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## The Study of Torture: Why It Persists, Why Perceptions of It are Malleable, and Why It is Difficult to Eradicate

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Review

# The Study of Torture: Why It Persists, Why Perceptions of It are Malleable, and Why It is Difficult to Eradicate

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**Abstract:** Why does torture persist despite its prohibition? Scholars, policymakers, and the public have heavily debated this topic in the past decade. Yet, many puzzles remain about the practice of torture. Scholarship on torture spans academic disciplines, which adds diversity in perspectives brought to these questions but also can lead to redundancy and stunted progress in research on the issue as a whole. This article assesses the state of the multidisciplinary literature on torture in counterterrorism with specific focus on why democracies torture despite prohibiting it, how public perception of torture is malleable, and why so few countries are able to move from commitment to compliance in the prohibition of torture. In each section, the article also identifies underexplored areas in the research and suggests avenues for future investigation.

**Keywords:** torture; counterterrorism; terrorism; human rights

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## 1. Introduction

Prior to 9/11 and the “war on terror”, Americans generally associated the term *torture* with atrocities that either happened in the past or occurred in distant lands. Torture evoked images of punishment in the Middle Ages, the Holocaust, the wars in Yugoslavia and Rwanda, and the systematic sexual violence that is rampant in conflicts around the globe. For some Americans, torture also may have evoked grisly images from our own past, such as the Salem Witch Trials, slavery, lynching, and the torture scandals in domestic police departments and prisons. Few, however, would have thought that torture occurred in the present day at the hands of most governments—including democracies—around the world. The images of Abu Ghraib, which surfaced in April 2004, likely

changed many Americans' perceptions of torture and the United States' involvement with it to a more accurate representation of this global phenomenon that has persisted for centuries. While discussions and scholarship on torture existed prior to Abu Ghraib, this incident led to vigorous debates about the practice and increased scholarship on torture across disciplines.

Two hundred and fifty years ago, Cesare Beccaria called for a prohibition against torture on the basis that it was uncivilized, favored the guilty, and was not a rational action for a state [1]. In the century following Beccaria's treatise, torture—at least its public practice—declined sharply, leading to Victor Hugo's famous proclamation in 1874 that "torture has ceased to exist" [2]. Though physical punishment short of torture was utilized through the nineteenth century, torture did not reemerge, at least publicly, until World War II [3]. In the aftermath of World War II, the international community formally prohibited torture [2]. Torture has been widely condemned, yet these brutal tactics are still used by the majority of governments, including those that outwardly denounce them.

Given the prevalence of torture worldwide, there are a number of puzzles that remain unanswered or inadequately addressed in the literature. Despite its questionable efficacy, why does torture persist? Why do some people change their opinion about torture due to scope conditions while others do not? Why are a few countries able to move from commitment to compliance in the prohibition of torture when so many do not?

In this article, I discuss torture in counterterrorism by synthesizing the multidisciplinary literature on this topic. I assess scholarship on three central puzzles about torture: why torture persists, why opinions of torture are malleable, and why most states are unable to move from commitment to compliance in the matter of the abolition of torture. I review the literature on these issues, discuss level of empirical support and underexplored areas in the research, and suggest avenues for future investigation.

## **2. Why do Democracies Torture?**

Torture violates most national and international laws, yet it persists [4]. Why do states—particularly democracies—that formally prohibit torture still engage in the practice despite its questionable efficacy? In his extensive review and analysis of torture, Rejali identified three reasons why torture appears in democracies: the national security model, the civil discipline model, and the juridical model [5]. For the United States, the national security model of torture as a response to terrorism is most prominent. Especially in the post-9/11 era, democracies, such as the United States, have used the threat of terrorism to justify the use of torture, or at least to turn a blind eye to its use [6].

To date, scholars and policy makers have put forth two claims for why torture is used by democracies in the name of counterterrorism: interrogational torture and deterrent torture. Interrogational torture aims to extract information [7]. Deterrent torture aims to discourage similar acts of terrorism by raising the cost of engaging in this form of violence [8]. The empirical support for these claims, however, is lacking, and will be discussed in more detail below. Democracies may also use torture when there is an opportunity to do so with impunity. While other scholars have hinted at the opportunity explanation for torture [9], it has been underexplored in the literature to date.

