

## Training Torturers: A Critique of the "Ticking Bomb" Argument

... suppose a fanatic, perfectly willing to die rather than collaborate in the thwarting of his own scheme, has set a hidden nuclear device to explode in the heart of Paris. There is no time to evacuate the innocent people or even the movable art treasures—the only hope of preventing tragedy is to torture the perpetrator, find the device, and deactivate it.<sup>1</sup>

### Introduction

The war against terrorism has re-ignited the debate about the permissibility of torture. Once again we are hearing variations of the "ticking bomb" argument in support of the use of torture against terrorism suspects. Terrorism is claimed to pose such an extreme threat that the prohibition against torture cannot be maintained. We are involved in a new kind of war in which the ordinary moral constraints cannot apply. In the words of Cofer Black, former head of the U.S. Counterterrorism Center: "There was a before 9/11, and there was an after 9/11 ... After 9/11 the gloves come off."<sup>2</sup>

Variations of the ticking bomb argument have been put forward by writers such as Alan Dershowitz and Mark Bowden.<sup>3</sup> These variations have involved detailed discussions about the exact conditions under which the torture of terrorism suspects might be justified. Most often these arguments are put forward as utilitarian justifications for overriding the prohibition against torture, but sometimes they take the form of self-defense arguments or arguments from necessity.<sup>4</sup> In every case, however,

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<sup>1</sup>Henry Shue, "Torture," *Philosophy and Public Affairs* 7 (1978): 124-43, p. 141.

<sup>2</sup>Quoted in Major William D. Casebeer, "Torture Interrogation of Terrorists: A Theory of Exceptions (with Notes, Cautions, and Warnings)" (paper presented at the Joint Services Conference on Professional Ethics, Washington D.C., 2003). Last accessed 15 February 2005 at <<http://www.usafa.af.mil/jscope/JSCOPE03/Casebeer03.html>>

<sup>3</sup>See Alan Dershowitz, "Want to Torture? Get a Warrant." Last accessed 21 March 2005 at <<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/22/ED5329.DTL>>; and Mark Bowden, "Torture, if it saves lives, may be a necessary evil." Last accessed 21 March 2005 at <[http://www.philly.com/mld/inquirer/news/special\\_packages/sunday\\_review/3015768.htm](http://www.philly.com/mld/inquirer/news/special_packages/sunday_review/3015768.htm)>

<sup>4</sup>For example, on pages 39-43 of the infamous "torture memo" prepared by the

one crucial issue has been missing from the analysis of these arguments: permitting torture means permitting torturers.

In this paper I argue that the scope and kind of training necessary to produce the torturer needed in the ticking bomb scenario raises serious questions about the legitimacy of these kinds of arguments for the use of torture. Using a combination of social psychology and empirical evidence, I demonstrate that training torturers creates dispositions that are closely connected to what sociologist Herbert Kelman calls “crimes of obedience”—state sponsored/authorized acts of violence such as the Holocaust. Furthermore, I argue that this training cannot be neatly contained within the parameters of the ticking bomb scenario because permitting torture in these cases requires *already* having a well-established training regime for torturers. The consequences of training torturers combined with other widespread institutional requirements noted by other writers cannot be justified by appeals to the possibility of a ticking bomb scenario arising.<sup>5</sup> In this world, the use of torture causes so much suffering that supporters of the ticking bomb argument have a moral duty to consider what permitting torture involves in reality, not just in a hypothetical scenario. The onus is on them to show that the serious and widespread consequences of training torturers can be justified by the off-chance that a case fitting the highly implausible requirements of the ticking bomb scenario will in fact arise.<sup>6</sup>

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United States Justice Department, the memo presented two defenses for interrogation methods that “crossed the line” from harsh treatment to torture, a defense from necessity (torture is necessary to prevent a greater evil) and a defense based on justified self-defense and defense of others. For the full text of the memo, see <<http://news.findlaw.com/nytimes/docs/doj/bybee80102mem.pdf>>, last accessed 13 September 2005.

<sup>5</sup>Jean Maria Arrigo discusses the many institutional arrangements (for example, the involvement of the legal and medical professions and the need for international cooperation between countries both in training torturers and in sharing intelligence information) needed for torture to occur. See “A Utilitarian Argument against Torture Interrogation of Terrorists,” *Science and Engineering Ethics* 10 (2004): 1-30.

<sup>6</sup>This approach is similar in structure but not intent to John Rawls’s discussion of the use of hypothetical scenarios by critics of utilitarianism. In “Two Concepts of Rules” (*The Philosophical Review* 64 (1955): 3-32) Rawls argues that the use of a hypothetical scenario (such as hanging an innocent man to deter other criminals if there were no other way to stop them) to “prove” that utilitarianism is committed to punishing the innocent in some cases is flawed because it fails to distinguish between the justification for the practice of punishment and the justification for an individual instance of punishment. For example, in relation to a hypothetical case used by E.F. Carritt, Rawls points out that the hypothetical example fails to explain what practices would need to be in place before such an act of “punishment” could occur. As Rawls writes, “Who is this who has the power to decide that an innocent man shall be ‘punished’ if everyone is convinced that he is guilty? Is this person the legislator, or the judge, or the body of private citizens, or what? It is utterly crucial to know who is to decide such matters, and by what authority, for all of this must be written into the rules of the institution” (p. 11). As Rawls makes

## 1. The Ticking Bomb Torturer

In the standard ticking bomb scenario, a suspect has been caught who possesses information that must be obtained quickly in order to avert huge civilian casualties. Most ticking bomb scenarios do not explain *how* the suspect was identified or caught. As Jean Maria Arrigo notes, a lack of such explanation is problematic. To have identified the key terrorist, know how and where to capture him, and to be sure that he has the relevant information requires an already well established and comprehensive intelligence network involving “informants, electronic surveillance networks, and undercover agents.”<sup>7</sup> The proponent of the ticking

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clear, when one considers what kind of institution would need to be in place in order for such acts to be authorized, the apparent power of the hypothetical scenario falls away: “Once one realizes that one is involved in setting up an institution, one sees the hazards are very great ... A utilitarian justification for this institution is most unlikely” (pp. 11-12). My criticisms of the use of hypothetical arguments to justify torture are similar to this approach, but differ in two crucial respects.

