

Moral Permissibility and Legitimacy of the Use of Coercive Interrogations: Implications for the Intelligence Professional, Participating Health-Care Professionals, and Society

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Perhaps the center of one of the most controversial debates in recent years, coercive interrogations have been defined in many different ways, from being a legitimate means for a government to exercise its right to defend itself from threats such as terrorism, to being a semantic variation of “torture,” to many other, less extreme definitions in between. The reality is that however we may chose to define it, coercive interrogations have been—and still are—a method of intelligence collection in which efficacy and efficiency are contentious, and for which moral implications are of great consequence.

Coercive interrogations in the law enforcement field seem to be the subject of greater judicial and social scrutiny than those carried out in the intelligence arena, in my opinion. This, from my standpoint, appears to be founded in the fact that law enforcement is more visible, more public, or less “secret” than intelligence. Perhaps it is this “under the radar” quality that makes coercive interrogations used in intelligence no less morally questionable, but much more susceptible to abuse and hence more prone to derive in the long term individual and societal damages that may be greater than the harm they attempt to prevent.

This article focuses on coercive interrogations as they pertain to the intelligence profession. It attempts to define coercive interrogations and to answer the questions of whether they could be morally permissible and whether they are or could be legitimate. It also attempts to depict the implication of the moral standing and legitimacy of coercive interrogations on the intelligence professional, on the health professionals that participate in them, and on society in general.

Coercive Interrogations Defined

Black's Law Dictionary defines "coercion" as "compulsion by physical force or threat of physical force"¹ and "interrogation" as "the formal or systematic questioning of a person; esp., intensive questioning by the police, usu. of a person arrested for or suspected of committing a crime."²

Other legal experts define "coercive interrogation" as a means of extracting information necessary to save and/or prevent harm to others by applying physical or mental force. They exclude from their definition any such interrogation where a confession is obtained for later prosecution, because of the legal implications such use has, particularly in terms of due process.³

According to Amos Guiora, an expert on terrorism and the law, an interrogation is "the questioning of an individual by authorized state representatives for the purpose of obtaining information relevant to a previous act of terrorism or future act. It is predicated in the belief that the individual is in possession of information with respect to either alternative."⁴ Guiora further explains that the essence of coercive interrogation is the imposition of a time-limited physical and mental discomfort on the interrogatee so as to force information out of him.

Given the above definitions, one could infer that there exist at least four key elements to coercive interrogations: (1) systematicness, (2) formal authority, (3) a formal objective, and (4) the use or threat of physical and/or mental force. Coercive interrogations range from mild to severe, the latter often materializing in forms of mental and/or physical force that present characteristics very similar to torture by virtue of their severity.

Methods of coercive interrogation include, but are not limited to, sleep deprivation, modulation of room temperature, stress positions, prolonged isolation, sensory deprivation, sensory bombardment (loud noise/bright lights), forced nakedness, sexual and cultural humiliation, and the exploitation of phobias. Controversial techniques used by the CIA and the U.S. military until 2003 include waterboarding, or simulated drowning.

Guiora distinguishes coercive interrogations from torture by stating that the latter is "immoral, illegal, and does not lead to actionable intelligence."⁵ He does point out that there is one such torture that is interrogation based, but that the information resulting from it is "overwhelmingly inaccurate, unreliable, and of minimal value

in preventing acts of terrorism.”⁶ As will be further discussed in this article, coercive interrogations may prove to be all of the qualities Guiora gives to torture. Wherein, then, does the distinction lie? At this point we should define “torture.”

Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984, defines “torture” as

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

According to the European Commission of Human Rights, “the notion of inhuman treatment covers at least such treatment as deliberately causes severe suffering, mental or physical. Further, treatment of an individual may be said to be degrading if it grossly humiliates him before others or drives him to act against his own will or conscience.”⁷

The State of Israel defines torture as pressure that achieves a level of “maltreatment of the suspect, or grievous harm to his honor, which deprives him of his human dignity.”⁸

