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Rights Trump Torture: How Dworkin's System of Rights Should Include a Right not to be Tortured and Defeat Ticking Time-Bomb Scenario Type Arguments

Jennifer Eler

I. Introduction

Following the September 11 attacks and the war on terrorism, torture, as a form of interrogation, re-entered public consciousness. When commenting on interrogational torture, one legal scholar, Alan Dershowitz, discussed its inevitability and how regulating its usage was superior to covertly practicing it. He arrived at this conclusion by comparing three values of democratic governments (and, presumably its citizens): (1) safety and security of a nation's citizens; (2) preservation of civil liberties and human rights; and (3) accountability and visibility in a democracy. In times of conflict "the hard question is: which value is to be preferred when an inevitable clash occurs?"¹ Preventing torture completely compromises (1), while practicing it clandestinely violates (3). Creating a "legal structure for limiting and controlling torture" compromises our "principled opposition to torture in all circumstances and create[s] a potentially dangerous and expendable situation," or, in other words, it compromises value (3).² Because of torture's

¹ Alan Dershowitz, "Should the Ticking Bomb Terrorist be Tortured? A Case Study in How a Democracy Should Make Tragic Choices," in *Philosophy of Law*, ed. Joel Feinberg and Jules Coleman (New Haven: Yale University Press, 2002), 502.

² Ibid.

inevitable nature, Dershowitz focuses on democratic nations either secretly practicing it or regulating it and *then* practicing it. By narrowing the options in this way, the debate is really over how important (3) is in a democratic society; Value (2) has already been dismissed as a point of concern in the interrogational torture dilemma. However, Dershowitz's treatment of rights, as equal in weight to concerns such as democratic accountability and the safety and security of a nation's citizens, debases and disregards the fundamental nature of rights. I want to argue that rights are prior to concerns such as (3) and (1) and thus should be weighted more heavily. If rights are prior in this manner, torture must not be a viable interrogation procedure.

In this paper, I want to explain how Dworkin's theory of rights adequately characterizes the fundamental nature of rights and defeats utilitarian calculus arguments, which feature prominently in many ticking-time bomb scenario thought experiments, in favor of interrogational torture. Specifically, the right not to be tortured in interrogational procedures needs to be included as a concrete right derivable from Dworkin's abstract right to equal concern and respect. In Section II, I begin with a brief discussion of torture and conclude that it is an asymmetrical relationship between the dominator and dominated that transforms the body of the dominated individual into a medium of suffering that functions completely against his/her will. This analysis is necessary in order to distinguish torture from ordinary punishment and reinforce its incompatibility with the

abstract right to equal concern and respect. In Section III, I explain Dworkin's system of abstract and concrete rights. In Section IV, I show how a utilitarian ethic needs to include the right to equal concern and respect to avoid dangerous and undesirable consequences. I also explain how the ticking time bomb scenario, one of the lingering arguments for allowing interrogational torture, is defeated due to its classification as a utilitarian argument of policy. Finally, in Section V, I argue that the right not to be tortured ought to be included as a concrete right derived from Dworkin's abstract right to equal concern and respect.

II. Defining Torture

To define torture, I want to begin at the most rudimentary definition and add qualifiers until the definition is adequate in explaining how torture violates Dworkin's right to equal concern and respect, which will be discussed in a later section. At a very basic level, Michael Davis defines torture as "fundamentally... [a] relation between sentient beings (torturer and tortured) in which the one makes the other suffer."³ However, this conception of torture faces scope issues. How much suffering should count as torture? If one argues "suffering" broadly (*any* suffering counts as torture) then mere annoyance is torture. This is often how torture is used in more informal contexts. For example, I tell my friend someone has a crush on her and refuse to divulge his

³ Michael Davis, "Torture and the Inhumane," *Criminal Justice Ethics* 26 (2007): 31.

identity. After my incessant teasing, she might yell in agony, "Please stop torturing me like this!"

