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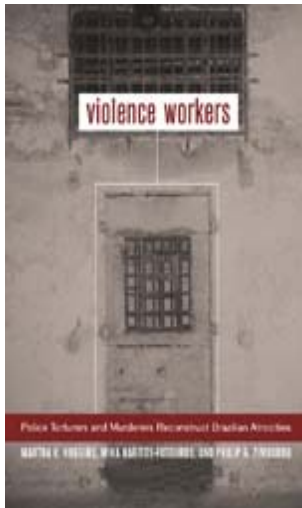
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Structures of Violence: The Proliferation of Atrocity Environments under the Brazilian Military Government and the Bush Administration

By Kara Martinez

Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities by Martha K. Huggins, Mika Haritos-Fatouros, and Philip G. Zimbardo. Berkeley and Los Angeles: University of California Press, 2002. 293 pp.

Once you introduce torture, you are in effect doing more than simply inflicting pain on an individual, you are in fact destroying any democratic fiber in society.

— Larry Cox, Deputy Director, Amnesty International, USA, Testimony introduced before the U.S. House of Representatives, 98th Congress, May 15, 1984.

“Brazil, never again.” These words sent shock waves through the Western hemisphere in 1985, when the Archdiocese of São Paulo released an extensive report that revealed widespread torture, disappearances, and executions carried out by the right-wing Brazilian military regime between 1979 and 1984.¹ The Brazilian military nevertheless proclaimed respect for human rights and adamantly denied the use of torture—with the exception of what it labeled as a few isolated, uncontrollable instances—and the military-controlled government spoke out against human rights violations but largely ignored any such violence aimed at its own political enemies (Amnesty International 1973; Serbin 2000). However, the Archdiocese’s report used the military’s own meticulous records, including official proceedings of over 700 cases tried in military courts² as evidence that state-sanctioned torture led to the murder of 136 people under Brazil’s military justice system. *Brasil: Nunca Mais* revealed the names of 444 torturers and published with horrific detail the cruel and criminal acts performed by soldiers, officers, and medical professionals under the auspices of the state (Dassin 1998). Such thorough and telling documentation revealed that the Brazilian military and police institutions committed acts of torture and disappearance intentionally and systematically—as a matter of state policy—for the purpose of destroying political opposition and maintaining a climate of silence and repression.

¹ *Brasil: Nunca Mais* was published by Editora Vozes Ltda., Petrópolis, 1985. This 12-volume, 6,891-page project was completed in secret by the Archdiocese of São Paulo (Dassin 1998).

² The detention of 5,681 people was carried out during this time period, with the army acting as the main agent of repression (Dassin 1998: 78).

Nearly 20 years after the end of Brazil's Dirty War,³ Martha K. Huggins, Mika Haritos-Fatouros, and Philip G. Zimbardo—collectively bearing the credentials of extensive research and publications on institutionalized violence, torture, and political policing—have published Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities, a study analyzing testimony of Brazilian policemen who perpetrated and/or facilitated human rights atrocities between the late 1950s and the mid 1980s. Few researchers dare cross the invisible boundaries of the politically explosive and professionally taboo review of torture and summary execution as told by violence workers.⁴ *Brasil: Nunca Mais* revealed that such testimony can be a revolutionary tool in proving and denouncing human rights violations. In turn, the co-authors of Violence Workers have hypothesized that some of the most vital information on state-sponsored terror, and on how and why it exists and is allowed to progress, can be gathered from the experiences of those who participated in torture and execution. The authors of Violence Workers are not apologists for such egregious crimes, for the people who commanded such undertakings, nor for those who carried them out. They have reconstructed Brazilian atrocities to explain what they attest is not the result of individual sadistic tendencies, but the product of a complex network of historical, political, sociological, and psychological processes (235).

In April 2004, the horrors of torture and summary execution again exploded onto headlines worldwide with the revelation of human rights atrocities perpetrated against Iraqi detainees by United States military police and intelligence personnel between October and December 2003, within the confinements of the infamous Tier 1 at Abu Ghraib Prison outside of Baghdad. Candid photographs of U.S. soldiers and officers smiling over dead bodies, or degrading prisoners contorted into severe physical positions spread waves of outrage and disgust throughout the international community. In August 2004, the Schlesinger Report⁵ confirmed that 66 cases of substantiated abuse⁶ had been perpetrated by U.S. military personnel and contractors since Operation Enduring Freedom and Operation Iraqi Freedom began in Afghanistan and Iraq, respectively.⁷ Abuses included physical assault, theft, sexual assault, and death. Five cases of death were confirmed to be the result of torture by U.S. personnel during interrogations. The cases of 23 detainee deaths were still under investigation at the time the report was published. Only one-third of the cases were related to interrogation, while two-thirds were related to other causes (Schlesinger 2004).

This story is unfortunately a familiar one, previously spilled out of the same impenetrable walls of Abu Ghraib by victims who survived the wrath of Saddam Hussein's regime. There exist apologists for torture: individuals and governments who claim atrocities such as torture and

³ Brazil's Dirty War lasted throughout the 21-year rule by military governments, from 1964 to 1985.

