ESSAY

THE WEAKNESS OF THE PRO-TORTURE POSITION

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Several recent defenses of torture claim that those who advocate an absolutist position on torture, or on the role psychologists might play in interrogation, should change that position. As Peter Suedfeld puts it, “I believe that the arguments raised so far concerning psychologists’ participation in interrogations have been simplistic…I propose that we consider these topics as matters that require complex trade-off thinking rather than authoritarian pronouncements demanding conformity and threatening punishments” (1-2).1 This position is hardly unique to Suedfeld. Indeed, recent work by philosophers like Fritz Allhoff and Uwe Steinhoff make essentially the same claim: absolutist positions are ‘simplistic,’ and ignore the complexities involved in torture cases.2 Similar comments are made frequently in the media, as well as by world leaders. This view has also been expressed in popular publications such as The Atlantic and Newsweek.3 In what follows, I will concentrate on Suedfeld’s particular articulation of this stance on torture. My objections to his analysis have wide-ranging applications.

I do not take issue with the need for complex thinking. Likewise, I do not take issue with the call for abandoning the ‘authoritarian.’ What I take issue with, rather, is the characterization that Suedfeld has offered of those who take an absolutist stance on torture, as well as on the relationship organized psychology should have with it. In what follows, I want to articulate what I regard as serious oversimplifications in Suedfeld’s analysis. While people take absolutist stances about the involvement of psychologists in torture and interrogation for a number of reasons (as they can for any position), I am here only concerned with those who base this conclusion on the view that torture is absolutely immoral, under all circumstances (I presume that this is the

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3 The expression of the pro-torture position, and the attendant view that anti-torture views are ‘simplistic,’ has been found with regularity on news networks from CNN to Fox. Dick Cheney, John Yoo, and many others have frequently defended this view in such for a, as well as in public addresses. Mark Bowden has defended a similar kind of view (though with a bit more nuance) in a 2003 article in The Atlantic. Michael Levin published a defense of torture as early as 1983 in Newsweek. Needless to say, these are a drop in the bucket.
most common explanation for the absolutist position in psychology). When Suedfeld calls this view simplistic, he is also asserting that the absolutist view of torture—that it is always wrong, no matter the context—is a simplistic view. I will argue that Suedfeld has not paid enough attention to the complexities of the issues involved in torture generally, and in the absolutist position in particular. I will also argue that Suedfeld ignores a good deal of empirical literature to make his case. As I suggested above, I contend that these criticisms are endemic to many pro-torture arguments. My target here is thus much broader than one representative advocate. To reiterate, Suedfeld’s claims are endemic to those who want to be ‘flexible’ in our thinking about torture.

The title of Suedfeld’s article states his position. Suedfeld compares his own ‘complex’ thinking to that employed by those who have an ‘absolutist’ position on torture—i.e., those who claim that torture should never be permitted, and who claim that psychologists must never become accomplices in torturous interrogation. As will be obvious to everyone, the natural contrast of ‘complex’ is ‘simple.’ So, in the very title of his article, Suedfeld has already begged the question against his opponents: to advocate an absolute ban on torture is ‘simplistic’; his position, apparently by fiat, is better, as it is more complex.

Suedfeld argues that his view is the more complex one because it acknowledges “the inescapable trade-off with which we need to deal” between “human rights of prisoners and the human rights to life and freedom of the much larger number of people whom blind protection rights might put at lethal risk” (4). He goes on to claim, with no argument whatsoever, that “a truly moral decision requires that these be assessed on a more mature level than whether they conform to some absolutistic criterion” (4). The only thing that Suedfeld has shown here, it seems to me, is a lack of familiarity with the ethics literature surrounding torture. No one claims that something is right or wrong simply in virtue of whether or not it fits some absolutist rule. Even absolutists (like myself) do not think that something is right simply because there is a rule in place that makes it so. Absolutists have a variety of positions on torture, and they reflect differing kinds of normative commitments. Some absolutists are so because of utilitarian concerns, arguing that the immediate rights to life and liberty of those endangered do not outweigh the significant costs incurred by engaging in torture (e.g., Arrigo 2004, Fiala 2007, Matthews 2008, Rejali 2007, Wolfendale 2006). Others argue that to even be capable of successful torture requires institutionalizing torture as a practice (Brecher 2007, Bufacchi, and Arrigo 2006, Shue, 2006). Only trained torturers will be capable of extracting information. Moreover, there is a significant moral price to pay for this training (Wolfendale, 2007). There are also those who defend the view that something like human dignity is at stake in the torture debate (Gilead 2005; Jeffreys, 2009; Perry 2005; Tindale 2005; Wisnewski and Emerick 2009; Wisnewski 2010). Still others argue that there simply are no actual cases of torture in which torture will actually produce any benefits that could not be produced in other ways, and hence that the standard kinds of ticking bomb arguments are over-simplifications (Rejali 2007; Wisnewski 2010; Intelligence Science Board 2006).