The English Criminal Justice Act of 1988 [c. 33, §134 (a) (1)-(2), (b)] defines torture as the deliberate infliction of “severe pain and suffering on another at the instigation or with the consent or acquiescence—(i) of a public official; or (ii) of a person acting in an official capacity”; and the “official or other person is performing or purporting to perform his official duties when he instigates the commission of the offence or consents to or acquiesces in it.”⁹ Moreover, according to British law “it is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or an omission.”¹⁰

According to the U.S. Code, Title 18, Part I, Chapter 113C, § 2340 (as of January 8, 2008),

(1) “torture” means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental

pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control; (2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from—(A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.¹¹

When one carefully examines the definitions of "torture" in the above paragraphs, and compares them with those of coercive interrogation, the distinction between one and the other does not seem clear. According to Guiora, however, they are patently distinct: The pain inflicted through torture is severe, while the pain inflicted through the use of coercive interrogations is moderate. Moreover, Guiora proposes that coercive interrogations are carried out in a "highly controlled environment" and for the sole purpose of obtaining information. Torture, Guiora says, may be used for garnering information as well, but could also be sadistic or functional, two categories coercive interrogations do not fall under. He states: "The distinction between coercive interrogation and torture is not semantic. It is substantive."¹²

I cannot help but differ with Guiora's proposed distinction. Coercive interrogations can take such a severe form—i.e., modulation of room temperature so as to cause hypothermia—in a controlled environment, with the "proper" authorization and supervision, and with the purpose of gathering intelligence, that it's hard, in my opinion, not to see how they can overlap with torture. In other words, the "substantive" distinction becomes then relative.

Let us go back to the four elements identified through the definitions of coercive interrogations: (1) systematicness, (2) formal authority, (3) a formal objective, and (4) the use or threat of physical and/or mental force. Are these not present in torture? One need only take a look at the Spanish Inquisition to answer such question. A highly sophisticated and organized institution at the service of the Spanish monarchy, recognized by it and by the pope, the Inquisition became an "anti-heresy machine" and carried out atrocious acts of torture for almost four hundred years in defense of the Catholic faith in the Iberian Peninsula.

In short, I find more similarities than differences between coercive interrogations and torture. In fact, I believe that labeling coercion as mild, justified, or authorized does not make it less of a violation of an individual's right to dignity and autonomy. It is my opinion that to the extent that *coercion* may be inclusive of torture, coercive interrogations should be examined under the same light one would such questionable deviation of moral human behavior.

Morally Permissible Coercive Interrogations

From an absolutist deontological point of view, coercive interrogations are impermissible on grounds of their violation of human dignity and autonomy. Moreover, by inflicting coercion on the interrogatee to obtain information, we are treating him as a mere "instrument." (In the words of perhaps the greatest absolutist deontologist, Immanuel Kant, "[a]ct so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.")¹³

The deontological absolutist's take on coercive interrogations makes it morally impermissible to override the principle of nonviolation of rights of an individual even in circumstances where the violation could prevent grave harms to others. To this effect, Eric Posner and Adrian Vermeule argue that the deontological absolutist denies the inevitability of there existing situations where such violation of rights may be justifiable, where they may be a tragic but necessary evil.

In short, then, absolutist deontological considerations on the matter seem to be shortsighted and impractical, in my opinion. Nonabsolutist deontology, on the other hand—and from my standpoint—presents a more realistic approach to the matter, but it also falls short practically speaking. From a nonabsolutist point of view, coercive interrogations would be justifiable if the harm prevented from their use were greater than the harm inflicted to the interrogatee(s). However, this catastrophe exception also poses a serious ethical concern, as it creates a threshold above which we find harms that are sufficiently weighty to override deontological restrictions, but below which we find harms that present insufficient weight to do so. The question then becomes who assesses whether coercive interrogations are justified—the weight of the harm—and what collateral effects morally authorizing these assessments brings about. The flaw of the nonabsolutist deontological approach to coercive interrogations is clear: It is a difficult task to limit a set of conditions under which coercive interrogations would be justifiable.¹⁴

Thus, when analyzed carefully, nonabsolutist deontology does not delineate clear moral guidelines in terms of coercive interrogations. In fact, nonabsolutist deontology's catastrophic harm exception is but a way for deontologists to attempt to balance their impulse to categorically prohibit any violation of rights in terrifying circumstances and their worry of the exception expanding so as to "swallow the rule."¹⁵