⁴ "Violence workers," as defined by the authors, include direct perpetrators of violence and atrocity facilitators. Direct perpetrators of violence indicate official or semi-official torturers and murders for the state. Atrocity facilitators participated indirectly in violence: officials who ordered a prisoner to be tortured; colleagues who delivered prisoners into the hands of the torturers; or supervisors who turned a blind eye to acts of torture or supported and in some cases rewarded such acts (xviii, 1).

⁵ Final Report of the Independent Panel to Review Department of Defense Detention Operations, August, 2004. <http://www.dod.gov/news/Aug2004/d20040824finalreport.pdf>

⁶ "Of the 66 substantiated cases of abuse, eight occurred in Guantanamo, three in Afghanistan and fifty-five in Iraq" (Schlesinger 2004: 13).

⁷ The Army Inspection Report gave an estimate that 50,000 individuals had been detained for at least some period of time by U.S. forces during the conduct of these operations.

execution are relative to the degree in which they were carried out and therefore what happened in Abu Ghraib occurred to an incomparable extent under Saddam Hussein and his henchmen. Others claim abuses are necessary to combat an enemy who refuses to play by the rules. But I would ask the victims of torture—many of whom were not even alleged terrorists—if it makes any difference when their minds and bodies scream with pain and haunting memory. If a prison's ghosts could speak, they would reveal that it is only the faces and hands of the torturers and executioners that change. The horrors remain the same for those who have survived, or the loved ones without a body to bury. Perhaps Abu Ghraib prison is a symbol of continuity in the new Iraq: atrocities will be perpetuated as long as a structure remains in place. By structure I do not simply refer to the metal doors of Abu Ghraib—just another heap of rubble in bombed-out Iraq—but to a structure of violence.⁸

What possible parallels exist between structures of violence within the contemporary U.S. military and those of the Brazilian police force between the late 1950s and the 1980s, as revealed in *Violence Workers*? Can we compare the violence of one country's international war on terrorism to another's internal repression? It is true that numerous authoritarian and military-controlled states have gained notoriety for overt violent internal repression undertaken by police and military agencies. There are many historical and contemporary examples. However, political structures such as democracies, including those classified as both weak and strong, have been guilty of cultivating state-sanctioned barbarity. I refer to torture and executions within the confines of prison cells, in ghetto alleyways, or under the auspices of internal and external wars: the war on poverty; the war on drugs; the war against terror. Every type of political structure is capable of facilitating atrocity environments. The differences lie in the near or absolute impunity of authoritarian governments versus democratic checks and balances which may ultimately serve to reign in the scope of atrocity and punish the offenders. However, it is by understanding the similarities shared by structures of violence—despite historical, political, sociological, and psychological differences—that the possibility emerges to identify potential atrocity environments before they are allowed to proliferate, and therefore bring the world closer to erasing state-sponsored and systematic torture from our collective existence.

The authors of *Violence Workers* have identified several factors common to atrocity environments: heightened sociopolitical paranoia due to a war climate focused on the elimination of enemies of the state; small, loosely supervised, security/intelligence units, undertaking violence with tacit or overt approval of higher organizational and political officials; and lower level officials who might be punished for their actions while the most powerful facilitators of violence enjoy impunity as the actual structure of violence escapes analytical and legal culpability (xx). These common factors provide a platform through which to undertake a comparative analysis between the atrocity environments within the Brazilian police force during the time period under analysis, and the contemporary U.S. military in the above-mentioned foreign theaters.

⁸ For the purpose of this essay, a “structure of violence” refers to what the authors have identified as police and/or military operational systems that engender and foster atrocity environments (xx).

Constructed Hatred in a Climate of Fear: The Role of the National Security Doctrine

Governments that regularly practice state terror do so because they feel threatened.

— David Pion-Berlin, Ideology of State Terror, 1989

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) condemned the use of torture and extrajudicial killings, even in the name of national security: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture” (Art. 2 [2]). This Convention recognized that a state of national emergency is commonly abused by governments as an excuse to implement authoritarian legislation and undertake sweeping repression and systematic violence, often with impunity. This doctrine of exceptional circumstances was the very reasoning used by the military government in Brazil to excuse atrocities. Since the terrorist attacks of September 11, 2001, the United States under the Bush administration also has adopted such a doctrine and continues to propagate it domestically and abroad.

Where systematic, state-sanctioned torture and summary execution occur, the country’s national security doctrine plays a key role in defining under what parameters such violence is to be carried out and against whom it is to be directed. Not every government participates in torture, yet every state possesses some form of national security doctrine that defines limits of tolerable conduct by other states and the measures to which a state will go to protect its survival and security against enemies, both foreign and domestic. Why do some national security doctrines perpetuate violence while others do not? Are these doctrines the political agenda of those who wield decisive governing power? States most likely to utilize such doctrines for abusive purposes perceive a high level of threat to the state’s security, are in conflict with a particular enemy, and have leaders who are willing to take extreme measures internally and/or externally to defend the interests of powerful elites. The executive authorities of states, in situations of heightened paranoia, often seek to curtail domestic civil liberties, to challenge the rule of law as insufficient for protecting public safety, and to increase military presence domestically and/or abroad. Countries that are constantly paranoid over threats—real or contrived—are characterized appropriately as national security states. Such states are precariously poised to fall into permanent conditions of authoritarianism and repression, no longer constrained by democracy or law (Nagan, FRSA, and Hammer 2004).

