

Torture, Interrogation, Security, and Psychology: Absolutistic versus Complex Thinking

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Here We Go Again

How psychologists and their organizations should deal with the practice of torture (e.g., Costanzo, Gerrity, & Lykes, 2006) is not a new concern. Responding to a spate of accusations in the early 1980s, APA established a Subcommittee on Psychological Concerns Related to Torture, which I chaired. The subcommittee's report (Suedfeld, 1987) reviewed the available evidence concerning connections between psychology and torture, and led to the APA Resolution Against Torture and a joint resolution by the two APAs (American Psychological Association, 1984). The subcommittee's work also motivated me to organize and edit an even more wide-ranging examination of the relationships between psychology and torture (Suedfeld, 1990).

Because of my history of interest, involvement, and knowledge of the issue now under consideration, I have seen many of the current arguments before. I agree with those who, like Costanzo et al., have argued that interrogations should be as humane as possible, that torture is abhorrent and can result in long-lasting physical and psychological damage to victims and even to some torturers, and that it is highly appropriate for psychologists to try to minimize the use of torture and to ameliorate the damage that it causes.

Nevertheless, I am surprised by the absolutistic comments now appearing in psychology journals and newsletters. Leaving aside the use of torture to punish people, to enforce submission to political or religious orthodoxy, or to extract confessions of guilt, I believe that the arguments raised so far concerning

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psychologists' participation in interrogations have been simplistic. It seems that many colleagues, who usually pride themselves on nuanced, complex thinking about scientific and social problems, have in this case adopted a kind of Manichean dogmatism that they would deplore in almost any other context.

Because of space limitations, I will address only a few issues, ignoring others such as the clarity, or otherwise, of international conventions or congressional resolutions, and whether morality can be ultimately defined by a UN resolution or a professional code of ethics, as though these were unassailable edicts from which we may not dissent. I will discuss two major topics: the scientific and moral aspects of organized psychology's position on interrogation and torture, and the conflicted accountability of psychologists to different segments of society. I propose that we consider these topics as matters that require complex trade-off thinking rather than authoritarian pronouncements demanding conformity and threatening punishment (cf. Adorno, Frenkel-Brunswick, Levinson, & Sanford, 1950).

“Torture and Other Forms of . . .”

The Problem of Categorical Overinclusion

Most participants in the recent exchanges overuse the phrase “torture and other forms of cruel, inhumane [or “inhuman”], or degrading treatment.” There are two serious problems here. One is that they do not then go on to distinguish these from each other, nor from methods of interrogation that they consider legitimate. The prohibitionist argument lumps together procedures that can at least be roughly disaggregated along a continuum from polite questioning to more intensive interrogation, then perhaps to coercive, degrading, and then painful methods, to the extremes of torture.

Costanzo et al., for example, reject the APA Presidential Task Force's acceptance of psychologists participating in “interrogation activities” (doi: 10.1111/j.1530-2415.2007.00118.x). They seem to be suggesting that *all* interrogation is beyond the pale for ethical psychologists. They thus beg the question of just what forms of interrogation may be ethically acceptable and pragmatically necessary under what circumstances.

Other debaters are more explicit. Milton Schwebel, for example, suggests that APA should “declar[e] participation in interrogations out of bounds” for psychologists (2006, p. 4). Burstein (2006, p. 8) implies a similar view by arguing that participation in interrogation may be legal, but it is not legitimate. In Burstein's view, our archetype is “psychologist-as-healer,” which is invalidated by such participation. This simplistic definition of our discipline was rightly criticized in Koocher's response (2006). Koocher also pointed out that “participation in interrogations” by psychologists might help to keep the methods used from straying out of bounds. These are issues that the critics must grapple with, rather than merely categorizing them out of existence.

Can We Define What We Want to Prohibit?

During the 1980's APA torture project, it became very clear, very quickly, that defining even torture itself is no easy task. The United Nations Convention defines torture as involving "severe" pain or suffering. The vagueness is obvious, and should be especially so to those whose discipline studies cultural and individual differences, including differences in reactions to physical and symbolic stimuli, stress resistance, and hardiness.

