

INDEPENDENT TORTURE IN SOMALIA, 1993.

INDEPENDENT TORTURE OR ORDINARY CRIME?

A RETHINKING OF TORTURE SCHOLARSHIP IN LIGHT OF SOMALIA, 1993.

By

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Abstract

Torture, no matter how it is conceived is not an uncommon phenomenon (see, for example, Amnesty International, 1998, 1999). Extant conceptions of perpetrators of torture are rooted in a bipolar framework that can trace its origins to attempts to understand the Nazi Holocaust of World War II. This literature has serious limitations in cases where individuals torture in the absence of a bureaucratic machine that orchestrates large-scale, sustained attacks against an ‘enemy’ group.

There is a segment of the perpetrator population absent from the literature. The theoretical constructs to deal with their actions do not exist. The concept of Independent torturers is developed in this thesis, in order to assist in this goal.

Independent Torturers (ITs) represent a partial hybridisation of the characteristics commonly attributed to the polar categories of leaders and followers, the constituent elements of the bureaucratic torture engine. In addition, a process of internalisation and localisation of positional authority, and the development of impunity beliefs are presented as theorised precursors to IT emergence. Using legal definitions of torture, the idea that many of the episodes of criminal assault we witness in our everyday surroundings actually constitute episodes of independent torture is presented. The specific case of the torture-murder of Shidane Arone by soldiers of the 2 Commando of the Canadian Airborne Regiment (CAR) is explored as an example of the uses to which these novel theoretical concepts can be put.

A combination of social-psychological and organisational factors are necessary to theorise independent torture. This thesis marks the preliminary phase of a multi-dimensional theoretical and empirical approach to the study of independent torture.

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Prologue: Somalia, 1993

At approximately 2045 hours on March 16, 1993, an unarmed 16-year-old Somali youth, Shidane Abukar Arone, was captured [by three members of the Two Commando, out on a routine patrol].

After the capture, Capt Sox ordered Pte Brown, who had been assigned to guard the 2 Command gate from 2000 to 2300 hours, to locate the person in charge of front gate security to tell him to come back to where the prisoner was being held. Pte Brown found MCpl Matchee, who was the second in command to Sgt Boland (and Pte Brown's and Pte Brocklebank's immediate superior) and returned with him to Capt Sox. Capt Sox then assigned MCpl Matchee to guard the prisoner.

By this time Mr. Arone was bound by his ankles and wrists and had a baton stuck between his arms and his body behind his back. Over the course of the next two and a half to three hours, Mr. Arone was [brutally beaten and tortured in other ways] by MCpl Matchee, with the acquiescence and perhaps the help of Pte Brown. Mr Arone was rendered unconscious from time to time by the beatings. When conscious, he reportedly was required to yell "Canada, Canada".

[Other officers arrived to relieve Matchee, and changed Arone's bindings, securing the baton] by pulling a sash cord over one end of it, pulling the cord over a beam in the roof of the bunker and tying it to the other end of the baton. Over the course of the night, at least six Two Commando soldiers participated in Arone's death, either by actually inflicting harm, restraining him, or by being in the room without making any attempt to put a stop to the torture.

[Additionally, a] number of Canadian soldiers passed the bunker where Mr. Arone was being held, but no one made any attempt to stop the beating. Cpl McDonald saw Pte Brown and MCpl Matchee beating Mr. Arone before the arrival of Pte Brocklebank. He returned to the command post where he told his superior officer, Sgt Gresty, that "the Somali prisoner is getting a good shit kicking". Sgt Gresty took no action to go out and stop MCpl Matchee.

During the time that Mr. Arone was being tortured and beaten to death, there were a number of Canadian soldiers in both the command and sentry posts. The distance from the command post to the bunker was 84 feet; from the sentry post to the bunker, 59 feet; from the bunker to the

observation tower in Service Commando (across the road from the 2 Commando compound), 214 feet. At about 2200 hours, Cpl MacDonald, Sgt Gresty, Mohammed (the interpreter), Maj Seward, MWO Mills, and Capt Sox were in the command post. Cpl MacDonald reported hearing a "yelp" from the bunker. Cpl MacDonald testified at Sgt Gresty's court martial: "I recall everybody kind of looking in the direction of the bunker, and then just kind of went back to what they were doing." There was also evidence that soldiers in the observation tower heard screaming (at a distance of 214 feet).

Shortly after midnight, Mr. Arone was dead...The exact cause of Mr. Arone's death was never determined, because no autopsy was performed. Medical evidence based on photographs and the description of the beating was that the death was probably caused by brain swelling resulting from the cumulative effects of blows to the head. Lacerations on the deceased's face were probably caused by blows with a fist, and such blows may have had a concussive effect, contributing to Mr. Arone's death. Death was preceded, however, by prolonged and severe pain and suffering. (Commission of Inquiry into the Deployment of Canadian Forces to Somalia¹, 1997, Volume 1, pp. 189-91)

This egregious incident caused shocked Canadians. We could not believe that members of our armed forces could commit such an act of wanton violence. The fall-out from this incident is evident in the media (see, for example, Allen & Day, 1993; Fisher, 1994; Nemeth, 1993; and Phillips & Fisher, 1994), in the literally hundreds of articles chronicling the details of the crime, questioning the military's capacity as peacekeepers, and debating the issue of where to lay the guilt. Scholars were drawn into the fray as well, with some (e.g., Friedland, 1997; Sens, 1997; and Winslow, 1997, 1998) acting as advisors to the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (see *Report*, 1997).

¹ Hereafter referred to as the "Somalia Commission Report."

