

IS TORTURE EVER JUSTIFIED? THE INFLUENCE OF GROUP
MEMBERSHIP, INTERROGATION APPROACH, AND SUCCESS ON
ATTRIBUTIONS OF INTERROGATOR BEHAVIOR AND PERCEIVED
ACCEPTABILITY OF TORTURE

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Dedication

To all of my teachers: past, present, and future

PREVIEW

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by

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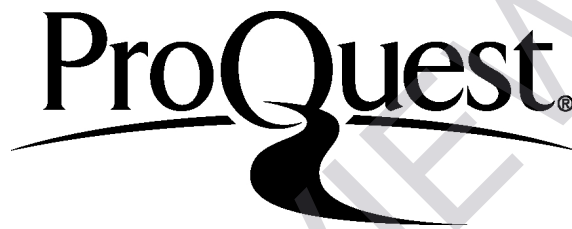
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Abstract

The purpose of these three experiments was to determine what factors affect Americans' attitudes toward torture and the interrogators who engage in torture. Using theories of intergroup bias, fundamental attribution error, and cognitive dissonance, the three experiments investigated how people make behavioral attributions for an interrogator, as well as how people perceive the acceptability, ethicalness, effectiveness, and procedural justice of the technique used. Four variables were manipulated: group membership of the interrogator and detainee, outcome of the interrogation, and type of interrogation tactic used. It was expected that people would make attributional and attitudinal judgments in a manner that preserved the integrity of their in-group. Specific hypotheses are discussed prior to each experiment.

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PREVIEW

Chapter 1: Introduction

One only needs to watch the current presidential debates to appreciate that people's views on torture are varied. Three experiments were designed to investigate factors that may affect Americans' attitudes toward torture and other harsh interrogation techniques, as well as the interrogators who employ those techniques. Before exploring theoretical explanations of why people might support the use of torture, a brief history of American's attitudes toward torture since 9/11 will be detailed, and examples of current interrogation practices will be offered. Theories of intergroup bias, behavioral attributions, and cognitive dissonance will then be discussed with respect to how they may explain individuals' endorsement of torture, as well as milder, yet equally ineffective, harsh techniques.

Historical Perspective of Attitudes toward Torture in the U.S.

To more fully understand the public's views on torture, one should consider the recent historical context under which such varied attitudes have emerged. The United States has some history of publicly maintaining a stance against the use of torture. In the 1980's, the U.S. signed the United Nations Convention against Torture along with 146 other nations in a motion of solidarity to end the use of unethical interrogation practices around the world (United Nations, 1987). According to the Convention, torture was defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person" (United Nations, 1987, Part 1, Article 1). In recent history, both Presidents George W. Bush and Barack Obama consistently spoke out against the United States' use of torture (Associated Press, 2007; Associated Press, 2009). However, in the immediate aftermath of the 9/11 terrorist attacks on the World Trade Center, the political and ideological face of the United States changed. Many Americans became less concerned with upholding moral and ethical practices and more concerned with vengeance

and the prevention of future attacks, rallying behind President Bush in what was commonly referred to as the *war on terror* (Morgan, Wisneski, & Skitka, 2011). In this context, approval ratings for the Bush administration grew to an all-time high (Roper Center, 2009), the Patriot Act, a controversial bill that granted the federal government increased surveillance power, was passed with overwhelming support in both the House and Senate (U. S. House, 2001; U. S. Senate, 2001), and many Americans showed a greater willingness to trade their own civil liberties, along with the civil liberties of groups associated with the 9/11 attacks, for a perception of increased national security (Morgan, Wisneski, & Skitka, 2011). In fact, following the 9/11 attacks many media outlets reported that Americans actually supported the use of torture, particularly if it prevented another attack (for a review see Gronke, Rejali, Drenguis, Hicks, Miller, & Nakayama, 2010). Research also suggests that support for torture is related to political orientation, with the majority of increased support occurring among Republicans (Miller, Gronke, & Rejali, 2014). Part of the public's support may be due to claims from Dick Cheney and other Bush administrators that torture resulted in reliable intelligence that led to the saving of American lives (Shane, 2009).

Despite these claims, the use of torture has been shown to be ineffective in eliciting information from suspects (O'Mara, 2015; Rejali, 2009; Senate Select Committee on Intelligence, 2014). For example, Rejali (2009) suggests that torture increases compliance but does not result in accurate intelligence collection due to the use of extreme coercion and intimidation tactics. Additionally, O'Mara (2011) suggests that the presence of extreme stressors during interrogations actually impairs our ability to recall information. Fortunately, Americans were quick to retract their support for diminished civil liberties in 2004, when reports of prisoner abuse and torture at U.S. interrogation camps such as Abu Ghraib and Guantanamo Bay were released to the public (Carlson, 2005; Strasser & Whitney, 2004). Additionally, polling data aggregated by Gronke et al.