There are prototypes that probably surmount such differences. The rack and bastinado inflict severe pain, starving one's prisoners is cruel, sexually abusing them is degrading. But in some cultures, touching another person without permission is degrading; some prisoners find it cruel to have to eat the food that is the normal diet of their captors; for some, having female guards watching over male prisoners, or vice versa, inflicts severe psychological suffering. In other cultures, for other prisoners, these are not especially negative experiences. We cannot draw a clear and indisputable line.

What, then, is the actual meaning of Costanzo et al.'s recommendation that "APA . . . unambiguously condemn the use of torture and other forms of cruel, inhuman or degrading treatment . . ." (doi: 10.1111/j.1530-2415.2007.00118.x)? Given psychology's scientific foundations, how can we unambiguously condemn something that we cannot even unambiguously define? Perhaps an appropriate trade-off position would be to suggest acceptable kinds of psychological participation in different types of interrogation, with a nuanced ethical code that recognizes the complicated dynamics of the stressors involved.

To Whom Are Psychologists Responsible?*What Do We Owe Society?*

Emphasizing psychologists' responsibility to prisoners at risk of being mistreated, some participants in this debate seem to ignore our responsibility to the population of which we ourselves and our families are members, among whom we spend most of our life, and from whom we derive our guild and individual identity and respect, to say nothing of our livelihood. Consider the extreme example cited by Behnke (2006, p. 67): "There are members [of APA] who feel strongly that the very presence of psychologists in national-security settings around the world serves to legitimate what human rights organizations have condemned." If this is true, I find it appalling. Implying that for psychologists, working in "national-security settings"—for example, law enforcement, intelligence, the Armed Forces—is by definition immoral or unethical is to ignore the fact that these organizations are crucial for protecting the safety and freedom of the population, including those who defame them. Those of us who have lived under conditions where neither safety nor freedom was thus protected may have a more balanced attitude about

this, which those who were fortunate enough to have been so protected all their lives might want to consider. The simplistic condemnation is more political than moral: the APA members Behnke mentioned would probably not condemn “the very presence of psychologists” when national-security agencies are interrogating terrorists suspected of planning to bomb abortion clinics or burn down African-American churches.

Conflicts between human rights legislation and “government policies and practices” (Costanzo et al., doi: 10.1111/j.1530-2415.2007.00118.x) are not the major problem here. The inescapable trade-off with which we need to deal is between the human rights of prisoners and the human rights to life and freedom of the much larger number of people whom blind protection of the prisoner’s rights might put at lethal risk. Some ends justify even unpalatable means, and a truly moral decision requires that these be assessed on a more mature level than whether they conform to some absolutistic criterion (see, e.g., Kohlberg, 1981).

Have Psychologists Perpetrated Torture?

Recently, several colleagues have invited me to sign a petition based on their belief that the answer to that question is “Yes.” However, I have seen no evidence to support that belief, beyond vague accusations—no names, no information about professional qualifications, no specifics—by unnamed sources, passed on and publicized by NGOs. Some of these organizations have a history of transmitting reports from biased sources, unfiltered through any mesh of independent verification. Some also have a strategy of moral equivalence, trying to avoid accusations of bias by reporting occasional, minor, and/or unauthorized transgressions in some countries as though they were counterparts of systematic, severe, and officially sanctioned violations of human rights in others. Even widely respected NGOs have blind spots and information shortages that result in slanted judgments and reports.

In *Psychology and Torture* (Suedfeld, 1990), I undertook a thorough examination of the accusations—then, as now, plentiful—that psychologists were complicit in designing and administering torture to political prisoners, for example, in several South American countries, Northern Ireland, and the USSR. The level of proof was minimal: hearsay and allegations that in many cases were highly likely to be colored by political or personal biases (e.g., claims by prisoners, their lawyers, or their political allies).