### *2.1. Interrogational Argument*

Interrogational justifications presuppose that the individual being tortured possesses information, and that this information will only be divulged via torture [8]. Wantchekon and Healy explained that torture can be a rational action for both the state and the individual torturer to extract information [10]. Building on classical criminology theory, the decision to commit a crime, including torture, is influenced by an evaluation of its rationality and utility. Cornish and Clarke emphasized bounded rationality, which is the idea that rationality is constricted by the information available at the time of the decision to engage in crime or deviance [11]. In response to terrorism where information is constricted, torture can be appealing—especially for democracies—to gather intelligence that potentially prevents future attacks because it is quick and has a low financial cost [7]. These theoretical arguments must be applied to real world scenarios to assess whether or not torture works.

Interrogational justifications assume that torture is effective at eliciting actionable intelligence [12]. It is unclear, however, whether information obtained via torture is accurate. Anecdotal evidence suggests that it frequently is not [13–15]. During the “war on terror”, some members of the United States government have used the interrogational justification for torture. The most memorable, perhaps, is former Vice President Dick Cheney’s assertion that water-boarding Khalid Sheikh Mohammed produced “phenomenal” results. Cheney also claimed that similar “enhanced interrogation techniques” were integral in locating Osama bin Laden [16]. The Senate Intelligence Committee Report has since refuted Cheney’s claims [17]. To date, there is more evidence to contradict the claim that torture is effective at information gathering than there is to support it [18,19]. If torture does not work, then the interrogational argument for torture has no merit and the practice cannot be justified. If there are certain scenarios in which torture may work, only then would it be pertinent to engage in a discussion about whether torture could ever be justified in those situations where it is most likely to be effective.

For legal, ethical, and practical reasons, it is challenging to empirically test the claim that torture is effective at gathering actionable intelligence. To date, social scientists have relied mostly on theoretical arguments, game theoretical models, and anecdotal evidence on the efficacy of torture. It is unlikely that researchers would be given access to interrogations where torture is used, and—even if they were—such studies would be unlikely to be approved by Internal Review Boards. Similarly, researchers are unable to conduct laboratory experiment using torture or torture-lite practices. Novel experimental designs, however, have been developed to examine the prevalence of and scope conditions associated with false-confessions mirroring criminal justice interrogations [20–22] and military interrogations [23]. The evidence from these studies shows that innocent “suspects” in experiments falsely confess the majority of the time instead of facing an uncertain future punishment. While there are concerns over the naturalism of lab experiments, studies such as these are likely the closest that researchers can get to study the efficacy of different interrogational tactics. This branch of research is in its infancy. Further exploration of the structural, sociological, and psychological factors that can yield accurate intelligence while decrease false information is a new and promising avenue of research.

## 2.2. Deterrent Argument

In 2002, Alan Dershowitz suggested that judicially sanctioned torture could deter terrorism by punishing offenders [24]. The idea of deterrence has been applied to a range of criminal offenses, including terrorism [25]. Tindale discussed deterrent torture as a mechanism to raise the costs of terrorism to individuals in an attempt to dissuade future offenders [8]. According to classical deterrence theory, crime is a choice based on weighing costs and benefits, where increasing the cost deters the action. Deterrence theory assumes that punishment deters offenders and that humans are rational and self-interested. Some argue that terrorists are rational actors [26], while others argue that terrorists are more concerned with their larger goal and less about their own punishment than a common criminal [27]. If a state or its agents view terrorists as rational, then torture may occur using a deterrent justification. However, if individuals who use terrorism have collective goals, deterrence involves more than just an individual impact. Since deterrence research has largely focused on the costs and benefit analysis of crimes at the individual level as opposed to the group level [25], there may be a mismatch in unit of analysis for studying the potential deterrent impact of torture that should be addressed in future studies of this relationship.

