



## Evaluating the moral permissibility of torture is legalisation of torture the path forward

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### Abstract

“Torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by a public official or by a person with the consent of a public official. It is an inexorable depravity impossible to obliterate. It is proposed that the only circumstances in which torture can be justified is when it is conducted to prevent a grave risk and danger. In the first section of this essay, the moral permissibility of torture is argued using the principle of the greatest good for the greatest number and correlate it to the ticking time bomb hypothetical. The argument attempts to disarm the hypocritical view of moral absolutists, who hold that torture is an absolute moral wrong using the principle of double effect. Additionally, in the second section of this essay, it is established that torture is a common occurrence across the world, albeit under the radar of accountability. In conclusion, the paper proposes that regulation and legalisation of torture is a more favourable alternative than an idealistic absolute ban on torture, which is pragmatically unworkable.

**Keywords:** torture, moral permissibility, legalization, regulation, accountability

### 1. Introduction

"Torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by a public official or by a person with the consent of a public official <sup>[1]</sup>. It is an inexorable depravity impossible to obliterate. There are a multitude of reasons for why torture has been employed throughout history. These reasons include victor's pleasure, punishment, terror, extracting confessions and intelligence gathering <sup>[2]</sup>. However, for the purpose of this essay, I propose that the only circumstances in which torture can be justified is when it is conducted to prevent a grave risk and danger <sup>[3]</sup>. In the first section of this essay, I will argue the moral permissibility of torture using the principle of the greatest good for the greatest number and correlate it to the ticking time bomb hypothetical. Through my argument, I will disarm the hypocritical view of moral absolutists, who hold that torture is an absolute moral wrong using the principle of double effect. Additionally, in the second section of this essay, I attempt to establish that torture is a common occurrence across the world, albeit under the radar of accountability. In conclusion, I propose that regulation and legalisation of torture is a more favourable alternative than an idealistic absolute ban on torture, which is pragmatically unworkable.

### 2. The case for the moral permissibility of torture.

Consider the following thought experiment: you're standing next to a fork in a trolley track and a switch to divert a trolley car that is about to kill five workers unless you throw the switch and divert the trolley down a side track where it will kill one worker <sup>[4]</sup>. It is worrying to imagine a person in this situation will commit a gross dereliction of his moral duty of saving lives and serving the greater good. It is my opinion that a rational and reasonable human being will quickly arrive to the conclusion of saving five innocent lives at the costly, but necessary, expense of one. It becomes obvious that the collective outweighs the individual. Therefore, for the convenience of argument, it is essential to raise the stakes of the principle established above and consider the foundational cornerstone of any pro-torture stance: "Ethics 101- The ticking time bomb". A dirty nuclear bomb has been planted in the heart of London by a terrorist outfit. The bomb is ticking away and is set to explode shortly. The city will transform into a nuclear radioactive ruin and millions of innocents will meet their unfortunate and untimely end. Additionally, it is impossible to evacuate the entire city of London in time and all other sources of information relating to the impending attack are exhausted. However, you capture the terrorist mastermind behind the deadly plot, but he refuses to disclose the location of the dirty bomb. He is further incriminated by the fact that the police found the blueprints of the bomb in his possession and intercepted phone calls and emails plotting the attack. There is little doubt that he indeed is guilty. Although, it is not as ideal as the terrorist willingly disclosing the pertinent information, there is a ray of hope

<sup>1</sup> 'OHCHR | Convention Against Torture' (Ohchr.org, 2020)

<<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>> accessed 26 April 2020.

<sup>2</sup> Scholarship.law.georgetown.edu, 2020)

<<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1163&context=facpub>> accessed 26 April 2020.

<sup>3</sup> (Repository.usfca.edu, 2020)

<<https://repository.usfca.edu/cgi/viewcontent.cgi?article=1124&context=usflawreview>> accessed 26 April 2020.

<sup>4</sup> Shermer M, "Does the Philosophy of 'the Greatest Good for the Greatest Number' Have Any Merit?" (Scientific American May 1, 2018)

<<https://www.scientificamerican.com/article/does-the-philosophy-of-the-greatest-good-for-the-greatest-number-have-any-merit/>> accessed April 26, 2020

because you have a set of “enhanced interrogative techniques” that could persuade the terrorist to reveal the details of his killer plot. The only question remains, will you utilise the coercive interrogative techniques available to you and save the millions of innocents from an untimely end or will you refrain and allow the terrorist to succeed? I believe the latter option makes you complicit in the death of innocents of millions, if not as guilty as the terrorist causing the catastrophe.

