

AUTHOR: NICK STOCKTON [NICK STOCKTON](#) SCIENCE
DATE OF PUBLICATION: 07.27.15.07.27.15
TIME OF PUBLICATION: 7:00 AM.7:00 AM

TORTURE IS BAD. SO PSYCHOLOGISTS HELPED THE US REDEFINE IT

AFTER THE 9/11 attacks, the US government was willing to do anything to catch the perpetrators. “Anything” included subjecting detainees to simulated drowning, sleep deprivation, and fear-inducing tactics like letting attack dogs snarl and bark inches from their faces. To some, these tactics looked like torture.

But the US doesn’t torture—so the government rewrote its definitions of torture. Not all the necessary revisions came from within, though. A new report says that the nation’s largest professional organization of psychologists colluded with government officials to make its own rules more permissive, allowing health professionals to do what had formerly been ethically off limits.

The Hoffman report (so named because the principal investigator is a lawyer named David Hoffman) was commissioned by the American Psychological Association to examine a 2005 APA publication called the Psychology Ethics in National Security document (PENS). This document, voted into policy by APA leadership at the time, outlined the conditions in which a psychologist could ethically work alongside military and intelligence interrogators. Critics from within and without the APA had—since the document’s inception—suspected foul play. The Hoffman report lays those accusations bare, by showing that the APA’s head of ethics had been directly working with the military to create a back-scratching policy.

Taken on its own, the PENS document doesn’t seem problematic. It was created in response to a seemingly honest query: “The APA has a division of military psychologists, and they were really asking for some guidance,” says Susan McDaniel, the APA’s incoming president, and member of the committee that commissioned the Hoffman report. “And the APA responded to that.” In content, the PENS document approved of APA members advising military and intelligence interrogators, so long as they did it under the APA’s ethics rules.

But taken in context, PENS was the final twig in a regulatory nest that gave members of the US government—including [vice president Dick Cheney](#)—the authority to claim that their interrogation tactics were safe, legal, ethical, and effective.

The [Hoffman report](#) is 542 pages long. It took eight months to report and write, and contains testimony from nearly 150 sources from current and former APA staff members and leadership, APA critics, government officials, and members of the PENS-drafting committee. But the most damning evidence came from emails recovered from a deceased behavioral scientist with connections both at the APA and the US government.

All together, the report lays bare that APA's then-ethics director Stephen Behnke had directly collaborated with a military liaison to stack the committee's deck so they would draft PENS in a way that fit into existing government rules about torture.

The first of those existing rules came from Department of Justice, which in 2002 wrote a series of memos that gave a new, very narrow definition of torture. (The next year, lawyers at the DOD wrote a report that reiterated these rules.) To qualify as physical torture, [the memo said](#) that an act of interrogation would have to cause serious physical injury, "such as organ failure, impairment of bodily function or even death." And that's just for physical torture. For psychological torture, the act had to cause significant, lasting harm, like the development of a mental illness.

And because figuring out if you've caused lasting mental trauma is hard to do on the spot, the memo said interrogators had to have their methods vetted by psychological experts. The APA's PENS report made that vetting possible by allowing psychologists to assist military and intelligence interrogators. "It said that even when not acting in as health care providers, psychologists are still acting in their professional capacity," says McDaniel. "Therefore, the ethical rules of the APA applied to them."

Normally, those ethical rules would strictly prohibit psychologists acting outside their role as health care providers. But those rules had been amended in 2003, with what critics almost immediately labeled the "Nuremberg Defense." This amendment said that in the event of a conflict between the APA's ethical rules and a law or government, psychologists could defer to the legal authority.

The Hoffman report did not find any evidence of outside influence in regards to the Nuremberg Defense. Instead, the report says this amendment was six years in the making, and was meant to protect psychologists from state licensing boards, patients, and third-parties, who had been abusing the language of the APA's previous aspirational goals for legal action. But the language also created the loophole that let PENS do its dirty work.

Hoffman's report was commissioned last year by APA leadership, after a book by New York Times writer James Risen outlined the allegations in his book [Pay Any Price: Greed, Power and Endless War](#). The motive? The colluding members of the APA were worried about the organization's public image (because it was caught up in the post-9/11 patriotic fugue). The government also employs a lot of psychologists, provides grants, and has a lot of internships for psychology students and post-docs.

This report comes after more than a decade of outcry from within and without the psychological community. The APA is a sprawling organization, with over 120,000 members, and 54 sub-disciplinary divisions. So to many, like McDaniel, the revelations came as a surprise. "I'm sure our critics would say it should not have been a surprise. But we were concerned or we would not have requested the report," she says.

Some of the most damning evidence, [according to those critics](#), was apparent from the outset: Six of the nine PENS committee members had [worked for the military or an intelligence agency](#).

And five of those six had worked in detention centers already using enhanced interrogation techniques. PENS was written over just three days, and voted into policy during an emergency session of the APA's leadership a few days later.

Although the Hoffman report has forced the resignation or retirement of many key APA leaders—CEO Norman Anderson, Deputy CEO Michael Honaker, public relations director Rhea Farberman, and ethics director Stephen Behnke—it hasn't yet prompted any institutional changes. Those won't happen until August, when the APA's Council of Representatives meets to consider the Hoffman report, and the [Independent Review Council's](#) recommendations.

These include, first and foremost, a strict ban on psychologists working with military or intelligence interrogators. It also calls for reviews to the organization's ethics statement, and systematic checks and balances. With enough attention, the APA hopes it can prevent a PENS-like collusion from ever happening again.

Source: <http://www.wired.com/2015/07/torture-bad-psychologists-helped-us-redefine/>