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The Social Context of Torture: Policy Process and Authority Structure

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Torture is designated as a crime in many authoritative international documents. In Article 1 of the United Nations Convention against Torture, adopted by the General Assembly in 1984, the crime of torture is defined in the following terms:

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.¹

The document then proceeds, in Article 2, to spell out some of the implications of the Convention. First, it calls on each state to "take legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction." Second, it stipulates that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, or internal political instability or any other public emergency, may be invoked as a justification of torture." And third, Article 2 specifically decrees that "an order from a superior officer or public authority may not be invoked as a justification of torture."² Article

4 goes on to ask each state to declare all acts of torture offenses under its criminal law.

But despite the fact that torture is a crime under the U.N. Convention and other relevant international frameworks, and is similarly defined in the national legal codes of many of the U.N.'s member states, it is a practice that is widespread throughout the world. If anything, the incidence of torture appears to be on the rise. An Amnesty International document issued in 1991 reported the use of torture in 96 states—including, no doubt, many states that have ratified the U.N. Convention and whose own national legal codes may even include provisions against torture. A U.S. State Department report for the same year suggested that 60 countries practiced torture systematically, as a matter of policy; sporadic torture was registered in 28 countries and allegations of torture occurred in an additional 9 countries.³

Torture as a Crime of Obedience

Some of the instances of torture that occur in one or another state constitute "ordinary" crimes—that is, crimes committed in violation of the expectations and instructions of authority. Torture would be an ordinary crime in this sense if it were carried out by individual officials at their own initiative and in disregard of the policies and orders under which they function. Similarly, officials could be charged with torture as an ordinary crime if they used means of pressure in excess of what was legally permitted. For example, the report of the Landau Commission, appointed by the Israeli government to investigate the practices of the General Security Service, concluded that a certain amount of pressure was permissible in security-related interrogations, that "the means of pressure should principally take the form of non-violent psychological pressure," but that "the exertion of a moderate measure of physical pressure" may be necessary when the psychological techniques "do not attain their purpose."⁴ The Landau Report goes on to propose strict guidelines for permissible pressure. The line between "moderate physical pressure" and torture (and indeed between permissible and excessive psychological pressure) is hard to draw and the attempt to make such distinctions invites abuse. Still, insofar as there are guidelines, there is a basis for accusing officials of committing torture as an ordinary crime when they act in violation of these guidelines. Indeed, there have been some cases—including cases in Israel—in which officials have been tried and convicted for acts of torture that they committed at their own initiative or in excess of legally permitted limits. Trials of individuals for engaging in torture in their official positions are rare and punishments

usually lenient. But the category of torture as an ordinary crime does exist.

The essential phenomenon of torture, however, is that it is not an ordinary crime, but a *crime of obedience*: a crime that takes place, not in opposition to the authorities, but under explicit instructions from the authorities to engage in acts of torture, or in an environment in which such acts are implicitly sponsored, expected, or at least tolerated by the authorities. Lee Hamilton and I have defined a crime of obedience as "an act performed in response to orders from authority that is considered illegal or immoral by the larger community."⁵ Torture is clearly considered illegal and immoral by the international community; it is prohibited by international declarations and conventions that have been unanimously adopted by member states of the United Nations. Yet it is the authorities of these very states that order, encourage, or tolerate systematic policies or sporadic acts of torture.

The definition of crimes of obedience requires some further clarification: When does an ordinary crime become a crime of obedience? It is often the case—in acts of torture as much as in other gross violations of human rights—that the perpetrators engage in the action willingly, enthusiastically, and with varying degrees of innovation. But "the fact that a criminal action serves various personal motives or is carried out with a high degree of initiative and personal involvement does not necessarily remove it from the category of crimes of obedience,"⁶ as long as the action is supported by the authority structure: as long as the perpetrators believe and have good reason to believe that the action is authorized, expected, at least tolerated, and probably approved by the authorities—that it conforms with official policy and reflects what their superiors would want them to do. To be sure, those who commit torture with enthusiasm and initiative are more culpable, from a legal and moral point of view, than those who commit such acts reluctantly, in response to explicit orders. However, whether the action is *caused* or *justified* by explicit or implicit orders from superiors, it can be described as a crime of obedience, on the presumption that it would not have taken place without authorization.