One might argue that the ticking time bomb hypothetical is exaggerated and does not apply to the real world. I can admit that the nuclear scale of the hypothetical is over stretched, yet that is not to say that a situation like this has never been witnessed in the world. We do not live in the utopian world that we dream of in our minds. Rather, we live in a terrible dystopian world, where Osama Bin Ladin and his band of Al-Qaeda terrorists hijacked four jet planes to crash them into the heart of the financial capital of the world and where Lashkar-e-Taliba terrorists stealthily entered Mumbai and carried out a series of coordinated shootings and bombing attacks across the city. In this world of suicide bombing jihadis, false nationalists perpetrating violence and eco-terrorists, the masterminds of deadly terror plots are often captured, who have just planted a bomb in a public place to ensure maximum casualties and the security agents have only minutes to prevent the unnecessary death of innocents. This hypothetical is familiar enough that the Israelis, the sufferers of several brutal terror attacks by Palestinian separatists, are the ones who have coined the term for this ethical hypothetical <sup>[5]</sup>.

Torture is the intentional infliction of severe physical suffering and for this reason alone, torture is evil. Yet it is practiced across the world in black sites, war zones and in gulags at the hands of non-state actors and official army soldiers alike. It is a necessary evil that cannot yet be eradicated. The taboo topic of torture is shrouded in uncertainty, however in the context of the ticking time bomb there is no luxury of doubt and uncertainty. To paraphrase Charles Krauthammer, if one has the slightest belief that hanging the terrorist miscreant by his thumbs will persuade him to reveal the relevant information that will save millions of innocents, it is not only permissible but rather morally required <sup>[6]</sup>. I believe a reasonable and rational minded human being would answer the call of his moral duty to save the innocents, who would otherwise perish in the barbaric attack.

Nevertheless, the moral absolutists within us passionately propose that there are no real or imaginable circumstances under which it is ever justifiable to torture. However, there are ordeals worse than torture. In my opinion torture is the lesser of two moral evils when it is directly compared to killing. To kill someone is a violation of both the person’s right to life and right to autonomy, but torture is the temporary infringement of the right to autonomy with no effects upon the persons right to life <sup>[7]</sup>. The period during which a person is tortured is filled with agony and misery,

even so, in my opinion it is better to be alive and live a life beyond that torturous period. The same moral absolutist may also hold the view that killing under any circumstances is an absolute moral wrong. However, this implausible view causes a cumbersome complication in matters of killing under self-defence as it is hard to imagine that a person will not act to save oneself from an assailant intent on killing them. Therefore, it is hypocritical for a moral absolutist to permit killing, a far worse moral evil than torture, but continue to hold the view that it is an absolute moral wrong to torture, even under the extreme circumstances of a ticking time bomb. Additionally, it is impossible to justify the logic behind not torturing the guilty terrorist and allowing millions to perish in the attack. Killing in self defence can be justified by referring to Thomas Aquinas’s principle of double effect: the intended effect is saving ones life and the unintended effect is the killing in self defence. Logically, I believe it is possible to justify torture using the same principle: the intended effect is saving the lives of millions and the unintended effect is the torture of the guilty terrorist <sup>[8]</sup>. Therefore, I believe that an coherent, logical and morally sound person will torture the guilty terrorist causing a temporary infringement of his autonomy to prevent the terrorist from detonating the nuclear device which will result in the permanent infringement of the right to life and right to autonomy of millions.

It is also possible that some moral absolutists will not be moved by a distant conventional or nuclear explosion taking place in London. However, to those people I ask to imagine their five year old daughter in the grasps of a madman, a known paedophile, slowly being tormented in his sadistic layer just minutes away from your location and the man you now hold in your custody is his equally guilty partner in crime. Is this personal enough for the great inquisitor within you to arise and do what is necessary? If even your daughter fails to move your cold heart, imagine thousands of little girls in the grasps of madmen just like the one who is holding your daughter captive. It is my belief that a virtuous, lucid and conscientious individual will not hesitate to do what is necessary to save his daughter or the daughter’s of thousands of couples. It is beneficial to remember Sam Harris’s words, a proponent of the necessity of torture, “ the consequences of one persons uncooperativeness can be made so grave and his malevolence and culpability so transparent, as to stir even the moral relativist and absolutist from his dogmatic slumbers.”<sup>9</sup> If the answer to any of these proposed questions and hypotheticals was yes, then fortunately, you have joined the rest of us pragmatists, who understand that torture is indispensable in these, very real, exigent circumstances.