National security states propagate the threat of terror to foster an epidemic of insecurity in the hearts of officers and civilians. Fear of invasion by undesirable fringe elements within society or by outsiders with intent to destroy the state induces a constructed hatred that results in willing silence and blindness to the abuses of the system on the part of many civilians and government agents. Public denouncement of vaguely defined enemies of the state bars or ignores the voices and rights of the victims. Meanwhile, those who are not adversely affected in their everyday existence, or who seek to benefit from the crackdown through an increased sense of security or greater power and wealth, continually applaud and support the effort of security agencies, regardless of the methods used or the contradictions against the state’s constitution. Atrocities have therefore been excused within sectors of the system and society as necessary for achieving the end goal of defending the nation from those who seek to undermine its integrity.



Brazil's U.S.-backed military regime came to power on March 31, 1964, during an era when Latin America was a key theater in the Cold War. The United States' post-World War II strategic policy against communist insurgency in Latin American nations was to "prepare Latin American police to uncover and neutralize threats to their countries' (and U.S.) national security" (Huggins 1998: 66). The military government's national security doctrine was a mirror of the United States' attempt to gain complete control over the governments of South and Central America by dividing the countries and the world into two simple factions: those who would defend "traditional Western democratic civilization against subversion" (Serbin 2000: x) and those who would terrorize the state in their attempts to implement Eastern communist and social ideologies (Amnesty International, 1973). For Brazil and other Latin American countries, the war against communism was internalized, and "more guns, less butter" became the unofficial slogan of the military governments that spread across the continent (Dassin 1998).

The national security doctrines served to divide the population into moral, vulnerable members of society versus subversives—enemies bent on destroying peace and livelihood in order to implement communist ideologies. This divisively constructed hatred "activated, energized and excused atrocity through blaming of others" (240) and justified the "unchecked growth of security organizations" (Dassin 1998: 63). Consequentially, the power of security entities covertly and unofficially began to extend from seizure and arrest to interrogation, judgment, and execution (244). As the authors of *Violence Workers* attest, "Once atrocity contexts are permitted to function in surreptitious civil or military policing operations, extreme forms of abuse follow predictably" (Huggins, Haritos-Fatouros, and Zimbaro: 235), as "arrest, detention and torture [are] intentionally unpredictable, [in order] to heighten fear in the general population" (Dassin 1998: xiii).

It is important to note in the Brazilian case that although the military faced pockets of armed resistance, the military was not fighting a heavily armed enemy in open warfare, but rather the potential for popular revolt against a regime that was put in place via violent force. Such a threat permeated sections of the civilian population and therefore demanded covert terrorism, which included "interrogations, surreptitious investigations, telephone taps and the storing and processing of information about supposed opposition activities" (Dassin 1998: 63). Activities considered subversive by the military government ranged from attempted assassinations or militant activities to peaceful public protest, workers' strikes, and demands for democratic reforms. The Leftist political opposition, along with members of the former government and military, their relatives, colleagues, friends, and associates, became targets of intense repression and were systematically banished, tortured, and executed in great numbers (Dassin 1998). The military government viewed such groups as enemies of the state, whether they were armed with actual weapons or simply with words that threatened to denounce the military regime. The military state dissolved political parties, suspended freedom of the press, and curbed civil liberties while broadening its own powers through legislation changing the rules for decisions made in times of national emergency, police investigations, surveillance, and judicial hearings (Serbin 2000; Amnesty International 1973). However, the National Security Law, "guaranteed security only for the military regime itself, while subjecting citizens to the insecurities of rule by force" (Amnesty International 1973: 66).



The terrorist attacks of September 11 sent shock waves through the United States and the resulting collective reaction of anger and insecurity acted as catalysts for the country's nearly

overnight transformation into a national security state (Nagan, FRSA, and Hammer 2004: 383). These were indeed exceptional circumstances: the hegemonic power was not immune from terrorist destruction and the enemy it faced was no longer a Cold War superpower but “shadowy networks of individuals [who] can bring great chaos and suffering to [our] shores for less than it costs to produce a single tank” (Office of the President of the United States of America 2002: 3). The United States responded by using the terrorist attacks to garner support for an increasingly isolationist and xenophobic national security policy that consistently ignored and discredited international law, expanded broad presidential powers to include “all necessary and appropriate force” to combat domestic and global terrorism, and curtailed constitutional guarantees to civil liberties (Nagan, FRSA, and Hammer 2004: 376).