Recognizing torture as a crime of obedience immediately directs our attention to the other side of the coin: to the crimes of authority that invariably accompany crimes of obedience. For every subordinate who performs acts of torture under official orders or with the encouragement or toleration of the authorities, there is a superior—or typically an entire hierarchy of superiors—who issue the orders and who formulate the policies that require or permit these acts of torture. The fact that crimes of obedience take place within such a hierarchical structure makes it especially difficult to pinpoint responsibility for them. Subordinates deny

responsibility by reference to superior orders, claiming that they are just cogs in the machine who are not in a position to set policy and are simply doing what they are told to do. Superiors are often able to deny responsibility because they are various steps removed from the actual acts of torture themselves. They may claim that the initiative was taken at a lower level of the hierarchy, that they had no idea that torture was taking place, that they did not order or condone torture, that their instructions were misunderstood or misinterpreted or inaccurately communicated across the hierarchy. Higher-level superiors may in fact not have issued specific orders to engage in torture, but they are the ones who formulate the policies, create the atmosphere, and establish the framework within which officials at intermediate levels of the hierarchy translate general policy directives into specific acts of torture. It has proven particularly difficult, however, to establish causal links between the general atmosphere and policy directives conveyed by the top leadership and the practices designed and carried out at lower levels of the hierarchy.

The denials of responsibility for crimes of obedience by both superiors (on the grounds that they were not the ones who committed the action) and subordinates (on the grounds that they were not the ones who decided on the action) often cancel each other, with the unfortunate result that no one is held responsible: Responsibility for such actions tends to be entirely lost. The question, however, is not "who is responsible?"—the actor or the authority—but "who is responsible for *what*?" When the question is framed that way, it becomes clear that both ought to be held responsible. The actors—the torturers themselves—are properly held responsible for the actions they perform and the harm they cause, even if they are acting under superior orders. Since the adoption of the Nuremberg Principles after World War II which have been incorporated into the military codes of all Western states, superior orders cannot be used as an absolute defense for criminal actions on the part of subordinates. The U.N. Convention against Torture specifically applies this principle to torturers in the clause, cited above, that "an order from a superior officer or a public authority may not be invoked as a justification of torture." Subordinates have the obligation to evaluate the legality of orders and to disobey those orders that they know or should have known to be illegal.

Superiors, for their part, have the obligation to consider the consequences of the policies they set and to oversee the ways in which those policies are translated into specific orders and actions as they move down the ladder. The authorities' obligation of oversight makes the defense of ignorance of or lack of control over the actions of subordinates generally unacceptable since they are expected to know and to control

what their subordinates are doing. Of course, more often than not, torture does not result from negligence at the top, but from deliberate policy—or perhaps deliberate inattention at the top to the way in which policy is carried out below.

In principle, then, responsibility is shared at all levels of the hierarchy, with those on top held responsible for the policies they formulate and the atmosphere they create, those in the middle for the orders they give and the control they exercise, and those on the bottom for the actions they carry out. In practice, the authority structure within which torture and other crimes of obedience occur, typically enables individuals at all levels to escape responsibility.

Determinants of Torture

Conceptualizing torture as a crime of obedience implies that it must be understood in the context of the policy process that gives rise to it and of the authority structure within which this policy is carried out. I thus look to the policy process and the authority structure to identify the major determinants of acts of torture as well as the major correctives against these practices. In doing so, I do not minimize the role of individual and cultural differences, which have been analyzed by Ervin Staub⁷ and others. I do not regard such analyses as competitive with a structural/situational analysis, but as complementary to it, since I consider a multi-level approach essential to gaining a full picture of the determinants of torture. For present purposes, however, I focus on the policy process and authority structure, in the comforting knowledge that individual and cultural differences are treated more fully elsewhere in this volume. Nevertheless, a few remarks on these variables may provide a useful perspective on my structural/situational analysis.

With respect to individual differences, I am sure there is a certain degree of self-selection of individuals who gravitate to the role of torturer. Moreover, those operating within the role vary in the amount of enthusiasm, diligence, and innovativeness that they bring to the task. No doubt differences in personality and background play an important part in determining who becomes a torturer and who acts out that role eagerly and with evident enjoyment. But a focus on structural factors helps us understand why many, perhaps most, torturers are not sadists but ordinary people, doing what they understand to be their jobs. Indeed, one of the most disturbing aspects of torture, as of many crimes of obedience, is that the perpetrators are not necessarily individuals who are exceptionally evil or severely demented, but apparently normal people performing what they consider their duty.

