

The Hoffman report: The lesson we learned (?)

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Abstract

In 2015, psychologists internationally were shaken by the discoveries made by D. Hoffman and his team of attorneys that demonstrated the collusion of the American Psychological Association (APA) officials with the Department of Defense and the Central Intelligence Agency, and their involvement into an 'extensive interrogation' programme, simply meant—torture. Resolute steps were expected from the APA as well as from the psychological community in general, and some steps were taken. This paper poses the question: have we, as a community of helping professionals around the world, really learned the lesson given by the report? Rather than give a direct answer or offer a 'pill' to increase 'ethics', this paper offers a perspective as to how it became possible and why it is still possible to become involved in the Hoffman-like affair. It is suggested that improvement of the situation may be achieved in two ways. First, to personalise ethical codes, making them more flexible in terms of personal choice of values and action. Second, by raising awareness to the suprasituational nature of ethical deeds that encompass situational needs, goals, and motives; as well as a broader perspective for which a person bears responsibility.

KEYWORDS

APA, external ethics, Hoffman report, internal ethics, operational psychology, psychological ethics, suprasituational activity, torture

1 | INTRODUCTION

Publication of the '*Hoffman Report*' in 2015, although not unexpected, was according to Cushman (2018), an 'earthquake' for the psychological community, at least in the United States. Years before the investigation or the book (Risen, 2014) that motivated an investigation, some professionals expressed concerns about psychologists' and, particularly, the American Psychological Association's (APA), involvement into interrogation practices. Olson, Soldz, and Davis (2008) presented extensive evidence they collected regarding an APA direct involvement into torture practices dating back to 2006–2007 when leaks, as well as other circumstantial and 'not so circumstantial' evidences, became available about interrogation practices used in detention facilities in Abu Ghraib and Guantanamo Bay (e.g., Hausman, 2006; Soldz & Assange, 2007; Mayer & Goodman, 2007; Lichtenstein, 2013). Interestingly, Melvin Gravitz, a psychologist with supposedly strong links to the CIA (Hoffman et al., 2015), raised concerns about tortures, interrogations and psychologists' involvement into the national security work (Gravitz, 2009).

Pope (2016) provided a list of references and quotations proving psychologists' involvement into the controversial activities in Guantanamo. Pope claimed:

In the midst of the interrogation and torture controversy, APA adopted and publicized various policies against not only torture ... but also psychologists working with detainees in violation of international law Questions arose not only about APA's lack of enforcement of these policies but also about whether the policies themselves were enforceable. (p. 54)

Although the APA (2006, 2007) repeatedly issued resolutions against tortures, still 'The American Psychological Association was unique among US health professional associations in providing policy cover for abusive interrogations' (Miles, 2009, cited by Pope, 2011, pp. 153. 153). So, the 'lesson' was given. Though, was it properly learnt?

2 | RECEPTION OF THE REPORT BY THE APA

When the initial allegations of torture surfaced, the APA is said to have engaged in denial, dismissiveness and discrediting (Pope, 2016, cited in Conrad, 2019). Indeed, the published report itself was criticised by many psychologists, including former APA Ethics Committee Chairs, for the procedural flows and potential investigatory biases (APA, 2016a, 2016b). Nevertheless, after the report was published, the APA took steps to mitigate that harm that had been done and to prevent potential ethical violations related to future participation in tortures or torture-like activities. This included an APA (2015) council's recommendation for psychologists to not:

conduct, supervise, be in the presence of, or otherwise assist any national security interrogations for any military or intelligence entities, including private contractors working on their behalf, nor advise on conditions of confinement insofar as these might facilitate such an interrogation. (p. X)

APA actions also included amendments to the Code of Ethics in August 2016 to provide a broader and more coherent definition of torture, as well as the direct prohibition for psychologists to participate in tortures. However, in a letter dated 21 September 2018, the APA President assures Department of Defence officials that 'APA Council resolutions are aspirational statements and are not enforceable, unlike the requirements of our APA Ethical Principles of Psychologists and Code of Conduct (Ethics Code)' (APA, 2018b). Subsequently, APA actions mainly consisted of letters and 'responses' that expressed concerns and information regarding psychologists' role within the national security (APA, 2018a).