Trying to track down the sources of these accusations, I found exactly one documented case where an identified individual, with academic qualifications as a psychologist (a bachelor’s degree and some postgraduate clinical training) was implicated in torture by a number of victims. The individual did not belong to his national psychological organization, and was not registered for practice; but one could argue that the facts were sufficiently clear. Aside from him, however, there were only vague reports that “a psychologist” was assisting in torture in Cuba and Chile.

The uncertainty was, and most likely still is, exacerbated by the inability of most people to distinguish psychologists from psychiatrists (or from physicians more generally, or nurses, etc.), and by the assumption that anyone who uses psychological techniques to inflict discomfort or pain has to be a psychologist—as though police and military interrogators pored over our journals to find out that sleep deprivation, threats to loved ones, confrontation with snarling attack dogs, or being naked in the presence of hostile, fully dressed, and armed officials would be “cruel, inhumane, and degrading” (cf. Koocher, 2006).

From all that I have read in the current controversy, it seems that there is no real evidence against any professional psychologist to indicate involvement in inventing or applying torture techniques. It may be that the secrecy surrounding what goes on in venues such as Guantanamo conceals such involvement, but that can at most be speculation. I found it strange in the 1980s, and I still do, that in judging our own colleagues and our own discipline so many of us are willing to suspend our sense of fair play, the principle of “innocent until proven guilty,” procedural justice, and our aversion to ascribing collective guilt. Most of us reject the idea of ethnic profiling; why are we so open to occupational profiling of colleagues who work with military, law enforcement, or intelligence agencies? Can we try to balance indignation with what might be happening against our traditional insistence on evidence?

The “Ticking Bomb” Argument

Perhaps the most dramatic example of absolutistic versus trade-off thinking in this context is the hypothetical “ticking bomb” scenario, which goes like this. Suppose that a terrorist is definitely known to have concealed a nuclear device in a major city. It is also known that the device is set to explode soon, but neither its location nor the exact time is known. The terrorist, who is the only person who does know these facts, is captured by security forces. If the device goes off, thousands or tens of thousands of the people living in the city will die. Would torturing the captive terrorist be justified, or would morality and an absolute prohibition of torture require us to acquiesce in seeing a magnified version of 9/11’s slaughtered multitude?

The argument in favor of torturing the hypothetical terrorist is intuitively persuasive: the utilitarian guideline is “the greatest good for the greatest number.” Nevertheless, absolutist opponents of torture have vehemently attacked the scenario. Some, ignoring the definition of “hypothetical,” attack the scenario as unrealistic (e.g., Costanzo et al., 2006; Williams, 2006). Even when purporting to address the moral conundrum, one critic fell back on the fact that the UN Convention Against Torture allows no exceptions (Williams, 2006)—a legalistic, but certainly not a moral, argument.

There are three other major criticisms. The captured “terrorist” may in fact not know the facts that authorities need to find and disarm the bomb; torture may

not succeed in eliciting valid information; and permitting torture in such a case may be the first step on a “slippery slope,” eventually legitimizing torture in much less clear-cut circumstances.

None of these arguments refutes the original point. The first merely rewrites the original scenario; but even if we allow that, given the magnitude of the potential damage, we must at least weigh the risks of a false positive against those of a false negative. Having accepted that torture is a last resort, the pain of the tortured suspect may be less abhorrent than not doing everything possible to save all those innocent lives. To bring the issue down from the purely hypothetical: in an interview with a federal employee, Mohammed Atta gave strong hints that he was involved in, or at least knew of, a plot to inflict serious damage on American cities (Steyn, 2002). Had that employee reported his comments, had Atta been arrested, and had he not provided information under noncoercive interrogation, would we have sanctioned torturing him and thereby averting the 3,000 murders of 9/11? However one answers that question, one must admit that there are legitimate arguments on the other side as well.