It is unclear if torture actually works as a deterrent against terrorism. To date, this discussion has been largely theoretical and there is no empirical support for the claim that torture deters terrorism. Torture sometimes fails not just to deter future acts of violence, including terrorism, but may actually lead to increased incidents [28]. There is some preliminary evidence that the backlash faced from torture through increased terrorist attacks and recruitment for terrorist groups outweighs the possible deterrent impact [25,29–32]. In asymmetric conflict, the groups that use terrorism want the populace to question the state's legitimacy. When a state responds to terrorism with torture and these offenses become public, the people may question the state's authority. This can lead to backlash helping to accomplish the goals of those who use terrorism [15,33]. Neglecting human rights to fight the "war on terror" may undermine the very goals of this war, and is unlikely to result in greater security [34]. If we give up many of our freedoms in search of security, are we not accomplishing the goals of our adversaries? More research is needed on the impact of torture on terrorism, and this scholarship should address the below listed issues.

The relationship between torture and terrorism may be endogenous, making it difficult to empirically test. The issue of endogeneity has been handled in past research by lagging all independent variables by one year. However, this may not be the ideal time lag because groups may respond to one another in a different time frame [30]. Additionally, the one year lag does not account for possible changes in the relationship between torture and terrorism over time, which can be examined using different time lags in future studies, assuming that more granular data is available for the outcome variable, key independent variable, and controls. Future research should address issues of endogeneity and time lags more extensively.

At present, there is more empirical evidence to suggest that experiencing terrorism diminishes a state's respect for human rights [32] and results in increased use of torture [7] than for the reverse causation. Torture can be a more clear reaction to terrorism, though the reverse causal pathway is likely muddled by the myriad factors that can also lead to terrorism. Without knowing the reason or reasons that motivate each act of terrorism, researchers cannot determine the impact of torture alone on

terrorism. Instead of looking at annual levels of terrorist attacks in a country and the number of torture allegations against that country, future research should disaggregate each form of violence to see if situational variants of torture (*i.e.*, type, perpetrator, victim) impact different types of terrorism, and how these relationships may vary by groups that use terrorism or the ideologies claimed by these groups.

There are concerns over the validity and reliability of data on torture and, to a lesser extent, terrorism. Despite best efforts to collect complete and accurate data on torture and terrorism, both generally rely on publicly known information (for example, the Cingranelli-Richards (CIRI) Human Rights Dataset [35] and the Ill-Treatment & Torture (ITT) Data Project [36] for torture data, the Global Terrorism Database (GTD) [37] and the International Terrorism: Attributes of Terrorist Events (ITERATE) data [38] for terrorism data). There are certainly incentives for governments to protect information regarding the use of torture and incidents of terrorism, which could result in underreporting, especially from more closed states. Due to data issues for terrorism and especially for torture, caution should be exercised when drawing conclusions about the impact of one type of event on the other.

### *2.3. Routine Activities and Obedience Arguments*

Routine activities and obedience explanations for why torture is used in counterterrorism have received little attention to date but warrant further examination, especially since there is scant evidence to support the arguments that torture works as either an interrogational or deterrent tool. Cohen and Felson argued that crime occurs during one's routine activities when a motivated offender, a suitable target, and lack of a capable guardian converge in time and space [39]. Inherent in the theory is the assumption that anyone would commit crime given the right combination of disposition and opportunity. This theory can be applied to political crimes, such as torture, yet has been underdeveloped to date.

Routine activities theory could explain why torture occurs, even in democracies, when police officers or intelligence agents need actionable information, when there is little oversight, and when there are terrorist suspects and other prisoners in their custody. For example, Tony Lagouranis's firsthand account describes the disconnect between the Army interrogation training that prohibits torture and the practices of some interrogators on the ground at Abu Ghraib [40]. He notes that prisoners were assumed to have information and were routinely dehumanized, which likely made it easier for interrogators to engage in torture despite prohibitions against it [41]. By creating situations that are conducive to torture and failing to punish those who use it, countries—including democracies—implicitly condone torture. When it is seen as a mechanism to gather information, torture can be a classic principal-agent issue where the agent on the ground can break the law, and the principal who benefits from the action can deny knowledge if it ever becomes public [42]. In democracies, it is especially important for the principal to have this plausible deniability.