Not surprisingly, for some colleagues, the actions taken by the APA were not enough. Elkins (2015), for example, claimed that the APA needed 'full housecleaning' (p. 105); while Soldz (2018) called for a 'Truth Commission' (p. 351)

that would create a public record of what is known about health professional and u scientist involvement in national security interrogations, including both the Cold War and post-9/11 periods, at a minimum. If the report was perceived with 'melting optimism' by the APA, how was it received among the psychological community?

3 | RECEPTION OF THE REPORT BY THE PSYCHOLOGICAL COMMUNITY

The report has been widely discussed among psychologists who were deeply engaged in the ethics proceedings, and the psychoanalytical community produced numerous papers discussing the report. Stephen Soldz, a member of the Coalition for an Ethical Psychology, questioned the ethics of an operational psychology itself (Soldz, 2018; Soldz, Arrigo & Olson, 2016). He also published a rebuttal to the criticism of the Hoffman Report by the APA Military Psychology Division task-force and colleagues (Soldz & Reisner, 2016). Bernstein (2017) described how protesters against the APA ethical violations had been humiliated and shamed, and of most concern was that such shaming sourced not only from the APA itself but also from the colleagues.

Welch (2017), in discussing the way the APA came to a state when it technically approved tortures, addresses two questions: First, how did the APA develop connections with the military that fostered the shameful role it has played in torture? Second, why did the APA governance not join other health professions in prohibiting participation in the Bush administration's 'enhanced interrogations', as the APA's rank and file members were demanding? Addressing the second question, Welch connected the situation with the administration style of Raymond Fowler, one of the main leaders of the APA for about 25 years and whose agenda led to an organisational decline: 'The governance of the APA became either conformist or placid and increasingly detached from the real world' (Welch, 2017, p. 119) and the APA council became 'literally ineffectual' (ibid, p. 119).

Boulanger (2017), too, raised critical questions:

Reforms appear to be underway, yet as psychoanalysts we know that traumatic roots run deep, they can be repeated, passed from one generation and enacted in the next. What about on an institutional level? Institutional memory is short. Does the malignant organizational structure, described by Welch, remain buried in the fibers of APA governance?

She supported a call made by colleagues to be wary especially in 'current political climate' (Boulanger, 2017, p. 114).

Summers (2017) considered the report through the lens of the 'battle' between conservatives and reformers within the APA. He devoted his essay to the 'counter-revolution' of the APA describing and criticising attempts to disavow the report, including letters by former Presidents Levand and Koocher, as well as military psychologists' criticism of the report.

Cushman (2018) called for the re-moralisation of psychology. He claimed that scientization of psychology had led to loss of moral reasoning that would help combat the deceptions of a few leaders. Botticelli (2018) offered a different view, the APA's collusion as a fundamental failure of moral action, as opposed to a failure of moral reasoning. Hollander (2018) analysed the situation through the prism of the bystander effect, while Orange (2018) discussed the importance of 'breaking the silence' even though one has the right to keep it.

Some authors (LoCicero et al., 2016) questioned the principles on which ethical education of psychologists is based. Indeed, the Report led to ethical proceedings by an independent group of psychologists that, in turn, led to tensions between them and military psychologists. In response to the report, the Coalition for an Ethical Psychology introduced a workshop in Brookline, MA, that resulted in what is called 'Brookline principles' (Soldz et al., 2016). Eight principles were introduced, including 'Psychology as a profession is based upon the core ethical principles of beneficence and non-maleficence' or 'do no harm'; 'Members of professions have a duty to refuse to participate in activities that violate their professional ethics, and they must have a realistic opportunity to do so'. These principles have been considered by some operational psychologists as controversial and even threatening to applied

psychology in general. As Staal (2018a) concluded, if ethical violations in a field of psychology requires to 'test' ethical foundations of that field, that in turn could lead to the need of checking ethical foundations of clinical psychology as the most often ethical violation is sexual misconduct with a client.

Staal (2018b) disagrees with the Hoffman report. He describes the Brookline workshop dedicated to the discussion of the report as 'the fatally flawed' (p. 446). He contended that 'Being a military psychologist and an operational psychologist can be challenging. Unlike many psychologists who are knowledgeable about ethics, military and operational psychologists are "ethics experienced"' (Staal & DeVries, 2018, p. 198). The authors concluded that military psychologists face ethical challenges on a daily basis and thus learn how to apply ethical code.