Evidence of war-mongering permeated the Bush administration’s rhetoric and heightened citizen insecurity. President Bush foretold that the elimination of terrorists and tyrants—the enemies of American freedom and civilization—would be a “global enterprise of uncertain duration” (Office of the President of the United States of America 2004: 3). Whereas the Administration readily identified the tyrants—Saddam Hussein, the Taliban, and their cohorts in the “Axis of Evil”—the definition of a “terrorist” remained vague. One can deduce from official documents that terrorists—both domestic and foreign—are characterized by the following attributes: they premeditate and undertake politically motivated violence against innocents (Office of the President of the United States of America 2002); commit acts that are “dangerous to human life [and] that are a violation of the criminal laws of the U.S. or any state that appear to be intended to intimidate or coerce a civilian population” (USA PATRIOT Act: Section 802). This vagueness was a loophole of sorts, which allowed the Bush administration to categorize its detainees and affect their access to a fair and impartial judiciary. Terrorists, according to the Administration, were highly dangerous criminals who did not play by the rules of conventional warfare, and therefore did not warrant the protections of Constitutional guarantees or the Geneva Conventions—protections the Administration viewed, not coincidentally, as constraints to intelligence gathering and justice.

The Bush administration readily identified intelligence as the “first line of defense against terrorists and the threat posed by hostile states” (Office of the President of the United States of America 2002: 30). Intelligence has many elements but centers around human knowledge and actions. Enter the “ticking bomb scenario,” which argues that certain incidents of torture can be justified by the political and military machines when there is a clear necessity to gain vital, time-sensitive information to protect innocent civilians from a catastrophe of magnanimous proportions (Schlesinger 2004). This is a difficult case to argue against when one brings up the scenario of September 11. If the attack could have been halted by torturing a terrorist, would torture be justified? We continue to live in times of barbarity where hostages are beheaded and schools are taken under siege. Why not allow the exception if it is only utilized in extreme cases? There are many arguments against torture, and this brief analysis can in no way do the debate justice.⁹ What is of particular importance to this argument is that the community of nations came to recognize the danger in legitimizing any type of torture, because torture, no matter how a government would try to

⁹Arguments against torture include the following: torture is evil; the confessions garnered in torture may be untrue or tainted; the person being tortured may not possess the key evidence necessary to halt a pending attack; and that there are ways to gather intelligence where torture is not necessary.

limit its use, has the tendency to proliferate throughout institutions, evolving into a tool of repression and a corrosive agent to the rule of law (U.S. House of Representatives, 98th Congress 1984). Therefore, as Human Rights Watch Director Ken Roth stated, “the prohibition on torture is one of the basic, absolute prohibitions that exists in international law. It exists in time of peace as well as in time of war. It exists regardless of the severity of a security threat” (CNN 2003).

Following the terrorist attacks of September 11, the Bush administration pressed Congress to act quickly and with little deliberation to pass the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, better known as the USA PATRIOT Act. Those who questioned the constitutionality of the Administration’s actions toward civil liberty protections were warned by outgoing U.S. Attorney General John Ashcroft, “Your tactics only aid terrorists, for they erode our national unity and diminish our resolve” (Golden 2001). Yet, the basis of the U.S. Constitution is to protect certain civil liberties for all persons on U.S. soil. The USA PATRIOT Act grants legitimacy to repressive actions undertaken domestically. It compromises civil liberties—most acutely, those of immigrants, but also those of U.S. citizens. It changes the rules for domestic law enforcement agencies and intelligence agencies, and how those entities store and process information, conduct interrogations, investigations, and surveillance (Nagan, FRSA, and Hammer 2004). If these methods sound familiar, it is because they are: “Every dictator is using what the United States has done under the PATRIOT Act to justify human rights abuses in the past, as well as a license to continue human rights abuses,” noted Saad Eddn Ibrahim, an Egyptian human rights activist and sociology professor (Dority 2004: 14).

What defines systematic and state-sanctioned torture, and does this situation qualify? The U.S. Department of Defense (DoD) made clear that the atrocities that occurred under its command “were not the result of any doctrine, training or policy failures” (U.S. DoD 2004). The U.S. Department of the Army (DoA) Inspection Report indicated that the investigation was “unable to identify system failures that resulted in incidents of abuse” (U.S. DoA 2004: 3). Several official reports identified what they referred to as “contributing factors” that indicate wider institutional problems: confusing policy on interrogation techniques; shortage of trained people to secure facilities and conduct interrogations; transitions and turmoil in the theater; and conducting operations under demanding, stressful, and dangerous conditions against an enemy who does not follow the Geneva Conventions (Schlesinger 2004: U.S. DoD 2004; U.S. DoA 2004). These factors serve to provide shaky alibis, but they do not erase the fact that abuses were widespread, took place in several different theaters of war, and were undertaken by military and intelligence agents acting in diverse capacities. The torture was intentional—whether or not it was part of formal interrogations. Finally, actions meant to humiliate and cause great fear in the detainees were ordered tacitly or overtly by those in the top echelons of the military and political hierarchy.

The Hands of Repression: Violence in Security Organizations and the Judiciary

Torture [remains] an instrument of power and government preserve.

