

Deception

Philosophy



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When one encounters the word “deception,” what would come into mind are negative thoughts about it. It connotes lying, fooling, swindling, double-crossing and essentially cheating. Deception is even associated with the devil because that is what he does, to fool men in order to make him turn away from God through temptation and by the time one learns the folly of falling for a deception, it would be too late.

In a moral and hagiographical sense, we naturally believe that God never deceives us and is always open and fair. Because of this we are urged by our faith, if not our conscience, never to resort to deception and at the same time be aware of it so as not to be deceived ourselves. However, if one were to look at it in pragmatic terms, deception is not necessarily “evil” or wrong. There are times when deception is used for righteous purposes.

One such instance would be the justice system in their pursuit of giving justice to the victims and ensuring that the perpetrators of the crime are punished. The problem members of law enforcement and the legal system face is that the laws that protect the general public are the same laws which also protect a suspect because of the assumption that one is presumed innocent until proven guilty. In addition there is protection from self-incrimination and the right to counsel which makes it hard to prove guilt and convict a criminal.

It is at this point that law enforcers and to an extent lawyers, employ deception to (ironically) extract the truth and these are the “acceptable” ones (Heaton, 2006, pp. 326-329). Deception in this context follows three steps or levels in terms of acceptability – investigative, interrogative and testimonial. Investigative deception is the most acceptable form of deception

because at this stage, the goal is to establish or prove guilt and it is very easy because the suspect is in their usual element, the place where they thrive or feel comfortable.

The most common methods employed are the use of informers or officers going undercover, taking part in “sting” operations where they would pretend to be colluding to get the suspect to make his move that can incriminate him which would be sufficient to make an arrest since the suspect is caught red-handed, in the act of committing a crime this is because the agent used deception to goad or prod the suspect into saying or committing an act that would incriminate himself and it is easy since the suspect is lulled into a false sense of security and only realizes he is deceived when it is too late as he is arrested (Skolnick, 1982).

As the term suggests, “deception in the interrogative” entails using deception when interrogating the suspect for the purpose of making the suspect confess. The reason this tactic is employed is because law enforcers are forbidden to use among all things, torture in extracting the truth and any information obtained this way would be inadmissible in court because it did compel the suspect to speak up but under duress even if he was not at fault.

One popular technique where interrogative deception is used is the “good cop-bad cop” or the “Mutt and Jeff” routine where two police officers interrogate a suspect with one playing the impatient, sadistic cop bent on torturing the suspect and the other being the understanding one who is trying to be friendly to the suspect and protect him from his cruel partner. The idea is that to save himself from further abuse and with this assurance

he has a cop on his side, the suspect would then cooperate or confess (Skolnick, 1982).

Testimonial deception is perhaps the most difficult and least acceptable form of deception in determining the truth and establishing guilt as this is the stage where the case is brought to court. This is because any testimony obtained in the manner borders on perjury in the court of law and there is the risk of rendering anything used – evidence and testimonies null and void. Basically, law enforcers “lie” in court in order to maintain the integrity of the case and to protect their colleagues as a matter of honor and solidarity and even to a certain extent, sympathy for the victims.

Another way is to manipulate or tamper with the evidence to ensure a conviction. Investigators are trained to focus on what cannot lie – the evidence since they are regarded as fact and it can speak for itself and it is because of this that a loophole is found and exploited (Skolnick, 1982). In the purview of law enforcement and criminal justice, deception becomes an acceptable tactic if the end goal is to bring criminals to justice and expedite the dispensation of justice.

One needs to bear in mind the different levels or stages of deception where it would be preferable to employ it at the earliest stage rather than later where it would be difficult and would possibly lead to the miscarriage of justice since justice also entails a fair trial and in as much as it would like to give justice for the victims, it must also be careful not to wrongfully convict an innocent person. In other words, deception needs to be used judiciously.