David Sussman provides a better rudimentary definition that resolves this scope issue. To him, torture "involves the deliberate infliction of great pain or some other intensely distressing affective state (fear, shame, disgust, and so forth) on an unwilling person for purposes that person does not and could not reasonably be expected to share."⁴ Already, a profound lack of equal concern and respect is evident in the relationship between torturer and tortured, though the exact nature of this relationship is still unclear. Sussman and Davis both agree that an asymmetrical relationship exists between the torturer and the tortured, in that the latter is completely defenseless, while the former exercises complete power over the situation. Davis characterizes the torturer's power as the ability to choose whom to torture, when to discontinue the torture, and the method of torture. The tortured, on the other hand, only decides on a course of action that could lead to him/her being tortured. Sussman conceives of the defenseless tortured person as being fully aware of her "inability to put up any real moral or legal resistance to her tormentor."⁵

At this point, it may be said that torture closely resembles (legal) criminal punishment. Perhaps it is the legal nature of criminal punishment that serves as

⁴ David Sussman, "What's Wrong with Torture?" *Philosophy and Public Affairs* 33 (2005):1-33.

⁵ Ibid.

the distinguishing factor. However, this will not do. Many pre and post-modern countries practice legalized interrogational torture techniques. Soviet interrogators utilized forced standing against Axis POWs throughout World War II and continued to use the Stalinist Conveyor system, of which forced standing was a part, late into the 1950s. The British produced similar documentation on forced standing for its interrogators in 1956.⁶

Instead of legality serving as the distinguishing factor between criminal punishment and torture, a situation is judged to be torture based on a set of criteria. Sussman outlines torture as containing four essential features: (1) the pain is dispensed by another person; (2) it serves some purpose or point of another; (3) the victim lacks an escape mechanism (e.g. evasion, retaliation, protection against attacks); and (4) the pain serves to confuse and insult the victim's agency.

⁷Darius Rejali qualifies (2) to include pain dispensed by “states or quasi-state officials and put towards public purposes” in a *systematic*, calculated manner.⁸ The inclusion of (4) characterizes the experience the tortured’s body ceasing to be his own and instead being transformed into “a locus of suffering, as something that is aware of itself as a body available to and saturated by the active will of another.”⁹ In other

⁶ Darius Rejali, *Torture and Democracy* (Princeton: Princeton University Press, 2007), 318-319.

⁷ Sussman.

⁸ Rejali, 562.

⁹ Sussman.

words, the tortured loses all agency concerning his body since he can't prevent the treatment he receives and even more egregious, he questions "his [own] ability to possess cares and commitments that are more immediately and authentically his own than those of another agent."¹⁰ A torture victim's autonomy is inverted –instead of having the choice to express feelings, desires and emotions – he expresses the torturer's will through expressions of unbearable pain.

Criteria (4) is one of the distinguishing factors that separates torture from criminal punishment. Sussman writes that "the violence of war or police action may injure or insult an agent's capacities for rational and moral self governance but such violence need not make the victim an accomplice in his own violation."¹¹ Criminals in jail do not experience their bodies as instrumental tools of suffering against themselves. Though they are encouraged to change their ways, they are not forced to suffer in order to ensure that goal. Another distinguishing factor between torture and criminal punishment is the uncertain duration and intensity of treatment experienced by the tortured. Jeremy Bentham writes that "the quantity of Punishment, be it ever so great is still determinate: it is determinate in intensity and duration [whereas] the quantity of Torture is indeterminate: it is determinate neither in intensity or

¹⁰ Ibid.

¹¹ Ibid.

duration.”¹² Given this indeterminacy, Bentham argues that it is easy to torture an innocent unknowingly if it is used as an interrogational technique.¹³

So, our final broad definition for torture, based largely on David Sussman’s conception, is an asymmetrical relationship between the dominator and dominated, which results in the dominator inducing great pain or suffering on the dominated against his will and not for his wellbeing. Specific instances of torture, such as water-boarding, that are used in order to obtain information raise other criterion that could be added to our definition such as a governmental agency or individual using a person purely for the means of obtaining information and using methods of intense pain in order to arrive at that goal. However, these specific instances still share the definition’s overall structure. The critical difference between criminal punishment in general and torture is the loss and inversion of autonomy suffered by torture victim

III. Dworkin’s Division of Rights

Dworkin also distinguishes abstract rights from concrete rights.¹⁴ An abstract right is “a general

¹² Jeremy Bentham, “Of Torture,” in *The Phenomenon of Torture*, ed. William F. Schultz (Philadelphia: University of Pennsylvania Press, 2007), 223.