— Amnesty International, Allegations of Torture in Brazil, 1973

No regime can undertake systematic violence without the allegiance of repressive structures serving to eliminate the enemy, secure the status quo, reinforce the necessity of the national security doctrine, and protect the system from scrutiny and punishment: “State bureaucracies advocate and

carry out the regime's ideological imperatives" (243). Brazil's unchecked growth of security and intelligence organizations, coupled with the proliferation of clandestine death squads, created a veritable repressive machine that operated in the shadows and swept through shantytowns, labor organizations, and anywhere the potential for leftist revolt existed. Violence became a mandate for police officers, who, because of their allegiance to the state and in many cases specialized training in U.S. military schools, believed they were on the just side of a war against internal subversion. Therefore their violent actions were legitimized as necessary tasks in the line of duty even though egregious violations of human rights often transpired when officers were not in uniform (67). Not only were forces fighting what they perceived to be a just war, they were fighting against what they believed was a dangerous and desperate enemy seeking to destroy the nation. Fear of enemy capabilities and malicious intentions fostered unbridled paranoia and a list of suspects began to grow, along with the appropriate means for stopping them (246). Police officers acting as agents of the state, with the power of the military institution behind them, wielded the discretion to determine what was considered dutiful action versus degradation of humanity. Sometimes there was no delineation.

When violence is institutionalized and normalized, concepts of morality become increasingly distorted, as units within the repressive machine begin to compete for deadly goals: higher arrest rates; uncovering critical intelligence; quick extraction of confessions; and total annihilation of the enemy. Eventually these actions become not merely corrosive but implosive, as the atrocity environment turns against itself (77). Torture "was an essential component of the semiautonomous repressive system that eventually grew out of all proportion even to the authoritarian state itself" (Dassin 1998: 41). The atrocity environment in Brazil was protected by an unspoken protocol blanketed under a specialized hierarchy, high degrees of secrecy, and distinct divisions of violence labor, and by isolation from outsiders. Torturers and atrocity facilitators remained silent, even among themselves, regarding the atrocities they had committed. "[B]ecause they had carried out violence in a group, no single member needed to feel any direct responsibility for the outcome" (103). However, underlying this sentiment was the reality that to implicate another was to implicate one's self and consequentially incur the violent wrath of the group along with the loss of identity (158). "Just as entry into a violent social control organization was not always a policeman's direct choice, so leaving one was sometimes outside his control" (167).

The military and policing institutions played their role in perpetuating violence in the name of the state, but not without a puppet judiciary that would provide legitimacy to their actions and shield them against scrutiny and punishment. Many detainees saw the courts only after the scars of torture already had been imprinted on their skin and spirit. During the military regime in Brazil, "the trials of military courts left some room for the defense of the accused, involved civilian participation on the bench and at the bar, and included the right to appeal" (Pereira 2003: 27). For the estimated 7,400 people tried in military courts for political crimes in Brazil from 1964 to 1979, this would seem an attempt toward maintaining, at the very least, the prisoner's basic right to trial, or at least the necessity to appease civilians by staging such events, especially in comparison to Argentina where execution without trial was far more prevalent during that country's military regime. Even so, political prisoners tried under the military justice system in Brazil often found that the courts became a means of legally sanctioning crimes against humanity. The victims of torture, the defendants in most such cases, were found guilty through confessions obtained during torture. In turn, military officers enjoyed impunity for their crimes against humanity as the "military justice

system provided legal scaffolding,” until their violent actions became so blatant and pervasive they could no longer be ignored or denied (Huggins, Haritos-Fatouros, and Zimbardo: 243).



Many of the detainees tortured in the Abu Ghraib prison by U.S. military personnel had been arrested for common criminal behavior such as car theft rather than for allegedly assisting terrorists or participating in terrorist activities. While the Schlesinger report notes that Abu Ghraib was “overcrowded, under-resourced and under continual attack” (Schlesinger 2004: 11), it also states that “lacking interrogators and interpreters to make precise determinations in an alien culture and hostile neighborhoods, they reverted to rounding up any and all suspicious looking persons—all too often including women and children” (Schlesinger 2004: 29). The military admits Abu Ghraib was a crisis waiting to happen but maintains that the abuse was the result of “serious misconduct and loss of moral values” of soldiers and officers that resulted in such egregious violations of human rights (U.S. DoD 2004). Yet the photographic evidence revealed much more than sadism and irresponsibility: torture was understood to be acceptable throughout the ranks in the prison.

International and domestic law and the military code agree that a person with average intelligence would be able to define the difference between what is cruel and inhumane and acceptable behavior, even in times of war. Yet soldiers and commanding officers at Abu Ghraib did not delineate at the time of the abusive incidents that their actions were criminal. Their concepts of morality transformed, the soldiers believed they were acting within the legitimate line of duty at that point in time. And, although their actions became the focus of much of the negative press on the subject here in the United States, the low level soldiers and officers in the Iraqi prison were far from being the only violence workers for the U.S. in its “War on Terror.” Therefore, the abuses which took place in Abu Ghraib cannot be taken in isolation from the greater context of violence. Perhaps the abuses in Abu Ghraib were the result of an institutionalization and normalization of violence and repression that grew out of control and eventually turned against itself, as it did in Brazil.

