

## APA Passes Strong Anti-Torture Resolution

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Readers of this column will be familiar with the controversy over the APA's policy on participation in psychological torture. The APA convention just concluded in New Orleans produced a positive development—one may hope, in fact, the beginning of the end of the controversy.

To recap:

- After persistent press reports of participation by mental health professionals in abuse designed to "break" detainees, professional organizations develop new policies. The AMA and American Psychiatric Association announce outright prohibitions on participation in interrogation, whereas our APA, while imposing very significant restrictions, permit some involvement, even in settings like Guantánamo Bay.
- The Pentagon adopts a policy preferring psychologists for this role. The APA policy is widely criticized; for instance, the Ethics Chair for the British Medical Association calls it "a disgrace." Many psychologists sign a petition calling for an outright ban.
- APA leaders take a defensive stance, arguing that the American Psychiatric Association's ban isn't being enforced and isn't really that different from the APA's policy, anyway. (They also make the valid point that psychologists have long participated in legitimate interrogations of detainees with full prisoner rights and protections, such as those charged in ordinary criminal courts.) No official examples of prohibited activity are published, despite the APA Task Force's unequivocal call for them. Some long-time APA members speak of resigning.

In this context, APA headed for New Orleans. The Council of Representatives was set to consider the issue on August 9.

What emerged was a strongly worded resolution, introduced by the APA Division of Peace Psychology, re-committing the APA to act in opposition to torture or cruel, inhuman, or degrading treatment of any kind and absolutely prohibiting APA members from participating in such activities. That prohibition already existed in the previous, controversial APA policy. What is new in the New Orleans resolution is, first, its very forceful tone which, coming at this juncture, communicates the association's stance in an unequivocal way, and second, its thorough endorsement of the U.N. Convention Against Torture and other instruments of international law. The importance of the latter feature arises from the need to *define* prohibited behaviors. When it comes down to deciding whether an APA member should be disciplined, or whether a licensing board relying on the APA Ethics Code should punish a licensee, enforcement will fail if there is any ambiguity in the standards. By tying APA standards to international law, the New Orleans resolution does much to strengthen the hand of bodies seeking to discipline psychologists who support or condone abuse. When we consider that the prospect of sanctions is crucial for

*prevention* of misconduct, the potential positive impact of the resolution appears significant indeed.

Sometimes the debate over the APA stance has appeared ethically one-sided, that is, a debate between apologists for torture and their opponents. But the choice is not that easy. In some discussions, such as the one at my most recent law and ethics workshop, the ethical argument for forceful interrogation is cautiously made. This argument, of course, is that some detainees have knowledge of pending killings of U.S. soldiers in the field or of planned mass murder of civilians. This information could save lives, and if a collaborator in these planned actions suffers in the course of obtaining the information, so be it. At this writing, for instance, it appears that many lives may have been saved by the arrests in Great Britain, and little is known about how the information that led to these arrests was obtained.

In this light, the absolute prohibition imposed by the New Orleans resolution is a weighty moral choice:

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.

I believe this is the right choice, because of the questionable efficacy of abuse in obtaining truthful information, because of the immense cost to the international reputation of the U.S. of its use of torture and abuse, because of the likelihood of increased danger to captured U.S. military personnel if the U.S. is known to torture, and because some actions are so morally abhorrent that they should not be engaged in for any reason whatever. But those of us who favor this absolute ban should consider the possibility, however remote, of the life of someone close to us being saved by abusive interrogation and thus be mindful of the weighty choice being made.

Despite the strong language of this resolution, the controversy over the APA's policy is not over. The resolution, in developing its definition of cruel, inhuman, or degrading treatment, incorporates the official 1984 U.S. "reservations" to the U.N. Convention Against Torture. Some concerned commentators, such as Physicians for Human Rights and San Francisco-based Survivors International, are alarmed that this provision may permit psychologists to participate in any conduct allowed by U.S. law which, in the age of Bush and Gonzales, seems to include almost anything.

Personally, I am less concerned on this point. Ultimately, what matters is the impact that APA policy has within the Department of Defense. Does it permit the use of psychologists in abuse of detainees or does it help to put a stop to it? I suspect that this outcome will be determined by the DoD's perception of APA's view of such activity and, even more, by the APA's concrete actions from this point forward. I am told by people close to the APA's workings that there is no intention of providing loopholes and that regardless of Bush administration policies, the APA will apply the standards of international law and of the consciences of the drafters of the resolution.

What remains crucial is whether APA takes credible action and makes consistent, clear statements against abuse. For this reason, the recent report by the Chair of the APA Ethics Committee that a casebook will finally be developed is very welcome. But if this takes much longer, or if other credible actions are not taken, the take-home message for the DoD and the general public may be that psychologists are available to help in psychological torture, notwithstanding the association's resolutions and policies. So we must continue to speak out.

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