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## TORTURED TRUTH

by Darius Rejali

I'm afraid that Alan Dershowitz has finally gone around the bend.

Since democratic states will torture in any case, says the Harvard law professor and prominent defense attorney, why not legalize it and subject it to "torture warrants" and professional oversight?

He speaks for many others frustrated by the pace of justice in a post-September 11 world. Recent polls show that at least one third of Americans endorse the use of torture on terrorism suspects (after all, the U.S. has a history of using euphemisms such as "human resource exploitation" for torture and outsourcing acts of torture to foreign security agencies). But the premise that torture can be safe, legal, professionally administered, rare, and more effective than other forms of interrogation is dangerously flawed, and the argument in support of suspending certain civil liberties in times of national crisis dangerously close to Faustian.

Torture cannot be rare. All the historical evidence indicates that occasional torture inevitably slides into more extreme, routinized systems of torture. The reason, as shown by Yale economist Leonard Wantchekon, is the incentive structure of torture. In the words of a French torturer in Algeria, "Each one thinks he's going to get the information and takes good care not to let the bird go to the next chap after he's softened him up nicely, when the other chap would get the honor and glory of it."

Torture cannot be done professionally. To think that professionalism is a guard against excessive torture is simply an illusion. Yale psychologist Stanley Milgram has shown that professionalism can serve to excuse ever more violent behavior, and Union College sociologist Martha Huggins brilliantly debunked the myth of professional torture in her award-winning book on Brazilian police torturers.

Torture does not yield any better results than regular interrogation. In the 1940s, the Supreme Court prohibited police from applying physical pressure on suspects. If torture was effective, U.S. crime rates should have risen after that. They did not. Police manuals taught a new range of psychological techniques that were just as effective, as Philip Zimbardo at Stanford has shown. "Tortured confessions are notoriously unreliable," says Kenneth Roth, executive director of Human Rights Watch. "People will say anything under torture."

Torture advocates believe that more physical pain stimulates more compliance. This view is medical nonsense. Pain, as Ronald Melzack at McGill University has shown, is far more complex than that. The writer Jean Amery, himself a victim of Nazi torture,

observed correctly that why this or that torture fails to break one person but not another remains a mystery to this day.

Torture cannot be done safely. For 50 years, physicians have gathered extensive clinical evidence showing the effects of torture. Torturers and their victims are left damaged and traumatized, their families broken or seriously warped. Many forms of torture leave no visible marks for the press to publicize, but the psychological trauma and scarring is well documented.

Advocates of legal torture like to ask: would you not torture if you knew this man had information that could save lives? If torture does not work, if it cannot be rare, safe, or professionally administered, this argument never gets going. Choosing to travel by car or plane is not a choice if the plane can't even get off the ground.

The defense of liberty is served not by games of moral philosophy, but by looking at how we behave. Even Adolf Eichmann could recite an acceptable version of Kant's moral imperatives, but this did not prevent him from shipping thousands to their deaths.

One should think twice before espousing the belief that philosophizing and rationalizing can always protect one from evil or stupidity without irreparably damaging the fragile and fundamental tenets on which this republic stands.