It is also possible that one might be befuddled trying to determine the effectiveness of torture. There is an array of documented cases where torture was used to obtain information that would ultimately lead to the foiling of dangerous calamities. One such example is the Al-Qaeda

<sup>5</sup> 'The Truth About Torture' (Washington Examiner, 2020)

<<https://www.washingtonexaminer.com/weekly-standard/the-truth-about-torture>> accessed 26 April 2020.

<sup>6</sup> Ibid.

<sup>7</sup> 'Torture (Stanford Encyclopedia Of Philosophy)' (Plato.stanford.edu, 2020) <<https://plato.stanford.edu/entries/torture/>> accessed 26 April 2020.

<sup>8</sup> ENR Dame, 'On The Ethics Of Torture // Notre Dame Philosophical

Reviews // University Of Notre Dame' (Notre Dame Philosophical Reviews, 2020) <<https://ndpr.nd.edu/news/on-the-ethics-of-torture/>> accessed 26 April 2020.

<sup>9</sup> 'In Defense Of Torture | Sam Harris' (Sam Harris, 2020) <<https://samharris.org/in-defense-of-torture/>> accessed 26 April 2020.

terror plot of bombing eleven United States airlines and to assassinate the pope. However, the plot never attained fruition because of the Philippine police that relentlessly tortured a Pakistani bomb maker<sup>[10]</sup>. There are those that attempt to raise doubts and try to distract from the fact thwarting the terror plot was a job well done. The only facts that matter from this situation are that there was no terror attack, there was no loss of innocent life and the pope is alive, preventing a possible holy war between Christians and Islamists. Thus, torture does indeed work.

Therefore, it is plausible that it is morally permissible or even morally desirable to torture someone in certain circumstances. Once it is established that a reasonable and morally sound individual will torture in rare circumstances, it is important to have a framework to limit actions and prevent abuse and excesses.

### 3. The case for regulation of torture and the removal of the absolute blanket ban on torture.

Torture is a crime against humanity. It is disparaging, derogatory and brutal. However, torture as a practice is prevalent in the world. It is not only practiced in third world countries by dictators as a tool for oppression. It is also used as a measure for intelligence gathering and security by many of the developed, civilised and world leading powers of today. Interestingly, a hundred and fifty countries are signatory to the United Nations convention against torture. The treaty places an absolute prohibition on the use of torture under any circumstances. However, the signature is not a testament to the country's commitment to not torture, rather it is a hypocritical pledge, ignored and broken without repercussions. A hundred and forty one of those signatories have been reported by Amnesty International to have used widespread torture<sup>[11]</sup>. No country in the world wants to risk the domestic and international condemnation and criticism it will attract by challenging the blanket ban on torture. Yet, as time passes, policies evolve and practices transform. Torture is now sanctioned unofficially to escape the glare of publicity. I believe the unambiguous and absolute ban on torture in the world has done more harm than good. It has allowed countries to torture unofficially and without any accountability. My views are accurately represented by philosopher Dershowitz's words, "Candor and accountability in a democracy is very important. Hypocrisy has no place<sup>[12]</sup>."

The pervasive and ubiquitous use of torture is entrenched in the world. It is common knowledge that China runs detention and torture camps in an effort to crack down on the Muslim Uighurs populating Xinjiang. The detainees are subject to re-education through labour camps and it is not uncommon for some detainees to be executed in order to force compliance. The detainees are subjected to brutal

beatings, electric shocks and other unthinkable abuses in the camps<sup>[13]</sup>. China is not alone in this duplicitous violation of the conventions. Stable democracies possess a superficial clean chit from torture. The French President, Emanuel Macron, has recently acknowledged the fact that France did indeed use systematic torture in its Algerian conflict. The security and law enforcement officials permitted kidnapping, forced disappearances and torture in order to fight the enemy efficiently. Torture perpetuates to be rife in France, but is concealed from the citizens and the eyes of the law. However, France was recently caught in the catbird seat and became the first European country to be convicted of torture in the

Strasbourg based European court of human rights<sup>[14]</sup>. The case of Mr Ahmed Selmouni brought the gross deceitful violations of the conventions against torture into the limelight in France. He was kicked and punched, beaten with a baseball bat and raped with a small truncheon. The police officers who tortured him explained that they were looking for a confession regarding his heroin drug smuggling operation. Mr Selmouni did confess and was handed down a 15 year prison sentence.