¹³ Ibid.

¹⁴ In this paper, I am avoiding the exceedingly difficult issue of conflicts between abstract rights and concrete rights and between two concrete rights. Diana Meyers’ addresses the first issue in her article entitled “Rights-based Rights.” She discusses a situation

political aim the statement of which does not indicate how that general aim is to be weighted or compromised in particular circumstances against other political aims.”¹⁵ Conversely, concrete rights are “political aims that are more precisely defined so as to express more definitely the weight they have against other political aims on particular occasions.”¹⁶ The difference between the two types of rights lies in their applicability and whether they are enforced or not. Abstract rights function as foundational rights that apply generally “with no suggestions that these rights are absolute [nor any] attempt to suggest [an] impact on particular complex social situations.”¹⁷ They remain un-individuated without reference to social situations and serve to provide a general foundation for more specific applications.¹⁸ For example, many rights are based on right to equality which functions as an abstract right. Concrete rights are derived from abstract rights and are meant to be applied in specified situations. For instance, a newspaper specifically has a right to publish potentially damaging information about a person provided that it is true (freedom of the

where the abstract right to equal concern and respect would suspend the concrete right to freedom of the person. For more, see Diana T. Meyers, “Rights-based Rights,” *Philosophy and Law* 3 (1984): 175-191.

¹⁵ Dworkin, 93.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ It is helpful to think about Rawls’ three principles of justice as examples of this type of abstract right.

press). The claim of concrete rights is “more definitive than any claim of abstract right that supports it.”¹⁹

Both abstract rights and concrete rights can generate the type of claim-rights and liberty-rights discussed in the previous sections. However, abstract rights are rights that provide support for concrete rights (which can function as either negative or positive claim-rights) and are generally broad. However, my focus here is on concrete rights as rights in the strong sense where “some special grounds are needed for justifying any interference.”²⁰ Thus, when I assert a negative concrete claim-right to publish a newspaper article with potentially damaging, but true, information this imposes a duty on others (especially the government) to not interfere without justification. This situational right is based on an abstract right to free speech. If I use my abstract liberty right to bear arms, this could generate a liberty right to purchase guns in a rural American town. However, concerns of this type are not my paper’s focus, but it does deserve to be mentioned that abstract rights could be used in this way.

One important abstract right that is incredibly important is the right to equal concern and respect which requires that certain “individual [concrete] rights to distinct liberties”²¹ to be respected. Some examples of these latter rights are those guaranteed by the Constitution. The right to equal concern and

¹⁹ Ibid.

²⁰ Dworkin, 188.

²¹ Dworkin, 274.

respect is defined as treating human beings as “capable of suffering and...forming and acting on intelligent conceptions of how their lives should be lived.”²² This abstract right to equal concern and respect generates certain concrete claim rights (both negative and positive). However, equal concern and respect can be interpreted in two different ways: the right to treatment as an equal or the right to equal treatment. The right to equal treatment is the “right to an equal distribution of some opportunity or resource or burden.”²³ Conversely, the right to treatment as an equal is the right “to be treated with the same respect and concern as anyone else.”²⁴ The profound difference between these two rights is that one deals with distributional equality of *goods* for individuals, while the other deals with equal respect of *individuals*. Equal respect of individuals is prior and does not always entail equal treatment of individuals. Other circumstances could affect the situation. For example, I can still respect my friend and not give him an equal slice of the pizza we ordered. I can give him one-quarter of the pizza, while giving myself three-quarters and still respect him because I know he ate before arriving at my house. This example further supports the claim that our focus should not be on equal distribution. However, I am not respecting my friend if I deny him pizza knowing that he is sitting hungry and proceed to consume the entire pizza in

²² Dworkin, 272.

²³ Dworkin, 227.

²⁴ Ibid.

front of him. In the first case, I am still respecting my friend but not giving him an equal distribution of goods while the second case shows that by not equally distributing goods, I *could* profoundly disrespect my friend.