Alternatively, torture may persist because states—even democracies—explicitly order it either directly or through commanders on the ground who jettison official protocol. Levinson argued that torturers are not necessarily sadistic or evil [43]. Instead, as Milgram found in his groundbreaking research, they may just be obedient [44]. He found that obedience is a basic component of human social nature, even if there is no punishment for disobeying. Milgram's participants inflicted pain on another person, even an innocent civilian, if told to do so by a figure of authority. Wantchekon and

Healy suggest that obedience to authority may be even higher for torture [10], though this claim lacks empirical support to date.

Crelinsten argued that torture is a trained behavior and, no doubt, there are situations where this has been the case [6]. However, Zimbardo's prison study found that, even in the absence of training, average people can fall into the role of brutal prison guards within a short time period in the proper circumstances [45]. If a principal within a state agency orders torture, agents are likely to obey. For individual agents, the shift from conformity to the rules to deviance from them may be easier when fellow interrogators are moving toward deviance as well [46]. Amir and colleagues stated that: "There is no question that the insights from research in psychology and behavioral economics could be very useful in informing policy decisions. If the designers of the prison systems would have been more familiar with the work of Zimbardo, the travesty at the Abu Ghraib Prison (as well as in others) might have been prevented" ([47], p. 452). In fact, Zimbardo aided the defense of a soldier accused of torture in Abu Ghraib by stating that in a stressful and chaotic environment with poorly trained officials, this behavior is inevitable [48]. For this reason, Fiske and colleagues asked whether supervisors (and peers) should be held responsible when torture occurs even when it was not expressly ordered [9], as they could have provided guardianship against the practice of torture but failed to do so.

Anecdotal evidence and firsthand accounts suggest that routine activities and obedience approaches may explain why torture persists despite its questionable efficacy, yet there is dearth of empirical research on this. As Lagouranis mentioned, interrogation conditions at al-Asad Airfield were far less harsh than at Abu Ghraib [40]. Why did torture occur in one and not the other? At a macro-level, the structure of the prison itself, bureaucratic functions within the prison, or the level of oversight may explain differences in torture by location even within the same conflict in the same spatial and temporal domains. At the micro-level, individual interrogators may engage in torture if it socially desirable in the prison culture to do so, through groupthink [49], or if prisoners are dehumanized to the point that cognitive dissonance is alleviated because their subjects are no longer viewed as human beings about whose treatment one could have moral reservations [50]. Future research should focus on the differences in structural factors, sociological contexts, and individual interrogators between prisons where torture occurs and prisons where it does not.

There is also a dearth of empirical literature on torture from the perspectives of the individuals involved. Narrative accounts of torture from both the victim and the perpetrator's perspective provide names and faces to the practice and can serve to make torture more visible to the public [51]. Literature on torture victims discusses the myriad challenges that survivors face, such as psychological issues including post-traumatic stress disorder and depression [6] and myriad physical health issues [52]. For perpetrators, torture persists due to diffusion of responsibility and can lead to a cycle of degeneration and corruption [6]. Perpetrators of torture likely have long-term psychological trauma as a result of their actions, but this topic is under-researched due to lack of access to people who have tortured. The primary challenge to research with the individuals involved in torture is gaining access to these populations. Many torture victims are unable to talk about their experiences due to continued detention or death. Those who are potentially accessible may be reluctant to discuss their traumatic experiences with researchers. Similarly, while a few former interrogators have come forward to discuss their experiences, it would be challenging to conduct a systematic examination of torture from the

perspective of the perpetrators. Despite these challenges, research with those directly involved with torture would greatly expand our understanding of the practice and why it persists.

