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CRIMINAL INTERROGATIONS: A LACANIAN PERSPECTIVE

For law enforcement officials, the outcomes of interrogations have significant consequences for case dispositions. Hence, traditional methods of obtaining confessions in the interrogation room have ranged from illegal physical coercion to various "confidence games." Heavily influenced by the dominant precepts of ego-psychology, the psychoanalytic vocabulary used in the field has been absent of contemporary contributions of Jacques Lacan. In this paper, we offer an alternative understanding of the ego as currently conceptualized in the criminal interrogation practices by illuminating the "misrecognizing," deceptive, and alienating character of the ego, as theorized by Lacan. We suggest practical applications of metonymy and the signifying chain that work as "magic words" in obtaining confessions.

INTRODUCTION

Criminal interrogations have been compared to "confidence games" (Leo, 1996) and acts of "magic" (Adams and Napier, 1998). While no one would doubt that "magic" is a work of illusion, the theoretical framework behind criminal interrogation practices has escaped the attention of criminologists. According to interrogation experts the "magic words" that have been used to secure confessions have relied on the extensive use of common defense mechanisms, such as rationalization, projection, and minimization (Napier and Adams, 1998; Inbau, Reid, and Buckley, 1986).

Rationalization entails the cognitive reasoning processes that offenders use to justify their actions; projection involves the attribution of one's own feelings onto others; and minimization entails a downplaying of the seriousness of one's offenses. In addition to these terms, however, there is no shortage of psychoanalytic argot that has seeped into the popular – and law enforcement – culture when describing the affective states that motivate offenders. Currently, the terms used throughout the literature on criminal interrogations have been heavily influenced by the dominant perspectives in ego psychology. In this paper, we provide a solid theoretical grounding of the psychological principles of interrogation using contemporary developments in Lacanian psychoanalysis. To do so, we begin by discussing the two broad types of offenders that interrogators encounter.

OFFENDER CLASSIFICATION

Offenders do not react identically to interrogation tactics. Some respond favorably to tactical interrogation strategies while some choose to be non-responsive, cold, and nonchalant to the grandest overtures. The two broad types can be described as "emotional" and "non-emotional offenders" (Inbau et. al., 1986: 77-78).

"Emotional" offenders respond well to a "sympathetic approach." They are normatively anchored to the social conventions in that they experience emotions such as remorse, guilt, and an agitated conscience. One of the easiest ways to tell these types is through their physical symptoms. Truth always manifests in symptoms, whether it is

through slips of the tongue, somatic disorders, or subtle behavior. The "themes" that are to be developed in the interrogation for this type of offender are diverse, from creating sameness to condemnation of accomplices.

The next type of offender, non-emotional type, represents the interrogator's most formidable opponent. Seasoned interrogators suggest a "factual analysis approach" for this type of offender. Non-emotional offenders are – as the name suggests – resistant to emotional investment and tend to remain psychologically aloof. Since this type of offender poses significant challenges for law enforcement officers, we will elaborate a bit more on the psychological makeup of this type of offender.

White-collar criminals do not usually fit this category. The most consistent and stable type of offenders who fit into this category is the "hard core street criminals." Put in vernacular terms, this non-emotional offender can be typified as the "badass" (Katz, 1988). "Badasses" display their toughness overtly through ornamented "paraphernalia of purposiveness." They display "transcendence" by remaining "cool and detached" from a situation, and exert a "metaphysic of the moment" – despite the presence of chaotic elements in a situation. Police interrogations can be included in this category.

They have, in essence, separated themselves from the moral, emotional, and civil conventions of society. Their alienated status as beings finds form in the surface representations of their "badness" in tattoos, scars, reflective sun glasses, boots, leather jackets, etc. One of the key elements of anticipating the "badass" and his psyche is to understand the distance he places between himself and the world through objects. Although extracting a confession may seem difficult, we will suggest a theoretically plausible way of undermining the barriers.

The influence of psychoanalytic thought in the principles of criminal interrogation is evident from the references to the "unconscious," "guilt-drives," "neurotic," "father figure," and "ego" (Royal and Schutt, 1976). For example, it is suggested that since images of fathers inspire suspects' confidence, the interrogators are to assume such a role. The key difference between the dominant ego-psychology and Lacanian psychoanalysis is the way the nature of the ego is conceptualized. Embedded in the principles of criminal interrogation, influenced by ego-psychology, is the view that the ego is a rational and autonomous entity. The ego is seen as a way of facilitating adaptation to reality. Analysts have attributed this "Americanization of Freud" to the psychoanalysts who immigrated to the states during Nazi reign (Muller, 1982).