Finally, some psychologists who were mentioned in the report also spoke out. For example, Martin Seligman (2018) clarified his role as being literally blind to the actions described in the report. He confirmed that he was not directly involved in any extended interrogations activities. Matarazzo (2018) claimed that he was misrepresented in the report and that he was not involved in the extended interrogation programme. In contrast, Thomas (2017), herself part of the PENS task-force, does not hold a protective position. She acknowledged that she unwillingly became a part of the process manipulated by figures from the outside. As a result, she felt that she went through the trauma of betrayal that led her to withdraw in the face of her inability to hold the discordant experiences in mind. Thomas concluded:

The gaslighting by those I had trusted combined with my own cast of boogymen and being cast in that role as well contributed to my deep disappointment with the APA and everything that attached to the PENS process and its consequences. (p. 131)

4 | DID WE LEARN THE LESSON?

On first sight, the report seemed to have had a huge effect. Yet, did it? In 2019, some authors are still claiming: 'If we want to see a change in APA's culture, urgency is critical' (Conrad, 2019, p. 416). While Dryjanska (2017) noted that the report was perceived as a shock by European psychologists, there were no significant organisational response and Bernstein (2017) concluded that in Europe this scandal is barely known.

Furthermore, Young's book on revising an APA code of ethics provides no single mention of the Hoffman report (Young, 2017). Although interestingly, this book contains many citations by Gerald Koocher, who, according to the report, was deeply involved in the APA Department of Defense affair; and it is the author's personal experience that Koocher's own book (Koocher & Keith-Spiegel, 2016) remains among the most popular handbooks on ethics used for ethical training of the future psychologists. Aalbers and Teo (2017) pessimistically conclude:

Perhaps most importantly, the structure of the APA remains a bureaucracy untouched [...] Unless the APA transforms its governing body into a deliberative one, and unless it returns decision-making power to the elected leadership, a return to a strong relationship between the DoD and APA may be inevitable. (p. 198)

5 | WHAT IS THE LESSON? BANALITY OF EVIL AND WARNING: CODES ARE NOT PANACEA

An important conclusion that can be derived from this situation is that ethical codes and procedures are neither an insurance nor a warranty against ethical violations since ethics is often broken not by those who 'do not know the rules', but by those who do know the rules but do not care or posing themselves 'higher' than any rules. Such a

thought leads to an even more important conclusion: The code is not ethics per se. Which has a very practical consequence: if we want to make psychology ethical, writing codes, sophisticated procedures and rules are not a solution. At least not the best solution given that rules can be broken by those who know them, as illustrated by Hanna Arendt (Arendt & Kroh, 1964), in her book dedicated to the Adolph Eichman's trial 'evil is banal'. Perpetrator does not need to be a cartoon villain; rather, a person alienated. This person wants to do their work well. This person even could have a 'good intentions'. The same was shown in Dr. G. Gilbert's (1995) work with Nazi criminals during the Nuremberg Trials.

The Hoffman report reveals that one of the motives why APA officials colluded with the Department of Defense was: 'APA wanted to positively influence Department of Defense regarding this policy so that psychologists would be included to the maximum degree possible, and psychologists would not lose the lead role to psychiatrists' (Hoffman et al., 2015, p. 14). In other words, they wanted 'the greater good' for psychology as a profession. As the proverb says, 'the road to hell is paved with good intentions'. Would the most sophisticated code stop people in their desire to bring 'the greater good' for the profession? Indeed, it is the author's contention that such a code will be 'amended' in order to be 'in line with the requirements' of those who provide the 'good'. That is, codes themselves could be unethical (e.g., Yadegarfar and Bahramabadian's [2014] analysis of the ethical code of Iranian psychologists).

6 | BUT ARE WE HOPELESS?

The above said, it might look like there is no hope for the psychological community to break the vicious cycle between the non-ideal formal 'codes' and people either caught in the trap of 'good intentions' or simply exploiting formal procedures in order to satisfy their own needs. The main intention of the present paper was to offer a warning: papers per se are not a shield. While, an exact recipe to improve ethics in psychology is not provided, if not a solution, then at least a useful tool to better the situation is offered.