(2010) suggests that, despite the media's claim that Americans were in favor of torture, a majority of the American public actually *opposed* the use of torture between 2001 and 2009, even if it were being used to prevent future terrorist attacks. Following the reported abuses at Abu Ghraib, the issue of unethical interrogation practices became a subject of debate for the American public, so much so that President Barack Obama highlighted the closing of Guantanamo Bay in his presidential platform in 2008 (White House, 2009). More recently, the U.S. Senate revived the debate on torture when the Senate Select Committee on Intelligence released the results of a three year investigation into the CIA's use of torture between the years of 2001 and 2006. The report harshly criticized the CIA, revealing that the use of torture was not only ineffective in terms of eliciting reliable information from detainees, but also harsher than the CIA initially led the public to believe (Senate Select Committee on Intelligence, 2014). In response to the report, politicians and human rights organizations have called for reforms in legislation, as well as accountability for the CIA's actions (American Civil Liberties Union, 2014; Human Rights Watch, 2014; USA Today, 2014).

Attitudes toward Accusatorial Interrogation Approaches

While people's endorsement of torture has been historically varied across the past 30 years, people have widely supported the use of other problematic interrogation techniques. Bell (2008) developed a three-tier hierarchy of problematic interrogation techniques, with top and middle levels consisting of torture and milder physical abuse, respectively, and the bottom level consisting of coercive techniques. These coercive techniques, while milder and less harmful than torture and physical abuse, often use psychologically-manipulative interrogation tactics, but appear to raise few concerns among the American public. One of the most common methods of interrogation, accusatorial techniques are an example of these psychologically manipulative, coercive processes.

Such tactics can include physically isolating the suspect, maximizing the suspect's perception of the consequences of resistance, and minimizing the suspect's perception of his or her culpability and therein the likely consequences associated with cooperation (AFM 2-22.3, 2006; Inbau, Reid, Buckley, & Jayne, 2004; Kassin et al., 2010; Kassin & Gudjonsson, 2004). Despite its widespread use, research has demonstrated that the tactics associated with accusatorial techniques are not only ineffective, but that they actually increase the likelihood of false confessions from suspects (Russano, Meissner, Narchet, & Kassin, 2005; Meissner, Redlich, Michael, Evans, Camilletti, Bhatt, & Brandon, 2014). False confessions, in turn, can result in wrongful convictions and imprisonment. According to the Innocence Project, 30% of all DNA exonerations involved false confessions (<http://www.innocenceproject.org>). Unfortunately, research has found that, although people recognize the unethical nature of accusatorial techniques, they still believe the techniques to be useful and necessary for eliciting confessions, and discount the likelihood that these techniques will elicit false confessions (Henkel, Coffman, & Dailey, 2008; Leo & Liu, 2009).

Because of the problems associated with accusatorial techniques, countries around the world have begun eliminating their use and instead implementing information gather techniques, which focus on interrogator-detainee rapport building, cooperation, and strategic presentation of evidence (see Meissner, Kelly, & Woestehoff, 2015, for a review). Along with using more ethically sound methodologies, information gathering approaches have been shown to be more effective when compared to accusatorial methods (Meissner, Russano, & Narchet, 2010; Meissner, Redlich, Michael, Evans, Camilletti, Bhatt, & Brandon, 2014). Unfortunately, there has been little or no public outcry for changes in police practices in the U.S. regarding the manipulative practices associated with accusatorial techniques, and accusatorial techniques continue to be used in U.S.

interrogation rooms (Redlich, Kelly, & Miller, 2014; Russano, Narchet, Kleinman, & Meissner, 2014; Reppucci, Meyer, & Kostelnik, 2010; Kassin, et al., 2007).

The apparent public approval of accusatorial techniques coupled with the public's varied attitudes toward torture calls into question when people will approve of one unethical technique, but disapprove of another. Although some recent experimental research has been conducted to investigate individuals' acceptance of coercive interrogation techniques and torture, many of these studies sought to understand why a participant might choose or recommend a certain interrogation technique, rather than assessing participants' perceptions of techniques already employed by an interrogator (e.g., Carlsmith & Sood, 2009; Hormant & Witkowski, 2011; Fischer, Oswald, & Seiler, 2013). The following sections will explore some of that research and its foundational theory, and offer alternative theories that may better explain when the public would (dis)approve of someone else's decision to employ an unethical interrogation technique.