Another noteworthy psychoanalytic contribution to law enforcement practice has been in the field of Statement Analysis (SA) (Adams, 1996), or more broadly, Investigative Discourse Analysis (IDA) (Rabon, 1994). One of the fundamental principles of IDA and SA is the tenet that lexical choices made by subjects during verbal statement and written statement emissions serve as a way of gaining insight into the psychic organization of the subject. The subject's linguistic productions are analyzed according to his/her selection of specific words, its sentence structure, and structural form. Rabon instructs that investigators are to be like "verbal archaeologists."

These investigative principles assume a correspondence relationship between underlying affective states and overt behavior as guides for action. In other words, what we feel unconsciously influences what words we choose to describe a situation, and how those particular words are formed using the rules of syntax. Moreover, pronominal usage is seen as a crucial unconscious embodiment of agency and identification. For example when there is a shift from the subjective "I" to a collective "we" when

referring to a description of the situation by an alleged victim, the grammatical shift is a signifier of an unconscious "slip" that manifests in grammatical form. The key goal of an utterance must be distinguished by the investigator: is the goal of the utterance to convey or convince? (Rabon, 1994).

There is an assumption that the two differing states of intentionality will reveal itself in the content and form of the text. The symbol (word), as a sign which stands for something else (unconscious) is an archaic form of human communication and expression (Harris, 1987). Hence psychodynamic precepts serve as a valuable investigative tool in understanding the unconscious dimensions of the criminal mind. What is needed, however, is a foundational framework on which these related ideas can be interlinked into a coherent and systematic theory. Even criminal detection must begin with a sound theory in order for an investigation to be successful. We will attempt to do so by discussing the theories of one of France's most celebrated psychoanalysts whose contributions have had a profound impact not only on psychoanalysis but in diverse fields such as law (Caudill, 1997; Milovanovic, 1994a), semiotics and topology theory (Arrigo, 1994; Milovanovic, 1994b), and literary criticism (Bracher, 1994).

PSYCHOANALYTIC THEORY OF JACQUES LACAN

Lacan's theory of subjectivity began with a rereading of Freud's primary works, along with the incorporations from the innovative theoretical developments in structural linguistics and philosophy, in particular, phenomenology. He is famous for his dictum that "The unconscious is structured like a language." The key ideas that he re-examines are the role of images in the formation of subjectivity and the primacy of the signifier (word) over the signified (meaning). (When we examine in detail how words are chosen and constructed in a sentence, we will see the crucial significance this has for criminal interrogators and statement analysts.)

Lacan's emphasis on *imagoes*, or images, led him to reconceptualize the ego based on the theory of the mirror stage. For Lacan, the ego is deceptive, fictional, alienating, and distorting; it lies at the basis of aggressivity and any threat to its status or disintegration engenders aggression. This false character of the ego is due to its misrecognized provenance (*meconnaissance*).

The Mirror Stage takes place between 6-18 months when an infant first sees itself in the mirror. This "specular delight" of the self is seen by the self as a whole and unified self; but in actuality this is far from the truth. The image that the infant has of him/herself is a false one. In reality, the infant has no control of his/her limbs and movements; but s/he is able to experience a sense of completeness due to the reflection in the mirror. The role of language, hence desire, becomes relevant when the infant realizes him/herself as a subject of wants: when s/he is able to communicate his/her demands and desires through language, the infant in effect becomes separated from him/herself, marked by a gap-in-being or *beance* (Lacan, 1977). Lacan calls this process *aphanisis*, or literally, a fading, hence disappearance (Lacan 1973).

There are two beings in Lacan's theory of subjectivity: pre-verbal and post-verbal being. The preverbal being is a being of unattainable desires of the impossible Real while the postverbal being is a castrated being through the imposition of the Law-of-the-Father. From the beginning, human beings are alienated from themselves. Language becomes the mediator of the impossible Jouissance and desire. This idea is translated into two ways of conceptualizing the subject.

For Lacan, there are two "Is": there is the grammatical "I," empty of content but full in form – an extrapositional filler/shifter. Then there is the "I" who speaks – the speaking subject. According to Lacan, when we speak, it is this unconscious "I" that speaks. (We can anticipate why this would be relevant for interrogators: what suspects say in fact is not what is really said. Since there is a great gap between the two speakers, the message can only surface in distorted form; this is especially true in criminal cases since they are already beset by anxiety and stress. While the goal of therapy is to help the patient understand their desire and produce "true speech," the goal of interrogation is to comprehend the hidden messages being signified in their speech.)

Word choices then embody and reveal hidden desires. Lacan states that the unconscious "insists" on its expression. Each lexical item is unconsciously chosen on a paradigmatic axis, which originates in the unconscious, which passes through desire, and manifests in conscious speech production. In addition, the words must be combined on the syntagmatic axis, traversing the unconscious, passing desire, and finally to the conscious. Take as an example a simple sentence 'The boy kicked the ball'. This sentence is constructed in linear form – syntagmatically – abiding the rules of syntax. The deep structure of the sentence can be represented using Phrase Structure Rules: [DET]+[NP]+[VP]+[NP]. These constituent elements are combined in linear syntactic form.

