

Issues Paper 2
Exploring the Root
Causes of Torture

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ISSUES PAPER 2: EXPLORING THE ROOT CAUSES OF TORTURE

INTRODUCTION: WHY ROOT CAUSES?

This second *Issues Paper* sets out our research findings concerning the root causes of the use of torture. We begin in Chapter One at the highest level of generality by looking at the literature on institutional violence. In Chapter Two, we describe the theoretical model that we adopted to map or conceptualise the different levels at which torture is produced and sustained. In Chapter Three, we then move more specifically to look at to the organisational factors in the security sector that underpin violence, as it is at this level that our intervention was targeted.

Before entering into the findings, it is important to establish why our approach required us to interrogate the root causes of the phenomenon we were seeking to prevent. In developing the methodological approach for this project, we were influenced by two bodies of analysis. The first, discussed in *Issues Paper 1*, was an analysis of existing approaches to torture prevention. This analysis allowed us to more clearly see the types of assumptions that had been made in existing prevention approaches and where both the strengths and the gaps in those approaches lay.

The second, to which we will turn in more detail in *Issues Paper 5: Organisational and Normative Change in the Security Sector*, concerned what makes a prevention approach effective. In particular, we consulted an extensive body of research in the field of public health analysing the evaluations of thousands of prevention interventions.¹ This body of literature identified several characteristics that are necessary for a prevention strategy to be successful. Two of these in particular informed our approach – the need for a Theory of Change and the importance of an empirically based understanding of the context.

To begin with, a prevention strategy must be based on a Theory of Change. As already discussed, a Theory of Change is one that describes how the activities, resources and contextual factors work together to achieve the desired outcomes.² As we saw in the discussion of existing approaches to the prevention of torture in *Issues Paper 1*, there is a real danger that without such a theory, we will develop interventions based on incorrect assumptions or that we will be operating without the nuanced and empirically informed information required to ensure that our strategies are prudently targeted. Further, to develop a theory that tells us how to *change* a state of affairs, we must first develop an understanding of how that state of affairs that we wish to change came to exist and what makes it possible for it to persist. In this context, if we are to develop a sound theory of change for addressing the use of torture in security forces, the first question has to be, what are the *root causes* of these practices? What brings the practice of torture into existence and what keeps them in place?

The meta-evaluations of prevention projects also indicated that those strategies that were effective were ones that were designed on the basis of a sound and empirically based understanding of the problem, carried out at the actual site of intervention. Understanding the root causes of torture *in general* will no doubt provide us with important sources of guidance, but if we do not study the particular sites where we are working, there is a real danger that we will miss distinct dynamics and causes. Indeed, one of the major problems with many human rights interventions is that they adopt a 'drop down' style, assuming that findings drawn on the basis of certain experiences or conditions (often developed in European or North American contexts, or in the case of torture, South American contexts) can be applied in another context. As such, it is imperative to find out what are the causal dynamics of the use of torture at the particular sites where one is seeking to bring about change. This more empirically based understanding is set out in *Issues Papers 3 and 4* on Sri Lanka and Nepal.

We turn now to our more general findings on the root causes of the use of torture.

¹ Maury Nation, C. Crusto, A. Wandersman, K. L. Kumpfer, D. Seybolt and E. Morrissey-Kane, "What works in prevention: Principles of effective prevention programs," *American Psychologist* 58, no. 6/7 (2003): 449-456.

² Donna M. Mertens and Amy T. Wilson, *Program evaluation theory and practice: a comprehensive guide* (New York: Guildford Press, 2012)

CHAPTER ONE: A SITUATIONAL APPROACH TO INSTITUTIONAL VIOLENCE³

i. Making sense of systematic violence

After the genocide in Europe during the Second World War, and in the wake of the images of brutality and violence that emerged from the Nazi Concentration Camps, researchers in the West became dogged by the question of how such inhuman behaviour could have occurred on such a massive scale. More pointedly, they wanted to understand how masses of apparently ordinary people could, under certain conditions, commit acts that are generally considered beyond the pale of ordinary morality. Amongst the conditions that most interested them were institutional settings, where subordinates seemed to commit horrendous acts without objecting to them and those in positions of authority seemed given to abuse their power by authorising such acts. The findings of the experiments conducted by social psychologists and sociologists commencing in the 1950s shed important light on the conditions under which members of the security forces may exceed the legitimate use of force.

The most often cited studies in this area were the Milgram electro-shock experiments and the Zimbardo (Stanford) prison experiments.⁴ We describe them in some detail to provide a clear picture of how they arrived at their conclusions and their relevance for understanding and preventing torture.

In his experiments, Milgram set up a basic scenario in which an authority figure instructed volunteer subjects to administer electric shocks to a person in another room. The subject was led to believe that this third person was receiving shocks as a way of improving his or her learning although, in fact, they were not receiving the shocks but were also part of the experiment. Nevertheless, the subject heard them reacting, sometimes with screams, to each shock that the subject believed he or she was administering. The experimenters found that in response to gradually more authoritative commands, 65% of subjects were willing to raise the voltage to what they believed to be a dangerous 450-volt limit, despite the actor/test-taker's screams and pleas to quit the experiment.

In order to examine more closely the dynamics that were at work, the experimental conditions were varied to allow for different types of instructions, different qualities and characteristics of the authority figure, different imagined 'victims' and different contexts. For example, sometimes the authority figure was dressed in a white lab coat and sometimes in casual clothes; sometimes this figure was a man and other times a woman. In some conditions there was more than one authority figure, with a variation introduced in which authority figures disagreed with each other over the instructions. In some conditions, the administration of shocks was described as 'teaching' or 'helping' the learner; in others as punishing him or her. Sometimes the 'learner' was described in very positive terms and on other occasions as someone contemptible or someone towards whom the subject was likely to feel negative emotions. In other variations, the subject was able to witness others in a similar position, either obeying the instructions or refusing to administer shocks.

The results of the basic experiment, supplemented by results from the variations in the experimental conditions, furnished a wealth of information about the conditions under which individuals will undertake acts that they would otherwise deem wrong or unethical. Some of the more important findings were that obedience to unethical orders is more likely to occur where:

- The authority figure adopts an official identity;
- The task is described in positive terms or justified by a higher purpose;
- The person on whom the act is being inflicted is described in negative terms or belongs to a stigmatised group.

³ This chapter is drawn from experts reports prepared for the HER by Professors Jack Saul and Gameela Samarasinghe: Jack Saul, *Psychological and Situational Factors Involved in the Participation in Torture*, Expert Report Prepared for the Enhancing Human Rights Project (November, 2012); Gameela Samarasinghe, *The socio-cultural norms that create a society of acceptance and contribute to the prevalence of torture in Sri Lanka*, Expert Report Prepared for the Enhancing Human Rights Project (2013).

⁴ Phillip G. Zimbardo, Christina Maslach, and Craig Haney, "Reflections on the Stanford prison experiment: Genesis, transformations, consequences," in *Obedience to Authority: Current Perspectives on the Milgram Paradigm*, ed. Thomas Blass (Mahwah, NJ: Lawrence Erlbaum, 2000), 193–237; Stanley Milgram, *Obedience to Authority: An Experimental View* (1st ed.) (New York: Harper & Row, 1974)

Correlatively, the subject was more likely to refuse to commit the unethical acts or obey the instructions where:

- The status of the authority figure is in some way lowered;
- There is dissent amongst those giving the instructions;
- The person being asked to obey an unethical instruction witnesses another person who refuses to obey. In fact, where this is the case in virtually all cases they also refuse.

In the Stanford prison experiments conducted by Zimbardo, the objective was to observe how 'ordinary' subjects would behave when placed in a situation simulating a closed institution where they were placed in the roles of guards and prisoners. Volunteers were recruited from the local population and screened to exclude anyone who had prior psychological problems, medical disabilities or a history of crime or drug abuse. The remaining twenty-four volunteers were divided by the flip of a coin into two groups and allocated roles as guards or prisoners.

The members of the prisoner group were confronted unexpectedly in their own homes when the City Police conducted mock arrests, blindfolded them and took them to a simulated prison built under the psychology labs at Stanford University. There the (mock) 'warden' received them, admonished them for their crimes and introduced them to their new status as prisoners. After being stripped naked and deloused they were allocated a stocking cap to simulate a shaved head, smocks marked with an identification number as uniforms, and a bolted chain was placed around their right foot. The guards were dressed in identical khaki uniforms, wore mirror sunglasses and were given clubs. Beyond general instructions to ensure that law and order was maintained and to command the respect of prisoners in the face of a potentially dangerous situation, they were given little guidance.

