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December 14, 2014: The Tough Guys Who Favor Torture

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Title: The Tough Guys Who Favor Torture

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12/14/2014—Justice Scalia was quoted last week defending torture. He reportedly said that nothing in the Constitution prohibits torture in interrogation of enemy combatants and that torture would be justified if there were a bomb under New York City. Well, in order. The Constitution forbids torture as punishment (Eighth Amendment) and in interrogation (Fifth Amendment). I suppose there could be different rules for the War on Terror, but that would go to necessity (see below). As for necessity. Of course there are different rules for an emergency, but these people don't understand the difference between an emergency and the ordinary course of events. If there is a large bomb set to go off under New York City, you do not waterboard a suspect. You bring in his six year-old son and his four year-old daughter. You tell him if he does not give you the location of the bomb, you will shoot his son. Then you do it. Then you bring in the daughter and repeat. If necessary, you kill his mother. The point is that in a true emergency, normal moral limits are suspended. But you must not do regular business that way. If you do, if you decide the ends always justify the means, you become a monster—just as we Americans have become.