

Commentary on “Psychologists and the Use of Torture in Interrogations”

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[Correction added after online publication 19-Apr-2007: Simmons College has been updated as the primary academic affiliation of author Koocher]

In “Psychologists and the Use of Torture in Interrogations,” Costanzo, Gerrity, and Lykes (2007) make a number of important points. They repeatedly make clear their absolute and emphatic stance against the use of torture and other cruel, inhuman, or degrading treatment or punishment by psychologists. Perhaps most important, by crystallizing a particular aspect of the discussions on this challenging issue, the authors seek to move our understanding of the ethical aspects of psychologists’ involvement in interrogations to a deeper level.

To capture the importance of this article in moving discussions on the issue of ethics and interrogations forward, we suggest beginning at the end, where the authors make four recommendations to “APA [American Psychological Association] and other scholarly and professional associations of psychologists” (Costanzo et al., 2007, doi: 10.1111/j.1530-2415.2007.00118.x). Recommendation 3 of these four is that the associations

Expressly forbid psychologists from planning, designing, assisting, or participating in interrogations that involve the use of torture and any form of cruel, inhuman or degrading treatment of human beings.

At the end of this recommendation the authors have a footnote:

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This is in sharp contrast to the *Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security* (PENS; American Psychological Association Presidential Task Force on Psychological Ethics and National Security, 2005), which supports psychologists' participation in interrogation activities as part of national-security-related and law enforcement roles.

Consider the authors' characterization of a "sharp contrast" between their recommendation and APA's position in the context of several texts adopted as official APA policies. To begin, the PENS report makes 10 statements, the first of which is:

Psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment.

The second statement in the PENS report is:

Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.

In this context, the authors' assertion that Recommendation 3 is in "sharp contrast" to the PENS report is puzzling. Contrary to their assertion, juxtaposing the texts indicates that the authors' Recommendation 3 and the PENS report use virtually identical language. In fact, the PENS report goes beyond the authors' recommendation by imposing an ethical obligation on psychologists to report on behavior that both the PENS task force and Costanzo et al. would unequivocally prohibit. The authors' characterization of the texts as representing a "sharp contrast" therefore invites their elaboration.

Considering other actions the APA has taken highlights a second need—for the authors' to elaborate on their characterization of a "sharp contrast" between their recommendations and APA's position. By identifying the article's final four points as "recommendations," the authors suggest that the APA has not taken these steps. However, as illustration, a comparison of Recommendation 3 with other texts adopted by the APA's governing body, the Council of Representatives, indicates that APA has already taken precisely the actions the authors recommend. As an example, at the APA's 2006 annual convention in New Orleans, LA, the Council of Representatives adopted the *Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment* (APA, 2006). The following texts are taken directly from that resolution:

BE IT RESOLVED that the APA reaffirms its 1986 condemnation of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment wherever it occurs;

BE IT RESOLVED that the APA reaffirms its support for the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its adoption of Article 2.2, which states

[T]here are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification of torture;

BE IT RESOLVED that based upon the APA's long-standing commitment to basic human rights including its position against torture, psychologists shall work in accordance with international human rights instruments relevant to their roles;

BE IT RESOLVED that regardless of their roles, psychologists shall not knowingly engage in, tolerate, direct, support, advise, or offer training in torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment;

BE IT RESOLVED that psychologists shall not provide knowingly any research, instruments, or knowledge that facilitates the practice of torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment;

BE IT RESOLVED that psychologists shall not knowingly participate in any procedure in which torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment is used or threatened. . .

In their article, the authors fail to reconcile how these statements in official APA texts represent a "sharp contrast" to Recommendation 3, which, at the risk of repetition, recommends that APA and other professional associations of psychologists

Expressly forbid psychologists from planning, designing, assisting, or participating in interrogations that involve the use of torture and any form of cruel, inhuman or degrading treatment of human beings.

Given that the authors have clearly given a great deal of thought to this issue, we find it striking that their article does not examine why they believe their position differs at all from—much less stands in "sharp contrast" to—APA policy. The authors would make a significant contribution to the discussion by elaborating on the precise reasons why they view their position as discrepant with that of APA. Such details would serve to define the terms of the debate absent to date in most discussions of this issue.

It is important to note that the authors have not focused solely on military interrogations when, throughout the article, they appear to equate "interrogation" with "torture." The footnote attached to Recommendation 3 refers to interrogations "as part of national-security-related *and* [italics added] law enforcement roles" (Costanzo et al., 2007, doi: 10.1111/j.1530-2415.2007.00118.x). Moreover, the introduction to Recommendation 4 refers to "contexts of war *and* [italics added] imprisonment" (Costanzo et al., doi: 10.1111/j.1530-2415.2007.00118.x). Thus, the authors address interrogations across a wide range of contexts.

A number of other points in the article bear mention. All of these comments occur in the context of an article that forcefully and clearly calls for absolute condemnation of torture and other cruel, inhuman, or degrading treatment or punishment. As such, these points constitute minor comments relative to the important central theme of the article, which merits the attention and unequivocal support of all mental health professions.