What transpired over the next days bore a remarkable resemblance to some of the typical dynamics of violence in real closed institutions such as prisons. At 2.30am on the first night, guards woke the prisoners with whistles and demanded their attendance at the first of what were to become numerous random counts. When, on the second day, the prisoners staged a rebellion, the guards drastically increased the severity and arbitrariness of their discipline. This included destructive raids of cells, stripping prisoners naked, improvising random, humiliating and arbitrary forms of discipline and devising means for setting prisoners against each other. At different points of the experiment prisoners had extreme psychological reactions, including withdrawal, breaking down and adopting submissive and conformist behaviour. The experiment was discontinued prematurely after five days.

The Stanford prison experiment poignantly demonstrated the extent to which situational factors can affect or perhaps more accurately shape individuals' behaviours. It powerfully illustrated the difficulty that individuals can have in stepping out of, or challenging, the roles that they are assigned, especially when others around them are conforming to the expectations of those roles. For example, when some guards behaved sadistically, even the 'good' guards felt helpless to intervene. Indeed, even in the face of explicit and extreme abuse of the prisoners, not a single guard quitted, despite their private misgivings about what was happening. Zimbardo and his colleagues concluded that several factors were at work in the dissolution of the guards' sense of ethical responsibility.

Of particular importance were:

- The attribution of absolute authority with significant space for arbitrariness;
- Socially approved rules;
- A legitimising ideology;
- Institutional support;
- Peer pressure;
- Anonymity.

They also concluded that boredom and the absence of avenues for creativity were significant factors underpinning the sadistic behaviours.⁵

⁵ A former Israeli soldier candidly discussing the practice of detaining and harassing Palestinians at border crossings similarly remarked that sheer boredom was one of the reasons she and her peers behaved as they did. See "Because I'm Bored" on Breaking the Silence. <http://www.breakingthesilence.org.il/testimonies/videos/50422>. Viewed on May 29, 2014.

ii. The dynamics of compliance: obedience and conformity

As well as these two experiments, a range of other researches explored the conditions under which individuals come to obey unethical orders, or comply with unethical behaviours. In doing so, they distinguished between two types of forces – one vertical, which we call obedience, and one horizontal, which we call conformity. In the former, individuals comply with orders that are given by superiors; in the latter they comply or coordinate themselves with the actions of their peers.

Researchers wanted to find out what types conditions were more likely to produce *obedience* and *conformity*. More specifically, they interrogated the nature of the situations conducive to obedience and conformity and the characteristics of the figures whom individuals obey, or with whom they conform.

On the question of the situations where compliance is more likely to occur, several findings are highly relevant for our context. The pressure towards compliance (obedience and conformity) is increased where:

- The situation involves a high degree of ambiguity;
- Where the situation is dangerous;
- Where there are few external referents that individuals can use to judge the situation;
- Where the costs of not complying are very high.

On the question of the characteristics of leaders or peers that make compliance more likely, research indicates three types of attributes of the influencing agent as particularly salient. The first is power or resource control, inducing compliance through offering incentives to obtain rewards or avoid punishment. The second is credibility, whereby others are motivated to hold the same or similar beliefs. The third is attractiveness, inducing the desire to identify as a way of increasing prestige or improving one's own self-image.⁶ Importantly, these are only general findings, and when it comes to thinking about the types of people who are likely to induce compliance in particular contexts, it will be important to find out what types of capital (social, cultural, physical and symbolic) are valued in the organisation (as discussed in Chapter Three). Such empirically based findings – about the role that figures of influence play in shaping practices – will be critically important in thinking about where to focus strategies for organisational transformation. This is because, as we shall discuss in *Issues Paper 5: Organisational and Normative Change in the Security Sector*, just as the dynamics of compliance can shape behaviour in negative ways, they can also be used to shape it towards respect for human rights.

Irrespective the situation and the qualities of the peers or leaders, one finding we cannot ignore in this body of work is that the forces of conformity are enormously powerful. A number of experiments demonstrated that when individuals are asked to make judgments about questions where the answer is obvious and unambiguous (for example, about whether two lines they are shown are parallel), most will agree with an incorrect answer that they know to be incorrect if this is the one that everyone else is giving.⁷ Similarly, when placed in the context of groups, in which everyone is agreeing with an unethical form of action, very few individuals are willing or able to dissent. In other words, even in the absence of 'higher orders', there were strong horizontal forces of influence.

Such findings about the dynamics of conformity have important implications for working on torture prevention. Insofar as they demonstrate the powerful shaping force that both leaders *and* peers can have on other's behaviour, they tell us that *both* can be sites for transforming practices. Here, we might also note that some of the most successful public health interventions, designed to achieve normative change (discussed in *Issues Paper 5: Organisational and Normative Change in the Security Sector*), have worked to influence key agents of peer influence who are then major forces for shaping the norms and behaviours of others.

At the same time, we need to approach social science findings about compliance with some caution when applying them to a real life setting. It would be far too simple to simply conclude that we need to find ways of eliminating the forces of conformity in security settings. Certainly, conformity undermines individuals' ability to break ranks where decisions are unethical, but it also assists in achieving solidarity, which in turn provides protection from external threat and reduces ambiguity in the social environment. In settings where groups are working in dangerous or threatening conditions, these same forces provide important resources. The issue is that once group norms emerge, particularly in situations where they are not subject to being challenged, they

⁶ Herbert C. Kelman, *Crimes of obedience: Toward a social psychology of authority and responsibility* (New Haven: Yale University Press, 1989)

⁷ Solomon E. Asch, "Studies of independence and conformity: A minority of one against a unanimous majority," *Psychological Monographs* 70, no. 9 (1956): 1 – 70. See also Stanley Schachter, *The psychology of affiliation: Experimental studies of the sources of gregariousness* (Stanford, CA: Stanford University Press, 1959); Irving Janis, "Groupthink among policy makers," in *Sanctions for evil: Sources of social destructiveness*, eds. Nevitt Sanford and Craig Comstock (San Francisco: Jossey-Bass, 1971)

can become as entrenched as a physical reality. Where those norms legitimise human rights violations, we then face a real problem of resistance to change.

Finally, the use of excessive violence in institutional settings has been linked with a certain conception of masculinity whereby to torture becomes the "right, manly decision".⁸ Because shame, honour and pride are important aspects of masculinity in most cultures, violence may be a response to being shamed, particularly for individuals who have few other mechanisms for dealing with those feelings.

In the context of security organisations, where junior personnel are themselves subject to forms of humiliation and shaming, this has some very worrying implications in terms of their behaviours. Where juniors experience humiliation at the hands of their superiors, they are likely to experience a sense of powerlessness and a loss of dignity that may then in turn be translated into their acting out violently towards others.

iii. The conditions for the use of torture

On the basis of this body of research, we can draw some important principles relevant to understanding the conditions under which individuals may use torture. Harmful or unethical acts are more likely to do be committed where:

- The rules provided are vague so that they can be used arbitrarily and impersonally to justify compliance;
- There is a view that 'rules are rules' and must be followed;
- The actor or action is framed in a way that has positive connotations. For example, subjects are more likely to adopt harsher treatment where they are given meaningful roles to play, such as 'teacher' or 'protector' and where their role as 'helping' rather than 'hurting' is emphasised;
- The authority figure conveys that he or she will take responsibility for anything that might happen, leading to the diffusion of responsibility;
- The acts in question begin with small, seemingly insignificant first steps and gradually increase toward more extreme levels;
- There are high levels of ambiguity that subjects need to manage;
- There are few external referents that subjects can use to orient themselves;
- There is a strong desire to retain membership in a group and the costs of exit are high;
- Leaders actively discourage alternative points of view;
- The harm is being caused to people who are at a distance.

Circumstances in which authority is evident, obedience is demanded, tasks are routinised and where there is strict role assignment tend to lead individuals to consider themselves as tools with a purpose, rather than agents with moral responsibilities.

iv. Moral disengagement and the 'conditioning' of the use of torture

Robert Jay Lifton uses the term 'atrocities-producing situation' to describe a context in which individuals can become entwined in a systemic process, driven by ideological justification, for committing acts of harm toward others.⁹ This can also be understood as a form of de-individuation whereby one's sense of identity, and therefore moral obligation, is obscured by membership in a larger system. The critical point here is that situational factors play on the individual so as to make him or her feel outside the bounds of morality, such that questions of right and wrong never become salient.

To explain how individuals come to suspend moral standards that they would otherwise adhere to, Albert Bandura posited the theory of *moral disengagement*.¹⁰ Under normal circumstances, individuals have a system of self-sanction that prevents them from acting immorally. This system can be suspended or impeded in four ways described below.

⁸ Darius M. Rejali, "Torture Makes the Man," *South Central Review* Volume 24 (1) (Spring 2007): 154.