Further, two perspectives on the 'ethical situation' are espoused: legalistic (external ethics) and personological (internal ethics). It is presumed that ethics in 'real life' exists in two intersecting but not identical forms: ethical attitude and ethical action. In more philosophical terms: ethical positioning and ethical doing. Although obviously attractive, the term 'being' is not used since being encompasses both positioning and doing.

Allphin (2005) stated that 'purely ethical decisions are based on a clear outer authority—laws, regulations, and codes of ethics—or a subtle outer authority' (p. 452). In contrast, ethical attitude 'not only includes laws and regulations, but also refers to the processing of dilemmas, complicated experiences, and interactions that have meaning on both conscious and unconscious levels' (Starc, 2017, p. 50). Ethical attitude includes a professional's 'inner authority' (Allphin, 2005). And is related to one's personal morality and values which question and construct 'rules' or solutions for specific situations. 'It is called for because situations often have no clear "right" answer' (Allphin, 2005, p. 452).

Alternatively, ethical action or 'ethical doing' is defined as a practical application of ethics by a person, simply a 'behaviour'. The important quality of such action is that it is necessarily a move towards an 'outer world'. Ethical action may occur in the forms of 'doing' or 'non-doing', but active non-doing, wilful abstaining from action. On these presuppositions, further theoretisation is based.

7 | LEGALISTIC PERSPECTIVE—MORE REGULATIONS OR BETTER REGULATIONS

A logical step to 'improve' the situation to the opinion of many could be an application of more sophisticated regulatory rules. In Russia, where the author resides, psychology is poorly regulated. Many colleagues are praying for better state regulation of the profession, thinking that this will eliminate malpractice. The same

moves are happening internationally; regulations are becoming tighter, quite often enjoying the support on the part of the psychological community (e.g., the Scope of Practice and Education [SCoPEd] project in the United Kingdom). While regulations are not 'antithetical' to the nature of psychological service and science (e.g., Younger, 2017), it must be noted that not every code is helpful in offering guidance through ethically ambiguous situations.

The code is an outer authority supposed to regulate professional behaviour. Though, as seen from the excerpts above, quite often it is not enough and very often situations are ambiguous. Allphin (2005) claimed: 'An ethical attitude means questioning decisions, being respectful of the views of others, and doing no harm' (p. 458). It is not entirely clear sometimes, what is 'harm' and when the 'harm' is done; as in Hoffman's case where, some might say, 'harm' to some detained terrorists is incomparable to the potential harm to the society. In Hoffman's report, we could see how ethical deeds became unethical; wherein the ethical activities of many involved brought explicit harm. Though, as could be derived from Hoffman's summary, the underlined attitude was to bring some 'good' for the profession: 'to create a good public-relations response, and to keep the growth of psychology unrestrained in this area' (Hoffman et. al., 2015, p. 9).

The codes represent a set of principles—do's and don'ts for specific situations. However, the problematic part is that, for the most part, those prescriptions fail to take into account the ethical attitude of the person. As demonstrated by Clark (2012), the Canadian Code of Ethics, considered useful and progressive, gave ethical values on which professionals could base their decisions in concrete situations. Yet, it is still not enough as this Code sets an order of values, ranking them, and thus fixing priorities for professionals without taking into account their own inner values and attitudes.

The Universal Declaration of Ethical Principles for Psychologists: A Culture-Sensitive Model for Creating and Reviewing a Code of Ethics offers similar values as the Canadian Code but refrains from setting any order or ranks (Clark, 2012). However, historically, the majority of ethical codes developed in a left-leaning environment omit potential foundations for moral reasoning (e.g., purity/sanctity); thereby, failing to appreciate the moral foundations central to other ways of thinking (e.g., conservative) and, as a result, lacking full moral awareness.

Is it possible then to derive the 'legalistic' suggestion? The major issue of modern codes is their lack of consideration of a professional's subjective, internal ethical attitude. People's ethical actions, while to some extent directed by external instructions (codes, laws), are mainly grounded in internal ethics. Therefore, it is vital to provide—if not to set—an opportunity to choose from a range of values/rules in which to ground concrete ethical action. In other words, to personalise ethical guidelines with regard to choice of values and action.