Similarly, the UK has recently been in the spotlight for Theresa May's attempt to quash the efforts to reveal UK's use of torture. The government's intelligence and security committee published a report which revealed that the UK permitted the kidnapping and torture of people suspected of terrorism after the 9/11 terror attacks on the United States<sup>[15]</sup>. UK's permission to these crimes was in direct conflict with section 134 of the criminal justice act of 1988. The section states that it is unlawful for any public official or someone with the officials acquiescence to inflict intentional harm or severe mental or physical suffering anywhere in the world. This throws light on the fact that the UK has falsely detracted from its position as a beacon of justice and rule of law.

The tale of the hypocritical attitudes towards torture is epitomised in the land of justice, equality and liberty. President Barack Obama confirmed that torture was used on the suspected terrorists in custody post 9/11. A host of enhanced interrogation techniques were used by United States' officials like mock execution by asphyxiation, water boarding, deprivation of light and auditory stimuli, stress positions, exploiting individual phobias<sup>[16]</sup>. All of these techniques are categorised as torture by the United Nations

<sup>13</sup> 'Torture Worldwide' (Human Rights Watch, 2020)

<<https://www.hrw.org/news/2005/04/27/torture-worldwide>> accessed 26 April 2020.

<sup>14</sup> 'France Becomes First EU State To Be Convicted Of Torture' (The Irish Times, 2020) <<https://www.irishtimes.com/news/france-becomes-first-eu-state-to-be-convicted-of-torture-1.211387>> accessed 26 April 2020.

<sup>15</sup> 'Where Does Torture Happen Around The World?' (The use of torture is completely prohibited by international law. However, many countries still employ torture methods. Read our guide to learn more about where these human rights abuses happen., 2020) <<https://www.freedomfromtorture.org/news/where-does-torture-happen-around-the-world>> accessed 26 April 2020.

<sup>16</sup> 'USA And Torture: A History Of Hypocrisy' (Human Rights Watch, 2020) <<https://www.hrw.org/news/2014/12/09/usa-and-torture-history-hypocrisy>> accessed 26 April 2020.

<sup>10</sup> Scholarship.law.georgetown.edu, 2020)

<<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1163&context=facpub>> accessed 26 April 2020.

<sup>11</sup> 'Torture Around The World: What You Need To Know' (Amnesty.org, 2020) <<https://www.amnesty.org/en/latest/news/2015/06/torture-around-the-world/>> accessed 26 April 2020.

<sup>12</sup> (Repository.usfca.edu, 2020)

<<https://repository.usfca.edu/cgi/viewcontent.cgi?article=1124&context=usflawreview>> accessed 26 April 2020.

Committee on Torture and by the United Nations special rapporteur on torture<sup>[17]</sup>. More recently, the United States stance on torture was back in the public eye due to President Trump's director nominee of the Central Intelligence Agency, Gina Haspel. She is infamous for her role in overseeing the operation of the secret torture prison in Thailand and destroying tapes of the brutal detainee interrogations<sup>[18]</sup>. These secret CIA black sites, which are unofficially sanctioned, are notoriously renowned for maximum deaths in custody due to torture. Gul Rahman's death in the CIA black site known only as the "Salt Pit" in Afghanistan is perhaps the best known example of a detainee death in recent history<sup>[19]</sup>. He died of hypothermia as he was stripped naked and chained to a wall in freezing temperatures. He died, revealing nothing, due to the excessive use of force which could have been limited if perhaps there were laws in place guiding the interrogators actions. "Abuse of prisoners, who were often kidnapped from third countries in a practice known as extraordinary rendition, was rampant at black sites around the world, including Detention Centre Green in Thailand, which Gina Haspel ran in late 2002."<sup>[20]</sup> The blanket prohibition of torture has conceived unendorsed clandestine torture camps where the rule of law terminates. Regulation of torture rather than an outright ban will assist in reducing the cases of deaths in custody, regulate the degree of torture and limit it to only to what is necessary in order to make the suspect cooperate. It will also result in accountability for those condemnable agents who would torture to fulfil their sadistic and morally reprehensible desires.