#### *2.4. Summary*

In short, the puzzle of why democracies use torture despite its questionable efficacy has not been adequately answered. Literature has focused on two answers to this question—an interrogational argument and a deterrence argument—though neither has strong empirical support. Further research on whether torture is effective at eliciting actionable intelligence should be based in experimental studies that vary structural and situational factors, and examine individual differences in propensity to give accurate information. To examine the potential deterrent impact of torture on terrorism, data should be disaggregated to see if there are situations in which torture actually deters terrorism. Perhaps the most promising future avenue for research is into the routine activities and obedience explanations, and focusing on the individuals directly involved in torture either as victims or perpetrators. It is troubling to think that ordinary people can be capable of torture, which leads to questions about how views on torture are altered to allow people to support or even engage in behavior that would normally be viewed as immoral.

### **3. Perceptions of Torture**

Public perception and support of torture further complicates our understanding of the disconnect between prohibition and practice. Over the past 13 years, torture has been increasingly part of public discourse [29]. Amplified discussion has led to a false consensus that more people in the United States support torture than actually do [53,54]. In fact, Gronke and colleagues found that support for torture has not been the majority position in the United States [54]. Despite this, about two thirds of the population overestimate the level of national support for torture, and as an individual's support for torture increases, so does the degree of his overestimation. These findings assume, however, that an individual's support for torture is invariant. Recent experimental studies show, however, that this is not the case. Why do some people change their opinion about torture due to scope conditions while others do not?

#### *3.1. Perceptions and Definitions*

The formal legal definition of torture is clear in its main thrust (if not in drawing fine lines of distinction among abusive practices), but applications and interpretations of this definition are inconsistent. Variable definitions—or interpretations of definitions—for torture by government officials and policy makers may impact public perception. For example, some members of the US government have stated that the actions in which military and intelligence officers have engaged do not meet the definition of torture or that detention centers overseas do not fall under Constitutional protection [48]. The Bybee memos, for example, offered an alternate operating definition of torture and argued that the use of “enhanced interrogation techniques” such as sleep deprivation and water-boarding—which had long been considered torture—may not constitute torture and thus would be permissible in the “war on terror”. Inconsistencies in individual views of torture also stem from the myriad forms that torture can



take. Until the mid-twentieth century, torture was a form of physical punishment that involved visible scarring [5]. In more recent decades, as international human rights monitoring bodies have increased scrutiny, many states—particularly democracies—have moved toward “clean” or “stealth” methods of torture, or “torture-lite” [5]. These newer methods of torture can still be physical (e.g., water-boarding) or can be psychological (e.g., music torture or sleep deprivation), and this variation in torture practice may explain changes in perceptions as well. Even among a survey of military interrogators there is generally consensus on the definition of an interrogator, but progressively less agreement on the definitions of coercion and torture, respectively [18]. Among civilians as well, individual definitions of torture are imprecise [55]. For all of these reasons, research on the impact of scope conditions and situation variants on perceptions of torture is important.

### *3.2. Experimental Research on Perceptions of Torture*

A burgeoning body of experimental literature has found that factors such as social distance, level of guilt, and political ideology can impact perceptions of torture [55,56]. While some people change their stated beliefs on torture based on scope conditions (the conditions under which torture is seen to be applicable), others do not. This indicates that some people have a categorical view of torture—either they always support it or, more likely, always oppose it while others have a more malleable view of the practice. People who support torture tend to justify these tactics in utilitarian terms, yet the true reasons why people support torture are generally to assert power and to punish [13,57]. This is demonstrated by the case of Mohammad al-Qahtani—the twentieth hijacker from the terrorist attacks on 9/11—who was captured by the U.S. and kept in isolation for 160 days in a cell that was constantly lit. He was interrogated for 18 to 20 hour stretches, was stripped and humiliated, and yet he still did not confess [58]. Had these interrogation practices been utilitarian, it is not likely that they would have lasted for over five months. It would have been evident that al-Qahtani was not going to break. Rather, the continued use of “clean” torture techniques was likely punitive. Do people really know why they support torture? It is possible that either they publically offer a more socially desirable answer or they experience cognitive dissonance and lie to themselves about their views. Future experiments should adjudicate between these alternative explanations, and explore how additional information about torture can also alter stated beliefs about the practice.