In 2002, as the United States engaged in international warfare in Afghanistan, the Bush administration circumvented its obligations under the Geneva Conventions by labeling prisoners as “unlawful enemy combatants” rather than “prisoners of war.” The U.S. Defense Department defines “enemy combatants” as “an individual who was part of or supporting Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces” (U.S. DoD 2004). Why the distinction? According to former Justice Department Official Viet D. Dinh, “There was not a real process for determining who was an enemy combatant, and the ad hoc nature of that process gave a lot of power to the Pentagon” (Golden 2004). By refusing to recognize the detainees as prisoners of war, the Bush administration took advantage of legally questionable detention and judicial actions toward detainees. Some enemy combatants were sent to third-party countries, such as Saudi Arabia, Morocco, Egypt and Syria, so they could be interrogated under the auspices of foreign governments, thus allowing the U.S. to escape blame for the use of egregious methods of torture against the detainees that would otherwise not be tolerated by the American public.

Other detainees were sent to a U.S. naval base in Guantánamo Bay, Cuba, for detention and interrogation. Most have been held as enemy combatants without formal charges or due process of law for over three years. The Department of Defense claims that annual review boards determine “the need to continue the detention of an enemy combatant . . . [and] ensure no one is detained any longer than is warranted,” while military commissions “prosecute enemy combatants who violate the laws of war [and] provide a fair and full trial, while protecting national security and the safety of all those involved, including the accused” (U.S DoD 2004). Yet in June 2004, the U.S. Supreme Court ruled “prisoners at Guantánamo were entitled to some rights, notably the ability to have their claims that they were wrongfully imprisoned heard by a federal judge.” (Golden 2004). However, the administration continues to shuffle its feet by regurgitating arguments struck down in that very Supreme Court ruling: “The notion that the U.S. Constitution affords due process and other rights to enemy aliens captured abroad and confined outside the sovereign territory of the United States is contrary to law and history” (Lewis 2004).

Approved interrogation methods for unlawful combatants in Guantánamo included: stress positions; isolation for up to 30 days; removal of clothing; exploitation of individual phobias (e.g., dogs); mild, non-injurious physical contact (e.g., grabbing, poking, or light pushing); environment manipulation; and sleep adjustment. Usage of the harshest measures required approval by U.S. Secretary of Defense Donald Rumsfeld (Schlesinger 2004: Appendix E). Reinterpretation and confusion over the rules quickly spread to Iraq, where the administration had little choice but to recognize detainees as prisoners of war. Despite falling under the protections of the Geneva Conventions, the Central Intelligence Agency held ghost detainees and secretly transported Iraqi detainees out of the country—an act approved by the U.S. Justice Department's Office of Legal Counsel,¹⁰ despite the fact that such acts are strictly prohibited by Article 49 of the Geneva Conventions (Priest 2004). The Schlesinger Report revealed how interrogation methods spread from the secretive and tightly controlled environment of Guantánamo to the theater in Iraq, where intelligence personnel became confused as to which methods were approved. Yet as the report admits, “it is clear that the pressures for additional intelligence and the more aggressive methods sanctioned by the Secretary of Defense memorandum, [sic] resulted in stronger interrogation techniques” (Schlesinger 2004: 8).

Ordinary Men in Extraordinary Circumstances – Individual Culpability

[Torturers and executioners] are made, not born – They are typically ordinary... human beings who perform violent and abhorrent acts under particular sociopolitical situations and work circumstances (213)

When evidence of atrocities committed by a state fall under public scrutiny, a state's normalized reaction is to single out low-level agents for their actions. Labeled as “out of control” or “insubordinate,” despite often having followed specific orders, violence workers are convenient scapegoats for the institutions and the state they serve (200). Once evidence of human rights atrocities could no longer be denied in Brazil, political and military leaders blamed the acts on disobedience in the chain of command, and subsequently punished individual officers and soldiers (Serbin 2000). It is not a coincidence that this same tendency repeated itself in the case of Abu Ghraib, where atrocities were

¹⁰ Draft memo dated March 19, 2004.

explained as an aberration, the failure of a small number of soldiers who participated in acts of brutality and purposeless sadism (U.S. DoA 2004; U.S. DoD 2004; Schlesinger 2004). Although higher-ranking officers were accused of creating confusion in law and policy while others were reprimanded for failure to provide oversight and proper discipline, thus far only low-ranking officers have been prosecuted in military court.¹¹

The international community has made individual culpability clear through the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states, “An order from a superior officer or a public authority may not be invoked as a justification of torture” (Art. 2 [3]). As was the case in Brazil, torturers and executioners for the state are often willing participants¹² in degradations of humanity. Their actions cause the physical and psychological trauma that the victims and the victims’ loved ones are forced to endure for the remainder of their lives. Their culpability should never be excused or minimized. But what motivates soldiers and officers, whose lives and histories might otherwise be described as normal,¹³ to commit such atrocities?