There is nothing ‘simple’ about the literature surrounding the ethics of torture. The idea that the debate will be settled by simply applying one’s preferred moral theory (deontological, utilitarian, virtue theory, or whatever) is itself an extreme oversimplification of the landscape of moral dialogue. Even those who are moved by utilitarian considerations
recognize that the issue will not be solved simply by an appeal to the numbers (Allhoff, 2012; Bagaric and Clarke 2006). We must assess probabilities and intensities, long-term effects and their likelihoods. When moral theorists offer up rules for moral decisions, these rules are ‘absolute’ only in the sense that they have faced the gauntlet of critique and come out ahead. To have an absolutist position in philosophical ethics is the conclusion of a sincere grappling with the issues, not merely the slap-dash application of some principle which is itself questionable (Fiala 2008, Lercher 2008).

Suedfeld shows a similar oversimplification when he addresses the so-called ‘ticking bomb’ scenario

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 (5).

Virtually no one in the philosophical literature would appeal so blindly to the scenario. It is widely recognized that intuitions can be trained and manipulated. Likewise, actual poll data suggests that it is not obvious what most people actually think about this situation. Results differ in different countries. Moreover, there are plenty of utilitarian arguments against torture (Arrigo 2005, Brecher 2007, Matthews 2009; Rejali 2007, Wolfendale 2006). There are also arguments that suggest that the ticking time bomb is not merely unrealistic, but logically impossible given the nature of successful interrogation (Matthews 2009; Wisnewski 2008). There are also arguments that claim that even if there are ticking bomb cases, we should not believe someone who claimed that she was in one (Lercher 2008).

So, when Suedfeld appeals to the numbers who would be endangered by failing to torture, this seems to me to be an oversimplification of the issues we face. Moreover, it is decidedly question-begging. Suedfeld claims that a ‘truly moral’ decision will pay attention to the numbers, and that this represents a ‘mature’ moral view. But notice that he has allowed his adverbs to do all of the argumentative work. ‘This decision takes into account the numbers, therefore is truly moral.’ This is not an argument. It is mere assertion. Such assertions, even when we honor them by calling them ‘complex,’ do not advance the moral conversation. In fact, pretending that counting up heads is how to solve moral problems strikes me as a disastrous oversimplification of the many issues at stake: how will using torture affect international relations? How will it affect the person ordered to torture? (Huggins et al, 2002) How will this affect the trust that citizens have regarding their nation and its relation to international law (Card, 2008)? How are we certain of the danger posed by the person in custody? (Some detainees later admitted to inventing stories for their interrogators—see Intelligence Science Board 2006, Rejali 2007). How are we certain that the person to be tortured is not simply innocent? (Some military personnel at GITMO and Abu Ghraib estimated that up to 90% of those detained there were innocent).

This is only the beginning of the questions that we should raise about torture. In thinking specifically about the relation of psychologists to torture, even more questions arise. How does complicity in interrogation affect the general perception of those in the psychological sciences? How might psychology be undermined by its practitioners either failing to engage in government interrogation or by engaging in it?
Admittedly, Suedfeld could not possibly address all of these questions in the space provided to him. Nor should we expect him to. What we should expect, however, is a more nuanced analysis of the positions held in the torture debate—one that did not reduce advocates on both sides of the debate to sophomoric head-counters and rule-pushers.

This directly relates to another oversimplification in Suedfeld’s position—one that is shared by many who advocate considering torture as a means of information extraction. The claim made is that torture ‘works,’ where ‘works’ is understood to mean that people comply when sufficient physical and psychological force is used. The reason this is an oversimplification is that this is not a sense of ‘working’ that is sufficient to justify torture. Justifying torture requires more than people providing accurate information (something that cannot itself be taken for granted). It requires that the information provided is actionable, and that it cannot be gained in other ways with equal ease. So, despite the fact that torture has produced information in the past, there is very little evidence that this information has ever been such that it could not have been gained with equal ease using alternative interrogation techniques (Alexander 2008; Bell 2008; Intelligence Science Board, 2006; Janoff-Bulman 2007; Rejali 2007; Wisnewski 2010).