Retributive Theory

According to *retributive theory*, peoples' support of torture is often fueled by a desire to retaliate against and punish those who have harmed them, despite claiming that harsh punishments should only be used to prevent future wrongdoings (i.e., for utilitarian purposes; see Carlsmith & Darley, 2008, for a review). In other words, peoples' beliefs about when harsh punishments and interrogation techniques should be used do not match their behaviors – people recommend the use of torture because of a desire to punish supposed terrorists, but claim torture should only be used to prevent terrorism. For example, Carlsmith and Sood (2009) presented participants with a scenario in which a terror suspect had either a high or low likelihood of having the relevant information, and was either guilty of prior crimes or had no prior criminal record. Participants were then asked to recommend an interrogation severity ranging from “extremely mild” to

“extremely severe.” Carlsmith and Sood (2009) found that participants recommended harsher interrogation techniques when the suspect had a high likelihood of providing information and/or when he was guilty of prior crimes. The researchers also found that perceived moral status of the suspect mediated recommended severity (lower moral status predicted harsher interrogation severity), but perceived effectiveness of the technique did not (Carlsmith & Sood, 2009).

However, Carlsmith and Sood’s (2009) study (and others like it, see Hormant & Witkowski, 2011 and Fischer, Oswald, & Seiler, 2013), may be limited in that it gauges how participants would act if *they* were the interrogator, not how they feel an actual interrogator could or should act. Given that public perceptions of interrogator behavior can influence government policy, it is important to understand how individuals evaluate the behavior of an interrogator rather than how they would act if they were the interrogator. Although retribution theory can explain why people would engage in and support torture when inserted into the interrogator role, other theories rooted in social psychology, including attribution theory and intergroup theory, may better explain when and why the public approves of certain interrogation tactics used by interrogators.

Intergroup Theory

One theory that may also account for people’s endorsement of torture is *intergroup theory*. According to intergroup theory, people categorize each other as members of their in-group (i.e., others similar to themselves) or members of out-groups (i.e., other dissimilar or with conflicting views to their own). One of the most widely established principles of social psychology is intergroup bias, which states that people prefer members of their in-groups over those affiliated with an out-group (Tajfel, 1970; Tajfel, Billig, Bundy, & Flament, 1971). One explanation for this bias is that individuals are motivated to view their in-group in a positive light in order to maintain their own self-esteem, referred to as *social identity theory* (Tajfel & Turner, 1979). That is, by

viewing the groups with which one associates positively, an individual is able to bolster his or her own self-identity.

Manifestations of in-group preference can come in many forms, including increased allocation of resources (Tajfel, 1970), increased likelihood of altruistic acts (Yamagishi & Mifune, 2008), and increased levels of trust for in-group members (Foddy, Platow, & Yamagishi, 2009). Research has also demonstrated that people even tend to favor the mildly harmful actions of fellow in-group members compared to out-group members. For example, Schrujijer et al. (1994) had participants read a scenario in which either an in-group member or an out-group member assaulted another in-group or out-group member. Results indicated that participants rated the behavior of the out-group member as more aggressive and having greater harmful intent compared to the in-group member. It is possible, then, that people may be more accepting of the behavior of an aggressive in-group interrogator when compared to a similarly aggressive out-group interrogator.

Related research on perceptions of deviant in-group behavior, however, suggests that favoritism is not universal for all in-group members. Referred to as the *black-sheep effect*, this research indicates that in-group members tend to derogate fellow in-group members whose behavior violates the prescriptive positive norms established for the in-group (Marques, Yzerbyt, & Leyens, 1988). If a group member violates the positive norms of an in-group, that group member is viewed as threatening the reputation of the group. Thus, fellow in-group members will attempt to distance the deviant group member from the in-group by derogating their behavior, often to a greater degree than they would an out-group member acting in the same manner (Abrams, Marques, Bown, & Henson, 2000; Pinto, Marques, Levine, & Abrams, 2010). The black-sheep effect may explain why the public has denigrated interrogators at Abu Ghraib while largely ignoring interrogators who use accusatorial interrogation methods – if people considered the

interrogation tactics used at Abu Ghraib to be a violation of normal practice in the United States, then classifying those interrogators as “black sheep” would allow the American public to “explain away” the behavior and maintain a positive reputation that is integral to their self-identity. However, given the prevalent use of accusatorial techniques in the U.S. and milder tactics, it is likely that interrogators using such tactics would be viewed as neither norm violating nor unethical enough to elicit a black sheep response from the public.