First, proponents of the ticking bomb argument are attempting to show that the prohibition against torture is not absolute, that there should be an exception to the rule in cases of emergency. The ticking bomb example is intended to demonstrate that, just as there are accepted exceptions to the prohibition against killing and the prohibition against breaking promises, so there should be exceptions (or what Rawls calls “a qualification or further specification of the rule”(p. 27)) to the prohibition against torture that should be built into the prohibition. Therefore the purpose of the scenario is quite different from that discussed by Rawls.

Second, Rawls argues that critics of utilitarian justifications of the practices of punishment and promising are required to consider the justification for the practice itself rather than justifications for acts done as part of the practice. He points out that these practices, by definition, involve a “stage-setting” that defines and limits what actions count as punishment and promising and who has authority to carry them out. However, torture does not require a pre-existing practice to make sense of it—like killing, torture is an act that occurs in many different situations and is performed by many different people for many different purposes. Rawls writes that “[i]n case of actions specified by practices it is logically impossible to perform them outside the stage-setting provided by those practices” (p. 25). This is not the case with torture. It *is* logically possible for torture to occur (and be understood as torture) outside a specified practice such as law enforcement. So using hypothetical scenarios to discuss the justifiability of torture does not make the same *logical* mistake that Rawls argues that Carritt makes. Rawls’s criticism of Carritt is therefore not the same kind of criticism that I am making. Instead, I am arguing that an instantiation of the ticking bomb case would imply an institutional framework that cannot be justified, not because torture per se or even interrogational torture per se logically implies such a stage-setting, but rather because of how interrogational torture of the kind referred to in the ticking bomb case is usually, if not always, carried out in the real world. Thanks to the editors of *Social Theory and Practice* for their comments on this point.

<sup>7</sup>Arrigo, “A Utilitarian Argument,” p. 12. Christopher Tindale also spells out the epistemological assumptions that underlie the ticking bomb scenario: “We know for certain that we have the right person. We also know that he has the information we require, and we know exactly what that is. We are further sure (although it is not explained how) that the bomb does exist, that it will explode, and of the human cost that will result.”

bomb argument must therefore be sure that the relevant information cannot be found through these (already formidable) intelligence resources. However, for the purposes of this argument we will give the supporter of the ticking bomb argument the benefit of the doubt and assume that despite the vast array of intelligence resources, the only way to find out where the bomb is hidden is to interrogate the suspect. The suspect to be interrogated is usually a fanatical terrorist willing to die for his cause—someone unlikely to be intimidated by mere threats of violence and who may well be prepared for torture.<sup>8</sup>

Under these conditions, the ticking bomb torturer must be able to extract the required information in the shortest possible time possible without killing the suspect. The torturer must be an expert in interrogational torture—excessively sadistic torture or torture for the purposes of punishment, dehumanization, or deterring others is generally agreed to be impermissible.<sup>9</sup> Given these constraints, what kind of training would the ticking bomb torturer require?

Perhaps the ticking bomb torturer would not need any particular skills or training. There are numerous examples of ordinary people who have massacred, tortured, raped, and committed other atrocities without any special training. Stanley Milgram's famous experiments on obedience to authority demonstrated clearly that many of us will obey orders to harm another if those orders are given by a legitimate (or apparently legitimate) authority figure.<sup>10</sup>

It is true that ordinary people have the capacity to commit horrendous acts of violence without any particular training. However, the ticking bomb scenario requires far more than the infliction of extreme violence. The aim of the torture and the constraints on the kind of torture that may be used require a very particular kind of torturer. Unlike deterrent or dehumanizing torture, interrogational torture requires finesse, skill, and discipline. Given the importance of the information that is required from the suspect, the ticking bomb torturer needs to be *already* trained in

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Christopher W. Tindale, "The Logic of Torture," *Social Theory and Practice* 22 (1996): 349-74, p. 366.

<sup>8</sup>Arrigo notes that one problem with the effectiveness of interrogational torture is that it is very hard to control the victim's perception of their own suffering. Even if they are not prepared for torture, they may interpret their suffering as a form of heroic martyrdom or a "return to religion" ("A Utilitarian Argument," p. 8).

<sup>9</sup>Tindale outlines these different purposes for torture ("The Logic of Torture," pp. 350-51) as does Henry Shue ("Torture," p. 132).

<sup>10</sup>See Stanley Milgram, *Obedience to Authority: An Experimental View* (London: Tavistock Publications, 1974). In his most famous experiment, where the victim was audible but not visible, 62.5% of subjects were fully obedient and continued administering electric shocks even after the subject has demanded to be released from the experiment (p. 36).

effective interrogational torture. It would not do to take an ordinary soldier and make him torture a terrorist suspect at the last minute. One has only to look at the incompetence of the guards at Abu Ghraib (they took *photos*) to see the danger of allowing mere amateurs to torture prisoners. The problems with allowing untrained police or soldiers to torture suspects is illustrated in this quote from the commander of a military police unit in Baghdad. A Military Intelligence officer requested this commander to “keep the detainees awake around the clock.” The commander refused, because while the Military Intelligence officers had received training, “my soldiers don’t know how to do it. And when you ask an eighteen-year-old kid to keep someone awake, and he doesn’t know how to do it, he’s going to get creative.”<sup>11</sup>

The ticking bomb scenario is far too serious to permit torturers to “get creative” with the suspect. The good interrogational torturer needs to be entirely in control of the process of torture. He must be able to torture whoever is placed in front of him without flinching and without hesitation. However, he cannot be sadistic or overly brutal. Such a person would not have the discipline or skills to extract the information without killing the captive.<sup>12</sup> The need for discipline, skill, and control is emphasized in real-life torturer training manuals. The Khmer Rouge Manual for Torture makes the need for discipline quite clear: “The purpose of torturing is to get their responses. It’s not something we do for the fun of it.”<sup>13</sup> Sadism and lack of discipline undermine the effectiveness of torture.