Thus, when Suedfeld claims that “there is considerable historical…and autobiographical evidence that torture can be effective” (6), we should raise at least two questions. First, what is the sense of the word ‘effective’ here? Second, how selective is the historical evidence? After all, torture was used for centuries in the law courts of Europe as a means of extracting confession (Langbein 2006, Peters 1985). We have no problem conceding that there were those who confessed who were innocent, and some who were guilty who never confessed. Where does this evidence stand in relation to the evidence Suedfeld mentions (but does not cite)? As noted above, there is also ample evidence (and more of it) that torture is not effective (in a sense that would justify it, as specified above).

Suedfeld appeals to the standards of science in assessing whether or not individuals have been involved in torture. I find this ironic given that Suedfeld has ignored empirical literature regarding the ineffectiveness of harsh interrogation techniques. Most trained interrogators reject the idea that force accomplishes anything that could not be accomplished in other ways. “Beyond the moral imperative, the competent interrogator avoids torture because it is counter-productive and unreliable. “In my two decades of experience as an interrogator, I know of no competent interrogator that would resort to torture. Not one” (Bennett 2006, 430, cited in Janoff-Bulman 2007). This opinion is shared by “a substantial majority of law enforcement officials,” (Goldstone 2006, 345). It is also shared by experienced interrogators in the US Military. Twenty interrogators made this clear to Congress in July of 2006, claiming that, “[T]rained and experienced interrogators refute the assertion that so-called “coercive interrogation techniques” and torture are necessary to win the “War on Terror.” Trained and experienced interrogators can, in fact, accomplish the intelligence gathering mission using only those techniques, developed and proven effective over decades, found in the Army Field Manual 34-52 (1992). You will also see that experienced interrogators find prisoner/detainee abuse and torture to be counter-productive to the intelligence gathering mission.” (Bauer 2006)
In November of 2006, Jean Maria Arrigo, along with seven other psychologists and four trained interrogators, came to an identical conclusion as the result of a seminar investigating the psychological realities of torture:

Torture interrogation does not yield reliable information. The popular belief that “torture works” conflicts with effective non-abusive methodologies of interrogation and with fundamental tenets of psychology. These were the conclusions reached at a meeting of recently retired, senior U.S. Army interrogators and research psychologists who met to rethink the psychology of torture. (Arrigo and Wagner 2007, 393)

This is also one of the central lessons of Marine major Sherwood F. Moran’s famous report, “Suggestions for Japanese Interpreters Based on Work in the Field”4: force alienates the subject, and produces an incentive to remain silence. Above all, one should have “sympathetic common sense,” and treat the interogatee with the respect all human beings deserve. (Moran, 250, in Schulz 2007). Empirical studies back this up in no uncertain terms.

Research in both North America and in Asia (China) has shown that using coercive influence strategies causes targets (or sources, in the context of educating information) to feel disrespected, whereas persuasion strategies communicate respect…coercion creates a competitive dynamic that facilitates rejection of the other party’s position where persuasion creates a cooperative dynamic that facilitates rejection of the other party’s position where persuasion creates a cooperative dynamic that facilitates greater openness to the other party’s position and productive conflict resolution. (25)5

As this indicates, torture is not simply ineffective, it actually makes things worse—not only because it produces an uncooperative dynamic, but also because it produces useless, distracting information—information that must be further investigated, and which thus can waste already limited resources.6

While there are a few other things that I take exception with in Suedfeld’s analysis, these pale in comparison to the problems outlined above. In my view, the so called ‘complex’ position is anything but complex. It represents several instances of serious oversimplifications that may well lead us astray as we attempt to think through this most dark of subjects.

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4 This document is available at various sites on the internet. It is considered a classic in the interrogation literature.


6 The CIA’s bible of interrogation, The Human Resource Exploitation Training Manual, makes precisely this point.
Press, 2010). He has also recently edited (with Mark Sanders) Ethics and Phenomenology (Lexington Press, 2012).

References


Huggins, Martha K., Mika Haritos-Fatouros, and Philip G. Zimbardo. Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities. Berkely and Los
Angeles, CA: University of California Press, 2002