In making this observation, I am not endorsing the view that *anyone* could become a torturer. Some cite the well-known obedience experiments by Stanley Milgram⁸ as evidence that any ordinary person could be brought into a psychologist's laboratory and, under the appropriate circumstances, converted into a torturer and potential killer. Subjects in this research were led to believe that they were participating in a learning experiment and asked to deliver electric shocks to another subject whenever he made an error in a word association task. In fact this other "subject" was an actor working with the experimenter and was not connected to the shock apparatus. The experimenter instructed the subjects to continue delivering shocks to the "learner" even after he began to cry out in pain, demanded to be released, and eventually stopped responding altogether, and to increase the level of the shock beyond a point that subjects were led to believe was severe and dangerous. Milgram found, in his standard experimental condition, that some 65% of the subjects went all the way in obeying the experimenter's instructions, although many of them displayed great distress as they carried out the task. This level of obedience is disturbingly high and I take these findings very seriously; I use them extensively in my teaching and writing. They suggest that a situation can be structured so powerfully that ordinary people can be induced to engage in acts that inflict severe pain and suffering on another and may cause him injury and conceivably even death, simply because an experiment in which they agreed to participate ostensibly requires them to do so. Yet, the obedience experiments do not provide evidence that *anyone* could be turned into a torturer. Those who cite them to that effect forget that some 35% of the subjects—a sizable minority—refused to obey the experimenter's instructions.

Thus, Milgram's findings are consistent with the view that individuals differ in their propensity to engage in torture. I assume that not everyone can be turned into a torturer, and certainly that not everyone can be induced to become a torturer with the same degree of ease and to engage in torture with the same degree of enthusiasm. But it does seem clear that one does not have to be a sadist, or a psychopath, or a paranoid psychotic in order to become a torturer. Moreover, the individual differences that account for readiness to engage in torture are probably related as much to people's orientation toward authority⁹ as they are to their propensity toward aggression or their sense of compassion.

Turning to cultural differences, once again I feel certain that they play an important role, particularly if we focus on *political* culture. Thus, Berto Jongman¹⁰ shows that human rights violations, including torture, are much more likely to occur in non-democratic societies than they are in democratic societies: In 1990, torture was reported in 84% of countries

classified as "not free" by Freedom House, as compared to 25% of countries classified as free. Similarly, torture—along with other serious violations of human rights—is much more likely to occur in countries at low levels of development than in those at high levels (84% versus 31%). The probability of torture, then, seems to be affected by broad cultural differences, particularly those that are linked to a society's political structure and socioeconomic level.

But it is important to keep in mind that torture is practiced even in highly developed democratic societies, as Jongman's analysis clearly indicates. In democratic societies it is probably most likely to occur in the context of counter-terrorist activities. Thus, for example, charges of torture have been brought against Israeli authorities for their treatment of Palestinians involved in or accused of terrorist activities¹¹ and against British authorities for their treatment of Irish Republican Army members caught in or suspected of acts of terrorism.¹² As for the United States, I am not aware of the occurrence of torture as national policy or charges of torture against federal authorities. Torture does seem to occur on occasion at the local level, as suggested in recent charges by Amnesty International against the Los Angeles Police Department. What I consider even more disturbing is that the U.S. government has apparently been involved in encouraging torture—for example, by participating in the training of torturers in Central America.¹³ It is not surprising that such training exercises have taken place in the context of counterinsurgency programs.

Clearly, there are differences in the incidence of torture in different cultural settings, and the probability of torture decreases significantly in societies in which a democratic ethos prevails. In part, democratic countries are less likely to practice torture precisely because of the nature of the policy processes and the authority structures that characterize such societies. But even democratic countries are not immune from this practice. There are social conditions under which democratic cultures that ordinarily respect human rights may sanction torture, just as there are social conditions under which ordinary, decent individuals may be induced to take part in it. Thus, while individual and cultural factors are important determinants of torture, they operate in interaction with the policy process and the authority structure that ultimately give rise to the practice.