But torture requires more than practical skills; it requires immense strength of mind. Torturers need to be trained to manage the psychological stress associated with torturing.<sup>14</sup> To gain a realistic understanding of how the ticking bomb torturer should be trained, we can usefully look at how real-life torturers are trained. After all, supporters of the ticking bomb case should consider all the relevant real-life consequences of training torturers if they are to derive a realistic understanding of the ticking bomb scenario.

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<sup>11</sup>Seymour M. Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib* (New York: HarperCollins, 2004), p. 34.

<sup>12</sup>Arrigo also notes that “outlaws and madmen cannot be hired as torturers by an otherwise orderly agency” (“A Utilitarian Argument,” p. 11).

<sup>13</sup>Ronald D. Crelinsten, “In Their Own Words: The World of the Torturer,” in Ronald D. Crelinsten and Alex P. Schmid (eds.), *The Politics of Pain: Torturers and Their Masters* (Boulder, Colo.: Westview Press, 1993), pp. 35-65, at p. 37.

<sup>14</sup>Arrigo points out that historically torturers are chosen for their “ability to endure hardship and pain, for correct political beliefs, trustworthiness and obedience” (“A Utilitarian Argument,” p. 11). She outlines the training of such torturers briefly but does not link this training to problematic forms of obedience. Instead she focuses on the harm to the torturers (which can be quite severe) as another factor that a utilitarian justification for torture must take into account (pp. 11-12).

## 2. The Training of Torturers

In the real world, most torturers are soldiers or military policemen who have been trained in elite military units.<sup>15</sup> For example, torturers in South America, Greece, Myanmar, South Africa, and Ireland all were part of elite military units charged with gathering intelligence and other covert operations.<sup>16</sup> Ronald Crelinsten describes these units as having “exalted reputations within the military or police command structure. If their existence is known to the public, they are often highly respected and/or highly feared.”<sup>17</sup> These units, such as Kopassus in Indonesia, the Greek ESA (Army Police Corps), Special Air Services in Australia and the U.K., the U.S. Army’s Delta Force and the Green Berets,<sup>18</sup> are renowned for the covert nature of their operations (they are sometimes called “secret armies”<sup>19</sup>) and for the extremely harsh training new recruits must undergo.<sup>20</sup> In fact, the severity of these units’ training contributes to their exalted reputations and becomes a significant mark of pride for those who make it through.

The rhetoric and reputation of these units appeals directly to soldiers’ professional pride: not just *any* soldier could do what has to be done to protect the nation from the threat posed by terrorism and other modern evils. Only those soldiers who truly embody the military virtues are worthy to join these units. As the slogan for the British SAS states, joining the SAS means you will “Be the Best!”<sup>21</sup> Similarly, the website for the John F. Kennedy Special Warfare Center claims that “[t]he legendary green beret and the special forces tab are symbols of physical and mental excellence, courage, ingenuity and just plain stubbornness.”<sup>22</sup> To be a

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<sup>15</sup>Crelinsten, “In Their Own Words,” pp. 58-60.

<sup>16</sup>There have been several studies of the South American torturers. In “In Their Own Words,” Crelinsten quotes from studies of torturers from Brazil, Uruguay, and Chile (pp. 58-60). For a study of the Greek torturers, see Janice T. Gibson and Mika Haritos-Fatouros, “The education of a torturer; there is a cruel method to the madness of teaching people to torture. Almost anyone can learn it,” *Psychology Today* 20 (1986): 50-58.

<sup>17</sup>Crelinsten, “In Their Own Words,” p. 45.

<sup>18</sup>Entries from Richard M. Bennett, *Elite Forces: An Encyclopedia of the World’s Most Formidable Secret Armies* (London: Virgin Books, 2003).

<sup>19</sup>This phrase comes from the title of Bennett’s book.

<sup>20</sup>Website for the British Special Air Service. Last accessed 15 February 2005 at <<http://www.geocities.com/sascenter/train.html>>. For example, only 1 in 4 trainees complete the training course for the Green Berets. Statistics from the John F. Kennedy Special Warfare Center and School web site. Last accessed 14 February 2005 at <[http://www.training.sfahq.com/survival\\_training.htm](http://www.training.sfahq.com/survival_training.htm)>

<sup>21</sup>Website for the British Special Air Service.

<sup>22</sup>John F. Kennedy Special Warfare Center and School training information. Last accessed 15 February 2005 at <<http://www.globalsecurity.org/military/agency/army/jfksws-training.htm>>

member of these units is the highest honor.

Should the ticking bomb torturer come from one of these Special Forces units? Soldiers from these units are trained to be obedient, loyal, and exceptionally discreet and as we shall see in the following section, they are already desensitized to the infliction and endurance of pain.<sup>23</sup> This background would be highly desirable for the ticking bomb torturer because the ticking bomb torturer must be completely reliable, must obey orders without question, and must be able to inflict extreme suffering without hesitation. In the next section I discuss how these units turn soldiers into torturers.

### *2.1. Basic training in the elite military units*

Special Forces training includes many features besides interrogation training: survival skills, reconnaissance, rescue operations, jungle training as well as counter-terrorism and counter-insurgency training.<sup>24</sup> I will focus on survival training, as it is during such training that interrogation skills and interrogation/capture survival skills are taught.