Attribution Theory

Another way that people may “explain away” the use of certain interrogation techniques is by adjusting their perceptions of the reasons for the behavior. *Attribution theory* explores the various justifications that individuals use to explain their own and others’ behaviors (Heider, 1958). Behavioral attributions typically come in two forms: dispositional and situational. A dispositional attribution involves any internal explanation for a behavior, such as personality; in contrast, a situational attribution ascribes external explanations for behavior, such as environmental influences (Kelley, 1973). For example, when explaining why an interrogator used a particular interrogation approach, an evaluator may draw the conclusion that he or she used that approach due to an innate quality of the interrogator, or to his or her circumstance. According to Gilbert, Pelham, and Krull (1988), attributing behavior to disposition is a relatively automatic process that requires minimal cognitive processing. In order to adjust this automatic process and attribute another person’s behavior to situational factors, the individual must be willing (or have the ability) to engage in more effortful processing (and, thus, use more cognitive resources) to assess which external elements might have influenced the behavior.

Haselton, Nettle, and Andrews (2005) argue that quick behavioral attributions enable an interpretation of the world with the use of minimal cognitive processing. If little cognitive effort

is afforded to attributional judgments, the authors suggest that the majority of behavioral judgments are likely dispositional in nature. Research suggests that unless the behavior directly affects us or someone we know, there is often little motivation to devote the additional cognitive resources necessary to render a situational attribution (Gilbert et al., 1988). Thus, if an individual is evaluating an interrogator's choice of technique, and that evaluator has no motivation to consider situational factors, they are likely to attribute the choice of technique to the interrogator's disposition.

Fundamental Attribution Error. Limited availability of cognitive resources is one explanation for why people engage in what is commonly referred to as the *fundamental attribution error* (FAE) (Haselton et al., 2005; Gilbert et al., 1988). According to FAE theorists, people have a tendency to devalue external (situational) factors and overvalue internal factors (disposition) when trying to explain the behavior of others (Jones & Harris, 1967; Ross, 1977). For example, if an observer witnesses a stranger slip or fall on a sidewalk, the observer is likely to assume that the stranger is clumsy rather than inferring there was an environmental factor that induced the behavior. In an interrogation room, an observer is likely to assume an interrogator chose an aggressive interrogation technique because the interrogator himself is an aggressive person.

While the FAE has been shown to be rather robust in the U.S., a growing body of literature in cross-cultural social psychology suggests that Eastern, specifically collectivistic, cultures are less likely to demonstrate the FAE. Instead, research indicates that participants in a collectivistic society (such as China, Japan, and Taiwan) are more likely to attribute the behavior of others to situational factors rather than dispositional causes (e.g. Lee, Hallahan, & Herzog, 1996; Miller, 1984; Morris & Peng, 1994).

Reversal of the FAE by collectivistic cultures may be due to the way that members of these cultures define themselves as individuals (Cousins, 1989; Markus & Kitayama, 1991). According to Markus and Kitayama (1991), collectivists view and define themselves by their group membership and therefore assign high values to the group's integrity. By attributing an actor's behavior to the situation, particularly if the behavior is mildly negative, the collectivist is able to shield the group's identity from blame for the behavior, thus maintaining their own (and the group's) positive reputation. These findings suggest that attributions can vary when an individual views an event in relation to his or her group membership.

Recent studies have also demonstrated that certain factors can lead individuals within the U.S. to reverse the FAE. For example, conservatives (relative to liberals) show a greater tendency to favor dispositional attributions when explaining the behavior of others (e.g. Cozzarelli, Wilkinson, & Tagler, 2001; Skitka, 1999; Skitka & Tetlock 1992, 1993; Williams, 1984; Zucker & Weiner, 1993). However, work by Morgan, Mullen, and Skitka (2010) found that conservatives favored situational explanations when the behavior aligned with conservative values. Specifically, participants were presented with a scenario in which a group of marines killed innocent civilians while engaged in combat. Whether the marines were aware of the civilians' innocence remained somewhat ambiguous. Conservatives, relative to liberals, were more likely to attribute the marines' actions as being constrained by the situation, rather than to disposition, presumably because of the degree to which conservatives value national security. In other words, when explaining the behavior of a fellow member of their group (or someone who seems likely to fall within that category), conservatives appeared motivated to adjust their attributional preference to preserve the integrity of the group. Thus, to the extent that people perceive an interrogator as a member of the in-group, they may be more likely to render positive attributions for an interrogator's mildly