First, in the opening paragraph of the article, the authors make a series of statements: that psychologists should have no involvement in any aspect of torture and other forms of cruel, inhuman, or degrading treatment; that psychologists' ethics make any use of torture as an interrogation device anathema; and that torture

will not prove effective as a means of extracting reliable information and has long-term negative consequences for both individuals and society. The APA fully supports each of these positions.

Second, the authors state, "The World Medical Association (WMA, 1975) has also established that it is not ethically appropriate for physicians or other health professionals to serve as consultants or advisors in interrogations" (Costanzo et al., 2007, doi: 10.1111/j.1530-2415.2007.00118.x). A careful examination of documents from the WMA and the United Nations (UN) reveals the positions of the WMA and the UN regarding mental health professionals' involvement in interrogations as far more nuanced and not accurately described as a prohibition. As an example, the *Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment* adopted by APA (2006) quotes Principle 4a of the (UN 1982) *Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, which sets forth the conditions for physician involvement in interrogations.

Recent documents from the WMA lend themselves to mixed interpretations. For example, in 2006 the WMA revised its *Declaration of Tokyo, Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment*. (Adopted by the 29th World Medical Assembly, Tokyo, Japan, October 1975, and editorially revised at the 170th Council Session, Divonne-les-Bains, France, May 2005, and the 173rd Council Session, Divonne-les-Bains, France, May 2006; <http://www.wma.net/e/policy/c18.htm>) The revised Declaration of Tokyo can be read as highly consistent with the PENS report. A more careful analysis of the document in relation to the position of the APA and other professional associations would prove very useful.

The authors later state that the American Psychiatric Association has "a complete prohibition" against members' participation in interrogation (Costanzo et al., 2007, doi: 10.1111/j.1530-2415.2007.00118.x). That statement is simply not correct. The American Psychiatric Association released its position on May 22, 2006. That same day, *Medpage Today* (Smith, 2006) published an article regarding an interview with American Psychiatric Association President Steven Sharfstein, which stated: "Dr. Sharfstein acknowledged that psychiatrists in the military might have a conflict between obeying the APA's [American Psychiatric Association's] policy and following direct orders, noting the position statement is not 'an ethical rule.' 'Individual psychiatrists wouldn't get in trouble with the APA [American Psychiatric Association]' for failing to follow the guidelines, he said."

Third, the authors state, "the use of torture is frequently justified as an interrogation device. However, there is no evidence that torture is an effective means of gathering reliable information" (Costanzo et al., 2007, doi: 10.1111/j.1530-2415.2007.00118.x). Readers will find it worth noting that the Intelligence

Science Board (2006) report on educating information casts significant doubt that any evidence whatsoever exists to support claims that abusive interrogations lead to reliable information. Several psychologists involved in writing the PENS report contributed to the Intelligence Science Board report.

Fourth, the authors make numerous statements throughout the article that capture important points worthy of emphasis. As one example, the authors state that well-documented reports of torture “serve as disturbing reminders that it is essential for military authorities to issue clear directives about unacceptable practices in the interrogation of prisoners” (Costanzo et al., 2007, doi: 10.1111/j.1530-2415.2007.00118.x). This point, regarding the necessity of clear guidance, remains central to the work of the APA on interrogations. The APA’s positions on this issue align congruently with the authors’ Recommendation 4 to “develop specific guidelines and explicit codes of conduct for psychologists working in contexts of war and imprisonment.”

Finally, the second of Costanzo et al.’s four recommendations calls upon APA to “conduct an independent investigation of the extent to which psychologists have been involved in using torture or other cruel, inhuman, or degrading treatment as interrogation tools” (Costanzo et al., doi: 10.1111/j.1530-2415.2007.00118.x). The authors continue, “If psychologists are found to have participated in the design or conduct of interrogations that have made use of torture, they should be appropriately sanctioned by APA.” Olivia Moorehead-Slaughter, who served as chair of the PENS Task Force and chair of the APA Ethics Committee, has made clear on multiple occasions that any psychologist found to have any involvement in torture or cruel, inhuman, or degrading treatment or punishment will face sanction by the APA Ethics Committee (comments before the APA Council of Representatives, February 2006, Washington, DC). Although we completely understand the impetus behind a call for APA to conduct an independent investigation into the activities of psychologists, APA has neither subpoena power nor access to materials requiring a security clearance to review. Nowhere in the article do the authors propose how APA, a private association, would address these significant and potentially insurmountable impediments to a competent investigation. Nor do the authors acknowledge either that it would potentially violate the law for individuals to provide classified information to APA that is relevant to the investigation or that multiple investigations into abuses have already taken place and are publicly available for review.

In “Psychologists and the Use of Torture in Interrogations,” the authors make a clear and emphatic statement against any psychologist’s involvement in torture or cruel, inhuman, or degrading treatment or punishment. They make excellent points throughout the article that should stimulate important discussions. The APA will benefit from further exploration of this issue in light of the authors’ comments on the relationship between their four recommendations and the APA’s position on this issue of critical importance to psychologists and to society.

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