

***Anatomy of Torture* by Ron E. Hassner (Review)**

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Torture works (sometimes). That rather non-committal declaration might risk me being labelled pro-torture by some. At least that's the feeling I get from my past experiences. For example, early in my graduate school career, a heavy-hitter scholar visited our department. He graciously took a few graduate students to coffee at our campus café. There he told a story detailing the impossibility of publishing a paper that showed state torture levels correlated with fewer terror attacks in the future. Reviewers and/or editors, it seemed, could not bring themselves to publish something that showed empirically that torture may be in any way efficacious. This anecdote meshed well with my experience in a graduate seminar the following year with the rather uncomfortable title, the Ethics of Torture, where I found myself wondering aloud to the class about torture's ability to compel people to divulge information they would rather keep secret. The looks on the students' faces in the decidedly anti-torture class made me wonder if I had become a torture apologist just for considering it. If only Ron E. Hassner's *Anatomy of Torture* had been available a decade sooner.

In the book, he sets out to answer a fundamental empirical question: Can torture work? Anecdotes abound, but, due to both ethical and national security considerations, until now, we have had no way of systematically answering that question. Or so we thought.

Instead of patiently waiting decades for governments to declassify material, Hassner devised a rather creative solution—look to the past; so far into the past, that the present government has no political reason to oppose the research. To that end, Hassner relies on centuries-old archives of the Spanish Inquisition. For all of the gore-filled reality of torture, the Inquisition kept decidedly tidy books of the practice including: the victims, what the Inquisition knew prior to the torture, what the victims

divulged, and what the Inquisition uncovered after the torture. Voilà! Systematic data on torture and its effects.

Over the course of seven chapters, Hassner paints a picture of the Spanish Inquisition as a strategic actor that learns over time. He wisps us from 15th century Spain to 17th century Mexico, introducing us to the human beings that would become the (future) victims of the Inquisition's torture practices. Over these two centuries, and across several victims, the Spanish Inquisition learned a great deal about the most effective ways to wield pain for the purposes of acquiring information. In what follows, I review this brazen book by giving a short description of what Hassner finds, and his methods for doing so before, then, posing several questions, that, without the book would not have occurred to me. As I'll make clearer throughout this review, although I have several questions on main points of the book, the intellectual conversation it kicks off is invaluable for both ethical and policy reasons.

Chapters 3 through 6 represent the main empirical contribution of the book. In Chapter 3, Hassner uses archival evidence to perform a sort of comparative case study between the Inquisitional courts in Ciudad Real from 1484-1500, and those same courts during the years 1500-1515. This time period represents the earliest years of the Inquisition and Hassner uses it to present the Inquisition as a strategic actor capable of learning over time. From 1484-1500, the Inquisition uses a rather scattershot strategy, haphazardly deploying its tools in the service of identifying and eliminating the underground Jewish networks populated by what it called "conversos." In this exploratory phase, the Inquisition did not know much about who belonged to these networks much less the specific religious crimes they were committing (i.e., various Jewish customs such as keeping the Sabbath on Saturday, refraining from eating pork, funeral rituals, and celebrating Jewish holidays). What it did know came from an attempt at initial information collection that came mostly from a grace period the courts instituted that offered individuals absolution for informing on others. This, in turn, caused counter-testimonies. Unsurprisingly,

the grace period also offered a way for individuals to settle personal scores. The result was a flood of information from which the court needed to sift the signal from the noise.

Importantly, those suspected, including the guilty, knew that the Inquisition lacked concrete evidence. Throughout the chapter, Hassner provides details of individuals doing a dance of denial and redirection as they balance their conflicting preferences between ceasing the immediate pain and keeping the confidence of fellow conversos.

That dance became more difficult as the investigation progressed. The inquisition collected increasingly corroborated information. Armed with that, inquisitors could use torture more surgically—asking fewer leading questions, applying metered amounts of pain (usually by gradually ramping up the pressure with twists of the rope on a torture rack), having (at least vague) notions of what information they wanted to receive, and thus a relatively pre-determined point of success and, thus, cessation. The corroborative torture resulted in more confirmable confessions. In essence, the Inquisition learned more efficient torture techniques. Exploratory torture led to false leads, incorrect conclusions of innocence, and unnecessary escalation of excruciating pain. Corroborative torture, on the other hand, gave the inquisition more actionable evidence that could be checked against the existing record, thus leading to more efficient physical coercion.