⁹ Robert J. Lifton, *The Nazi doctors: Medical killing and the psychology of genocide* (New York: Basic Books 2000); Robert J. Lifton, "Conditions of atrocity," *The Nation*, May 31, 2004, accessed May 29 2014, <http://www.thenation.com/article/conditions-atrocity#>

¹⁰ Albert Bandura, *Aggression: A Social Learning Analysis* (Oxford, England, Prentice Hall, 1973)

- a) Reframing the behaviour. This may take the form of:
 - Moral justification e.g. “By killing these people, we are purifying the nation and making it stronger” or “The only way I can prevent a disaster is by using force to get the information I know he has”;
 - Euphemistic language, e.g. using familiar terms for instruments of torture or the improper use of force or calling killing ‘cleansing’;
 - Advantageous comparison, e.g. “If I don’t beat him up, someone will do something a lot worse”.
- b) Obscuring causal agency. This may take the form of:
 - Displacement of responsibility, e.g. ‘I was following orders; I had no choice’;
 - Diffusion of responsibility, e.g. “Everyone was doing it; I was just a cog in the wheel”.
- c) Distorting the consequence of actions, for example, ‘If I beat him, he will learn a lesson’.
- d) Blaming and dehumanising others through:
 - Dehumanisation, e.g. ‘They are all animals’; ‘They don’t have feelings like we do’; ‘They are not open to reason so you have to beat them’;
 - Attribution of blame, e.g. ‘That cockroach knows he shouldn’t have moved here anyway’; ‘He brought it upon himself by breaking the law’;
 - Moral exclusion, e.g. ‘Look at the way he lives, he doesn’t even care about this country. Why should I feel bad for him?’

Kelman’s work on torture is useful here. Kelman argues that we can think about the factors that ‘condition’ the practice of torture along three dimensions:

- A certain state of affairs that *authorises* the practice (e.g. a perceived threat to the security of the state);
- The development of a group of people and set of procedures that *routinise* the practice;
- The *dehumanisation* of a class of people who can become victims.¹¹

Together, these can be thought of as “the processes that permit the construction of a separate reality”.¹² What this implies, is that in order to *prevent* the use of torture, we need to either block the construction of a separate reality that sustains this practice, or, if that reality has been established, we need to find ways to diminish its influence and impede its spread.¹³ Recognising that the ‘the torture reality’ (staying with Kelman’s framing) operates at a number of levels, Kelman then drills down to argue that we need to attend to the deconstruction of these realities at the levels of the victims, the perpetrators and the society at large.

Framing the different dimensions of the situation slightly differently, Kelman describes the sum of social processes that ‘contribute to the weakening of moral restraints against performing acts that people would normally find unacceptable’:

“... *authorization* helps to define the situation in a 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 *routinisation*, the action becomes so organised 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 organisation. 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... 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.”¹⁴

This rather dense description of the processes underlying the use of torture suggests that we need to think of ‘root causes’ in a rather more complex way than we had initially envisaged. In the next two chapters, we turn to this question of how to think about and map causality for the purposes of understanding a practice such as torture.

¹¹ See Herbert C. Kelman, “The Social Context of Torture: Policy Process and Authority Structure,” in *The Politics of Pain: Torturers and Their Masters*, eds. Ronald D. Crelinsten and Alex P. Schmid, (Boulder, CO: Westview Press, 1995), 19-34; Kelman, *Crimes of obedience*

¹² Ronald D. Crelinsten, “The world of torture: A constructed reality,” *Theoretical Criminology* 7, no. 3 (2003): 299.

¹³ Crelinsten, “The world of torture”

¹⁴ Kelman, “Social Context of Torture”, 28-29

v. From social science to the use of torture in security organisations

If one takes the abstract findings described above concerning the situational conditions under which unethical behaviour is likely to occur, one can see their direct application to some of the situations in which the gravest breaches of human rights occur. In insurgency wars, for example, soldiers live with chronic and intense frustration at not being able to distinguish between enemy combatants and civilians, inevitably harming and killing civilians. This frustration may manifest itself in the interrogation process and treatment of detainees, like at the Abu Ghraib prison, where practices of humiliation and abusive violence increased over time.¹⁵

Such observations that the use of torture is rooted in a range of situational factors must not, however, be confused with condoning such practices. Appreciating the complex and multi-layered etiology of a phenomenon is not the same as excusing or justifying it. Nor does recognising the importance of structure in creating 'atrocious producing situations' diminish the responsibility of actual people. Rather, it provides us with a better handle on the causal conditions, such that our prevention approaches can address the range of conditions, instead of focusing on causes that are not in fact relevant. Humans always remain agents, and thus responsible, even if we understand that their agency is shaped by situational factors.

If, for example, individuals' knowledge or even attitudes to human rights tend to be overridden by situational factors and do not have a significant causal impact on their behaviour, then strategies aimed at increasing knowledge or changing attitudes may not be appropriate or effective. As noted in Chapter Two of *Issues Paper 1*, this was exactly the observation that the ICRC made when it found that neither knowledge about, nor abstract attitudinal commitments to, human rights norms were sufficient to prevent violations like torture.¹⁶ Drawing on ICRC research and social psychological studies, the ICRC authors explained that soldiers violated norms mainly because they were morally disengaged, dehumanised the enemy, conformed to the group, habitually obeyed leaders, were traumatised by combat, and felt humiliated within their own group. While military training emphasises a soldiers' duty to resist 'manifestly illegal orders', the authors reported that soldiers rarely received such orders. Permissive contexts trumped soldiers' training and dispositions, leading to the use of torture.

The simple bottom line conclusion that we can draw from this body of research for our own project is that prevention strategies must be oriented to the situational factors that permit, facilitate or legitimise torture. In the next chapter, we develop a framework for mapping causality that will support a situational prevention approach.

¹⁵ Abu Ghraib was the infamous prison in which the Iraqi regime under Saddam Hussein had committed prisoners and where extensive torture by US personnel was documented.

¹⁶ Daniel Munoz-Rojas and Jean-Jacques Fresard, "The Roots of Behavior in War: Understanding and Preventing IHL Violations," 86 *International Review of the Red Cross* (2004): 189- 205.

CHAPTER TWO: MAPPING CAUSALITY: THE ECOLOGICAL OR SYSTEMS APPROACH

i. The multi-dimensional causes of the use of torture

All of our disciplinary experts and, as we will discuss in *Issues Papers 3 and 4* on Sri Lanka and Nepal, all of our country-based researchers, found that there is no single explanation for why people use torture. Rather, their findings show a combination of political, economic, legal, cultural and social processes and structures create conditions conducive to its use.

The following excerpt from Crelinsten well captures this finding:

“[I]ndividuals engaged in torture are but one part of a complex bureaucracy, all elements of which contribute to the overall process of repression. Interrogators may torture, but doctors monitor the condition of the victim and advise the interrogators on how far they can go; guards watch the cells and torture chambers, ignoring the screams and broken bodies; judges ignore the obvious signs of torture when accused persons appear before them and confine themselves to the charges laid against them; prosecutors rely on the forced confessions and turn a blind eye to how they were obtained; commanding officers decide who is to be questioned and compete among rival services for the most arrests, confessions, convictions or whatever ‘end product’ by which success is measured; politicians and regime leaders demand results from the forces of order and do not question how they go about their business; and the list goes on.”¹⁷

Moreover, capturing these ‘causal forces’ requires that we go beyond even the legal, institutional and political processes and actors described above to consider the broader society and culture in which these institutions are embedded.

“... the construction of reality inherent in the build-up of a torture regime involves a combination of political apathy, toleration of scapegoating of other groups to which one does not belong or with which one does not identify... This passivity or silent acquiescence on the part of the larger society allows the reality construction to spread into more and more spheres of political and social life until it is sufficiently anchored in law, custom and discourse to define what is right and wrong, what is permissible and what is not. Cohen’s detailed analysis of ‘denial’ in its myriad facets underscores the diverse ways in which individuals not directly involved in perpetrating torture or not directly victimized by torture actively select what they perceive and what they refuse to acknowledge. In this sense, bystanders are not merely passive...”¹⁸

The social science literature on institutional violence, and more distinctly studies on violence in the context of security organisations, consistently confirms this complex causal picture. For example, the policing literature insists that while legal regulations or codes of practice are not irrelevant when it comes to how police behave, formal laws constitute only a relatively thin layer of what in fact determines whether security personnel use violence or not. Indeed, as part of our research, we looked at a range of studies on policing and the use of torture in various social and cultural contexts, all similarly finding that there are multiple causes for using torture across a range of dimensions. A close ethnographic study of policing in India, for example, found that:

“... Motivations for police violence might include, among other things, a desperate attempt at information extraction; revenge for harm and humiliation brought upon fellow officers; protests against problematic working conditions; or self-defense.”¹⁹

Studies conducted in Latin America, Africa and South Asia have similarly concluded that economic and social factors, including the socio-economic status and working conditions of police and their role in larger political processes, have to be taken into account if we are to understand how torture comes to be used.²⁰

¹⁷ Crelinsten, “The world of torture,” 307.

¹⁸ *Ibid.*, 303.

¹⁹ Beatrice Jauregui, “Law and Order: Police Encounter Killings and Routinized Political Violence,” in *A Companion to the Anthropology of India*, ed. Isabelle Clark-Decès (Blackwell Publishing Ltd., 2011), 377.