All deontological views on coercive interrogations must assess the consequences of their implementation. Such assessment, they maintain, falls under the framework of consequentialism. Act consequentialists' approach to coercive interrogations seems pretty straightforward: They are morally permissible if their benefits exceed their costs in particular cases. This seems especially true when ticking-bomb scenarios are presented. In such particular cases, coercion would seem "obviously justified when it is the only way to prevent a serious and imminent threat."¹⁶

Rule consequentialism, on its part, asks which set of rules in terms of coercive interrogations will turn out the greatest net benefit. In doing so, rule consequentialism argues against coercive interrogations not because there are no cases that would justify them *ex post*, but because justifying them *ex ante* could derive in more harm than good. Paradoxically, the speculative nature of such arguments against coercive interrogations creates a moral ban that could result in greater costs than benefits—e.g., a ticking-bomb scenario—so a rule consequentialist flat prohibition seems to leave out of the picture the fact that rules are oftentimes underinclusive.

Prima facie, on practical grounds, the nonabsolutist deontological and utilitarian approaches to coercive interrogations are the fittest. There seem to be limited cases where last-resort *necessary evil* could become unavoidable. If there had been a detainee in the Madrid March 11, 2004, attacks who had information on the attacks planned for London the following year and was not responding to noncoercive interrogation methods, for example, would the use of coercive interrogation methods be justifiable? The answer appears to be yes, at least preliminarily.

Assuming, then, that coercive interrogations could be morally permissible in certain limited circumstances, the next considerations are appropriateness and proportionality. A first question in this context would be that of whether coercive interrogations are effective. The question of the effectiveness of coercive interrogations remains a controversy. Determining this is key, however, to evaluate the moral

permissibility of coercive interrogations: “[T]o say (a morally questionable) technique is ineffective is to say it does not have any positive outcomes. To elect it then, is evil.”¹⁷ Although there are those who support the idea of coercion as an effective tool for gathering intelligence—among them the director of the CIA in 2007—the arguments against such ideas are overwhelming.

According to Michael Skerker, pain and truth are not necessarily connected: Not everyone succumbs to physical or mental pressure. In addition, mental disassociation and cognitive withdrawal are common responses to extreme stress that could backfire into incoherent and/or untruthful responses to interrogators’ questions resulting in inaccurate information.¹⁸

On occasion of the Coercive Interrogation Techniques Hearing of June 10, 2008, before the U.S. Senate Committee on the Judiciary, retired FBI special agent John Cloonan stated that while he believed coercion would obtain certain kinds of information, he also disagreed with the idea that it would produce accurate information.

Coercive interrogations should be used as a last resort, and as such only if sincere attempts at noncoercive interrogations, as well as other noninterrogatory intelligence-gathering methods, have failed. Moreover, because of the inherent untrustworthiness of coercive interrogations, there needs be corroborating information for them to be justifiable, with the exception of their use on “positively identified intelligence assets . . . though still as a last resort.”¹⁹ And, if used as a last resort, lesser discomfoting techniques should precede harsher ones.

Given all of the above, it is my opinion then that when every other means of gathering intelligence has failed, when there’s enough information already that would allow the corroboration of the information obtained through coercion, and when there is a threat of an imminent harm graver than the harm inflicted and derived collateral harm—i.e., the overriding of ethical conduct that may put to question the integrity of the intelligence professional and profession—then and only then could coercive interrogations be morally justifiable, but never morally permissible *ex ante*.

Legitimacy of Coercive Interrogations

“Legitimacy” may be defined in many different ways. It can be defined as “accordant to established legal forms or requirements and conforming to recognized rules and standards.” WordNet defines

“legitimacy” as “lawfulness by virtue of being authorized or in accordance with law.”²⁰

According to Ian Hurd, “legitimacy” refers to the normative belief that a rule and/or institution must be obeyed, based on the general perception of the rule’s substance or the procedure or source by which the institution was constituted. Thus legitimacy is of a “subjective quality.”²¹

Based on these definitions, to the extent that interrogations may be regulated by law—such is the case with interrogation law in the United States—it could be argued that coercive interrogations are legitimate. Moreover, when they are authorized by a lawful government and carried out by a lawfully institutionalized state organization—like, for example, the 2002 Bush administration approval of coercive interrogation techniques usage by the CIA on terrorist suspects—it would seem only reasonable to state that coercive interrogations are or can be legitimate.