Chapters 5 and 6 are presented in a way that suggests a similar pattern in Mexico City about a decade later. Chapter 5, titled “Exploratory Torture” documents the relative failure of the method between 1589 and 1591. In Chapter 6, titled “Corroborative Torture,” the inquisition finally succeeds in “decimating the crypto-Jewish community of Mexico City” (97) using torture to corroborate information collected earlier in the investigation. So, again, 100 years later, corroborative torture worked where exploratory torture did not. But, now, if you are not already screaming at the page about this, is a good time to ask: what does it mean to say torture worked? Is it the total number of conversos correctly

identified? Or is it the rate of positive identifications which can be achieved by increasing true positives or decreasing false negatives? Or, is it something different, larger, i.e., eliminating a (threatening) group? At times throughout the book, the goalposts find themselves planted in each of these spots. Such imprecision, far from trivial nitpicking on my part, affects the author's ability to present his arguments in fully convincing fashion. For example, if one conceptualizes torture's success as the absolute number of conversos identified, though exploratory torture led to false accusations and missed chances, the raw number of identifications undoubtedly increased. If, on the other hand, rate of real confessions matter, exploratory torture's inefficiencies preclude it from consideration for effectiveness. However, the likely goal of torture, whether in the Middle Ages or today, is to weaken a political adversary. With that in mind, exploratory torture's imprecision becomes a potential weapon to wield against the enemy. The terror from such a regime can cause populations to go underground, leave the area, and ultimately disband their movements.

While the outcome of interest changes throughout, so, too, does the explanans. For example, the main thesis is that torture's efficacy depends on how and when the torturers employ it. Corroborative torture, applied against more-likely guilty individuals yields more information than exploratory torture applied more broadly against a population with no information to cross-check the confessions. But, then, he frames Chapters 5 and 6's as an exercise in dispelling a popular notion that torture (particularly of Luis de Carvajal) accounted for the disintegration of Mexico City's Jewish population, by showing it really depended on Manuel de Lucena's testimony, which included no torture whatsoever. Now, we are comparing non-torture vs. torture (rather than exploratory vs. collaborative). It becomes very hard to test hypotheses when the dependent variable (success of torture) and/or the explanatory variable (torture vs. no torture; exploratory vs. corroborative torture) continues to change.

For example, if we conceive of torture success as the number of other conversos identified, we are hard pressed to say which is more effective. Both Lucena (not tortured) and de Carvajal (tortured)

named more conversos than the other “accusers.”¹ But, taken together, their testimonies, along with others, led to the complete dissolution of the underground Jewish network in Mexico City. And perhaps, this is the most important point of all. Identifying confirmatory torture as more successful than exploratory torture misses the importance of the sequence of events. Perhaps, all investigations, whether employing torture or not, are more effective as they progress in time. After all, confirming what one knows is much easier than engaging in exploration. In the latter, an investigator shuts down dead ends by traveling them. Once eliminated, s/he can more efficiently chase more promising leads. For those of us who engage in Bayesian analyses—exploratory investigation requires a non-informative prior, while in confirmatory investigation we can incorporate previous information in the prior. A rather mundane, but testable, hypothesis flows from this conversation: as time goes on, investigations should produce more convictions or victim identifications. But, what we would like to know, is whether that positive trend line is either shifted up or has a steeper slope when torture is used, rather than not. This gets us back to the roadblock that Hassner sought to circumvent by using depoliticized information from times past—we do not have reliable data from government sources that document their experiments with torture as a tactic, and how and when it worked, if ever that would allow us to perform tests that simulate counterfactuals. Chapter 4, in which Hassner presents various descriptive statistics about who was tortured and who testified (though not whether those testimonies were truthful) for the Toledo case between 1575 and 1610, suggests at least one of Hassner’s cases may contain enough data to engage in more rigorous time-series and other statistical analyses.

