

Criminal Interrogation in an International Context

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Should the psychological concept of “superego” be more closely scrutinized in light of recent events within the field of Forensic Interrogation? Of late there has been a significant debate in the United States and abroad regarding the type of interrogation techniques that are both justified and necessary when attempting to combat terrorist activity. The common belief has been that the average “terrorist suspect” is so hardened in his mental constitution, and the information he holds so time sensitive, that interrogation techniques which include the inducement of physical pain are necessary. The downside of this approach, however, has become immediately apparent as the nation grapples with the realities of the Abu Graib and Guantanamo Bay prison scandal and the question of whether we become that which we seek to eliminate when we engage in these types of practices.

In order to entertain this question we would do well to consider key research in this area and how we have come to this point of national debate. In his work Civilization and its Discontents, Sigmund Freud postulated that instinctual human aggression is directed inward by way of the formation of a “superego” which becomes the agent of human conscience. Theodore Reik in his work, Compulsion to Confess, advanced this theory by postulating that the superego and the internalized aggression which it inflicts in the form of guilt results in an internal compulsion to confess which serves to acquire external punishment from authority thus relieving the guilt: stated more simply, the criminal’s superego forces him to subconsciously leave clues, revealing his act of wrongdoing thus allowing authority to identify and punish him.

In the 1960’s, Fred Inbau and John Reid advanced the field by creating an interrogative process, the Reid 9 Steps, whereby an interrogator could dramatically increase the level of internal guilt and inwardly directed aggression in order to induce a conscious confession of guilt. This process proved highly effective but it had significant pitfalls, including the potential for false confessions. Gisli Gudjonsson conducted extensive research on the psychological mechanics of internal guilt processes, internalized aggression, and interrogative procedures and came to the conclusion that there was a significant risk of false confession with the Reid 9 model; not only one confessing to something he or she didn’t do but also one confessing to something he or she didn’t do but has come to accept as true as a result of the interrogative process. Hilgendorf, Irving, Moston, Stephenson, and Williamson conducted more extensive research into decision making mechanics, processes of interactions and suggestibility which helped to identify apparent elements within the interrogative activity which induced both real and false confessions and laid a groundwork in which interrogations with a low risk of false confession is possible.

In summary, the research into the psychology of confession has shown that an internal compulsion to confess exists (although of different intensity within individuals), that it can be externally manipulated, and that if interrogative procedures are administered

without consideration of suggestibility, decision making and interaction processes, there is a high risk of false confession. What is also known, and which brings us to our current national debate, is that external aggression (ranging from discomfort to torture) inflicted upon someone can also generate a confession of guilt; not by way of initiating a compulsion to confess but rather creating a bargain of pain cessation for desired information. Additionally, external aggression can be administered by people with limited training to produce expedient confessions of guilt. The difficulty with techniques of external aggression, like the manipulation of internalized aggression, is that there is a high likelihood of false confession. If an individual is subjected to severe pain or torture and does not have the desired information they will likely fabricate such to appease the interrogator.

From this we might return to our initial question of whether current national events dictate that we take a closer look at some of the initial theory and research in the area of conscience formation; I would submit that we should. First, the position that terrorist activity requires the use of physical coercion because information is needed quickly is a diversion from the real issue. The need for “real time” information to combat the enemy has been a necessity from the earliest conflicts and torture has produced it, however, nations have moved away from this because the act not only produces false information (which if acted upon could further jeopardize national security) but more importantly because it conflicts with the morals and values we are defending. Second, the position that terrorists have a virtually impenetrable psychological will which justifies torture is simply false as most are more vulnerable because they lack any type of external support during the period of capture and interrogation. Third, it could be argued that recent research by Gudjonsson and his counterparts justifies the abolition of techniques that seek to manipulate internal conscience because of the potential for false confession, but that is not a necessary or prudent direction to travel. Their research speaks to the risk of false confession when interrogative techniques are attempted by those who are limited in their understanding of psychophysiology but they clearly demonstrate the possibility of valid and reliable results being acquired by skilled interrogators. Fourth, it can be argued that the volume of interrogations inherent in a world wide conflict makes it impractical to attempt to field a requisite number of interrogators with the skill to engage in internal conscience driven interrogation, however, as a democratic nation we have never ascribed to the belief that inadequate resources are a justification for engaging in acts that are in conflict with our morals and values.

Research has provided us with a path to create interrogative approaches that can manipulate internal conscience mechanisms and produce valid and reliable information in national security settings. This path requires us to go back to the beginning and consider the fundamentals of conscience development and its ability to generate internalized aggression, as well as new developments in the field, in order to create a valid model of interrogation that is consistent with our values as a nation. Furthermore, we must commit the resources necessary to field a sufficient cadre of qualified interrogators to address our national security requirements, most especially the war on terror.

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