However, an admission of the legitimacy of coercive interrogations for the reasons stated above would seem shortsighted, in my opinion. Firstly, the laws that define abuse do so vaguely, and that vagueness has permitted enough leeway for coercion used in them to be authorized since World War II. Also, as was stated before in this paper, laws are often underinclusive. Moreover, they are often subject to judicial interpretation and may be circumvented. Take, for example, the U.S. Senate treatment of Article 1²² and Article 16²³ of the UN Convention against Torture: “[Their] lack of clarity was only exacerbated by a Senate Reservation limiting the U.S. definition of torture and interpreting ‘cruel, inhuman, or degrading treatment’ to mean the treatment prohibited by the Fifth, Eighth, and Fourteenth amendments to the U.S. Constitution—amendments which do not deal with efforts to prevent grave future harms.”²⁴

“Legitimacy” is also a synonym of “rightfulness” in the sense that to be legitimate, an action, rule, or standard should be just. I find it particularly difficult to separate legitimacy from justice, or to assume something as legitimate without it presenting some degree of moral correctness. It is by this interpretation that legitimacy will be considered going forward.

If we separate and disregard justice from legitimacy, then coercive interrogations could be legitimate. But since there should be no legitimacy without justice, in my opinion, such limited legitimacy becomes questionable. Could coercive interrogations, then, be “legitimized”?

Let's refocus on the effectiveness of coercive interrogations. As I mentioned earlier, the debate on whether the use of coercion in interrogations produces accurate, actionable intelligence is ongoing. It is clear, however, in my opinion, that the question of proportionality has been answered: The net harms derived from coercive interrogations seem to outweigh their net benefits.

A serious harm that readily comes to mind is that of loss of credibility in the authority: If occasions such as the ticking-bomb scenario mentioned earlier in this article are rare, and the likelihood of obtaining accurate, actionable intelligence from coercive interrogations is weak, then it would be illegitimate to use such occasions as justification for their institutionalized practice. Moreover, it is notable that the very reason the argument in favor of the practice claims—that of self-defense and the prevention of a greater harm—is also a vital reason to predicate against it.

During the hearing held by the U.S. Senate Committee on the Judiciary on June 10, 2008, Professor Philippe Sands, QC, when asked about the coercive interrogations carried out on terrorist suspects detained by the United States stated: "The coercive interrogations did not work, have undermined moral authority, have migrated, have served as a recruiting tool for those who seek to do harm to the U.S., and have made it more difficult for allies to transfer detainees and cooperate in other ways. They have resulted in the very opposite of what was intended, contributing to an extension of the conflict and endangering the national security they were meant to protect."²⁶

Supporting this line of thought, Skerker states that "[c]oercion on a wide scale is a reign of terror, and is unacceptable for any liberal state domestically; colonially, the tactic could risk creating as many terrorists as it reveals."²⁷

In all, then, and in inference of the above, coercive interrogations seem to be a razor-sharp double-edged sword. Why, then, would a state risk national security for the sake of national security? It all goes back, in my opinion, to the idea of those situations where necessary evil is called for: those particular circumstances where the violation of an individual's rights preserves the rights of many others. That violation may be justifiable but is never legitimate, in my opinion.

Guiora defends the idea that there could be lawfully implemented coercive interrogation methods if and only if they are constitutionally limited, congressionally overseen, and judicially reviewed. I believe that a broad acceptance of coercive interrogations under such premises would be against the very core values of any liberal society.

Implications of the Moral Permissibility and Legitimacy of Coercive Interrogations

Assuming that, as I have argued earlier in this article, coercive interrogations may under particular circumstances be morally justifiable, what are their implications on the intelligence professional? And what is their impact on the physicians, psychologists, scientific researchers, lawyers, and other professionals that assist in shaping, structuring, supporting, and/or conducting them?

