

Torture and ethical theories of bentham, kant, and aristotle

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Nicholas Tower came crashing down at the sound of an explosion! Shouts of terror echoed all over Independence Square Port of Spain as several people lay dead on the street whilst others were bleeding from injuries caused by flying debris. Another bomb had gone off, but this time Abu Bakr claimed responsibility, and as he was taken into custody he boasted that he had two other bombs planted in buildings somewhere in Trinidad. After days of interviews, He still did not disclose their location and out of desperation someone recommended the use of torture to extract the information. This suggestion caused concerns among some officials, and it should because this resolution was never used before. What exactly is torture? According to article 1 of the United Nations Convention ' Torture means 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. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.' The question now remains; is torture an ethical solution to a threat? There are various ethical theories that can be used to look at the topic of torture, and three of them are spoken of by Bentham, Kant, and Aristotle.

The first theorist is Jeremy Bentham (1748-1832) and his theory dealt with Utilitarianism which is a teleological ethical system. According to Bentham

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this means that what is good is determined by the consequences of the action, and one component of utilitarianism is that the morality of an action should be determined by how much it contributes to the good of the majority. According to Bentham, the utilitarian doctrine states that we should always act so as to produce the greatest possible ratio of good to evil for everyone concerned and in any situation where one must decide between a good for an individual and a good for society, then society should prevail, despite the wrong being done to an individual. By virtue of this theory one can say that the use of torture to learn the location of the two bombs is justified because the greatest ratio of good is produced when the lives of thousands of persons are saved. Notwithstanding that harm may come to Abu Bakr, the utility or good resulting from that action will overshadow the small amount of harm done because the harm is done only to one person whereas the good is multiplied by many.

Jeremy Bentham also provided a utilitarian basis for proportionality in punishment. Utilitarian justice does support punishment, but that punishment should be based on the seriousness of the crime. That means the more serious the crime, the more serious the punishment. In this scenario the purpose of torture is not to punish Abu Bakr, as the proper avenues through the legal system will deal with that aspect. The purpose of the torture however, is to obtain crucial timely information that will result in the salvation of hundreds, even thousands of people from certain death should the other bombs go off. According to Utilitarianism the action is right

if it results in the best consequence, and what is best for society. Another theorist is Immanuel Kant.

The second theorist as mentioned earlier was a philosopher named Immanuel Kant (1724-1804), and his theory dealt with Ethical formalism which was a deontological system. According to Kant, this meant that the important factor for deciding whether an act is moral is not its consequence, but the motive or intent of the person doing the act. One principle of Ethical formalism is Act only on that maxim through which you can at the same time will that it should become a universal law. This basically means that for every act performed, would it be acceptable if it were a universal law to be followed by everyone. According to Kantian theory, the question to be considered is would acts of torture be acceptable if everyone used this method to resolve their problems. The answer will be NO. As a matter of fact, the Human Rights Watch organization says that one of the solid principles of International Law is the prohibition of torture to the point where it has been banned at all times, in all places, even during times of war. The organization even went on to say that no national emergency, however dire, ever justified its use. Kantian theory asks the question; what is the rational thing to do. The response to that question is that the action is right if it fits the moral code, or if the action follows a moral rule no matter the consequence. The Human Rights Court has stated that torture is ' deliberate inhuman treatment causing very serious and cruel suffering', and Kantian theory is strongly against causing any human being to suffer regardless of the situation.

I have looked at the theories of Bentham, and Kant, now I will examine the theory of Aristotle.

The Third theorist is Aristotle and his theory is called the ethics of virtue or Aristotelianism. Contrary to Bentham and Kant whose theories were based on the ethic of conduct, Aristotle's theory was based on character, and asked the question; what is a good person, or what is the best kind of person to be? According to Aristotle, an action is right if it is what a virtuous person would do in a situation, if it embodies the greatest virtue. Would a virtuous person cause deliberate inhuman treatment, cruel suffering and pain to another human being? Would a virtuous person torture another human being especially one in custody? The Pillars of Character transmitted by the Josephson Institute of Ethics (2008) are similar to the characters outlined by Aristotle's virtues, and one of them speaks about fairness. This speaks about treating everyone impartially, equally and giving persons the opportunity for due process under the law. None of these virtues speaks about or condones torturing anybody.

In conclusion, having looked at the theories of Aristotle, Immanuel Kant and Jeremy Bentham, and based on the scenario presented in the introduction, the author of this paper is in support of Bentham and his Utilitarianistic theories. I would use torture as a means to extract information concerning the bombs location(s) from Abu Bakr, but that would not have been a rushed decision. I would have examined the question How do I get what is best for society? According to the theory of Utilitarianism, one should always act so as to produce the greatest possible ratio of good to evil for everyone

concerned. I am of the view that where the lives of hundreds, perhaps thousands of people hang in the balance, coupled with the fact that Abu Bakr shows no hesitancy in detonating the bombs as displayed earlier, my action would be right because it will result in the best consequence. Apart from that, what ethical theories can I use for allowing the deaths of Thousands of law abiding citizens? I believe that society should never remain at the mercy of criminals and terrorists whose only intent is to cause fear and destruction to a nation. In 1867 John Stuart Mill said: “ Bad men need nothing more to compass their ends, than that good men should look on and do nothing.”