessary. Torture, in the Ticking Bomb case, is thus either unnecessary or ineffective. This shows that (a) and (b) above are both to be rejected, and hence that every version of the Ticking Bomb argument fails to justify this practice.

One obvious rejoinder to the arguments I have made is to point out that these arguments do not cover every case of torture. This I must concede. My aim has been to examine the primary argument used to motivate the torture debate. The argumentative strategy is to use the ticking bomb case to reject the universal prohibition against torture. By presenting this seemingly-coherent case, our moral intuitions are called into question. We are led to re-think the limits of our respect for other agents by way of this thought-experiment. My aim has been to block this argumentative strategy—to demonstrate that there is nothing obvious about the ticking-bomb case—and that it thus cannot be used as a point of departure in pursuing the moral issues involved in torture.16

Endnotes


5. Dershowitz, op cit.

“Can the War against Terror Justify the Use of Force in Interrogations?”; Gross, “The Prohibition on Torture and the Limits of the Law."


12. This claim is meant to be acceptable to both realists and anti-realists in mathematics. Even if ‘triangles’ are just human constructions that arise out of our complicated form of life, they are such as to be regarded by us as having their qualities independently of our particular beliefs, desires, and individual actions.


16. I am grateful to audiences at the University of Colorado at Denver, Hartwick College, and those in attendance at the meeting of the Society for Philosophy in the Contemporary World group session of the APA Pacific Division, 2008. I would like to thank Hartwick College for its support of this research through a Faculty Research Grant. For a more complete treatment of the ethical questions surrounding torture, see R. D. Emerick and J. Jeremy Wisnewski, *The Ethics of Torture* (Continuum Publishing, 2009).