²⁰ See Alice Hills, “Lost in translation: Why Nigeria’s police don’t implement democratic reforms,” *International Affairs* 88 no. 4 (2012): 739-755; Julia Hornberger, *Policing and Human Rights: the meaning of violence and justice in the everyday policing of Johannesburg* (Abingdon and New York: Routledge, 2011); Jefferson, “Prison officer training”; Quirine A.M. Eijkman, “We Are Here to Serve You! Public Security, Police Reform and Human Rights Implementation in Costa Rica” (Ph.D. diss., University of Utrecht, 2007)

The Asian Human Rights Commission, the organisation that has conducted perhaps the most extensive research on torture in the region, insists that we cannot understand this behaviour if we do not look to a broad range of political, economic, social and cultural factors.

“Unfortunately, in less developed countries, the use of police torture is very much part of the basic structure of society. Everyone knows (‘everyone’ meaning judges, prosecutors, legislators and the citizens) that the police use torture and ill treatment as a method of criminal investigation. Despite moral objections and even legal obstacles, everyone takes it as given that the police will use torture in the process of criminal investigation.”²¹

ii. The implications of complex causality for prevention strategies

This broad finding constitutes a critical first step in analysing existing interventions and designing new and effective ones. It recognises that the root causes of torture lie both within the organisations where the action takes place and in a number of different spheres beyond the organisation. This indicates that understanding the multiplicity of factors and the various dimensions along which they operate (political, legal, historical, social, cultural, economic, organisational) are a necessary condition for planning and understanding of both the possibilities and constraints of any intervention. As such, it is worth spelling out what we take to be the key implications of our research for the way we think about causality and, correlatively, for the way we think about prevention strategies.

The three major implications are spelled out below:

- a) First, we need to appreciate that acts of torture are not aberrant incidents, but rather the effect of, or secretion from a range of systematic factors. Moreover, the factors relevant from the ‘causal point of view’ may not even appear to be directly related to the use of force. For example they may be located within the administrative and financial operations of security organisations, given that it is often there that incentives and opportunities are created. The implication here is two-fold. First, some of the most effective strategies to prevent the use of torture may in fact be ones that target actors and systems ‘upstream’ from the acts of violence themselves. Second, the targets of prevention programs may include actors who operate around the direct or potential perpetrators.
- b) Second, and as will become clearer when we examine our empirical research in *Issues Papers 3 and 4* on Sri Lanka and Nepal, the situational factors and implicated actors involved in using torture go beyond the immediate setting or even the security organisations in which the use of torture takes place. As the quote above illustrated, political, legal, cultural and ideological factors are all implicated in the use of torture. The implication here is that to be fully effective, interventions must take into account how all of these spheres and the actors who populate them indirectly feed into producing the use of torture. Further, those designing interventions will need to think through which transformations in these systems need to occur to break this circuit of production. This does not mean that each intervention can operate in every sphere – that would clearly be unrealistic. They can, however, be mindful of how their particular target sits within a broader system, if only to recognise the potential points of resistance and how these can be negotiated.
- c) Finally, the complex picture of causality that we have found requires a conceptual rethinking of causality itself. We are generally accustomed to think about causality in a linear fashion, where Cause A brings about Effect B. We are also accustomed to think that behaviours, such as using torture, are caused by the intentions of individuals or the operation of systems. For example, if we imagine that individuals decide to commit an act of torture because they are bigoted or violent or ignorant of human rights laws and standards, then we are likely to conclude that the way to prevent the behaviour is to educate and enlighten them about the values they ought to hold (for legal or moral reasons). Alternatively, if we point to systemic problems, like legal systems in which confessions are readily accepted as evidence in criminal trials, the way to prevent torture would be to change the laws so as to preclude the admission of such evidence. Taken alone, there is some truth to such observations and the reasoning about prevention that follows. But our research indicates that an outcome like torture needs to be understood in terms of the interaction of a range of factors, which in turn condition each other. In other words, effective change strategies need to do more than simply address the individual who is choosing or

²¹ Jessica Fernando and Shiv K. Singh, *The Practice of Torture; A Threat to the Rule of Law and Democratisation* (Hong Kong and Copenhagen: Asian Human rights Commission and Dignity, 2012), 32.

valuing and to do more than alter an inert system of rules. Interventions must be shaped to change the structures, rules and cultures *within which* individuals are choosing and valuing at the same time as transforming persons so that they can bring about such changes. Once we appreciate that agency and choice are themselves shaped by factors beyond the individual, we come to see that our change strategies must also be oriented to situations and the people who interpret and create them.

Our analysis of existing prevention strategies for the prevention of the use of torture indicated that this type of careful, detailed or multi-dimensional analysis of the causality has not always been adopted when strategies were designed. Amongst the traditional prevention approaches discussed in Chapter Two of *Issues Paper 1*, some did attend to situational factors such as the conditions of places of detention, the role of medical officers, rules regulating communication and oversight of detainees and so on. Moreoften, however, traditional interventions were seen to target problems through a 'single dimension approach' that did not sufficiently recognise or respond to the fact that the use of torture is sustained through a range of interacting and interdependent factors.

Indeed, a number of other researchers examining this field have emphasised that one of the chief failures amongst those coming from the Global North and designing interventions for the Global South is that they ignore the social and economic contextual factors involved in the use of torture.²² Hills, for example, criticises the notion that police training by liberal countries in the Global South is sufficient to overcome patterns of the use of violence grounded in far broader social and cultural factors:

"Transnational policing, like reform projects more generally, ignores the nature and purpose of Police institutions in the South, downplays the underlying causes of insecurity, and assumes that international agents can manipulate political and social forces."²³

Why prevention and reform strategies developed under the mantle of human rights for the Global South have failed to take into account the range of social, political and economic factors relevant for understanding and preventing the use of torture is in itself an important question to which those working in the field would do well to attend. In our view, the answer lies in certain structural features of both the human rights system itself and the organisations involved in developing human rights projects.

A non-comprehensive list would include the following factors:

- a) First, those who conduct conceptual and empirical analyses of complex problems and those who develop practical strategies are often neatly distributed between academia on the one hand and human rights NGOs and international organisations on the other with insufficient collaboration at the level of project design and implementation. In this regard, we found that the rich work on the dynamics of policing that has been done in the field of police ethnography and criminology has been all but neglected in the development of human rights interventions.
- b) Second, even amongst those who study torture or violence in the security sector, disciplinary specialisation often leads to a one-dimensional focus on say legal or cultural or economic factors.
- c) Third, funding for projects rarely supports the type of collaboration across theory and practice or across disciplinary perspectives that would overcome these pathologies.
- d) Fourth, assumptions about the nature of violations are too often imported from one context into other contexts, without paying sufficient attention to the particularities of the local situation and factors that matter there. This also points, finally, to the power dynamics between actors in the Global South and Global North and how those dynamics shape problem definition and project design. In our project, we sought to overcome some of these problems by combining empirical and conceptual research with designing and piloting of an intervention, and by working in partnership with organisations and researchers from both North and South. We certainly do not claim to have overcome the problems but these principles have informed our project design.

²² See Alice Hills, "Lost in translation: Why Nigeria's Police don't implement democratic reforms" *International Affairs* 88(4) (2012): 739-755. Beatrice Anne Jauregui, "Shadows of the state, subalterns of the state: 'law and order' in postcolonial India" (Ph.D. diss., University of Chicago, 2010); Hornberger, *Policing and Human Rights*; Julia Hornerberger, "Human Rights and Policing: Exigency or Incongruence?" *Annual Review of Law and Social Science* 6 (2010): 259-283; Jefferson, "Prison officer training"; Steffen Jensen and Andrew M. Jefferson, *State Violence and Human rights: State Officials in the South* (Oxon and New York: Routledge-Cavendish, 2009)

²³ Hills, 2012, *op. cit.*, pp. 314-315.

iii. Identifying a model for multi-dimensional causality: A multi-systemic or ecological approach to prevention

As described above, the first major implication of our research is that human rights prevention strategies would benefit from a more accurate and complex understanding of the causal dynamics of torture. To support this process, we saw it as important to find a way to represent the type of understanding of causality we are suggesting. Indeed, in making concrete and explicit new templates or paradigms and thereby encouraging alternative ways of thinking and acting, visual models can be extremely useful. As such, we felt that it was important to find a model that would capture the layers of causality involved in understanding the production of this behaviour.

Looking to the parallel field of public health, we found appropriate models coming out of multi-systemic approaches, also known as social-ecological models of prevention. These models recognise the different levels of influence or causation and describe the inter-relatedness of different spheres of social life and the interactions between individuals and their environments.²⁴ Figure 1 shows the model in its original form as developed by Urie Bronfenbrenner, the theorist credited with developing ecological systems theory to understand child development by recognising the relevance of the various aspects of human life that impact on development. His model also recognises that the spheres of social life interact. In practical terms, Bronfenbrenner's model tells us that a person's behaviour is strongly influenced and shaped by his or her relationships and all levels of his or her social environment. Therefore, to change behaviour, we need to address the factors that influence the individual—peer group(s), cultural values, community norms, public policy, law, how the organisation she works in operates, her place in the economy and so on—rather than just focusing on changing the individual.