Related to the dependence of torture success on time, is the fact that the inquisition relied on a repertoire of repression, whose effects may vary when used in different combinations. The Inquisition

¹ Estimates from bivariate negative binomial and Poisson regressions suggest only these two names differed in the number of people identified than the other names (Lucena: $\beta = 0.59$, $p = 0.09$; de Carvajal: $\beta = 0.53$, $p = 0.05$; data from Table 6.1)

learned over time that jailing suspects for indefinite and long periods of time helped loosen their tongues. Additionally, the real prospect of being burned alive in an auto-da-fé loomed, ever-present; and though interrogators may have reminded their victims, they probably did not need to do so. Setting aside the fact that solitary confinement, threatening death, and execution by burning all constitute torture under present international law, using them in combination yielded some success, regardless how you conceptualize it. Imprisonments increased the number of people correctly identified by torture victims, though, one is still left wondering if the (added) torture helped produce the result, or if the prospect of escaping perpetual imprisonment enticed the witness. Auto-da-fés had the genocidal effect of reducing the population, severing network ties, and outright terrorizing people to the point of their fleeing.

In the last chapter and the epilogue, Hassner puts his results into perspective for our modern political world, where the U.S. response to 9/11 put the efficacy and ethics of torture back to center stage. Although a particular type of torture (corroborative) uncovered correct information sometimes (~30% of the time), the policy cost the Inquisition much, and those costs would only be amplified today. The Inquisition's torture cost Spain and its holdings the cultural, economic, juridical, and technological innovations Jews and Muslims offered. As the heretical populations fled, the Inquisition's torture practices spread like tentacles throughout Spanish colonial holdings. Not only did torture increase geographically, but with fewer guilty parties to torture, and pressure remaining to find every last heretic, non-heretical (what the Inquisition would consider innocent) people received the rack and other tortures. The brutality of the policy cost the Catholic Church reputationally at the time, and arguably continues to do so to this day. Considering the marginal benefit of torture (the difference between the 30% rate of uncovering information compared to the unknown, though probably lower, rate of uncovering that information without torture), one must wonder whether the Inquisition would choose that policy path again. And even if the answer is yes, we have hindsight and a different socio-political

environment where choosing such a policy seems foolhardy at best, and vile at worst. The relatively small informational gains made from torture might uncover individuals in a network of dissidents who rely on terror, but doing so risks creating propaganda fodder that will increase the number of new recruits to the network in ways that harkens back to the hydra myth where cutting off one head yields two more. That is to say nothing of the reputational costs governments suffer precluding them from cooperating with other countries to weaken the adversary, as well as accomplish other multilateral goals. None of these are original arguments made by Hassner or me. But, Hassner's research allows us to put a finer point on them. For too long, the argument about whether governments *should* torture has been conflated with the *efficacy* of torture. The absolutist thinking that accompanies questions about purposefully inflicting pain on a (at the moment, at least) powerless person leaks into arguments about torture's effects—those who believe one should never torture find themselves easily receiving claims that torture never works, without evidence or reasonably sound logic. This book, in some ways, mirrors the rhetorical brilliance of the early liberal International Relations theorists, who granted Realists their fundamental assumptions about anarchy, and still showed that states should be expected to cooperate in that world. Here, with empirical evidence of some torture efficacy, we can still conclude that torture is an overall bad policy.

In this, Hassner has done academics and policymakers a great service. He dared to ask whether torture worked, despite his philosophical abhorrence for it, which he strongly hints at in the epilogue. (And Cornell University Press, to their credit, bravely published it). Let that sink in. An anti-torture individual undertook a rigorous archival exploration that may have led him to a conclusion that would have potentially had dissonant repercussions for his beliefs, to say nothing of the years spent doing the research and writing the book, as well as the potential reputational costs for being incorrectly labeled a torture apologist. But he endeavored to explore anyways. His book, then, has lessons that reach further than torture in the 15th and 16th centuries, or even torture now. It dares us to ask questions that make

us and others uncomfortable. It is in these forbidden interstices that science presents the power to uncover greater truths.