Survival training refers to a gamut of different training exercises. The U.S. *Survive, Evade, Resist, Escape* course at the John F. Kennedy Special Warfare Center and School encapsulates many of the techniques found in the Special Forces training programs of other countries. The aim of this kind of training is

... to give students the skill to survive and evade capture or, if captured, to resist interrogation or exploitation and plan their escape. The course includes a classroom phase, a field phase and a resistance training laboratory which simulates the environment of a prisoner of war camp.<sup>25</sup>

In the “resistance training laboratory” trainees undergo a highly realistic re-creation of the experience of being captured and interrogated by the enemy. What such re-creations involve can be seen in the British SAS training course. Trainees

receive lessons and lectures in interrogation techniques from people who have been POWs, tortured or have other experiences ... At the end [of the training] every SAS man has to withstand interrogation training. The men are blindfolded, put in stress positions and interrogated for over 48 hours. White noise (sound) is also used. After a week on the run, cold, dehydrated and exhausted, the mind sometimes starts to play tricks and reality becomes blurred.<sup>26</sup>

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<sup>23</sup>Arrigo, “A Utilitarian Argument,” p. 11.

<sup>24</sup>For example, see the websites for the British SAS and John F. Kennedy Special Warfare Center and School.

<sup>25</sup>Website for John F. Kennedy Special Warfare Center and School.

<sup>26</sup>Website for British Special Air Service.

It is worth noting that the techniques of forced standing (“stress positions”), noise bombardment, and blindfolding are commonly recognized torture techniques—they form part of the “five techniques” used by the British in 1971 in Ireland, techniques that were declared by the European Commission on Human Rights to meet the definition of torture.<sup>27</sup> The Green Beret course instructors deny that such training constitutes torture. However, when these techniques are applied to *others* they clearly *do* constitute torture.<sup>28</sup> The Australian Defence Minister Robert Hill admitted as much when he revealed that the interrogation resistance training of Australian elite troops involved techniques such as sleep deprivation and “psychological tricks” that were in clear violation of the Geneva Conventions.<sup>29</sup>

The effects of this training on the trainees can be very severe. A study of trainees undergoing the Green Beret’s training course at the John F. Kennedy Special Warfare Center and School revealed far higher levels of cortisone and adrenaline (both associated with stress) in trainees than in people undergoing major surgery.<sup>30</sup> A study of trainees at the Military Survival School at Fort Bragg found that

trainees report extremely high levels of dissociative responses—even higher than in people under the influence of hallucinogenic drugs. We also found that elevations in the stress hormone cortisol and reductions in testosterone were some of the most dramatic we have ever seen.<sup>31</sup>

Other common unofficial training techniques involve the brutalization and humiliation of trainees. The Greek torturers in the Army Police Corps, for example, were brutalized physically and psychologically, undergoing humiliating rituals as well as being forced to stand for days, denied toilet facilities, and refused food.<sup>32</sup> At least 30 Paratroopers in the Royal Australian Regiment in Queensland were victims of illegal beat-

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<sup>27</sup>John Conroy, *Unspeakable Acts, Ordinary People: The Dynamics of Torture* (New York: Alfred A. Knopf, 2000), p. 6. The European Commission of Human Rights found that these techniques constituted torture.

<sup>28</sup>Detainees from the Guantanamo Bay military camp have claimed that while in detention they were “forcibly injected, denied sleep and forced to stand for hours in painful positions” (Tania Branigan, “Former terror detainees accuse U.S. of ill-treatment,” *The Age*, 20 August 2003, p. 9).

<sup>29</sup>“Soldiers Exposed to Torture, says Hill,” *The Age*, 14 February 2005. Accessed at <<http://www.theage.com.au/news/War-on-Terror/Soldiers-exposed-to-torture-says-Hill/2005/02/13/1108229855745.html>>

<sup>30</sup>John F. Kennedy Special Warfare Center and School, survival training information. Last accessed 17 March 2005 at <[http://www.training.sfahq.com/survival\\_training.htm](http://www.training.sfahq.com/survival_training.htm)>

<sup>31</sup>John F. Kennedy Special Warfare Center and School, research in Post-Traumatic Stress Disorder. Last accessed 17 March 2005 at <[http://www.training.sfahq.com/article\\_ptsd\\_research.htm](http://www.training.sfahq.com/article_ptsd_research.htm)>

<sup>32</sup>Conroy, *Unspeakable Acts*, pp. 94-95.



ings and punishments in 1997 and 1998.<sup>33</sup> In Canada, a commando unit of the Canadian Airborne Regiment was disbanded after the publication of videos showing hazing rituals, including one in which a black cadet was shown in a humiliating position with the words “I Love KKK” written on his back.<sup>34</sup>

In summary, the training process of these specialised units involves intense, highly stressful, and often brutal exercises. Aside from the more conventional weapons and fitness training, trainees are subjected to the techniques of psychological torture, a process which is extremely distressing and humiliating and can result in dissociation and deep anxiety.<sup>35</sup> Despite the severity of this training and the suffering that it can cause to trainees, this training is very effective in desensitizing trainees to the infliction and the endurance of suffering.<sup>36</sup> New trainees become desensitized to their own suffering, and when they in their turn play the “torturer” in the stress inoculation training they learn to be desensitized to the infliction of pain. This desensitization reduces soldiers’ empathetic reaction to physical suffering and thereby makes the infliction of pain and humiliation on the enemy psychologically easier. Given that the ticking bomb torturer might have to inflict incredibly brutal tortures without flinching, he must be thoroughly desensitized to the infliction of pain and must not be hampered by feelings of empathy or sympathy for the suspect—in the ticking bomb scenario there would be no time for hesitation. The Khmer Rouge Manual makes the same point:

it is necessary to avoid any question or hesitancy or half-heartedness of not daring to do torture, which makes it impossible to get answers to our questions from our enemies, which slows down and delays our work ... it is necessary to hold steadfastly to a stance of not being half-hearted or hesitant. We must be absolute. Only thus, can we work to good effect.<sup>37</sup>

The basic training described above is only part of the process, however. Despite the brutality of the Special Forces training, torturers still need time to get used to their work. One Chilean ex-torturer described

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<sup>33</sup>World News, “Australia aims to stop brutality by military,” *The Cambridge Reporter*, Toronto, 10 February 2001.