Albeit without sufficient evidence yet, it is argued that removing the moral questionability of coercive interrogations could derive in the brutalization of the intelligence professionals conducting them, since the psychological constraints against the infliction of pain would shatter. Alternatively, even if brutality is not increased, the removal of these psychological constraints could trigger the self-selection of inflicting pain by the interrogator if he or she is psychologically prone to deviant conduct—i.e., sadism. When this argument is paired with the fact that, as Skerker puts it, “[t]he necessary secrecy that accompanies intelligence operations creates massive opportunities for criminal corruption,”²⁸ then it is alarmingly apparent to me that the probability of psychological dissociation is high.

A related argument to the one mentioned in the preceding paragraph, and also yet to be supported by conclusive evidence, is that society as a whole would be brutalized as well by the general propagation of the use of coercive interrogations: If the public and the government generally accept and validate this interrogation method, then its use would be made routine, and its degree of severity may reach a point where it would become flat-out consensual torture.

Here’s where the danger of legitimizing coercive interrogation becomes the clearest, in my opinion. Legitimacy is an element of social control, and when a rule or an action becomes legitimate, it creates an internal moral obligation of compliance in the individual. Coercive interrogations would then gain moral permissibility, which—in my opinion and as I stated earlier in this article—would be against the core values of any liberal society.

The interrogation practices used by the U.S. military on War on Terror detainees in recent years—and the participation in them by physicians, psychiatrists, and psychologists—have raised serious ethical questions. Reports on these practices being torturous have been increasingly coming to light, and, if they are as accurate as they are said to be, they illustrate serious violations of the ethical rules of

conduct governing health-care professionals—on top of illustrating serious violations to national and international laws against torture and abuse, of course.

In 2006 the American Psychiatric Association (APA) formulated a position statement by which it reprobated the participation of psychiatrists in interrogations in *any* way. On their part, the APA and the American Medical Association (AMA), in 2005 and 2006, respectively, took the ethical position that psychologists and physicians needed to balance their duties to the individual with their responsibility to society, but neither association sanctioned their participation in conducting the interrogations. Moreover, the APA and AMA conclude that the professionals who are part of their organizations may act as consultants in military interrogations. The APA in particular states that such consultation has the objective of ensuring the interrogations are carried out in a safe and ethical manner to everyone involved.

Rachel Kalbeitzer suggests that when one considers health-care professionals' need to balance their duty to individual and their duty to society, the duty to the individual is clear.²⁹ Moreover, Kalbeitzer proposes that these professionals' duty to society is not necessarily that of obtaining information from the suspects but rather to maintain the integrity of the health-care profession. She states, "People seek treatment from these professionals because they trust that the professionals not only have the knowledge and skills to treat them but have the moral standards to keep their best interests in mind."³⁰

Let's now go back to the intelligence professional acting as interrogator, and the implications of coercive interrogations for him. The idea of brutalization and shattering of psychological constraints has been discussed before, but is this the only identifiable harm that may derive from the practice?

According to Michael Skerker, "[e]ven if the interrogator's task is justifiable, and in particular instances, justified, it is not an easy or pleasant job and some if not all interrogators will suffer adverse psychological effects as a result."³¹

Moreover—and this is particularly related to the recent reports on highly coercive interrogations that were borderline torturous in my opinion—the interrogators who use increasingly harsh coercion when interrogating are psychologically scarred not only by the process itself but by the treatment they receive from others by virtue of what they do: They are "treated as pariahs by the regular security branches"³² and very likely as "monsters" by the general public, if their identity is ever revealed.

In all, then, coercive interrogations seem to bring about more harm than they prevent in the long term, particularly in the professionals participating in them in the capacity of interrogators or consultant-facilitators. For health-care professionals, participation in coercive interrogations puts in question their profession's integrity. For interrogators, it alienates them by damaging their reputation in society and it is likely to cause in them serious long-term psychological harm.

Conclusion

Coercion leads to a rule of terror that assaults societal values in a degree that I believe is equivalent to the very harm it tries to protect it from. The fact that it may be morally justifiable does not make coercion morally permissible, mainly because of the long-term consequences such permissibility could yield, not only on the individual—be it the interogatee, the interrogator, or the health-care professional participating in it—but on society as a whole.