In sum, I have proposed that torture, as a social phenomenon rather than an aberrant practice, is best understood as a crime of obedience, carried out within a hierarchical authority structure, and serving the purposes of a public policy. I now turn to the question of how we can account for torture and its characteristic manifestations within this framework, both at the macro-level and at the micro-level. At the macro-

level, the central question is: What are the structural and situational conditions that make torture *necessary* as an instrument of policy in the eyes of the relevant authorities? At the micro-level, the question is: What are the conditions that make torture *possible* for those individuals and organizations who are asked to implement this policy?

The Use of Torture as an Instrument of Policy

The emergence or reemergence of torture as an instrument of policy in the twentieth century is directly related to the nature of the modern state. In particular, as Edward Peters¹⁴ argues in his historical study, torture arises from the combination of two features of the modern state: its vast power and its enormous vulnerability to state enemies, internal and external. The power of the modern state rests in the extent to which it affects all aspects of the lives of its citizens and the resources that it can mobilize to control its population. The vulnerability of the modern state stems from the high degree of interdependence of the political, economic, and social institutions required to run a modern society and the resulting ease with which social order can disintegrate and the political authorities can lose control when their legitimacy declines in the eyes of their population or when they confront terrorism and insurgency. Torture becomes state policy when the authorities perceive an active threat to the security of the state from internal or external sources and decide to use the vast power at their disposal to counter that threat by repressive means.

The recourse to repression is likely to occur in situations in which opposition—any opposition or opposition from a particular quarter—represents a challenge to the *legitimacy* of those in power and thus a fundamental threat to their continued ability to maintain power. This may be the case in states in which the legitimacy of the rulers rests on the basis of a unitary, unchallengeable ideology, political or religious, such as Communism in China and not so long ago in the Soviet Union and its East European allies, or Islam in Iran. It may also be the case in states that are run by a ruling clique with an extremely narrow population base—in socioeconomic and/or ethnic terms—but with the support of the military forces, such as Iraq and Syria, or El Salvador and other Latin American states at various times. Torture may also be used, sporadically or even systematically, by democratic regimes (as mentioned above) that find themselves in charge of ethnically distinct populations or subpopulations that do not accept their rule, such as Israel in the occupied territories or Britain in Northern Ireland.

These cases do not by any means constitute a comprehensive typology of political contexts conducive to torture. Many states that do not neatly fit into the above categories have practiced torture, with varying degrees of regularity, in the face of challenges to their legitimacy and perceived threats to their security. They include, for example, South Africa, in which non-whites have been systematically deprived of power; the Philippines, which have confronted long-standing insurgencies; and Kuwait in its treatment of Palestinians, Iraqis, and Bedoons (long-term Arab residents of the country who have not obtained citizenship) in the wake of the recent Gulf War.¹⁵ It should be noted that torture has also been practiced by non-state actors, such as guerrilla groups or liberation movements—including, for example, the African National Congress (ANC) and the South-West Africa People's Organization (SWAPO)—although it is primarily a phenomenon linked to the state.

When state authorities resort to torture, they can often point to a history of violence directed against the state in the form of insurgency, guerrilla operations, or terrorist acts. This is not always the case. Torture may be applied to individuals whose only crime is political or religious dissent, or at times mere membership in a religious or ethnic community that does not fit into the ruling group's scheme of things. Even where there is a history of violence, the apparatus of torture is not particularly discriminating in the selection of its victims. Individuals who have not participated in violent action at all may be singled out for torture for any number of reasons: because they are members or supporters of political opposition groups; because they belong to an ethnic, religious, or even professional category (as happened in Argentina during its "dirty war")¹⁶ that is generally suspect; because they are deemed guilty by association (perhaps because they are related to suspects); or simply because they are picked up at random or on the basis of mistaken identity. Still, the occurrence or perceived threat of violence against the state is central to the rationale of the policy of torture.¹⁷

There are three important points at which the perceived threat to the security of the state provides the rationale for a policy of torture, and the power of the state enables it to implement that policy: in establishing the purpose and justification of the torture, in recruiting the agents or perpetrators of the torture, and in defining the targets of the torture.

First, the essential *purpose and justification* of torture, as has already been proposed, is the protection of the state against internal and external threats to its security—which often means the maintenance in power of those more or less narrow elements of the population that have gained control of the state apparatus. The practice of torture is justified by reference to the particular doctrine of the state's legitimization: maintaining law and order or stability, the rule of "the people" whom the

state claims to embody, the rule of God, the survival of Western civilization, or the integrity of national institutions.