To review, I have hitherto discussed the distinctions between liberty and claim rights and abstract and concrete rights. Claim-rights impose correlative duties on others, whereas liberty rights function as permission to refrain or perform certain actions. Abstract rights are foundational rights that function as principles to provide support for concrete rights, which are attached to determinate situations. The intersection between these different categories occurs when Dworkin's abstract right to equal concern and respect generates certain concrete negative (or positive) claim-rights. In the next section, I will discuss how these individual, concrete rights serve as trumps over utilitarian arguments of policy.

IV. Dworkin's System of Rights as Trumps over Utilitarian Concerns including the Ticking-Time Bomb Scenario

Dworkin states that individual concrete rights derived from the abstract right to equal concern and respect serve as trumps over utilitarian arguments of policy. Utilitarian arguments of policy proclaim that "the community as a whole will be better off because more of its citizens will have more of what they want overall, even though some of them will have less."²⁵

²⁵ Dworkin, 274.

Dworkin argues that, *prima facie*, these types of arguments appear to confirm the fundamental right of equal concern and respect, but upon further investigation, they violate it. This argument is worth investigating as the most potent argument for torture – the ticking time-bomb thought experiment – is based on utilitarian premises.

To a utilitarian, people are treated as equals when “the preferences of each, weighted only for intensity are balanced in the same scales, with no distinction for persons or merit.” In other words, equality is achieved when no preferences are discounted based on their content. Thus, personal (how you wish your life to go, your goals) and external (how you wish others lives to go and what you think their goals should be) preferences are included in the utilitarian calculus. Dworkin argues that many external preferences are “corrupted.” so in order for utilitarianism to correct for this, it needs to disentangle personal from external preferences and only count personal preferences. However, these two beliefs are inextricably linked making disentanglement a useless endeavor. The right to equal concern and respect and other derivable rights are seen as a corrective force by checking the power of external preferences on the utilitarian calculus. “Rights are to prevail over utility precisely because the whole point of setting them up is to correct for the defects in the utilitarian arguments which are likely to oppose them.”²⁶

²⁶ Jeremy Waldron, "Rights in Conflict," *Ethics* 99 (April, 1989): 516.

Consider a community of homophobic persons, who each argue that homosexuals' preferences should only count for half, while their own preferences should count for 2 (with 1 being the weight everyone's preferences are supposed to be given). If enough people believed this, then homosexuals would be denied equal concern and respect not "on the competition among personal preferences that abstract statements of utilitarianism suggest,"²⁷ but because of the addition of an external preference (of homophobia) to a personal preference. External preferences are a person's views on how others should live their lives. Their lives are deemed less important than a heterosexual and their preferences, as the minority, would only count for half.

If I want to argue that the right not to be tortured should be included because it is a violation of the abstract right to equal concern and respect, I must address the relevancy of ticking-time bomb scenario type arguments. If they function as utilitarian arguments of policy (which I believe they do), then they are immediately disqualified from consideration in trumping rights. However, this type of argument must be explained fully in order to understand both its relation to utilitarianism and why it is so important to undermine it.

William F. Schultz explains that "far more than one philosopher, scholar or lawyer has argued the case for torture in the context of interrogation" and that the most "popular and persistent form of the debate

²⁷ Dworkin, 275.

focuses on the so-called ‘ticking time bomb scenario.’”²⁸ These scenarios contain two main premises: (1) there is going to be some event that will occur within a short amount of time which kills hundreds of people; (2) the police have in custody a person who, if tortured, will divulge information necessary to prevent the event from occurring.²⁹ In these cases, if the person is tortured, the greater community would be better off. Though this appears to be an obvious point, the external preferences of those affected (i.e. those who would be killed by the event) argue that the terrorist/fanatic should be tortured are balanced against the one terrorist/fanatic’s personal preference to not be tortured. This argument is designed to maximize “general utility” which is calculated to “produce more

²⁸ William F. Schultz, introduction to *Chapter VI in The Phenomenon of Torture* (Philadelphia: University of Pennsylvania Press, 2007), 219.