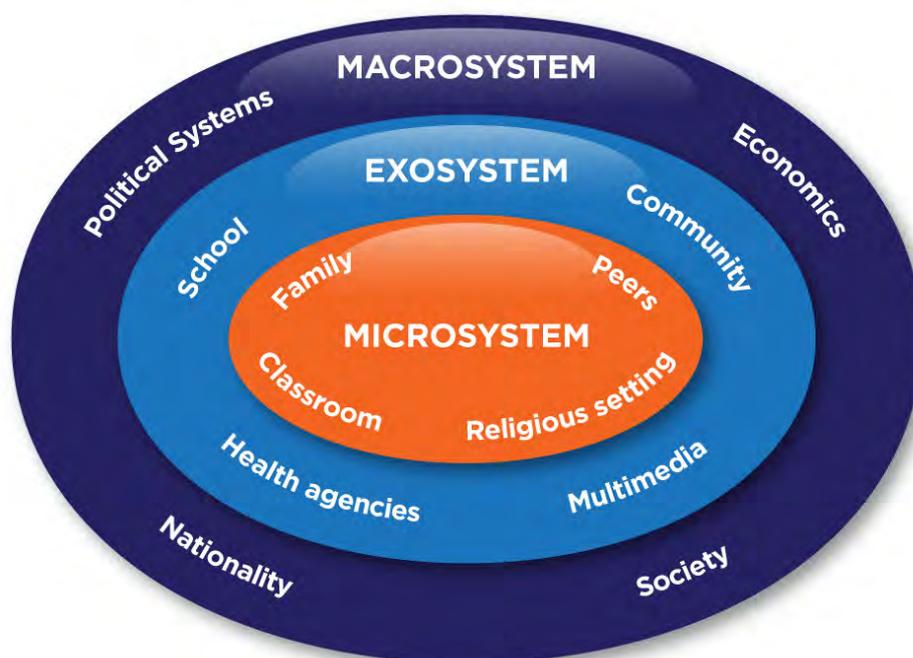


Figure 1: Bronfenbrenner's social-ecological model of prevention

²⁴ Antonia Quadara and Liz Wall, "What is effective primary prevention in sexual assault: translating the evidence for action?" *Australian Centre for the Study of Sexual Assault* (Melbourne: Australian Institute of Family Studies, 2012).

Drawing on Brofenbrenner's model, we suggest that the different levels or layers of causality in relation to the use of torture might be mapped thus:



Figure 2: An ecological model for the security forces

iv. How should we think about causality?

Insofar as the model in Figure 2 conveys the simultaneous operation of these multi-dimensional causes, it will support a more complex prevention strategy. It is of course only a model and not a complete picture of a far more complex reality. Nevertheless it seeks to portray the way in which the individual who commits an act of torture is always embedded in a series of systems, and that those systems (although not all of them all of the time) are always present in the particular action. For example, at the *individual* level, alcohol abuse, high levels of personal stress or certain psychological predispositions will influence whether a police person adopts violent practices. At the *organisational* level, the formal and informal training that an individual police officer or member of the armed forces receives about interrogation or the incentive systems in place for respecting human rights or obtaining confessions will shape how he or she conducts an interrogation. At the *community* level, expectations about identifying culprits or common views about how certain types of people (drug addicts, common criminals) ought to be disciplined will influence how individual personnel see and thus treat members of those groups. At the *political* level, pressure to keep certain elements of society under control or to deliver political favours may create explicit or implicit demands on a member of the army or police to use torture. At the *legal* level, breakdowns in the criminal justice system, including delays and corruption in prosecuting suspects or the absence of punishment for committing acts of torture will influence decisions about what happens in an interrogation room. At the *ideological* level, narratives around terrorism and national security will radically alter what individual police officers or military interrogators understand themselves to be doing when confronted by suspected enemies of the state. In *Issues Papers 3 and 4* on Sri Lanka and Nepal, we will come back to discuss in some detail the causal factors across these different levels that we found in our empirical research in South Asia.

Ideally, a prevention strategy would affect interventions at each of these levels and would do so in a coordinated way. As we noted above, however, it would be extraordinary for any single project to have access to the levers of change at so many levels simultaneously. As such, as we will discuss in our conclusions, it is particularly incumbent upon those working on preventing human rights violations in security forces to find ways to coordinate their strategies so that their different approaches and the different levels at which they can work individually combine in a way that ensure all aspects of the field or all levels of causality are addresses. Given the scope of our project, the part of the field on which we were able to focus was the organisational level – that is, the security organisations themselves. Accordingly, in this next chapter we focus specifically on the root causes of torture at the organisational level.

CHAPTER THREE: ORGANISATIONAL STRUCTURES AND CULTURES AND THEIR ROLE IN THE PRODUCTION OF TORTURE²⁵

i. The 'world' of the security organisation

As demonstrated in Chapter Two, security organisations such as the police and military are embedded in a set of larger and overlapping systems. Therefore, the ways in which personnel within these organisations operate are shaped by their broader environments as well as by the organisations' own rules, structures, procedures or cultures. For example, if policing is taking place in an environment of deep ideological conflict or political corruption, it will be marked by those ideological and political forces. Where this is the case, ultimately police behaviour can only be transformed if transformation also takes place at the political, legal and cultural levels. The scope of our project was, however, confined to the organisational level, meaning that our focus had to be concentrated on bringing about changes within the police and military that would enhance the protection of human rights and reduce the use of torture. While not ignoring the broader systemic factors, it was thus important to drill down to map the different dimensions of security organisations and trace how they influence the use or rejection of torture. In this chapter, we discuss our research on those organisational factors.

Our focus on police and military organisations as the sites within which the use of torture is caused and perpetuated was not merely a concession to the scope of this project. It rather marked an acknowledgment of the important role that organisational structures, cultures and processes (discussed below) play in shaping how security personnel think, what they value and how they act. As police and military sociologists have long observed, and as people who work within security organisations can attest, policing and military organisations constitute 'worlds' with dense structures and cultures that deeply influence the values and behaviours of those who work within them. Prevention interventions that simply assume that police and military organisations can be steered 'from the outside' are likely to suffer a rude shock when they confronted with the different modalities of resistance and distortion that develop as their interventions are mediated through the structures and cultures of security organisations. Failure to recognise the density and influence of these structures and cultures and to understand how they operate will therefore undermine the effectiveness of any prevention strategy.

A review of the effect of the UK Human Rights Act on policing practice in Great Britain well captures what is at issue here:

"Commentators have long argued, in respect of a wide range of jurisdictions and contexts, that, when police officers translate black-letter law into operational police actions, they rely upon high levels of discretion and, as a result, law is enforced in selective, uneven, discriminatory and sometimes corrupt ways (see, e.g. Skolnick 1966; McBarnett 1978; Punch 2009; Young 1971). Criminologists have consistently argued that the relationship between law and policing (and, in particular, any attempt to use law as a top-down method for achieving change in police practice) must be understood within the context of organisational cultures in which the majority of police officers are 'characteristically ambivalent' to law (Dixon 2007: 24) and regard knowledge of law as less important than an 'appreciation of local community norms' (Fielding 1988: 52). As Ericson argues, the imposition of legal rules, as a method of administrative control, rarely changes police decision making: '...rules are literally dead letters, dying as the ink dries on the paper on which they are published' (Ericson 2007: 379). This is because, as commentators have argued, the effect of legal rules is significantly determined by the 'police cultures' in which they operate and the 'working personalities' of the police officers who interpret and enforce them (Reiner 2000; Waddington 1999). Academics have more recently focused on the impact of law on police habitus (Chan 1996; Johnson 2010) in order to show its limitations in shaping the behaviours and attitudes of police officers."²⁶

The study from which this excerpt is drawn was examining the impact of the UK Human Rights Act on actual policing behaviour. It found that although it appeared, in the abstract, to be a well-crafted and comprehensive piece of human rights legislation, and indeed despite the introduction of various programs to train police in the new regime, the introduction of the Act had very little effect on how police actually behaved. On the contrary, when passed through the refraction of policing structures and cultures, the main impact of the Act was to provide police personnel with "a framework for mandating police decision making and protecting officers from criticism and blame."²⁷

²⁵ This chapter is drawn from Professor Janet Chan's independent reports prepared for the project, *Organisational and Situational Strategies for Torture Prevention: A Literature Review*.

²⁶ Bullock and Johnson, "Human Rights Act 1998," 632. See original for references.

²⁷ *Ibid.*, 630.