Second, the *agents* of torture are defined as a professional force with a significant role in protecting the state against internal threats to its security. The power of the state allows it to mobilize the necessary resources to establish a torture apparatus. A central component of that mobilization process is the recruitment of a cadre of torture practitioners through the development of what is in effect an organized profession—a profession that is wholly owned by the state, that operates within the state's internal security framework, and that is dedicated to the service and protection of the state.

Third, the *targets* of torture are defined as enemies of the state who constitute serious threats to the state's security and survival. For that, as well as for other reasons, such as their ethnicity or ideology, they are placed outside the protection of the state. In the modern state, individual rights in effect derive from the state. Thus, to be excluded from the state—to be denied the rights of citizenship—is tantamount to becoming a non-person vulnerable to arbitrary treatment, to torture, and ultimately to extermination.

Social Processes Facilitating Participation in Torture

The three points at which the security concerns and power of the state contribute to a policy of torture at the *macro-level*—i.e., the justification for torture, the agents of torture, and the targets of the torture—can be linked to three social processes that facilitate participation in torture at the *micro-level*: the processes of authorization, routinization, and dehumanization, which I distinguished in my earlier analysis of sanctioned massacres and other crimes of obedience.¹⁸ The justification of torture as a means of protecting the state against threats to its security helps to *authorize* the practice; the development of a profession of torturers as part of the state's security apparatus helps to *routinize* the administration of torture; and the designation of the targets of torture as enemies of the state who are excluded from the state's protection helps to *dehumanize* the victims.

In my earlier analysis of sanctioned massacres, I have argued that, to understand participation in massacre, it is less important to explore the forces that push people into performing such violent acts than to explore those forces that contribute to the weakening of moral restraints against performing acts that people would normally find unacceptable. Within this framework, I proposed that *authorization* helps to define the situation in such a way that standard moral principles do not apply. The individual is not acting as an independent moral agent and therefore feels

absolved of the responsibility to make personal moral choices. Through *routinization*, the action becomes so organized that there is no opportunity for raising moral questions and making moral decisions. The action is divided among many individuals and sub-units of the organization. Each individual carries out routine tasks without having to think of the overall product created by these tasks. The use of euphemisms further enables individuals to avoid the meaning of the tasks that they are performing. Altogether, the actions come to be seen as part of a normal job rather than participation in a massacre. Finally, *dehumanization* makes it unnecessary for actors to view their relationship to the victim in moral terms; the victim is excluded from their moral community.

These three social processes should apply to torturers as much as to participants in massacres or other crimes of obedience. Beyond this, however, I propose that in the case of the torturer these processes are mediated to a significant degree through the relationship of the actors to the state.

Authorization

Typically, torturers are not just acting within a hierarchy in which they are expected to obey—and have indeed been trained to obey without question¹⁹—but they are participating in an action that represents a *transcendent mission*. They have come to share the view of the authorities that the task they are engaged in serves a high purpose that transcends any moral scruples they might bring to the situation. They have come to see themselves as playing an important part in an effort to protect the state: to ensure its security and continued integrity, to maintain law and order, or to keep alive the fundamental values of the state that are being subjected to a merciless onslaught by ruthless enemies who are intent on destroying it. This view of the purpose of the torture project as part of a noble effort, in which the perpetrators are prepared to play their role despite any moral reservations and feelings of repugnance they might have, greatly enhances the legitimacy of the enterprise.

In addition to this sense of a transcendent mission, there are other elements that contribute to the perceived legitimacy of the enterprise. One of these is the participation of medical professionals. In many cases of torture, physicians play an active role by examining victims to determine their physical capacity to go through the process, by making sure that the torture does not go to the point of causing the victim to die, and by performing other functions.²⁰ Physicians have also played an important role in developing torture techniques, including brainwashing and related psychological methods of torture. An extreme example of the role of

physicians in legitimizing torture and the systematic killing of "undesirables" and enemies of the state is the case of the Nazi doctors who helped to formulate the biomedical vision underlying the Nazi genocidal programs.²¹

Another source of legitimization of torture is the legal context in which it often takes place. One of the common uses of torture is as an adjunct to judicial proceedings, where it is designed to obtain evidence to be introduced into trials. This practice goes back to the early uses of torture, in the Roman period and in the Middle Ages, as a central part of the process of producing a confession, which was deemed necessary to establish the guilt of the accused.²² More generally, the justification of torture as a necessary means of ferreting out "the truth" helps to surround it with an aura of legitimacy.