The sheer degree of the brutality of unrestrained and unaccountable torture cannot be fathomed without mentioning Abu Gharaib. We are all aware of the famous sadistic quote uttered by a security guard at Abu Gharaib, "you can't spell abuse without Abu."<sup>[21]</sup> "Abu Gharaib detainees were forced to sleep in flooded cells without mattresses, stripped naked and forced to crawl and bark like dogs, attacked with dogs, forced to curse Islam and eat pork and food from dirty toilets. Old women were dragged around by their hair, ridden like donkeys and urinated on by soldiers like Sgt. Charles Graner, who was fond of sodomising innocent detainees with round objects."<sup>[22]</sup>

Abu Gharaib was an illustration of unbridled malevolence and sadism. It had no lucidity. No purpose. No rationalisation. The events that transpired in Abu Gharaib were sadistically corrupt and abhorrent. However, I believe that if there was legislation regulating torture and the practice of torture was not hidden behind an opaque veil of denial and political motives, the evil at Abu Gharaib could have been everted. The pentagon conducts random urine drug tests to ensure that its personnel are fit for duty and the secret service performs regular psychological evaluations of

its agents to ensure that they are sane and capable to protect the President. These tests are mandatory and necessitated by statued law. Similarly, if there was torture legislation that demanded obligatory psychological evaluations of the agents in charge of interrogation and prison guards overseas to ensure their motives are righteous, maybe the events at Abu Gharaib would have never transpired. An effortless psychological evaluation of Sgt Charles Graner would have revealed that he was a deeply troubled man and was unfit for duty. Similarly, in the case of Mr. Selmouni in France, the torture was unnecessary, excessive and inefficient. Additionally, all sources of information relating to his drug operation had not been exhausted. It could have been avoided. The police officers were unfit to carry out the interrogation and were morally corrupt and sadistic. Regulated torture may have been less painful and more efficient. However, due to the blanket ban on torture, the police officers broke the law and carried it out unchecked without consequences. The blanket ban on torture has done more harm than good by allowing Sgt Graners of the world to escape public scrutiny. It has allowed the security agencies of the world to operate without oversight and accountability to their actions. Such gross dereliction of duty must stop now.

The reality is that torture occurs profusely irrespective of the blanket prohibitionary ban. It is used for a host of reasons in unimaginable ways. Therefore, there is a school of thought proposed by Mirko Bagaric and Julie Clarke that states that society would be well served if we were to legalise and regulate torture for the reason of harm minimisation<sup>[23]</sup>. I find their argument appealing for a variety of reasons. Firstly, it is established that torture regardless of the absolute bans, exists and perpetuates. Nevertheless, the slippery slope argument proposes that legalising and regulating torture would result in opening the floodgates for torture. At first instance, it may appear that the logic behind the slippery slope argument is sound. However, it is conclusively evident that torture is commonplace, but ensconced from the law. Therefore, such an argument fails to take hold as it is possible to argue that the floodgates of torture are already wide open. One of the proponents of the slippery slope argument is Professor David Luban, who argues against torture in any circumstance. The premise of David Luban's argument is that the ticking time bomb hypothetical is a cheat and that allowing torture even in the rare circumstances will result in a dangerous torture culture that will ultimately oppress all citizens<sup>[24]</sup>. Even though his argument at a cursory glance may look compelling, at a deeper level it is flawed. His claims about the dangers of a torture culture are gravely exaggerated. It is hard to imagine a future where universities offer courses in the most efficient methods of torture. Charles krauthammer provides a befitting response to the Professor Luban's reservations, "the right to torture will be reserved for highly specialised agents, who are experts and experienced in interrogation and are known not to abuse it for the satisfaction of a kind of

<sup>17</sup> Ibid.

<sup>18</sup> Brett Wilkins, 'A Brief History Of American Torture - Counterpunch.Org' (CounterPunch.org, 2020)

<<https://www.counterpunch.org/2018/05/08/a-brief-history-of-american-torture/>> accessed 26 April 2020.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> (Repository.usfca.edu, 2020)

<<https://repository.usfca.edu/cgi/viewcontent.cgi?article=1124&context=usflawreview>> accessed 26 April 2020.