As evidence in support of this proposition, while some colleagues oppose the regulation and registration in psychotherapy, the main criticism is not with regard the registration/regulation per se, but the lack of opportunity to choose and relate to those who are in charge of registration (Younger, 2017). State bodies consisting of people not elected by and not accessible for professionals, face much stronger opposition than those consisting of members elected by, and responsive to, their professional body.

Similarly, Tudor (2011), explored the problems with state registration of psychotherapy in New Zealand, showing that some regulations are just irrelevant to a great portion of practitioners. However, Tudor (2017) claimed that:

the majority of the profession don't care enough about it; like being able to refer to themselves as registered psychotherapists (which, of course, is a tautology); and have settled into an easy acceptance of the status quo, whatever the Board proposes or enacts. (p. 192).

Again, the lack of acknowledgement of people's subjectivity and internal attitudes is demonstrated. This could potentially lead to the consequences relative to those described in the Hoffman report.

8 | PSYCHOLOGICAL (PERSONOLOGICAL) VIEW – AN ATTEMPT OF INNER ETHICS ANALYSIS

Finally, it is important to address the issue of what (internally) motivates people to act one way or the other. Ethical action is interconnected with ethical attitude; though only action is the terminal 'result' or demonstration of one's ethics. By a person's deeds, one can 'see' what ethical attitudes the person 'has'. It is necessary to distinguish the 'deed' and simple 'action' (Asmolov, 2007).

The deed is not just behavioural act, but takes into account consequences—personal and social. Deed includes self-evaluation and social evaluation of an act. A person wilfully and consciously makes a deed acting or abstaining from action. Ethical deed is always non-situational, *suprasituational* activity. According to Petrowski (2010), *suprasituational activity* is non-adaptive. It takes into account both an actual goal or need that motivated an activity, transcending the immediate requirements of the situation (Kaptelinin & Nardi, 2006). There is an intrinsic motivation to act situationally non-adaptive but take into account broader opportunities and motives as well as responsibilities that were brought by an activity itself. An example of such behaviour is a risk behaviour (especially situations of self-less risk) or art. Such activities are 'non-adaptive' in terms of immediate 'here-and-now' needs and motives but take into account the broader field of opportunities and extra-motives, non-available from the situational perspective. The person stands 'above' the situation now becoming individually responsible for their own activity and decisions.

So, ethical behaviour (as well as unethical behaviour), ethical 'deeds' are suprasituational. They rarely satisfy the 'here-and-now' goal; and, even if they do (i.e., the decision not to resist an oppression in order to get benefits), still it is an action within the 'larger context', which encompasses situational conditions and the full *being* of a person. What is much more important, from the suprasituational point of view, is that there is a person who bears responsibility for their own ethical deeds—neither 'code', nor governing body, nor colleagues.

The problem though is a lack of reflexivity. Breggin (1971) claimed that psychotherapy (more specifically—psychoanalysis) is an applied ethics (or ethics in action) and warned that the therapist's particular ethical values must be made explicit in the context of therapist-client relations. Though, in the context of Hoffman's, it becomes more and more obvious that practitioners' ethical values should be made explicit to their owner—therapist (or the other practitioner) in the first place.

Raising an awareness to the suprasituational nature of the ethical deeds, to the responsibility one always bears for own ethical actions might offer a key for the improvement of the situations with the ethics in psychotherapy. It is beyond the scope of this paper to go into technicalities, but one practical way to raise such awareness is personal therapy (still not required in many jurisdictions). The other one is thematic intervision groups dedicated to ethics.

9 | CONCLUSION

The present paper has considered the Hoffman's report and subsequent reactions, and offers two ways of improvement. Codes of ethics are necessary documents that provide basic guidelines. Such documents, however, should be personalised and provide professionals with an opportunity to choose what ground to stand. However, before standing the ground, one should be aware that their ethical deed is something they are fully responsible for; that such deed encompasses the whole being of the individual, the scope, much greater than here-and-now needs. Thus, it is important to be aware of and awaken rather than comforting ourselves with the idea that the perfect code will fix it all. This is the second way of improvement, to be aware of such nature of ethics and, most crucially, our responsibility for it.

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