It should not come as a surprise that human rights are among the first casualties in the War on Terrorism.\textsuperscript{1,2,3} Yet recent policy proposals in the fight against terrorism are threatening to take human rights violations to a level until recently unimaginable. In the corridors of the White House, and perhaps behind the doors in Downing Street, arguments have begun to surface that in certain extreme cases the use of torture may be justified, and therefore ought to be legalized.

This paper argues for the unconditional refutation of any attempt to justify torture, under any circumstances.\textsuperscript{4} After giving a brief account of the concept of torture in Part I, and the standard deontological arguments against torture in Part II, in Part III the best-known argument in favour of the legitimate use of state-sponsored torture on terrorists will be put forward – the ticking-bomb argument. This will be followed in Part IV by a classification of different types of torture. Parts V and VI will expose two major fallacies in the ticking-bomb argument: the Deductive Fallacy highlights the problems with the premises used by the ticking-bomb argument to infer its conclusion regarding the justified use of torture interrogations; the Consequentialist Fallacy points to the empirical evidence suggesting that the negative consequences of implementing a policy of torture interrogation outweigh any possible positive consequences; therefore arguments for torture interrogation of terrorists can be refuted on consequentialist grounds. Part VII will reject the moral calculus of torture endorsed by the ticking-bomb argument.
Definition of torture

Torture is universally condemned in international law. The English Declaration of Rights barred cruel and unusual punishments 300 years ago, while in the United States the prohibition of cruel and unusual punishment was incorporated into the US Constitution more than 200 years ago. In the 20th century, torture was outlawed by the Universal Declaration of Human Rights in 1948, and the United Nations passed the Declaration against Torture in 1975. In 1984 the UN General Assembly adopted the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter Torture Convention), which was ratified in 1987.5

The Torture Convention gives the following definition of torture (Article 1):

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

There are a few aspects of this definition worth accentuating. First of all, torture can be both physical and/or psychological, and it need not result in death. That is to say, torture is still torture even if its victims are not on the brink of death. Second, torture is a form of political violence, being administered by people acting in an official capacity. Finally, Article 2.2 states that there can be no exceptions to the ban on torture (‘No exceptional circumstances whatever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture’), and Article 3.1 states that outsourcing torture is illegal (‘No State shall expel, return or extradite a person to another State where there are grounds for believing that he would be in danger of being subjected to torture’).

The United States, Britain, and all other liberal democracies are signatories to this Convention; indeed the international legal definition of torture is universally recognized and accepted. Yet, in 2002 Amnesty International reported state-sponsored torture or severe abuse in over...