<sup>24</sup> Scholarship.law.georgetown.edu, 2020)

<<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1163&context=facpub>> accessed 26 April 2020.



sick sadomasochism Lyndie England and her cohorts indulged in Abu Gharaib. The principle would be that the level of inhumanity of the measures used would be proportional to the need of and value of the information. The agents will not act on their own and will rather require a torture warrant.”<sup>[25]</sup> In my opinion, regulating torture is the humane alternative. God forbid, if any of us are ever tortured, is it not better to be tortured, when there is no threat to life, when your torturer is limited in degree of torture used by law? The only alternative currently available is that we’re tortured in a third world country at a black site without accountability or public scrutiny, where your torturer is most likely a sadist enjoying your pain and has no limits on himself as there are no consequences to his actions.

Secondly, it is possible that due to the absolute prohibition on torture, the cases of use of torture have simply shifted below the radar of accountability<sup>[26]</sup>. I believe that greater accountability will result in graver consequences for abuse and, thereby, further limit the excessive use of torture. We are all aware of infamous quote “with great power comes great responsibility”. It would keep in check those officials who would use their capacity as a law enforcer to fulfil their baser sadistic desires.

Thirdly, I believe that legalising torture in rare circumstances will not create a torture culture and transparency over such practices will bring greater scrutiny. There is no evidence to point to the fact that if torture is legalised, it will become common practice for small crimes and in less desperate situations. This is evident from the fact that even though the UK has provisions for suspending human rights in rare circumstances, there has been no suspension of these rights in recent history. Human rights in the UK are protected through the Human Rights Act(HRA) of 1988. There are 3 categories of human rights: limited, qualified and restricted. Limited rights state that they can only be restricted in the circumstances described in the HRA 1988. An example of such a right is seen in article 5 of the HRA: which states that it is not a violation of your human right of personal freedom, if you’re held following a criminal conviction.<sup>[27]</sup> Qualified rights are those rights which can be suspended by public authorities in the interest of the wider community. These rights include articles 8, 9, 10, 11 of the HRA 1988 and an example of these rights are the rights to assembly and freedom of expression<sup>[28]</sup>. Restricted rights are those rights which are inalienable. These currently include the right against torture and the right to life.<sup>29</sup> It is convincingly palpable that the restricted

right of right against tortured has been violated officially and unofficially countless number of times, shrouded from the radar of accountability. But interestingly, the right to assemble and freedom of expression and others are rarely suspended and violated. Therefore, logic dictates that it would be appropriate and suitable to change the category of the right against torture. It is better for the community as a whole to classify the human right against torture as a qualified right, which can be suspended in rare circumstances.

I believe that it would be better if we admit the existence and need for torture rather than deny it and continue to circumvent treaties to find loopholes. Our minds would be better utilised in regulating the practice rather than creating new terminologies like “torture lite”, which attempt to create a distinction between hardcore torture and modern and lighter versions of torture, to escape the unrealistic and rigid confines of the naive and idealistic treaties. It is discernible that such a monumental shift of public policy will entail excessive debate and discourse. I invite such debate as it would finally mean that we as a society are ending our hypocritical oath and moving in the direction of accountability. It will allow us to discuss and determine what are the rare circumstances in which the qualified right against torture can be suspended. We will be better served to accept that there are circumstances in which the ends really do justify the means. If we can escape from the deluded ideology that it is always the case that the means to attain the end are as important as the end itself, we can then finally debate and focus on fine-tuning the exact means and justifiable ends.

#### 4. Conclusion

It is established that torture is morally permissible in circumstances that prevent a great risk and danger. It is also established that torture is practiced across the world despite the absolute ban on torture. The absolute blanket ban on torture is naïve and it idealises a Shangri-La, which is far from our current reach. Thus, it is unequivocally vital to replace the pragmatically unworkable ban on torture with legislation and legal framework to bolster accountability and prevent abuses. Torture should be used as a last resort and should only be employed when all other sources of information have been exhausted. The logical way to proceed forward is to have a measured debate on legalising torture. I believe that such a legal framework will end our hypocritical oath relating to torture and will enable us to determine the way to deal with the grim, but possible circumstances in which torture is the only hope.

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<sup>25</sup> 'The Truth About Torture' (Washington Examiner, 2020)

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<sup>26</sup> (Repository.usfca.edu, 2020)

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<sup>27</sup> 'When Can A Public Authority Interfere With Your Human Rights?'

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

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