Sidanius and colleagues proposed a social dominance perspective of punishment as a mechanism to retain a hierarchical social structure [57]. From the social dominance perspective, people will tend to favor harsher punishment against subordinate groups. Supporting this claim, experimental research shows that perceptions of torture within the “war” paradigm are a function of both the social and geographic distance between the torturous act and the public [59]. Political ideology may also drive some of these differences as Norris and colleagues found that self-identified conservative participants were more likely to label an act as torture when the victim was American than when the victim was Iraqi, but this difference was not found for liberal participants [55]. More research is needed to understand the impact of racial or ethnic factors on perceptions of torture, how the racial dyad between the interrogator and suspect impacts perceptions, how the location of the interrogation impacts perceptions, and how these factors interplay with one another.

Research has also shown that there is an empathy gap for the pain experienced by torture victims. Memory of pain decreases with time; the effect of pain on empathy may dissipate in just a few minutes [60]. An individual's ability to perceive another's pain may be impacted by that individual's visceral state at a given time—for example, a person who is cold will have more empathy for victims of torture by exposure to cold temperatures [61]. Experimental work to date shows that people are more supportive of torture when: it is psychological as compared to physical [62], a member of their in-group is the perpetrator [63], a member of their out-group is the victim [55], it is perceived as the status quo [53], and it is framed as effective [64].

### 3.3. Summary

Perceptions of torture are not constant. This complicates our understanding of why torture persists and challenges for the prohibition of torture in practice, as public opinion is malleable and subject to changes in how torture is framed, which can potentially impact policy. Perceptions research to date has been experimental and confined to samples of college students or community members. With one exception, these studies have also focused on stated views on torture and not behaviors in line with these stated beliefs [64]. However, there is frequently a disconnect between what people say and what they actually do, which makes it all the more important to measure actions as well as words. Going forward, experimental research should pay more attention to the behavioral component, and expand into field experiments where feasible. Future studies should also examine how information impacts perceptions, whether people know why they support torture, and how perceptions of torture can be altered for those in the position to impact practice such as members of law enforcement and the military, policy makers, government officials, and former torturers themselves.

## 4. Challenges for Moving from Commitment to Compliance

To date, the United Nations Convention Against Torture (UN-CAT) has been ratified or signed by 154 countries. In theory, compliance for a negative obligation, such as the prohibition against torture where a state has to refrain from an action instead of providing a right, should be easier. However, there is a large difference between committing to the prohibition of torture on paper and complying with this prohibition in practice. Amnesty International's 2010 report that 111 countries used ill treatment and torture clearly shows this disparity. Why are a few countries able to move from commitment to compliance in the prohibition of torture when so many do not?

### 4.1. Challenges for Compliance in the Prohibition against Torture

Most democracies that formally prohibit torture still practice it [65]. Yes, most literature to date addressing this issue has focused on what does not work in terms of compliance with the prohibition against torture instead of what does. Since so few democracies comply with UN-CAT, naming and shaming non-compliers is neither common nor effective as there is not a legitimate enforcer to hold countries accountable for torture violations [66]. Since there is not an international enforcer to hold states accountable for compliance with the CAT, states must hold themselves accountable. This, of course, is not without its own challenges. The 1999 Istanbul Protocol, though non-binding, called for

states to intervene and investigate allegations of torture themselves. However, the likelihood that this will happen—and the effectiveness of these investigations and interventions if they do happen—depends on the functionality of states' domestic institutions [67]. Even for states that have the domestic institutions necessary to investigate torture allegations, they are often insufficient due to a lack of willingness to engage in these investigations. Additionally, with greater pressure to comply with prohibitions of torture, there may be a movement toward “clean” torture methods instead of a cessation of the practice [5,68]. To combat these challenges, more effective political and legal mechanisms to prosecute individual perpetrators and shame these governments are necessary [69].