²⁹ Numerous philosophers have constructed fanciful ticking time-bomb scenarios. Michael Levin, one of the few scholars to publish an essay on torture in a main-stream news media source (*Newsweek*), imagines a terrorist who hid an atomic bomb on Manhattan Island. The authorities capture him two hours before the bomb is set to detonate and Levin asks whether we would torture the terrorist. See Levin, Michael, “The Case for Torture,” in *The Phenomenon of Torture*, ed. William F. Schultz (Philadelphia: University of Pennsylvania, 2007), 227-229. Henry Shue conceives of a similar situation except that it involves a fanatic hiding a nuclear bomb set to explode in the heart of Paris. For more on Shue’s construction and his argument against torture from self defense, see Henry Shue, “Torture,” *Philosophy and Public Affairs* 7 (1978): 124-143.

over-all benefit than harm. In a previous section, I discussed why this type of thinking is problematic.

Thus far, we have discussed the character of rights in Dworkin's system and one unacceptable justification for infringing rights that is used in favor of torture in limited circumstances. What about those cases involving massive disasters? Dworkin disregards this as a probable justification. "...This argument ignores the primitive distinction between what may happen and what will happen...We must...discount the gravity of the evil threatened by the likelihood of reaching that evil."³⁰ The speculative claim of massive disaster is never certain, so it is not an acceptable justification for infringing rights. However, certain writers have misunderstood Dworkin's position on this matter. For example, Mirko Bagaric and Julie Clarke describe Dworkin's position as allowing rights infringement in the case of massive disasters.³¹ The passage they quote is not an instance where Dworkin asserts this claim, but is instead one that simply states an opposing view, which Dworkin argues against.

³⁰ Dworkin, 195.

³¹ They write that "Dworkin accepts that it is correct for a government to infringe on a right when it is necessary to protect a more important right or *to ward off 'some grave threat to society,'*" (my emphasis). Mirko Bagaric and Julie Clark, *Torture* (New York: State University of New York Press, 2007), 23-24.

V. Torture as a Violation of Dworkin's Fundamental Abstract Right

To review, Dworkin argues that the fundamental abstract right of equal concern and respect generates certain negative claim-rights. By negative claim-rights, he means strong negative duties of non-interference or non-participation in activities against a determinate individual or institution despite even the strongest moral considerations. In this section I want to argue that torture violates the fundamental claim-right of equal concern and respect. As such, the right not to be tortured should be included as one of Dworkin's derivable negative claim-rights.

Dworkin defines equal concern and respect within a government-citizen context, but this relationship could be broadened to include non-citizens. "Government must treat those whom it governs with concern, that is, as human beings who are capable of suffering and frustration, and with respect, that is, as human beings who are capable of forming and acting on intelligent conceptions of how their lives should be lived."³² Both concern and respect as defined by Dworkin are absent in torture contexts.

The dissolution of concern for torture victims begins when torturers are trained. Jessica Wolfendale describes how elite military units use survival training to teach trainees to first become desensitized to their

³² Dworkin, 272.

own suffering then to the suffering of others.³³ This desensitization is achieved by resistance training laboratories, where trainees “undergo a highly realistic re-creating of the experience of being captured and interrogated by the enemy.”³⁴ Examples of these re-creation sequences include prolonged forced standing, unbearable noise and blindfolding. In 1968, one Green Beret described how he had been taught to ‘put a bucket on people’s heads and bang on it.’³⁵ After they participate in the tortured role, the trainees play the torturer which teaches them to “be desensitized to the infliction of pain.”³⁶

The discourse of professionalism also aids trained torturers in disambiguating the violence they propagate from its human receiver. Torturers envision themselves as professionals performing the unpleasant, but necessary, duties to protect their nation from external threats.³⁷ Thus, torturers measure their success by how well they torture without considering the possible reasons for resorting to torture or the possible impact it has on their victims.³⁸ Interrogators, like Sgt. Mark Hadsell, stationed at a camp near Abu Ghraib praised the “special

³³ Jessica Wolfendale, “Training Torturers: A Critique of the “Ticking Bomb” Argument,” *Social Theory and Practice* 32 (2006): 275.

³⁴ Ibid.

³⁵ Rejali, 362.

³⁶ Wolfendale, 277.

³⁷ Wolfendale, 278.