<sup>34</sup>Donna Winslow, “Misplaced Loyalties: The Role of Military Culture in the Breakdown of Discipline in Two Peace Operations,” *Journal of Military and Strategic Studies* 6 (2004): 1-19, p. 7.

<sup>35</sup>This training raises interesting questions about the psychology of torture victims and their relationship with the torturer. However, such questions are beyond the scope of this paper. I thank an anonymous reviewer for pointing this issue out to me.

<sup>36</sup>Arrigo also notes that “brutal training at the outset desensitizes trainees to their own pain, suffering and humiliation” (“A Utilitarian Argument,” p. 11). However, she does not link this to the desensitization of the infliction of pain on others.

<sup>37</sup>Crelinsten, “In Their Own Words,” p. 37.

this process:

When you first start doing this job, it is hard ... you hide yourself and cry, so nobody can see you. Later on, you don't cry, you only feel sad ... And after ... not wanting to ... but wanting to, you start getting used to it. Yes, definitely, there comes a moment when you feel nothing about what you are doing.<sup>38</sup>

Torturers, if they are to be effective and efficient, must "feel nothing" about what they are doing. But desensitization to the infliction of suffering is not sufficient to make torturers "feel nothing" when they torture suspects. Torturers must also develop the right attitude towards their work; they need to be able to torture with a minimum of emotional engagement. Studies on real-life torturers demonstrate that this is best achieved by adopting the discourse of professionalism.

## 2.2. *Turning torture into a profession*

The following quotes from real-life torturers demonstrate the view of torture as a profession:

"I'm here," the officer, whose name was Massini, told [the] prisoner. "I'm a serious professional. After the revolution, I will be at your disposal to torture whom you like."<sup>39</sup>

I don't use ... violence outside the standard of my conscience as a human being. I'm a conscientious professional. I know what to do and when to do it.<sup>40</sup>

We didn't operate on anger or sadism or anything like that ... It became a function. It became part of the job. It became standard operating procedure.<sup>41</sup>

Professionalism discourse is used to legitimize and normalize torture. This occurs in two ways. First, the elite military units represent the pinnacle of military training and attract soldiers by appealing to the military's professional ideals. Members of these units are encouraged to see themselves as the most professional of soldiers carrying out the unpleasant duties necessary to protect the nation from terrorism and other threats. The appeal to professionalism provides a veneer of legitimacy to the use of torture by tying justifications for the use of torture to the professional goals of the military and by appealing directly to the torturer's professional pride.

Second, the characterization of torture as a profession contributes to

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<sup>38</sup>Quoted in Crelinsten, "In Their Own Words," p. 51.

<sup>39</sup>Ibid., p. 56.

<sup>40</sup>Martha Huggins, "Legacies of Authoritarianism: Brazilian Torturers' and Murderers' Reformulation of Memory," *Latin American Perspectives* 27 (2000): 57-78, p. 63.

<sup>41</sup>Conroy, *Unspeakable Acts*, p. 92.

what the sociologist Herbert Kelman calls “routinization.”<sup>42</sup> Torture becomes a routine job subject to role-specific professional standards and justifications. The language of professionalism aids this process by re-configuring the act of torture from a brutal act of violence against another human being to what Kelman calls the “routine application of specialized knowledge and skills.”<sup>43</sup>

Martha Huggins argues that the language of professionalism disembodies violence by removing all reference to the infliction of violence on an actual human body.<sup>44</sup> This is evident in the fact that torture is almost never called by that name; it is always “interrogation.”<sup>45</sup> Even the names of different torture methods are euphemistic: “operating table,” “safe house” (torture center), “the grill,” and “the submarine.”<sup>46</sup> Even the term “torture lite” is intended to reduce awareness of what this kind of torture actually does to the victims.<sup>47</sup>

The routinization of torture, aided by the language of professionalism, encourages torturers to adopt an extreme form of professional detachment. Such detachment enables torturers to make a strong distinction between their professional and personal lives. Good torturers must become detached not only from the physical and emotional revulsion that can occur, at least initially, at the prospect of torturing, but also from any *moral* revulsion or doubts they may have about the permissibility of

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<sup>42</sup>Herbert C. Kelman, “The Social Context of Torture: Policy Process and Authority Structure,” in Crelinsten and Schmid (eds.), *The Politics of Pain*, p. 30.

<sup>43</sup>Ibid., p. 31.

<sup>44</sup>Huggins, “Legacies of Authoritarianism,” p. 61.

<sup>45</sup>Crelinsten, “In Their Own Words,” p. 40.

<sup>46</sup>Ibid., p. 41.

<sup>47</sup>Bowden uses the term “torture lite” to differentiate physical torture from psychological torture, which he claims (entirely without argument), is not “real” torture but merely “coercion” (“Torture may be a necessary evil,” p. 4). Studies of torture survivors have shown that the effects of so-called “torture lite” techniques are just as if not more devastating to the victims as the effects of physical torture. See, for example, Stefan Priebe and Michael Bauer, “Inclusion of Psychological Torture in PTSD Criterion A,” *The American Journal of Psychiatry* 152 (1995): 1691-92; Mark Van Ommeren et al., “Psychiatric Disorders Among Tortured Bhutanese Refugees in Nepal,” *Archives of General Psychiatry* 58 (2001): 475-82; and M. Basoglu et al., “Factors Related to Long-term Traumatic Stress Responses in Survivors of Torture in Turkey,” *Journal of the American Medical Association* 272 (1994): 357-63.