So what are the actual mechanisms whereby security organisations shape individuals' behaviour? In answering this question we tend, as the above quote demonstrates, to reach for explanatory concepts like 'organisational cultures' or 'organisational structures'. But what precisely do these cultures or structures consist of? How do they work? Unless we can answer these fine-grained questions, these concepts are no more than explanatory principles. They give the illusion of providing an explanation but do not in fact provide us with the type of tangible understanding we need to get a handle on the processes of change. So where do these structures and cultures reside and how are they linked with the use of torture?

ii. Distinguishing types of organisational causality

The internal operations or workings of an organisation that 'cause' individuals to behave as they do can be conceptualised in a number of ways. To arrive at a useful way of conceptualising - that is distinguishing these internal dynamics - it is helpful to think more closely about the different ways in which *causality* occurs in an organisation. Recall, we noted in Chapter Two that the factors that we have so far called 'causes' operate not only at different levels (individual, organisation, political and so on), but also according to different logics or dynamics. To illustrate what we mean, think about how the term *cause* is being used in the following sentences describing different ways in which aspects of the organisation can 'cause' a person to use torture:

- The fact that no one who brutalises or tortures detainees is punished in this country caused him to use torture.
- Everyone thinks that drug addicts deserve to be beaten and that was the cause of them using torture against drug addicts in the police station.
- What caused personnel to use torture was that prisoners were held incommunicado and there was no external oversight.
- The cause of junior officers using torture in remote areas is that they have not received proper training in interviewing suspects.
- Superiors simply turn a blind eye when a junior officer uses torture and then reward him for getting a confession. That causes the use of torture.
- The cause of torture in Guantanamo Bay was a general atmosphere of fear and hatred of Muslim prisoners.

If we look more closely at how the word *cause* is operating in each case, we see quite significant divergence, as evidenced if we choose an alternative word to cause:

- The fact that no one is ever punished for using torture removes a disincentive and so *permits* the use of torture.
- Holding prisoners incommunicado *creates opportunities* for the use of torture to occur.
- General attitudes that dehumanise certain groups *normalise* the use of torture.
- Turning a blind eye or rewarding the results of using torture *legitimises* its use.

We might loosely use the word *cause* in each case, but in fact, the logic behind each use of the word is quite different. In some cases, the 'cause' in question is an existing or prior state of affairs, such as a lack of proper training to conduct interviews. In others, the so-called *cause* lies in the future, for example, the expectation of punishment or reward. In some cases it concerns norms or values. In others, it concerns expectations regarding consequences.

To capture this complexity, we can distinguish between three different types of 'causes'. First are constraints and incentives, factors that *incentivise* a practice by tying it with rewards or punishments. Second are the situations or circumstances that *facilitate* and *permit* or *inhibit* a practice by creating opportunities or impediments. Third are the factors that *routinise* or *normalise* a practice by establishing norms or expected ways of behaving. To get a handle on how security organisations incentivise, facilitate and normalise, we can then link each of these modalities of causality with three dimensions of the organisation: structures, processes and cultures. This is mapped onto Figure 3.



Figure 3: Dimensions of security organisations influencing the use of torture

As Figure 3 illustrates, the different dimensions of security organisations are not completely discrete, but significantly overlap. To take a practical example, rewarding a police person who gets the most confessions creates incentives, but it also normalises such behaviour. Nevertheless, mapping the overall organisational field in this way allows us to get a better handle on the actual mechanisms whereby organisations operate in a way that is conducive to or inhibiting of the use of torture. Below we consider each of the three dimensions in turn.

iii. Organisational processes

Organisational processes are the simplest to distinguish and explain: they are those aspects of the organisation that create opportunities for personnel to use torture. To better understand how these processes operate, we might look at 'situational crime prevention' strategies, which similarly target the processes that create opportunities for crime. As an approach, situational crime prevention does not attempt to transform the social, psychological or other 'underlying' causes of crime, but focuses on the reduction of criminal *opportunities*.²⁸

Bennett summarises the two assumptions underlying the situational approach:

"First, the assumptions underlying situational crime prevention are based on the view that the decision to offend is made in response to immediate circumstances and the immediate situation in which an offence is contemplated. Much less weight is given to the influence of past factors in the history of the individual offender. This means that crimes might or might not be committed depending on situational constraints and inducements... Second, the situational approach is based on the view that the motivation to offend is not constant nor beyond control. The motivation to offend is seen as dependent on the calculation of costs and rewards rather than the result of inheriting or acquiring a disposition to offend."²⁹

In the context of security organisations, there are a number of organisational processes influencing the types of opportunities or constraints for torture to occur. These include:

- The conditions of detention, including the positioning of detainees in the overall architecture and layout of the place of detention;
- The surveillance of personnel while in the presence of people who are at risk of being tortured. Such surveillance can be carried out by supervisors and also by CCTV;
- The presence or absence of civil society or other visitors including medical officers who monitor detention facilities;
- The systems for scrutinising the records and behaviour of personnel in relation to their respect for human rights and in particular the use of torture;
- Accountability between supervisors and junior personnel;
- The lengths of shifts and the basic conditions under which personnel operate; and
- Legal regulations and informal practices concerning extended periods of detention.

In the situational crime prevention approach, prevention techniques have been grouped under four aims: 'increasing perceived effort', 'increasing perceived risks', 'reducing anticipated rewards' and 'inducing guilt or shame'.³⁰ Applying this approach to a prevention strategy targeting the use of torture, we would then look at each of the organisational processes described above and see how we can increase the perceived efforts or risks or reduce the anticipated rewards that would flow from using force torture.

An example of an approach to prevention focusing on organisational processes would be to redesign systems of accountability within a police station so as to increase the costs of using torture. One might, for instance, put in place a system that regularised the assessment of personnel's behaviour by their superiors and by civil society representatives, using criteria based on respect for human rights. In turn, personnel's opportunities for promotion and privileges could be tied to the results of these assessments. Another example would be to ensure that civil society representatives or members of an authorised professional body regularly visit or check up on all detained prisoners, thereby increasing the risk of being caught and shamed.

²⁸ Andrew Ede, Ross Homel and Tim Prenzler, "Reducing complaints against police and preventing misconduct: A diagnostic study using hot spot analysis," *Australian and New Zealand Journal of Criminology* 35, no. 1 (2002): 27-42; Ronald V. Clarke, "Situational crime prevention: Its theoretical basis and practical scope," in *Crime and Justice: An Annual Review of Research Volume 4*, eds. Michael Tonry and Norval Morris (Chicago: University of Chicago Press, 1983), 225-256.

²⁹ Trevor Bennett, "Situational Crime Prevention from the Offenders Perspective," in *Situational Crime Prevention: From Theory into Practice*, eds. Kevin Heal and Gloria K. Laycock (Home Office Research and Planning Unit. London: Her Majesty's Stationery Office, 1986), 43-44.

³⁰ Ronald V. Clarke and Ross Homel, "A revised classification of situational crime prevention techniques," in *Crime Prevention at a Crossroads*, ed. Steven P. Lab (Cincinnati, OH: Anderson, 1997), 17-27. Note, the last category, inducing guilt or shame, overlaps considerably with organisational cultures and organisational structures, discussed below, and may involve processes such as establishing and reinforcing ethical codes of practice with a view to increasing costs of violations by linking them with the experience of shame.

iv. Organisational structures

Organisational structures are those aspects of the organisation that create incentives or disincentives for personnel to behave in certain ways or to commit certain acts. As discussed above, in the case of torture, the incentives are, to a significant extent, not within the control of the organisation, but are determined at the legal, political and community levels (as discussed in Chapter Two). This does not mean that organisational structures have no bearing on incentives, or cannot be altered so that external influences play out differently; as such organisational change strategies may be directed towards altering the impact of externally driven incentive structures. Nevertheless, the security organisation itself will have limited purchase in altering these external incentive structures and will always have to do so in concert with the dynamics operating at other levels of the system. The question of the relative power of external and internal structures will be important in working out where the strategic energies of prevention work ought to be placed and merits analytic attention. Some would argue, for example, that so long as the political forces incentivise the use of torture and render resistance too costly, no change within security organisations will be effective or sustainable.

One can locate such external structures at a number of levels. Legal structures that allow for confessions to be admitted as evidence can *increase* incentives to use torture. They also *decrease* disincentives if they do not afford good protections for whistle-blowers who may wish to speak out about personnel using torture within the organisation. Similarly, political systems can *increase* incentives to use torture if promotions for security personnel are based on political favours, which are in turn based on success rates in obtaining confessions, or even using torture on political enemies. By contrast, legal structures can *increase* disincentives to use torture if security personnel who do so are likely to face criminal prosecution or be held directly liable for compensation. They can also do so if such structures provide strict mechanisms for magistrates or other judicial officers' oversight of detained persons. Similarly, when communities or political figures put significant pressures on police or military interrogators to quickly identify offenders, they create disincentives for personnel to resist using torture. Correlatively, this also occurs when communities or political figures inflict punishments on police for failing to quickly identify a perpetrator of a crime.