Routinization

One important indicator and contributing factor to the routinization of torture is the establishment of torturers as a professional group. Professionalizing the practice of torture clearly contributes to normalizing their work; it also contributes to ennobling their efforts since it conveys the image of torture as a special profession dedicated to the service of the state. Like other professionals, torturers undergo professional training to prepare them for their roles.²³ Although some torturers may seek out this occupation because of their sadistic inclinations, many are ordinary people who come to this work via a number of different routes. They become "professional torturers," however, by going through a rigorous process of training, socialization, and indoctrination. Typically, this process includes torture resistance training, which acclimatizes them to cruelty.²⁴

Another element of the professionalization of torture is that it has become an international enterprise. Torturers from different parts of the world come together in international meetings in which they share information about training procedures and torture techniques. The similarity in the techniques of torture used across the world is startling. Some of this is probably due to independent discovery and invention, but much of it can be credited to professional exchange.

The torture process itself also shows signs of considerable routinization. The process usually involves a series of steps, clearly identified, and following each other in regular sequence. The different torture techniques, as well as the different torture chambers, are typically designated by special names, often with a euphemistic or ironic quality. These names are not so much designed to hide the reality of what is

actually taking place as to give expression to a professional culture with its own rituals and language.²⁵ The procedures used by torture organizations, including a variety of psychological techniques, are often quite sophisticated. All of this helps to give the work an aura of professionalism, which allows the torturer to perceive it, not as an act of cruelty against another human being, but as the routine application of specialized knowledge and skills.

Perhaps the most important component of the routinization of torture is the normalization of the torturers' work. They see themselves as performing a job, as doing their duty. It is a job that often involves hard work, that can lead to promotion and other rewards, that may offer opportunities to demonstrate innovativeness, and that one can excel in and become expert in. Above all, it is a job that one can be proud of because it is a special job that represents a significant service to the state, and that often carries with it membership in an elite corps.

Dehumanization

The exclusion of torture victims from the torturer's moral community goes back to the early history of torture. In the Roman legal system, torture as a means of obtaining confessions was originally applied only to slaves and foreigners, but not to citizens.²⁶ The torture victim as non-citizen—actually or metaphorically—remains true today. In the contemporary practice of torture, the main source of dehumanization of the victims is their designation as enemies of the state who have placed themselves outside the moral community shared by the rest of the population. They are described as terrorists, insurgents, or dissidents who endanger the state. They are perceived as menacing, destructive elements bent on undermining law and order and destroying the community. The view of torture victims as non-citizens who are not entitled to the protection of the state was quite evident in interviews that Heinz (this volume) conducted with "masters of torture" in Latin America. In their view, once guerrillas were identified as Communists, they became foreign agents and thus, in effect, "denaturalized"; they were no longer members of the community. Furthermore, torture increased when guerrillas began killing military officers and their families. This reinforced the view of torture victims as not only outsiders who are not entitled to the community's protection, but as dangerous elements against whom the community had a right to protect itself.

A central assumption in the contemporary practice of torture—just as in the early days, when it was used as a systematic part of criminal legal procedures—is that the victims are guilty. The question of whether or not

they are guilty never arises. The whole torture apparatus operates on the assumption that those who are brought in for torture are guerrillas, insurgents, or terrorists who have committed and/or were about to commit dangerous crimes against the state. Thus, torture is designed only to punish the guilty, to warn their accomplices, and most importantly to elicit the truth from them. Indeed, torture is often justified on the grounds that it is the only way to elicit information necessary for the protection of the state and its citizens, such as information about the identity and whereabouts of terrorist leaders or about planned terrorist operations that the torture victims are presumed to have in their possession.

A contributing factor to the dehumanization of torture victims is the fact that they are often outside the ethnic or religious community of the torturers and of the dominant sector of the society, as has been the case, among many others, for Kurds in Iraq, for Bahais in Iran, for Palestinians in Kuwait and in the Israeli-occupied territories, for Irish Catholics in Northern Ireland, or for Bosnian Muslims in the former Yugoslavia. In many cases, the victims' ethnic or religious identity is itself the primary reason for their vulnerability to torture. In other cases, ethnic or religious identity is a factor in dissent or insurgency. In all cases, it facilitates exclusion and dehumanization, thus removing one of the constraints against torture and other serious violations of human rights.