As was the case in Brazil, states often claim that abuses flourish only where sufficient training and integral leadership are severely lacking. The argument is that police officers, soldiers, guards, and others who are not given proper instruction in restraint and interrogation techniques or proper leadership will resort to physical or psychological dominance as a means of control. Yet, it is important to note that physical and psychological dominance is inherent in the very nature of the systems under which soldiers and police officers are indoctrinated. Professional culture plays a key role in violence work when a group consciousness that misidentifies the committal of atrocities for legitimate duty is supported within the institutional structure. However virtuous an individual’s reasoning for joining a police or military entity, the professional culture of violence work is often introduced to recruits through rigorous training and brutal hazing, undertaken for the purpose of normalizing the ideology of the institution it encompasses: fidelity to the national security doctrine; unified identity; and absolute obedience to authority. Superiors may utilize a pedagogy of brutalization for the purpose of disengaging agents from individual pain and suffering and ingraining the ability to perform violent duties efficiently, without emotion, until the enemy becomes dehumanized—a tool to be manipulated or exterminated (146).

Soldiers and/or police officers indoctrinated into hierarchical systems that preach discipline and obedience know that defying an order may result in reprimand, severe punishment, imprisonment, and in some cases execution. In turn, the means to advancement require unconditional loyalty. Therefore orders given by those in superior positions within the hierarchy often are followed without concern to ethical or legal standards. It is often a question of who is considered more credible within the hierarchy and outside the institution. Would the word of a low-ranking soldier be taken with the same credibility as that of a decorated general (27)? Yet the structure contradicts the aforementioned responsibility of an individual soldier under international law—a responsibility for

¹¹ The highest-ranking officer to be prosecuted to date is Staff Sgt. Ivan L. “Chip” Frederick, sentenced to eight years in prison for abuse and humiliation of detainees (Spinner 2004).

¹² In the study undertaken to complete *Violence Workers*, several subjects admitted to being blackmailed and/or threatened into committing executions by police colleagues and members of death squads (164).

¹³ The study shows that even Brazilian police who committed some of the worst human rights atrocities for the state were not initially different socially and psychologically from their peers who did not participate in such crimes (xxi).

which many soldiers are given little or minimal training. Even if a soldier is aware of his/her responsibilities under the Geneva Conventions and the nation's military code of honor, if the soldier believes the orders he or she is given would require inhumane treatment of prisoners and would therefore be illegal, how then do individual soldiers deal with the conflicting obligations they face? An obvious path for a soldier or police officer to choose is to adhere to the commands given by the hierarchy rather than swiftly becoming an example of failure (131).

This is not to claim that every soldier or police officer who undergoes institutional indoctrination will become a direct perpetrator or facilitator of atrocities, or that every institution engaged in such ideology is merely camouflaging an environment where atrocities are condoned and allowed to proliferate. Nor does this suggest that such an experience is indicative of the existence of violence workers. Formal training in violence is not a requirement for an individual to learn how to carry out crimes against humanity, for it has been proven throughout history that individuals and groups can be very imaginative in their cruelty. We are reminded of this fact through the haunting outcome of co-author Zimbardo's prison experiment undertaken at Stanford University. In it, ordinary college students were transformed into violence workers when assigned roles as prison guards watching over fellow students in a staged prison (Haney, Banks, & Zimbardo 1973). It is also important to note, however, that in many cases a state's torturers and executioners are trained professionals who have received orders that may extend from high levels of authority. The ability to torture and execute are often seen as tactical combatant skills, taught in seminars and tested in real-life scenarios.¹⁴

Regardless of a soldier's or officer's training, the violent process of institutionalization leads to a transformation of a participant's identity, values, and perceptions of morality (146). For those who strive to succeed in an institution that glorifies the archetype of the masculine warrior and that values aggression, competition, a high threshold for pain, physical dominance, and control, each man or woman of every rank must demonstrate and promote such characteristics when and where they are most valued: under the auspices of grave threat and war. Violence is an attempt to achieve justice (Gilligan 1996). For those who perpetuate and facilitate torture and execution for the state, their actions become a means to obtain justice for real or perceived attacks committed by a specifically identified enemy. The object of justice is based on constructed hatred developed by the state, preached by powerful political leaders, and passed on to military and/or police institutions through their commanding officers; a hierarchy that is coercive and rewards obedience to a greater cause—national security (Dassin 1998).

¹⁴ It is important to note for the latter argument of this essay that, although Brazil possesses its own violent history of repression and tyranny, several high-ranking Brazilian officers were trained in U.S. police assistance schools or at U.S. military institutions, and were also supplied with equipment (Huggins 1998: 58). Of the many students, Army general Amaury Krueel, who trained at Fort Leavenworth, Kansas, subsequently created a special death squad, nicknamed *homens corajosos* (courageous men), which acted within the formal police institution but took aggressive and violent action against criminals, resulting in torture and executions. Other death squads began to flourish throughout the country with the overt or covert approval of the police institution (Huggins 1998: 97). Another U.S.-trained official, Brazilian army colonel Maocir Coelho, founded Brazil's National Information Service (SNI) and headed Brazil's Federal Police (Huggins 1998: 109).