The Nazis were so aware of the power of language to change perceptions of reality that they invented a whole terminology to describe the activities of the Holocaust—the term “Final Solution” was part of this terminology. So thorough was this re-definition of language that one Holocaust scholar mentioned by Lifton “told of examining ‘tens of thousands’ of Nazi documents without once encountering the word ‘killing’ until, after many years, he finally did discover the word—in reference to an edict concerning dogs.” See Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986), p. 445.

torture itself: the morality of torture is beyond their professional jurisdiction. The use of the professionalism discourse encourages torturers to limit their attention and moral assessment to how well they perform the duties of the role. As Crelinsten explains, “the fact that one is subjecting a human being to the worst sort of suffering is literally eclipsed by the task at hand (extracting information).”<sup>48</sup> Torturers are encouraged to feel responsible for how well they torture—how professional they are—but not for the decision to use torture or for the suffering of the victims. This process contributes both to an abdication of responsibility for the harm caused to the victim and allows the torturer to maintain a belief in his essential moral goodness. As one torturer said proudly, “he had ‘never killed anyone off duty’; his murders were all on-duty and ‘in the line of duty’.”<sup>49</sup> A torturer’s professional moral character is judged by how well he performs his task and so being a good torturer is equated with being detached, efficient, and reliable.

This kind of detachment was also used in Auschwitz to inure new doctors to the unpleasant tasks they had to perform. Robert Lifton describes the experiences of new doctors:

Newcomers ... “suffered initially” at the selections, but “then it got to be routine—like all other routines in Auschwitz”... Most SS doctors underwent ... an extraordinary individual-psychological shift from revulsion to acceptance.<sup>50</sup>

Like good Nazi doctors, professional torturers do not get emotionally involved in their work. Unlike the poorly trained Abu Ghraib guards, they are not sadistic or filled with hatred but govern their work by strict professional standards. Good torturers must overcome feelings such as distress, revulsion, and doubt. They must, like the Nazi doctors, move from “revulsion to acceptance.” Indeed, being able to overcome such feelings comes to be seen as a sign of toughness, discipline, and strength of character—another mark of pride for the elite soldiers who must carry out the dirty work of torture.

There is one further process that greatly aids torturers in reducing feelings of empathy they might feel for the terrorist and enables them to feel better about their actions. Arrigo notes that “[d]ehumanization and scapegoating of the victim are employed to relieve the bad self-image experienced by many torturers.”<sup>51</sup> Verbal dehumanization of the enemy takes place during Special Forces training<sup>52</sup> but the *act* of torturing also

<sup>48</sup>Crelinsten, “In Their Own Words,” p. 51.

<sup>49</sup>Huggins, “Legacies of Authoritarianism,” p. 63.

<sup>50</sup>Lifton, *The Nazi Doctors*, pp. 194-95.

<sup>51</sup>Arrigo, “A Utilitarian Argument,” p. 11.

<sup>52</sup>The use of derogatory nicknames for the enemy is commonplace in both ordinary military training and Special Forces training. See David Grossman, *On Killing: The Psy-*

further dehumanizes the victim.

### 2.3. Dehumanization

Torture victims are often humiliated, filthy, terrified, and naked and this significantly aids the torturers' perception of them as sub-human. Crelinsten notes that "[i]t has often been reported that the screams of torture victims no longer sound human. The irony is that, to the torturer, this only reinforces their dehumanization."<sup>53</sup> Indeed, torture techniques such as hooding, sleep deprivation, denial of toilet facilities, and personal humiliations deliberately aim to make torture victims feel and look less than human, therefore making it easier for torturers to treat them as if they *were* less than human.

The dehumanization of the victim through language and through the act of torture not only reduces the victim to a contemptible object in the eyes of the torturer, it also encourages the torturer to feel less morally responsible for harming him. The victim's humiliation and disgusting physical state lessens psychological constraints against hurting him and is interpreted by torturers as thereby lessening moral constraints as well. As Jonathan Glover points out, "[a]trocities are easier to commit if respect for the victim can be neutralised."<sup>54</sup> Indeed, through the dehumanizing process of torture, torturers not only find the act of torture psychologically easier, but can also come to feel that the victims somehow deserve their own suffering—a belief evident in the following quote from a U.S. soldier involved in the abuse of prisoners in Iraq. While watching two prisoners being forced to masturbate and simulate oral sex, this soldier commented: "Look what these animals do when you leave them alone for two seconds."<sup>55</sup> The victims' suffering and humiliation (caused solely by the torture) comes to be seen as evidence of their sub-human qualities—evidence that justifies treating them as sub-humans. Believing that the victims "deserve it"—are "animals"—combined with the "neutral" language of professionalism clearly contributes to a belief in the lessening of moral responsibility for harming them.

In summary, professional torturers should be desensitized to the infliction of suffering, should become detached from any distress, revulsion or moral doubts they might have about the use of torture—a process greatly enhanced by the discourse of professionalism—and should learn

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*chological Cost of Learning to Kill in War and Society* (Boston: Little, Brown, and Co., 1995) for a discussion of military training techniques.

<sup>53</sup>Crelinsten, "In Their Own Words," p. 41.

<sup>54</sup>Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (London: Pimlico, 2001), p. 36.

<sup>55</sup>Hersh, *Chain of Command*, p. 24.

to dehumanize torture victims. Special Forces training begins this process by familiarizing torturers with torture techniques. By subjecting trainees to torture as part of the stress inoculation training, trainees learn how torture techniques work and learn to harden themselves against the mental and physical distress caused by such techniques. When they in their turn subject trainees to these techniques, they learn to be desensitized to the suffering that torture causes. Combined with the unofficial initiation rituals and bullying that are common in these units, Special Forces training is very effective in teaching trainees torture techniques and desensitizing them to the infliction and endurance of suffering. Furthermore, the appeal to military professional ideals combined with the discourse of professionalism legitimizes the use of torture and encourages torturers to abdicate responsibility and adopt an extreme form of professional detachment. This process results in torturers who are able to do their work efficiently and effectively without being hampered by guilt, distress, or other disabling emotions.