However, before each element can be linked together, each word must be chosen from a mental storage of lexical choices. Each word choice is not neutral; it is imbued with meaning and hidden associations. The expressed lexical items could be analyzed for hidden and implicit connotations and metaphoric meanings. The result is that the embodied desire in the words is shrouded: utterances hide the true message and it must be excavated. The implications of language and subjectivity are profound. It means that the language we speak defines who we are; language is a fundamental bearer of our identities.

Master signifiers are those words which give individuals a sense of identity. Lacan says that master signifiers arise from the desire to "master myself by being myself" (Bracher, 1993). And such, any action that threatens to disintegrate or fragment an individual's sense of identity is met with hostile resistance. On an unconscious level, any desire that is incongruent with this identity is repressed. As a practical example, consider a police officer who has desires to violate the law. Because this desire is inconsistent with an individual's identity as a police officer, desires that do not cohere with the image of a police officer will be repressed. But the insight is that repressed materials seek expression, which manifests in the symptom.

Master signifiers are important because they give us identities of who we are not only to ourselves but to Others. And master signifiers are any signifiers – words – that a person has invested her identity in. As earlier stated, words, language, and signifiers define what it means to be an individual. The key revelation that can be gleaned from structural linguistics is that a signifier is "that which stand for another signifier." Put differently, words are substitutes which signify something for something else. Reverting back to the problem of the symptom, symptoms are an expression of a signifier which stands for another signifier. The relation that guides this signifying chain is the principle of metonymy and metaphor. Unconscious desires cannot be hidden.

An individual's sense of identity and sense of unity is also attainable through related signifiers. Since the urge to master the self is to recognize oneself and have oneself recognized by others, (theory of intersubjectivity), being seen by the Other is a substan-

tive concern which seeks validation and repetition of those signifiers that "represent" the individual. Conversely, words that do not give an individual a unified and whole sense of identity results in the production of feelings of anxiety, alienation, and aggression. As it can be seen, the ego does not "adapt" to reality; it distorts it from its inception. It tells lies to conform the world around it.

The desire for recognition by an Other is significant for several reasons. This desire for recognition can take a variety of positions from passive and active forms of narcissistic and anaclitic desire (Bracher, 1993). It is in relation to the "Other" that defines how individuals will position their identities. The Other is for Lacan the Symbolic, the place of language and culture. And from inception – since individuals are born in to it, hence transindividual--the sphere of language and culture is what cuts off our self from ourselves: it is unconscious. We have then two factors in how individuals will define themselves: according to congruent master signifiers and an "Other." The breakthrough in identifying the offender type depends in discerning who the "Other" is and seeking expression that is either congruent or incongruent with master signifiers of the "Other." Manipulating this insight during interrogation should take place in the development of themes.

APPLYING LACAN TO THEME DEVELOPMENT

The two types of offenders, the emotional and the "badass," have their respective themes as suggested by experienced interrogators (Inbau et. al., 1986). The emotional offender, due to his emotional suggestibility, has several theme selection options; however, the alienated and detached ways of the "badass" make the choice impossible: only a few of the strategies are available. We will discuss methods of applying the principles of Lacanian psychoanalysis to the pursuit and development of themes.

One of the first themes that is used for emotional offenders is the sympathetic approach. The interrogator extends to the offender an opportunity to regain a portion of his lost "dignity" by offering a technique of morally neutralizing the crime. The key identity bearing words here are "anyone," "similar," and "same." An interrogator might make a statement such as "Anyone in a similar situation such as the one you are in would do the same. I don't think anyone would blame you for doing what you did." Investigators are urged to relieve moral responsibility by appealing to this theme. What those signifiers do is create a logic of equivalence and sameness. The suspect is not alienated from the Symbolic recognition of his status as an "outsider," but is seduced into believing that he is alike. By being proffered a master signifier that is congruent with the values of the Symbolic, culture, the suspect is given recognition as a social being: the suspect is able to be "magically" converted from one resistant identity to another.

Consider the theme developments and master signifiers that work in child molestation cases. Almost every culture places great value in the welfare of children. Hence, signifiers that support the perpetuation of this sign are likely to be accepted while those that undermine it are likely to be subverted. For example, when interrogating child molesters, signifiers such as "love" and "caring" fare better than words such as "pervert" and "sicko" because the latter is incongruent with self identifying words such as "love, purity, compassion, and selflessness." No one, especially relatives of child victims, desires to be associated with signifiers that damage the ego in such a way. The latter signifiers create barriers to desire and the production of further utterances are likely to cease since all the metonymically related chain of signifiers only serve to

damage the master signifier, hence suffering a sense of rejection at not being desired by the Unconscious Other.