Conclusion

The present analysis suggests several conditions under which torture becomes an instrument of state policy and the authority structure of the state is fully utilized to implement that policy. First, there is the perception by state authorities that the security of the state is under severe threat. At the macro-level, such a perception can justify torture while, at the micro-level, it may contribute to its authorization. Second, there is the existence of an elaborate and powerful apparatus charged with protecting the security of the state. At the macro-level, this may lead to the recruitment and training of professional torturers as part of that apparatus. At the micro-level, it can contribute to the routinization of torture. Finally, there is the existence of disaffected ethnic, religious, political, or other groups within or under the control of the state that do not enjoy full citizenship rights. At the macro-level, this may lead to their designation as enemies of the state and, consequently, as appropriate targets for torture. At the micro-level, this can result in their dehumanization. These conditions and hence the propensity for torture are endemic to the autocratic security state. Part of the answer to torture

thus clearly points in the direction of democratization: torture is much less likely to take place in states governed with the consent of the governed.

There is, however, not much cause for self-congratulation by Western democracies. Even in democratic societies, the record has been ambiguous and flawed. These societies are not invulnerable to the conditions that tempt state authorities to adopt torture as a policy instrument and that enable them to implement a policy of torture: the perception of fundamental threats to the security and integrity of the state; the existence of bureaucratic organizations charged with ensuring state security, staffed by professionally trained security specialists, and allowed to operate with greater secrecy and less accountability than is customary in democratic societies; and the presence of foreign, poorly integrated, or non-citizen elements within the population that can easily be seen as outside of the contract that obligates citizens and state to one another in a democratic polity. The combination of these conditions can override the constraints and bypass the scrutiny, imposed by democratic values and institutions, that usually stand in the way of gross violations of human rights in democratic societies. These, then, are the conditions that must be addressed—wherever they manifest themselves—as we struggle against the practice of torture and develop approaches to its worldwide abolition.

Notes

1. J. H. Burgers and H. Danelius, *The United Nations Convention against Torture: A Handbook on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Dordrecht/ Boston/London: Martinus Nijhoff Publishers, 1988, pp. 177-8.
2. *Ibid.*, p. 178.
3. Cit. PLOOM Newsletter, 1991 (Summer), Vol. 3, No. 1. Leiden: Leiden University.
4. S. Cohen and D. Golan, *The Interrogation of Palestinians during the Intifada: Ill-treatment, "Moderate Physical Pressure" or Torture?* Jerusalem: B'TSELEM—The Israeli Information Center for Human Rights in the Occupied Territories, 1991, p. 25.
5. H. C. Kelman and V. L. Hamilton, *Crimes of Obedience: Toward a Social Psychology of Authority and Responsibility*. New Haven and London: Yale University Press, 1989, p. 46.
6. *Ibid.*, p. 50.
7. E. Staub, "The Psychology and Culture of Torture and Torturers." In P. Suedfeld (Ed.), *Psychology and Torture*. New York: Hemisphere Publishing Corporation, 1990, pp. 49-76, and this volume.

8. S. Milgram, *Obedience to Authority: An Experimental View*. New York: Harper and Row, 1974.
9. cf. Kelman and Hamilton, *Crimes of Obedience*, chapters 11 and 12.
10. B. Jongman, "Why Some States Kill and Torture while Others Do Not." *PIOOM Newsletter*, 1991, 3(1), pp. 8-11.
11. e.g. "Israel and Torture." *Journal of Palestine Studies*, 1977, 6(4), pp. 191-219; Cohen and Golan, *Interrogation of Palestinians*.
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16. See A. Elion, "Letter from Argentina." *The New Yorker*, July 21, 1986, pp. 74-86.
17. See Heinz, this volume.
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20. S. V. Farone, "Psychology's Role in the Campaign to Abolish Torture."
21. R. J. Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York: Basic Books, 1986.
22. E. Peters, *Torture*.
23. Radtke, "Torture as an Illegal Means of Control", Gibson, "Factors Contributing to the Creation of a Torturer."
24. Radtke, "Torture as an Illegal Means of Control", see also Crellin, this volume.
25. Radtke, "Torture as an Illegal Means of Control."
26. Peters, *Torture*.