

## CONTENTS

	Ac	reword Louis E. Wolcher ix knowledgements xiii ble of cases xv			
	In	troduction 1			
	A	What is torture? 2			
	В	Torture and counterterrorism 6			
	С	Reading the debate on torture 12			
1	Sta	ate of law 28			
	A	The international legal framework for the prohibition of torture: from the Universal Declaration to the Convention against Torture 28			
	В	The international prohibition of torture: scope of application 39			
	С	The definition of torture: severity and purpose 68			
	D	Conclusion 79			
2	The ticking bomb scenario: origins, usages and contemporary discourse 82				
	A	The ticking bomb in theory and in practice 83			
	В	Debating torture 128			
	С	Conclusion 145			
3	State of exception 147				
	A	Emergencies and torture 147			
	В	Carl Schmitt's sovereign exception 153			

viii CONTENTS

C	The gods and	the giants	161
---	--------------	------------	-----

- D Agamben's state of exception 165
- E Conclusion 172
- 4 Legal, extra-legal or illegal? The academic debate on the use of torture in exceptional circumstances 175
  - A Qualified torture prohibition 176
  - B Pragmatic prohibition of torture 184
  - C Absolute torture prohibition 193
  - D Conclusion 200
- 5 Torture prohibition and the torture debate: moral aspects 203
  - A The ethical debate 206
  - B Can the ticking bomb suspect be tortured? The contemporary debate 224
  - C Conclusion 242

Conclusion 244

Select bibliography 252 Index 268