Beyond these explicit forms of reward and punishment, the structure of the legal system may create incentives to use torture insofar as police perceive it to be inefficient, corrupt and unjust. In her research on policing in India, for example, Rachel Wahl found that police justified their own use of violence against people who they believed to be guilty as the best way in which they could ensure that justice would be done within a system that was inefficient and corrupt.³¹ In this sense, what an outsider might label a human rights violation, police personnel may see as the only way to achieve justice, albeit 'rough justice'. When we come to discuss the way in which the personnel with whom we worked thought about designing projects to minimise the risks of using torture, we will look in more detail at how security organisations can alter themselves so as to shield themselves from, or moderate, the negative impacts of incentives coming from outside their own organisations.

Moving onto the organisation itself, our research shows there will be a number of structures that can increase the incentives or disincentives to the use of torture by linking its commission or rejection to explicit rewards and punishments. These will include internal systems of discipline that penalise personnel who are suspected of using or supporting the use of torture, as well as accountability and promotions systems that use compliance with human rights as a key metric. Promotions or improved conditions, for example, could be linked to a clean human rights record and even to positively rewarding those who reject and prevent torture. One of the impacts of weak accountability structures may be to reinforce the diffusion of attribution and sense of responsibility. This leaves actors at each level or on each dimension able to claim that they were not actually responsible for using torture.³²

In the abstract, it would seem that explicit systems of reward, punishment and accountability provide the strongest lever for changing incentive structures. No doubt they are important, not least because they signal what is acceptable and unacceptable in an organisation.³³ The research indicates, however, that even when the systems of reward and punishment are internal to the organisation, they may have limited effectiveness in establishing experienced incentives and may not be as determinant as one might think.

³¹ Rachel Wahl, "Protecting Rights Through Violating Them; The Diffusion of Human rights Norms among Law Enforcement Officers in India," *APSA Annual Meeting Paper* (2013)

³² Crelinsten, "The world of torture," 307.

³³ Chan cites US studies indicating that tight policy guidelines regarding the use of deadly force and the strictness of enforcement of such guidelines may have reduced police killings... More recent US data appear to support the conclusion that stricter administrative rules have resulted in fewer people being shot and killed by police, a reduction in the racial disparities of citizens shot.' Janet Chan, "Backstage Punishment: Police Violence, Occupational Culture and Criminal Justice," in *Violence and Police Culture*, eds. Tony Coody et al. (Melbourne: Melbourne University Press, 2000), 101.

As Chan argues:

“Even though some police officers may have reduced their use of violence as a result of stricter accountability and more accessible complaints systems, deterrence models which rely on criminal prosecutions, civil remedies and internal disciplines have been found to be very limited in effectiveness. The reactive nature of these processes, the inherent difficulty of defining what ‘necessary’ force consists of in the circumstances, the lack of credibility of the victims, and the reluctance of police to testify against other colleagues suggest that they have no more than marginal impact on police practices.”³⁴

This by no means implies that accountability and rewards and punishment systems should not be oriented around human rights protections. This is undoubtedly a necessary condition for establishing the right incentive structures and indeed for signalling the normative stance of the organisation. Formal rules are not, however, sufficient to effect change because incentives are also shaped by less formal and more implicit dynamics of structures. Recognising the limited effect of such formal structures of reward and punishment, Chan proposes that we need to analyse *how* incentive structures are formed around obtaining certain types of ‘capital’ that are valued in a particular organisation. She distinguishes four types of capital – social, cultural, physical and symbolic – each of which personnel will seek to maximise and around which they will shape their behaviour.

This analysis allows us to think about how these forms of capital might create incentives and disincentives for using torture. For example, the first type of capital, social capital, comprises the networks that personnel have within the organisation. Personnel will value their social networks because they provide the protection and trust to guard individuals against external dangers. They also guard against the difficulties that they can face through management practices, in the case of junior personnel, or against the revolt or resistance of their subordinates, in the case of those in more senior positions. Personnel at all levels will be motivated to behave in ways that will augment internal loyalties and this may in turn create serious disincentives to ‘snitching’ as well as strong incentives to protect or whitewash others’ bad behaviour. For example if dissenting from routinised patterns of violence places an individual at odds with his or her peers, or even worse, makes him or her appear to be a liability, then the person risks dissolving all social capital by acting against the group.

Similarly, members of any organisation will be motivated to maximise their symbolic capital (that is, their ‘reputation, opinion and representation’³⁵) in ways that can create incentives to respect human rights or act violently and abusively, depending on the type of identity valued within the organisation. If symbolic capital is tied to being ‘tough’, getting confessions, intimidating the public and protecting other personnel from scrutiny, there will be strong incentives for individuals to adopt this type of identity and associated behaviour. Further, the accumulation of this symbolic capital will motivate behaviour even if there is an official rhetorical commitment to treating all persons with respect and dignity. Recognising what the cultural capital within an organisation *really* is, as opposed to ‘official’ standards is extremely important in thinking about preventing the use of torture. For example, efforts to attach kudos to skills and qualities such as good communication with communities, integrity or ethical behaviour (according to human rights standards) may have little effect unless these are recognised as forms of symbolic capital by people within the organisation itself. Prevention strategies aimed at altering incentive structures therefore need to attend to the formal structures of accountability, reward and punishment in an organisation, as well as to these more informal systems of capital circulation. To do so requires finding out which forms of capital are in fact valued in an organisation.

³⁴ Chan 2000, “Backstage Punishment,” 101.

³⁵ Pierre Bourdieu, *The Logic of Practice* (Stanford: Stanford University Press, 1990), 93.

v. Organisational Cultures

Organisational culture is a notoriously slippery concept, frequently invoked to explain away phenomena that we cannot clearly understand. We will return to discuss the literature on organisational culture(s) in detail in *Issues Paper 5: Organisational and Normative Change in the Security Sector*, but for now we will focus on understanding the cultural dimension of security organisations.

Although 'culture' is frequently invoked as the reason that people think or behave in particular ways when it comes to defining what culture is matters become a lot less clear. We tend to think of culture as some type of amorphous force that people carry around in their heads, or alternatively, something that floats within the collective mindset of an organisation. Such fuzzy conceptualisations provide us with very little ability to get our hands on where culture resides and how it is formed, and reformed. A more useful way to understand culture then is to think about it as something embodied in practices, including what we do and what we say. In this regard, Chan's description of organisational culture as a set of 'mental and corporeal structures', which integrates past experiences and generates strategies for action, is very helpful.³⁶

Chan further distinguishes several dimensions of culture, which she names axiomatic, dictionary, directory, recipe and bodily knowledge. *Axiomatic knowledge*, which captures our basic assumptions about who we are and why things are done the way they are, is the first and most basic dimension of culture. This is the 'taken-for-granted truth' about the organisation and its identity that does not require articulating or defending. For example, a piece of axiomatic knowledge about police in an authoritarian system may be that the police's role is to protect the interests of the political elite and to keep the population under control. Contrast this basic assumption about what police are there to do with a police service that sees its role as being to protect the rights of members of civil society. This difference may even be reflected in the different names (Police Force or Police Service). Another piece of axiomatic knowledge may be that members of the military, or elite military units can only be male or people from a certain ethnicity or class. Axiomatic knowledge has the strongest influence and can cause the greatest resistance to change, both because of its shaping force and because it is implicit, and therefore difficult to manipulate.

The dimension of *dictionary knowledge* refers to the systems of classification, for example, between those who deserve to be treated respectfully and those who do not. This provides the definitions and labels for people, things and events that security personnel encounter in their work. For example, there may be a labeling system such that 'everyone knows' that hardened criminals and drug addicts need to be beaten severely if they are to provide any information; alternatively people belonging to certain religions may be objects of suspicion. Importantly, dictionary knowledge need not be spelled out explicitly, but can be read from others' habitual ways of treating and understanding particular groups. If a new recruit witnesses that certain groups of people are habitually treated in particular ways, it will not take long for him or her to abstract that such treatment goes hand in hand with that identity as a matter of course.

Directory knowledge refers to standard operating procedures. This includes both the organisations' formally articulated procedures and their more informal ones. For example, when people run away from police, they are violating a basic code and should be harshly treated.

Recipe knowledge captures the normative dimension of cultural knowledge – that is, what should or should not be done in certain situations. This may include observing a 'code of silence' around your peers' infractions or making sure you produce a large number of confessions for your superiors if you want to find yourself in his or her favour. It may also include an ideal of masculinity involving covering up any emotions associated with the job or stress.

Finally, *bodily knowledge* refers to the ways in which bodily comportments associated with the organisation develop, for example strength and physical endurance, as well as walking a certain way, may be part of what it means to be a police person.

³⁶ Chan, "Backstage Punishment," 91.