Despite human rights concerns, many in the public view torture as essential to fight our enemies [14]. This misperception has been compounded by the television shows and movies, which have added a normative component to torture by depicting it as an effective tactic in counterterrorism [3] that increase support in favor of torture [51]. The cultural distance from torture victims plays a key part in why torture persists. Sherif and colleagues found that a strong notion of in-group and out-group identity can lead to increased aggression [70]. As previously discussed, experimental research to date has shown that a torturous act is more likely to be defined as such when it is perpetrated against one's in-group [55] or is perpetrated by a member of the one's out-group [64]. These findings are especially strong in the context of the “war” paradigm used since 9/11, which exacerbates the idea of “us *versus* them”. In this framework, people may be less concerned about torture when it occurs overseas against terrorism suspects that are viewed as a distinct “other”. This is an obstacle for countries to move from commitment to compliance in the prohibition of torture, especially if the public becomes less vocal about opposition to the use of torture and does not hold the government accountable for their actions. Given the number of challenges faced, it raises the question of what—if anything—could make a country cease the use of torture?

#### *4.2. A Need for Comparative Case Studies*

To help answer the question of how states can move from commitment to compliance in the prohibition on torture, scholars should turn to the example of the few states—such as Germany—that rarely uses torture. By focusing the policies, practices, and procedures that may impact a state's compliance with UN-CAT, scholars can explore comparative case studies that would shed light on what works and could be potentially instructive for other states. The observable factors—such as removing war rhetoric from the discussion on coercion or torture [71], charging and trying terrorism suspects swiftly [72], and punishing agents who engage in torture [73]—that may contribute to Germany's compliance are anecdotal at present and warrant further exploration. Future research should focus on understanding why Germany, or any other compliant country, has been successful in preventing torture through process tracing and both most-similar and most-different case comparisons. As discussed in previous sections, differing operational definitions, justification, and perceptions of torture continue to pose significant challenges for states to move from commitment to compliance in the prohibition against torture. It would be helpful to also understand how these legal and perceptual components of torture impact practice in compliant countries, and explore differences between compliant and non-compliant countries. Lessons learned from these studies could then impact practice regarding the shift from commitment to compliance in the prohibition on torture for other states.

## 5. Conclusions

Academic scholarship on torture has increased in recent years. This body of literature spans disciplines including anthropology, criminology, international relations, political science, psychology, and sociology. While intellectual diversity broadens the perspectives addressing this issue, the body of literature is young and needs stronger cross-disciplinary communication. Scholars of torture bring a multitude of theoretical and empirical approaches to bear on the subject. With increased communication across disciplines and with practitioners and policy makers, we can leverage these perspectives to collectively move the literature forward, provide more thorough and rigorous empirical tests for competing explanations for the meaning and uses of torture, and provide more nuanced understandings of torture.

Early work on torture was largely descriptive and theoretical. After Abu Ghraib, dozens of articles debated the morality or legality of torture but did not fully speak to one another. In recent years, torture research has shifted to large-N studies and experiments on perceptions of the practice. Moving forward, scholars should address key puzzles on torture—such as those discussed in this paper—through a more analytical lens using multiple methods and better data to provide greater empirical support for claims about why torture persists, why perceptions of it are malleable, why some countries cannot move from commitment to compliance in the prohibition of torture, and other ambiguities about torture.

The first step to more theoretically and empirically sound research and practice is to understand differences in interpretations of what constitutes torture to minimize the room for misinterpretation by policy makers and the public. We should also move away from the war paradigm and hypothetical ticking time bomb scenarios to discuss and potentially justify the use of torture. Future research on why democracies use torture despite its questionable efficacy should be based in experimental studies, disaggregated large-N studies, and qualitative studies with individuals involved that examine structural and situational factors, and individual differences in such outcomes as propensity to give accurate information, to be deterred by torture, or to engage in torture. Research on perceptions of torture should focus more on the contours of stated support, behaviors that could impact policy, and how these beliefs can be moderated across the public, members of the law enforcement and military communities, and policy makers alike. Lastly, to address the question of why some democracies are able to comply with the prohibition of torture, future research should compare these successful cases to other countries that commit but fail to comply with such prohibitions. Insights gleaned from such comparisons may provide keys to spur greater compliance among democracies.

## Conflicts of Interest

The author declares no conflict of interest.

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