³⁸ Wolfendale, 280.

interrogational techniques [interrogators used] such as sleep deprivation or loud music. They can't take it. Trust me it works," they said.³⁹

Respect for other human beings is also lost in torture situations. This disrespect begins with the profoundly unequal relationship propagated in torture contexts. The dominator controls the situation completely with little concern for the dominated's welfare. One only needs to look at pictures from Abu Ghraib to recognize this inequality. Two smiling U.S. military personnel stand behind a pyramid of naked Iraqis. One soldier holds a leash attached to an incapacitated, naked Iraqi lying helplessly on the floor. This treatment is contrary to any vision of life formed by a human being and violates a cornerstone of Dworkin's conception of respect.

In addition, this prolonged treatment affects further life aspirations. The personalities of many torture victims are drastically altered by their experience. Instead of the extroverted and active personality they once had, victims isolate themselves and avoid contact with other people. This avoidance of contact is due to the loss of confidence in other people. They also experience anxiety, sleep disturbances and nightmares and many activities, such as going to the doctor and speaking with authorities, become difficult due to their association to torture (e.g. the sight of medical equipment, personnel in uniforms, etc.).⁴⁰

³⁹ Rejali, 509.

To review, through the desensitization of pain and discourse of professionalism surrounding torture, torturers are trained to maximize, instead of avoid, the suffering and frustrations of their victims, which violates Dworkin's right to equal concern. Torture is also not associated with any human being's conception of their life and profoundly affects any future life prospects for the worse, thus violating Dworkin's right to equal respect. Given these violations of the abstract right to equal concern and respect, governments need to be prohibited from using torture as an interrogational method. So, the right not to be tortured in interrogational procedures should be included as a concrete negative claim-right derivable from this abstract right to equal concern and respect in Dworkin's system.

VI. Conclusion

In this paper, I have argued that if Dworkin's abstract right to equal concern and respect generates certain concrete negative claim-rights, then the right not to be tortured should be included as one of these generated rights. I explained how rights were necessary in defeating appeals to utilitarianism which could result in undesirable circumstances. I then argued that the ticking-time bomb scenario should be

⁴⁰ Lone Jacobson and Edith Montgomery, "Treatment of Victims of Torture," in *The Phenomenon of Torture*, ed. William F. Schultz (Philadelphia: University of Pennsylvania Press, 2007), 285-286.

dismissed as justification for allowing torture given its utilitarian thrust.

Bibliography

Bagaric, Mirko and Julie Clark. *Torture*. New York: State University of New York Press, 2007.

Bendit, Theodore. *Rights*. Totowa: Rowman and Littlefield, 1982.

Bentham, Jeremy. "Of Torture." In *The Phenomenon of Torture*, edited by William F. Schultz, 221-226. Philadelphia: University of Pennsylvania Press, 2007.

Davis, Michael. "Torture and the Inhumane." *Criminal Justice Ethics* 26 (2007): 29-43.

Dershowitz, Alan. "Should the Ticking Bomb Terrorist be Tortured? A Case Study in How a Democracy Should Make Tragic Choices." In *Philosophy of Law*, edited by Joel Feinberg and Jules Coleman, 497-506. New Haven: Yale University Press, 2002.

Dworkin, Ronald. *Taking Rights Seriously*. Cambridge: Harvard University Press, 1977.

Jacobson, Lone and Edith Montgomery. "Treatment of Victims of Torture." In *The Phenomenon of Torture*, edited by William F. Schultz, 285-297. Philadelphia: University of Pennsylvania Press, 2007.

Levin, Michael. "The Case for Torture." In *The Phenomenon of Torture*, edited by William F. Schultz, 227-230. Philadelphia: University of Pennsylvania, 2007.

Meyers, Diana T. "Rights-based Rights." *Philosophy and Law* 3 (1984): 175-191.

Prusak, Bernard. "The Ticking Time Bomb Case for Torture." *Social Philosophy Today: International Law and Justice* 23 (2008): 201-209.

Rejali, Darius. *Torture and Democracy*. Princeton: Princeton University Press, 2007.

Shue, Henry. "Torture." *Philosophy and Public Affairs* 7 (1978): 124-143.

Sussman, David. "What's Wrong with Torture?" *Philosophy and Public Affairs* 33 (2005): 1-33.

Waldron, Jeremy. "Rights in Conflict." *Ethics* 99 (April, 1989): 503-519.

Wolfendale, Jessica. "Training Torturers: A Critique of the 'Ticking Bomb' Argument." *Social Theory and Practice* 32 (2006): 269-287.