These dimensions of cultural knowledge are conveyed through formal procedures such as training, mission statements, codes of conduct and inductions by seniors, but also, and probably more importantly, through the everyday business of sharing a space where people habitually act, react and speak in certain ways. Thus, through each of these dimensions, new personnel are brought into the fold of 'the way things are done around here'. When, for example, more senior offices treat certain categories of people violently, or speak in a degrading manner about certain types of people, or remain silent when their juniors do, they implicitly authorise or legitimise those ways of seeing and behaving. Thereafter, behaving in this way no longer becomes a matter of personal judgment but is picked up as the assumed behaviour, transmitted as recipe, dictionary and directory knowledge.

vi. The individual in the organisation

Recognising the work that these structural and cultural dimensions do in shaping organisations and the people in them raises some troubling questions about responsibility and agency. Does acknowledging the importance of organisational factors mean that we are treating individuals as types of robots who simply passively react to forces that act upon them? Are we in fact saying that individuals are not responsible for their own actions, or that prevention strategies need not be addressed to individual actors? The answer is absolutely not. Individuals remain agents, both in the sense of bearing responsibility and being key targets for prevention strategies.

To avoid drawing these troubling conclusions however, we have to understand that the different organisational factors do not stand outside individuals, as if situational factors and individual agency form a 'zero sum' game. Behavioural outcomes are determined neither solely by situational factors nor are they the result of the choices of free-floating choosing individuals. Rather, individuals make choices within certain situational, cultural or structural conditions, which shape but do not determine them. In organisational theory, this is expressed by saying that individuals do not simply *react* to situational factors; they *enact* them.³⁷ Certainly situational factors have to be built into the causal story, but individuals also take an active part in perpetuating and reconstructing them. Causality is not unidirectional.

In her work on policing culture, Chan explains the interaction between structure and agency in the following way:

"[I]nstead of explaining corrupt Police practice in terms of the inculcation of corrupt values among personnel through a vaguely understood process of socialisation, we can view personnel as active decision makers who are nevertheless guided by the assumptions they learn and the possibilities of which they are aware. The cultural knowledge they acquire generates schemas and categories; these in turn both help them to organise information and lead them to resist evidence contrary to these schemas. Their awareness of structural possibilities provides 'menus of legitimate accounts' (Powell and DiMaggio 1991: 15) or a 'vocabulary of precedents' (Ericson et al 1987), which they can use to justify their actions. Hence, institutional practice is partly the product of a 'practical consciousness' (Giddens 1984) or a 'logic of practice' (Bourdieu 1990:11) that is not based on rational calculations but rather on learned 'common sense' and skills. However, practice is also partly guided by the actor's awareness of how action can be retrospectively justified rationally – that is, what types of justification are organisationally permitted."³⁸

Following Chan, we might think of cultural factors as the formal and informal rules of the game, which personnel acquire. These rules of the game nevertheless allow for those who have acquired them to make a number of different types of 'moves'. Rather than being determined by the rules, they are more like players who have 'a feel for the game,' and they work within the rules, while still having the room to play. This explains why not everyone behaves in exactly the same way in the same situation and also implies that altering behaviour will not simply be a mechanical process of changing the situation. Rather, transformative strategies need to engage people in context, altering the rules of the game and concurrently the people who interpret, sustain or pervert these rules.

At the same time, as the case study discussed below makes clear, outcomes are produced through the interaction of individual and situational factors. An individual with a predisposition towards violence or an individual who already carries strong prejudices towards certain groups will behave quite differently to one who is predisposed to resist violence and tolerant of other groups. Recognising such individual-level factors does not mean that organisational factors are irrelevant, but rather that in seeking to work with organisational factors, we should be mindful of how different types of individuals will be prone to respond.

³⁷ Karl E. Weick, *The Social Psychology of Organizing* (Reading, Mass: Addison-Wesley, 1979)

³⁸ Janet Chan, "Organisational Socialisation," 28-29. See Original for references.

Putting these dimensions together, we might think of individual personnel as making decisions and judgments and taking actions within a field shaped by a number of vectors. Figure 4 below demonstrates these vectors.



Figure 4: Vectors shaping individuals' decision-making and judgement

CASE STUDY 3

THE INTERACTION BETWEEN INDIVIDUAL AND SITUATIONAL FACTORS: A CASE STUDY OF THE ISRAELI DEFENCE FORCE.

A recent study of a group of Israeli soldiers in a unit that committed human rights violations during the first Intifada reveals important insights into the interaction between individual (dispositional) factors, situational factors and systemic factors in producing brutalisation.¹

Interviews were conducted with 21 members from the unit, all of whom had known about and had been involved, in differing ways, in the brutality committed by their unit. On the basis of what the members said and how they behaved, the researchers created a taxonomy of five groups reflecting personality characteristics, patterns of behaviour and their positions on brutal behaviour.

- An **impulsive/callous** group quickly engaged in brutal behaviour and was not constrained by moral standards. Some personnel in this group had a prior history of violent behaviour and were excited by violence. They also lacked empathy for others and were relationally shallow.
- An **ideologically violent** group expressed violent attitudes but did not engage in excessive violence. They had a fear of punishment that left them conflicted about brutal actions.
- The **followers** were the largest group, and whose behaviour was susceptible to being shaped by the environment and modeling by others. They had no prior predilection for violence but would keep moving the 'red line' between normal and unacceptable violence, which was determined by group and situational factors.
- The **restrained** group had a clear sense of where they drew this red line to distinguish unacceptable violence, and they maintained self-control. They did not pass judgment on other soldiers' behaviour due to their loyalty to the group.
- An **incorruptible** group was inner-directed and committed to moral standards. They were able to maintain self-control but, unlike the restrained group, were upset by company's brutality and assumed a position of moral condemnation.

The researchers tracked how the 'culture of brutality' developed through various stages. First there was desensitisation to violence in basic training. The more violence-prone soldiers glorified and justified initial engagements in violence. The followers gradually engaged in increasing violence. The commanders of the unit promoted violence, sometimes initiating it, then prompting and modeling it, and sustaining it by evading correction. Evolving norms in the group about violence eventually became entrenched to form the culture of brutality.

One can also see the operation of some of the mechanisms discussed above in the development of this culture of brutality. Members of the unit rationalised their increasingly violent behaviour through the processes of moral exclusion and moral disengagement, also displacing their frustrations onto the Palestinians. These processes involved justifying their own behaviour through a narrative asserting that a different reality existed in the occupied territories, and that this was appropriate for the dehumanised and demonised Palestinians. There was a diffusion of responsibility, the use of euphemisms, and blaming of the victim. Nevertheless, different types of people within the unit responded differently to these situational factors. The 'restrained' and the 'incorruptible' groups refrained from participating in brutalisation, and eventually there were tensions in the group between them and those engaging in excessive violence.

Equally interesting and important is the study of how the unit was able to transform its culture of brutalisation to a culture of professionalism. The Incorruptibles, who previously had no voice, started to bond with each other and to speak up against the violence, which led to clashes with those in the unit who were engaging in brutality. The schism between the two groups revealed different attitudes toward Palestinians – those who engaged in brutal behaviours dehumanised the Palestinians, while the Incorruptibles empathised with their misery and oppressive life. A crisis occurred in the group during a particularly brutal event in which an Incorruptible member reached out to a commander to intervene to stop the violence. He was initially reprimanded, but later a commander visited the group and heard two other Incorruptibles corroborate his story. The soldier who had engaged in excessive violence was court-martialed and sentenced, though he continued to be supported by the group. The soldier who 'blew the whistle' was ostracised by the group and was eventually transferred. Brutality still flourished in the group, although now it was not so overt.

The two other Incorruptible soldiers who had corroborated the account of the abuse were sent for officers training. When they returned to the unit, these soldiers worked together to transform the culture of the unit to make it more professional by enforcing rules of conduct with backing from superiors. Some Followers who had continued their abuse of Palestinians were court-martialed or transferred.

This study illustrates how situational and individual level factors interact to produce certain types of behaviours. It also points to a number of principles and practices useful in designing prevention strategies:

- First of all, **clear policies from above** must be in place to prevent the use of torture. In the military context, officer training on professional practices would enhance the capacities of units to prevent torture and intervene to stop it if it occurs. Immediate leadership can stem the development of cultures of brutality by quickly condemning its early manifestations.
- Basic training programs need to make **clear distinctions between acceptable force and unacceptable violence** and they need to **keep alive the moral dangers of violence**. Soldiers need to know *where* and *how* to draw and sustain the red line, beyond which actions would be considered unacceptable violence. Importantly in this regard, security personnel need effective training in tactics for control and effective interrogation practices as real and available alternatives to torture.
- Transforming a culture of brutality into a culture of professionalism requires **supporting those soldiers/police who resist using torture** and may be subjected to retaliation for their resistance or for reporting the abuses committed by others.
- A **resolute commitment from higher echelons** is crucial for counteracting the cultural and organisational factors that support the use of torture.