Conclusion

Few states would claim to engage in systematic torture or summary execution as official state policy. However, the debate over the human rights question unfortunately is not one that will not be relegated to the annals of history any time soon. As Hannah Arendt attests in her landmark work, *On Violence*, “[t]he very substance of violent action is ruled by the means-end category, whose chief characteristic, if applied to human affairs, has always been that the end is in danger of being overwhelmed by the means which it justifies and which are needed to reach it” (Arendt 1970: 4). Whereas individual participation in crimes against humanity should never be excused, states that fail to acknowledge that chronic atrocities on the part of military and police agents cannot simply be explained through the vehemence and sadism of a few individuals will fail in their attempts to resolve the issue and exterminate its existence within national institutions (Serbin 2000). As recently as January 1, 2004—nearly 20 years after the reimplementation of democratic, civilian rule in Brazil—Human Rights Watch released a country report stating, “Police and prison violence, including torture and extrajudicial killings, continue to be Brazil’s most serious human rights problems, and those responsible for abuses continue to enjoy near-total impunity” (Human Rights Watch 2004). In October 2004, it became evident that wounds from the past continue to cause pain and division when new evidence surfaced of the torture and murder of a man named Vladimir Herzog at the hands of the Brazilian army in 1975. Rather than issue an apology, the Brazilian army staunchly defended its actions as legitimate, a “necessary response to Communist provocations.” João Luiz Pinaud, president of the government’s Special Commission on the Death and Disappearance of Political Prisoners responded, “The residue of an authoritarian system is still there, concealed in the shadows” (Rohter 2004). Brazil has clearly not been able to sever ties with its violent past by punishing a select few individuals, and if the Bush administration continues to utilize the same method of defense, it too will fail.

References

- Amnesty International. 1973. *Allegations of Torture in Brazil*. London: Amnesty International Publications.
- Arendt, Hannah. 1970. *On Violence*. New York: Harcourt, Brace & World.
- Dassin, Joan. 1998. *Torture in Brazil: A Shocking Report on the Pervasive Use of Torture by Brazilian Military Governments, Secretly Prepared by the Archdiocese of São Paulo*. Austin: University of Texas Press.
- CNN 2003. *Dershowitz: Torture Could be Justified*. Website: <http://edition.cnn.com/2003/LAW/03/03/cna.Dershowitz/>
- Dority, Barbara. 2004. “Your Every Move.” *Humanist* 64(1): 14-20.
- Gilligan, James. 1996. *Violence: Reflections on a National Epidemic*. New York: Vintage Books.

- Golden, Tim. 2004. "Administration Officials Split Over Stalled Military Tribunals." *New York Times* (October 25)
- Haney, C., W.C. Banks, and P.G. Zimbardo. 1973. "Study of Prisoners and Guards in a Simulated Prison." *Naval Research Reviews* 9: 1-17.
- Huggins, Martha K. 1998. Political Policing: The United States and Latin America. Durham and London: Duke University Press
- Human Rights Watch. 2004. Brazil. Website: <http://www.hrw.org/english/docs/2003/12/31/brazil6998.htm>.
- Lewis, Neil. 2004. "Disagreement Over Detainees' Rights Simmers." *New York Times* (November 1, 2004).
- Nagan, Winston. Fellow of the Royal Society of the Arts. Hammer, Craig. 2004. "The New Bush National Security Doctrine and the Rule of Law." *Berkeley Journal of International Law* 22: 375-438.
- Office of the President of the United States of America. 2002. The National Security Strategy of the United States of America. Website: <http://www.whitehouse.gov/nsc/nss.html>.
- Pereira, Anthony. 2003. "Political Justice under Authoritarian Regimes in Argentina, Brazil, and Chile," *Human Rights Review*, (January – March): 27-47
- Pion-Berlin, David. 1989. The Ideology of State Terror: Economic Doctrine and Political Repression in Argentina and Peru. Boulder and London: Lynne Rienner Publishers.
- Priest, Dana. 2004. "Detainees Secretly Taken Out of Iraq: Practice Called Breach of Geneva Conventions." *The Washington Post* (October 24).
- Rohter, Larry. 2004. "Exhuming a Political Killing Reopens Old Wounds in Brazil." *The New York Times* (October 24).
- Schlesinger, James R. 2004. Final Report of the Independent Panel to Review Department of Defense Detention Operations. Independent Panel to Review Department of Defense Detention Operations. Website: <http://www.dod.gov/releases/2004/nr20040824-1160.html>
- Serbin, Kenneth P. 2000. Secret Dialogues: Church-State Relations, Torture, and Social Justice in Authoritarian Brazil. Pittsburg: University of Pittsburg Press.
- Spinner, Jackie. 2004. "MP Gets Eight Years for Iraq Abuse: Frederick Pleads Guilty to Eight Counts on Wednesday." *The Washington Post* (October 22).
- U.S. Department of the Army, Inspector General. 2004. Detainee Operations Inspection Website: <http://www4.army.mil/ocpa/reports/ArmyIGDetaineeAbuse/>

U.S. Department of Defense. 2004. Guantanamo Detainee Processes. Website:
<http://www.defenselink.mil/news/commissions.html>

U.S. House of Representatives, 98th Congress. 1984. "Hearings and Markup before the Committee on Foreign Affairs and its Subcommittee on Human Rights and International Organizations, Second Session on H.M. Res.605 May 15, 16"

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