The justification of inflicting harm to prevent greater harm is valid only in a relative sense, and it's neither sufficient nor exhaustive. In fact, the rarity of "ticking-bomb" scenarios makes them an invalid, illegitimate, and utterly partial basis for excusing flexibility in the use of coercion. The engagement of health-care and mental health professionals in the planning and execution of coercive interrogations is not, per se, a free ticket to rightfulness. In fact, safer, monitored, or controlled environments do not make coercive interrogations less censurable, in my opinion.

Thus, my conclusion is straightforward: Coercive interrogations should be restricted to situations where the gravity of the harms prevented justifies the deviation of morality, where there is sufficient intelligence already existing so as to allow the corroboration of the information extracted by such means, where every other intelligence method has been exhausted, and with the warning that the moral, physical, and psychological damage on everyone involved—and on society in general—is far reaching and should be answered for judicially by whoever has the unfortunate task of authorizing this evil deemed necessary under the aforementioned conditions.

Notes

1. Bryan Garner, *Black's Law Dictionary*, 2nd pocket ed. (St. Paul, MN: West Group, 2001), 106.

2. Ibid., 366.
3. Eric Posner and Adrian Vermeule, "Should Coercive Interrogation Be Legal?" *Michigan Law Review* 104 (2006): 678.
4. Amos Guiora, *Constitutional Limits on Coercive Interrogations* (New York: Oxford University Press, 2008), 85.
5. Ibid., 2.
6. Ibid., 108.
7. Ibid., 111.
8. Ibid., 113.
9. Ibid., 113.
10. Ibid., 114.
11. U.S. Code, Title 18, Part I, Chapter 113C, § 2340 (as of January 8, 2008), definition of torture, http://www.law.cornell.edu/uscode/uscode/18/usc_sec_18_00002340-000-.html (accessed July 14, 2009).
12. Guiora, *Constitutional Limits on Coercive Interrogations*, 86.
13. James Rachels, *Elements of Moral Philosophy* (New York: McGraw-Hill, 1993), 128.
14. Posner and Vermeule, "Should Coercive Interrogation Be Legal?" 678.
15. Ibid.
16. Fritz Allhoff, "An Ethical Defense of Torture in Interrogation," in *Ethics of Spying: A Reader for the Intelligence Professional*, ed. Jan Goldman (Lanham, MD: Scarecrow Press, 2006), 129.
17. Ibid., 150.
18. Michael Skerker, "Interrogation Ethics in the Context of Intelligence Collection," in *Ethics of Spying: A Reader for the Intelligence Professional*, ed. Jan Goldman (Lanham, MD: Scarecrow Press, 2006), 141–70.
19. Ibid., 159.
20. *Princeton University's Wordnet 3.0* (2006), <http://www.wordnetweb.princeton.edu/perl/webwn?s=legitimacy>.
21. Ian Hurd, "Legitimacy and Authority in International Politics," *International Organization* 53, no. 2 (1999): 381.
22. U.N. CAT Article 1: 3.
23. U.N. CAT Article 16: 1. "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment. 2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which

prohibit cruel, inhuman or degrading treatment or punishment or which relate to extradition or expulsion.”

24. Philip Heymann and Juliette Kayyem, *Protecting Liberty in an Age of Terror* (Cambridge, MA: MIT Press, 2005), 33.

25. United States Senate Committee on the Judiciary, “Coercive Interrogation Techniques: Do They Work, Are They Reliable, and What Did the FBI Know about Them?” transcript of hearing of June 10, 2008, http://www.loc.gov/rr/frd/Military_Law/pdf/Senate-Judiciary-Hearing-June-10-2008.pdf (accessed June 22, 2009).

26. Skerker, “Interrogation Ethics in the Context of Intelligence Collection,” 159.

27. Ibid., 151.

28. Rachel Kalbeitzer, “Psychologists and Interrogations: Ethical Dilemmas in Times of War,” *Ethics & Behavior* 19, no. 2 (2009).

29. Ibid., 164.

30. Skerker, “Interrogation Ethics in the Context of Intelligence Collection,” 162.

31. Skerker, “Interrogation Ethics in the Context of Intelligence Collection,” 151.

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