

April 27, 2009

Dear Editor,

Consider an exceedingly rare event that while driving, you come across a man lying in the road bleeding to death. Without immediate medical attention he will die, but the nearest hospital is miles away. You decide to make a run for it and load him into your car. The speed limit is 25 mph; obey it, and the person will die; exceed it, he might live. It would seem an easy choice: you break the law to save a life. Even if later charged, you gladly pay the fine.

The rationale for the torture of terrorist suspects is often given in a hypothetical "ticking time bomb" scenario, where it is argued torture is acceptable, because who wouldn't hesitate to use any means to ensure the lesser of two evils?

However, this argument is entirely separate from whether torture should be legal or illegal. In the bleeding person scenario, we could amend traffic laws to remove speed limits because we might someday need to race to save a life. Or we could remember that without speed limits people would abuse that freedom, resulting in far more needless injury and death.

Similarly, in the exceedingly rare event of a ticking time bomb scenario, would the legality or illegality of torture prevent anyone from utilizing these "enhanced interrogation" methods to avert a massive loss of innocent life? Or does legalizing torture clearly invite "speed limit" abuses, as we are learning occurred under the strained interpretations of the Bush legal team?

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