But consider its opposing signifiers such as "love, caring, and selflessness." These signifiers are consistent with master signifiers such as a good neighbor, father, grandfather, and uncle. In fact, such signifiers support the master signifiers. By using words such as "love, caring, and selflessness," the unconscious effect of such signifying chain is to open up new avenues across barriers of resistance. The object of their desire no longer remains inaccessible but is made possible by shifting signifiers that represent the individual in congruence with fundamental identity bearing words of the Other. The basic human desire for recognition is acknowledged by seasoned interrogators (see Bracher, 1993). This basic psychological mechanism is well understood by law enforcement officials and they do not hesitate to employ it: flattery. This technique is effective because it fulfills the self's lack. Through hyper-signification of selected signifiers and repetition of dominant (master) signifiers that represent the person, the suspect alters his sense of self. Again, the key technique is to seek words that embody the suspect's desires while avoiding words that will cause the suspect's ego to become defensive and aggressive.

For example if flattery is chosen as one of the themes to be developed, certain associated signifiers could be utilized. For career criminals, such as a serial bank robber, the word "professional" would be representative of the suspect's identity bearing words. Hence, using words that are associated with "professional" such as "coordination," "strategy," "organization," "style," "focused," etc., the barrier to desire would be minimized while opening paths to resistance through an alliance of related signifiers that define the suspect in a meaningful way.

Interrogating, much less dealing with "badasses" and "hardasses" are problematic for this reason. The desire to be recognized in a meaningful way by the Symbolic Other is absent. Their antisocial personalities have precluded their participation in the social. But "badasses" too are human. They possess master signifiers that anchor their messages. The main challenge for an interrogator is to find that anchor. One of the ways this task can be accomplished is to examine their reactions to disparagements to their master signifiers. Consider the following example: a "mafioso" was brought in for questioning regarding a hijacking. It should be noted that the suspect had been arrested a number of times and was aware that he only had to remain calm for a few hours until he could be released.

The suspect was put in an area away from others and left alone. When the suspect started to protest his innocence, an officer told him to "sit there and be quiet"; the officer told the suspect that he couldn't have done it. Throughout the entire time when the suspect began to protest his innocence, he was told that he was too "stupid, incapable of arousing such loyalty from the men," and "too incompetent" to have committed such a crime. As the interrogator relates, after an hour or so, the suspect was confessing to the crime, asserting his involvement and ability to provide evidence of his complicity – all while challenging the officer's assumption that he was "stupid." Although the story seems farcical, it illustrates the emotional investment people put in their identity bearing signifiers (see Royal and Schutt, 1976).

Consider the signifier "mafioso." The metonymically related chain of signifiers would be words such as "cool, detached, silent, aloof, competent and professional." Words such as "stupid, incompetent, and incapable" would disparage the master signifier "mafioso." Because the ego vehemently opposes interpellative positions incommensu-

rate with master signifiers, it is ultimately rejected. In the "mafioso" case, who then is the Unconscious Other from which the suspect desires recognition? Since by trade they are distant from society, it cannot be the society at large; we can only infer that it is from others similarly situated like him – other mafiosos – that he seeks recognition.

The disparaging words in essence "dehumanize" an individual since it "strips" the anchors away from the individual. In a way, the disparaged individual is not a really a person anymore. This discursive attack on master signifiers is akin to symbolic murder. Thus, when interrogating "badasses," their Unconscious Other must be other "badasses" and "hardmen." Put differently, since they desire to be recognized by their "peers" they will want to embody signifiers valued by the others. To subvert their identity, then, words which disparage their master signifiers must be utilized. Some strategies might involve pointing out their "softness," or tricking them into believing that they have somehow fallen from their desired position of recognition. It is always in relation to an "Other" that themes should be developed and directed.

The "magic" behind the "magic words" then is a matter of understanding an inextricable relationship between language and subjectivity, or a subjective awareness of oneness and being. The magic is that each person wants to be desired and recognized as a desiring being in its own right. Denying that identification creates intolerable anxiety: balance is sought. The magic lies in understanding this psychoanalytic principle.

CONCLUSION

In this paper, we have re-examined the two types of offenders commonly found in the interrogation room. We identified the lack of a theoretical framework present in the current literature and provided a framework in which the scattered psychoanalytic argot diffused in the field can be reconceptualized. Part of this was motivated by the dominant influence of ego psychology, which was inadequate as an analytical tool considering the innovations in contemporary psychoanalysis.

Using Lacan's theory of subjectivity and language, we provided an alternative strategy for theme development for non-emotional offenders or "badasses." The "magic" behind "magic words" is none other than understanding that a human being's most primordial desire is to be desired and recognized.

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