There are good reasons why such training would result in the most effective ticking bomb torturer. The time constraints on the ticking bomb scenario mean that the torturer cannot be concerned about the suspect's guilt or the moral justifications for the use of torture—any hesitation could have devastating consequences. If the ticking bomb torturer is trained in the ways I have described he will find it far easier to torture the suspect without suffering from moral and emotional qualms. He must be able to do his work without being overcome with distress or revulsion, and this means that he must already be accustomed to inflicting suffering and he must be immune to the victim's distress. The ticking bomb torturer, if he is to be effective, must also accept his orders without question; he must be able to rest assured that the burden of responsibility lies with the authorities and that they have sufficient reason to require his talents. Adopting the discourse of professionalism will make such obedience easier because it will allow the torturer to restrict his moral concerns to how well he carries out his professional duties rather than whether the use of his professional skills is morally justified. In the words of the Khmer Rouge manual quoted earlier; "it is necessary to avoid any question or hesitancy or half-heartedness of not daring to do torture."<sup>56</sup> There is too much at stake in the ticking bomb scenario to risk having an ill-prepared novice for a torturer. The ideal ticking bomb torturer needs to be the most consummate professional, and this is best achieved by the combination of the training found in Special Forces units and the use of the discourse of professionalism.

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<sup>56</sup>Crelinsten, "In Their Own Words," p. 37.

### 3. What's Wrong with Training Torturers?

Supporters of the ticking bomb argument could admit that the ticking bomb torturer might need the kind of training I have described if he is to have the best chance of success. They may also admit that the need for this training has not been fully discussed before and that this training seems, at the very least, quite harsh. But should the supporter of the ticking bomb argument be concerned about the need for torturer training or is this training just another consideration easily outweighed by the magnitude of the threat in the ticking bomb scenario? Given that this training or something very like it would be necessary to produce the most effective ticking bomb torturer, we have a duty to consider the consequences of this training.

#### *3.1. Training torturers and crimes of obedience*

The training methods I have described work primarily by desensitizing torturers to the emotional distress and moral qualms that can arise from the use of torture. Torturers are trained to restrict their concern to how well—how professionally—they torture, and to abdicate responsibility for the decision to use torture. They are trained to obey orders without question. This training is necessary in order for torturers to perform their work unreflectively—to be able to cause immense suffering to any victim placed before them when ordered to do so. Yet there are extremely troubling consequences of this training.

By encouraging torturers not to concern themselves with the moral justifications for the use of torture, the combination of the Special Forces training and the discourse of professionalism instill dispositions of unreflective obedience. Because torturers are trained to obey orders without thinking, they are very unlikely to question whether a particular order is justified—the question of the actual guilt of the suspect is beyond their professional jurisdiction. A consequence of this is that torturers are very unlikely to restrict their professional activities only to cases that meet the stringent criteria of the ticking bomb scenario. This problem is not merely a hypothetical possibility that might occur when professional torturers are trained; it is occurring now and has occurred many times in the past. Amnesty International has identified over 150 countries that use torture,<sup>57</sup> and the United States government has been using torture in Guantanamo Bay and elsewhere.<sup>58</sup> In the vast majority of these cases the

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<sup>57</sup>*Amnesty International*, "Stop Torture." Accessed 17 August 2005 at < <http://www.amnestyusa.org/stoptorture/index.do> >

<sup>58</sup>There is substantial evidence that torture has been used at Guantanamo Bay, in Afghanistan, and elsewhere. This evidence derives not only from the testimony of prison-

use of torture would never be justified under the ticking bomb argument. Instead, the use of torture in the real world is most often what sociologists Herbert Kelman and V. Lee Hamilton call a “crime of obedience”—a crime that occurs when individuals perform acts of severe violence against others, simply because such acts were ordered by an authority.<sup>59</sup> This is hardly surprising given that torturers are trained in ways that make obedience to illegal and immoral orders quite likely, and given that the “profession” of torture is given a veneer of legitimization by appeals to the military’s professional ideals. Torturers are taught to see torture as a professional job that requires the toughest, most professional soldiers. Torturers world-wide are obeying illegal and immoral orders to torture because that is what they are trained to do. Yet the ticking bomb scenario requires these kinds of torturers—torturers who are quite *deliberately* trained not to question the morality of torture. I turn now to what a supporter of the ticking bomb argument might say in response.

#### 4. Objections

The supporter of the ticking bomb argument may claim that *of course* the use of torture for immoral purposes should be avoided and *of course* the use of torture by the 150 countries mentioned by Amnesty International is probably both illegal and immoral. But, they may argue, training torturers for the ticking bomb scenario would be different. Trained torturers would not be given the order to torture unless the ticking bomb scenario actually arose. The fact that torture and torturers are used for many immoral purposes in the real world does not mean that there is anything wrong with training torturers per se. It’s just the way torturers are used

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ers but also from the statements of soldiers and interrogators who have worked in or witnessed the treatment of prisoners in Afghanistan, Guantanamo Bay, and Iraq. Human Rights Watch has documented abuse in prisons in Afghanistan and elsewhere (see “Abuse: Systematic and Chronic,” accessed 20 December 2005 at <[http://hrw.org/english/docs/2005/10/07/usint11839\\_txt.htm](http://hrw.org/english/docs/2005/10/07/usint11839_txt.htm)>). An Amnesty International report issued in October 2004 found that “senior U.S. military and civilian officials had set a climate, both through words and actions, conducive to torture and ill-treatment” (Amnesty International, “Guantanamo and Beyond: The Continuing Pursuit of Unchecked Executive Power,” accessed 20 December 2005 at <<http://web.amnesty.org/library/index/ENGAMR510632005>>). See also the Amnesty International report “The Human Rights Scandal at Guantanamo Bay,” accessed 20 December 2005 at <<http://web.amnesty.org/library/index/ENGIOR410242004>>. Hersh has also documented the evidence of torture at Guantanamo Bay in *Chain of Command*. For example, a CIA analyst sent to Guantanamo Bay in 2002 interviewed over 30 prisoners and concluded that “we were committing war crimes in Guantanamo” (p. 2).