The second point is less complicated. It is true that information elicited under torture may not be truthful; but that is true of all information provided by suspects (Stambor, 2006). There is no evidence that torture results in *less* truthful confessions than other methods of interrogation. There is also considerable historical (summarily dismissed by Costanzo et al. as “anecdotal”) and autobiographical evidence that torture can be effective. As just one example, the Gestapo certainly succeeded in gaining information that led to the arrest of hidden Jews, Resistance members, OSS agents, and other anti-Nazi activists after capturing and torturing one member of their network.

Many post-9/11 terrorist plots have been averted by the arrest of the plotters; presumably, these arrests were based on some information (cf. Office of the Press Secretary, 2006). In the absence of available records, we have no way of knowing to what extent such information was in fact obtained under torture or other coercive treatment—or under the credible threat of such treatment.

Costanzo et al. claim that “there is no systematic research on the relationship between torture and false confessions” (doi: 10.1111/j.1530-2415.2007.00118.x); of course, neither is there systematic research on the relationship between torture and *truthful* confessions. And, in fact, psychological knowledge and techniques may be helpful in assessing the truthfulness of the confession and in minimizing the force used to obtain valid information (e.g., Newman, Pennebaker, Berry, & Richards, 2003; Stambor, 2006).

The slippery slope argument goes as follows. If we sanction torture in the extreme instance of the ticking bomb scenario, we will wind up torturing mostly “bystanders with nothing to provide” (Williams, 2006, p. 3). This would indeed be an unacceptable outcome, and one that psychologists may in fact help to avoid

(Fiske, Harris, & Cuddy, 2004); but in any case, it is irrelevant to the use of torture or coercive interrogation in the original scenario.

Levin (1990) discussed the difference between rule-utilitarianism and act-utilitarianism in the context of torture. The former principle holds that one should in all cases follow rules that in general lead to the best outcome if always followed, even if in a particular case they may lead to a bad result; the latter, that one should do in any particular case what leads to the best consequences overall. An act-utilitarian response to the ticking bomb scenario is: “Torturing the terrorist [under the conditions of the scenario] is justified and necessary, but torture as a general practice may never be institutionalized” (Levin, 1990, p. 90). This formulation eliminates official regulations governing the use of torture (cf. Williams, 2006), on the grounds that they would legitimize it even if the rules were always obeyed—and as we know, and as opponents of torture emphasize, that is not very likely. Such a policy would prevent the construction of an apparatus to support torture, and recognize that the overarching prohibition against torture could be justifiably violated only in exceptional circumstances (cf. Williams, 2006).

At the very least, it would be appropriate for critics of the scenario to admit that this is an issue of value conflict and trade-off—the cruelty of torture versus the possible danger to the innocent—not a black-or-white moral axiom. Such an acknowledgment may also protect the critics from slipping into an authoritarian assumption of their own moral superiority.

Where Should We Go from Here?

À la Costanzo et al. (doi: 10.1111/j.1530-2415.2007.00118.x), I would like to offer some suggestions for “APA and other scholarly and professional associations of psychologists”:

1. Replace absolutistic rules that ignore special conditions with a nuanced ethical code that empowers psychologists to pay due attention to the complex and sometimes contradictory values of protecting both the safety of society and the welfare of prisoners.
2. Encourage psychologists to do research that will enhance the ability of legitimate authorities to avoid false confessions and to obtain truthful information with the lowest possible level of discomfort, deprivation, or pain (either mental or physical) to the person being interrogated.
3. Recognizing that psychologists have a responsibility to cooperate in ensuring the safety of the innocent, respect those colleagues who participate in the ethical conduct of law enforcement, intelligence, and military operations.

4. Discourage categorical attacks on and accusations against psychologists. Allegations of unethical conduct must (a) name the alleged violator(s); (b) require the presentation of objective, verifiable evidence; (c) follow standards of legal proof and natural justice, including the opportunity for the accused to mount an informed defense and to cross-examine the accuser; and (d) be assessed by a neutral, experienced body before the accused colleague is either exonerated or normal organizational sanctions are invoked.

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