<sup>59</sup>Herbert C. Kelman and V. Lee Hamilton, *Crimes of Obedience: Towards a Social Psychology of Authority and Responsibility* (New Haven: Yale University Press, 1989), p. 46.



that is problematic.

The problem with this objection is straightforward. The use of torture and torturers for illegal and immoral purposes is not accidental; it is not a result of “bad apple” torturers who sell their services to immoral causes. The illegal and immoral use of torture is directly connected to how torturers are trained. The training of torturers—training that would be needed for the ticking bomb torturer—produces dispositions closely linked to crimes of obedience because it produces individuals who are very likely to obey illegal and immoral orders. Unless the ticking bomb supporter can guarantee that such orders would never be given, then they must admit that training torturers is likely to lead (and has led to) crimes of obedience. The ticking bomb argument relies on the assumption that the order to torture would only ever be given in legitimate (highly specified) circumstances and that torturers, despite their training, would know—somehow—that such orders were justified. However, there is no evidence that the use of torture would or could be restricted to such highly unusual circumstances, and there is ample evidence that torture is very frequently used for purposes that would never fit the ticking bomb criteria. In three years of research I have not found a single example of authorities who used torture only in ticking bomb cases.

A second response that a supporter of the ticking bomb argument could make would be to take into consideration the effects of training torturers and tighten the requirements that must be met before the use of torture would be justified in the ticking bomb scenario. They might claim that it is *possible* to imagine a case of torture that managed to avoid all the consequences listed above and fulfilled the necessary criteria and problematic epistemological requirements of the ticking bomb scenario. There might be a hypothetical situation in a hypothetical world where the threat was sufficiently great, and where there was no alternative but to use torture, very little evidence that the use of torture and torturers would become wide-spread, no infliction of excessive pain, and little or no likelihood of long-term or widespread institutional changes. Now, if such a situation were in fact possible I would be happy to admit that the use of torture might be justified. Indeed, even those who believed torture to be wrong pro tanto might concede that torture would be morally permissible if such a situation arose. Does this mean that my argument against the supporter of the ticking bomb justification has failed?

I have two responses to this objection. First, I do not believe that such a hypothetical scenario is possible. The interrogational torture needed for the ticking bomb scenario cannot effectively be achieved without a trained torturer who is able and willing to obey his orders without question. It is therefore *impossible* for me to imagine a situation in which such an act of torture could take place without the training I described

and without torture also being used worldwide in illegal and immoral cases.

Second, I am just not interested in the permissibility of torture in *any* possible world or hypothetical example. I am interested in the actual arrangements needed for even isolated instances of torture to occur. Because the ticking bomb argument is used in debates about the permissibility of torture on terrorism suspects in *this* world, supporters of the ticking bomb argument cannot rely on purely hypothetical cases to support their claims. Moral arguments about the use of torture must take into consideration what permitting torture involves in reality, not in a purely hypothetical example. That torture might be justified in a hypothetical example in a hypothetical world gives absolutely no reason to think that it can be justified (or legalized) in *this* world. Henry Shue makes the same point:

Does the possibility that torture might be justifiable in some of the rarefied situations which can be imagined provide any reason to consider relaxing the legal prohibitions against it? Absolutely not. The distance between the situations which much be concocted in order to have a plausible case of morally permissible torture and the situations which actually occur is, if anything, further reason why the existing prohibitions against torture should remain ...<sup>60</sup>

Given the pain and suffering caused by torture, supporters of the ticking bomb argument have a positive moral duty to consider whether permitting torture in the war against terrorism could be restricted only to cases that met the ticking bomb criteria. Whatever should be the case in an ideal world in which torture and torturers would only be used in legitimate ticking bomb scenarios, in this world torture and torturers are overwhelmingly used in ways that would never meet the criteria of the ticking bomb scenario.<sup>61</sup> Therefore, in order to answer the question that prompted the debate about torture in the first place—whether we should permit the torture of terrorism suspects—supporters of the ticking bomb argument need to explain how the mere possibility of a ticking bomb case arising justifies a use of torture that requires training torturers in a way that deliberately instills dispositions linked to crimes of obedience, crimes that cause and have caused immense suffering to millions of people worldwide.

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<sup>60</sup>Shue, "Torture," p. 143.

<sup>61</sup>Another consistent consequence of permitting torture is the expansion of the pool of torture victims. As far back as the Spanish Inquisition, when torture has been authorized by the governing authorities the pool of permissible torture victims was not limited to those directly involved or clearly possessing guilty knowledge, but came to include those merely suspected of involvement or of knowing someone who was involved (Kelman, "The Social Context of Torture," p. 27). Arrigo's analysis similarly concludes that, historically, dragnet interrogations are the norm ("A Utilitarian Argument," p. 12).

## 5. Conclusion

The ticking bomb scenario requires a torturer desensitized to the infliction and endurance of suffering, trained to dehumanize the victims of torture, and who will obey orders without question. The training of this torturer involves deliberately inducing dispositions that are not only very likely to lead to crimes of obedience but that *have* led to crimes of obedience in the past. Supporters of the ticking bomb argument seem to assume that the ticking bomb torturer would not be given illegal and immoral orders; that he would restrict his professional services to a “just” cause, but this is a guarantee that cannot be made. We cannot assume (and we have every reason to doubt) that torturers will only be given legitimate orders and will disobey illegal and immoral orders. We have every reason to doubt that military and political authorities will use torture only in cases that meet the ticking bomb criteria.

As we have seen from current and past uses of torture, the training of torturers—the way they would need to be trained in the ticking bomb scenario—is connected to the illegal and immoral use of torture on a vast scale. In this world torture causes far more suffering than it has ever prevented. The mere possibility of a ticking bomb scenario arising is not sufficient to justify such massive suffering. In this world, it is impossible to contain the use of torture and the use of torturers within the limits of the ticking bomb scenario.<sup>62</sup>

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