The excerpt above from the Somalia Commission Report gives us a general idea of “what happened to Shidane Arone” on that long night in 1993. What it -- and indeed, the Commission Report in its entirety – cannot do is clarify *why* it happened. Specifically, while the Report lays out the various organisational factors believed to be significant contributors to this incident, there is no satisfactory explanation of how these factors interacted with various individual and in-group factors to precipitate the death of Arone. The general purpose of this thesis is to address that question. In order to do this, it is important to become familiar with some of the details of this incident, including the parts played by various actors in this event.

Many members of the Canadian Airborne Regiment² (CAR) were implicated in Arone’s death. For the most part, the charges consisted of negligent performance of duty, on which Sgt. Mark Boland, and Major Anthony Seward were convicted; and three other soldiers (Captain Sox, and Privates Gresty and Brocklebank) were acquitted (Canadian Press Newswire, January 9, 1995; March 16, 1995).

Seward’s role in this tragedy is particularly interesting in the context of this thesis. His negligence charge arose from the allegation that he “told his men [that] they could abuse prisoners” (Canadian Press Newswire, May 27, 1996) on the night that Arone was tortured and murdered. Captain Sox, who was acquitted on negligence charges in 1995, conveyed this order to the members of the Two Commando, the unit in which we find the two primary perpetrators of Arone’s murder: Master Corporal Clayton Matchee, and Private Kyle Brown.

Sgt Hillier testified at Pte Brocklebank's court martial that when asked for clarification of the "abuse" order, *Capt Sox had said that if a prisoner resisted, "you could beat the shit [sic] out of him"*. MCpl Skipton testified at Maj Seward's court martial that *Sgt Hillier had told his troops not to abuse anybody...*

Mr. Arone was captured by Sgt Hillier, Tpr MacGillvray and Capt Sox. (Capt Sox had replaced Sgt Skipton on patrol for a short period of time because Sgt Skipton had a scheduled phone call to make.) Mr. Arone ... *did not offer any resistance* (Somalia Commission Report, Volume 1, pp. 188-9; emphasis added).

The issue of whether Sox and Seward's statements constitute the *reason* for Arone's death is cut-and-dried. They were not orders to abuse *prisoners*; at most, they were instructions for dealing with intruders who resisted arrest. In fact, Sox's defence counsel indicated that these statements were no more than "gossip" (Canadian Press Newswire, March 16, 1995, para. 4). Certainly, statements such as these do nothing to shore up discipline within the military, but they do not allow us to draw the conclusion that Matchee and Brown, particularly, were "just following orders." I will argue in Chapter 3 that these statements, gossip or not, contributed to a belief in impunity that facilitated the choice made by these soldiers to torture and murder an unarmed adolescent³.

² See Appendix B for more information on the Canadian Airborne Regiment.

³ The fact that Arone was not the first Somali murdered by the soldiers of the CAR (Somalia Commission Report, Volume 1) can also be seen as a contribution to the belief (particularly on Matchee's part) that no negative sanctions would be forthcoming for taking an ignorant, and malicious misstatement by a commanding officer as permission to commit an atrocity. See Chapter Three for a discussion of factors contributing to impunity beliefs.

Private Kyle Brown was the only soldier who was charged and convicted on torture and manslaughter charges in Arone's death (Canadian Press Newswire, November 21, 1994, March 16, 1995). Since his conviction, he has been painted as a "scapegoat" for the military (Serres, 1994; Worthington, 1994). According to his champions, Private Brown was simply a bystander, and no more complicit in Arone's death than any of the numerous soldiers who did nothing to prevent the tragedy. Serres (1994) quotes Brown's sister as saying that "her brother is the victim of a Canadian military policy which consistently underestimated the degree of violence in Somalia. Soldiers were expected to act like "peacekeepers" in a country that was far from peaceful" (para. 2). Aside from the fundamental problem with the idea that peacekeepers are usually (or ever) sent to a *peaceful* region, Brown's sister evidences a common defence of his actions: he could not be responsible because of systemic problems, and he was held responsible because of systemic problems. Worthington (1994) suggests that Brown became a scapegoat because there was a need to replace "their demon [Matchee]" (37) with an alternative target, because of Matchee's inability to stand trial. "Everyone involved in the case knows [that Matchee is the sole guilty party] and has known it virtually from the beginning...It was Matchee's crime that Brown was charged with, tried for, and convicted of" (32).

By other accounts (e.g., Somalia Commission Report, 1997), Brown was an active participant. In fact, Brown himself admits to punching Arone "once" (e.g., Worthington, 1994), but denies responsibility for Arone's death. He was eventually sufficiently disturbed by the events in the "pit" (the makeshift holding facility at the CAR

camp) to report Matchee's actions to a superior officer, but felt it appropriate to pose for photographs with the bloodied victim before doing so.

Regardless of the specifics of his participation, Brown was not the instigator of the actions that led to Arone's murder. That distinction is reserved solely for Major Corporal Clayton Matchee. Matchee was, by most accounts (in particular, the Somalia Commission Report, 1997, and media reports) the primary perpetrator, and the instigator of the torture of Arone. His actions were the inspiration for this thesis, in that Matchee provides us with a concrete example of the theoretical concept (Independent Torturer) that constitutes the focus of the remainder of this discussion. As I will reiterate numerous times during the course of this thesis, the arguments presented are theoretical in nature, and do not draw on direct empirical interaction with Matchee. This was rendered impossible when, before standing trial for his crimes, Matchee unsuccessfully attempted suicide while in custody, leaving him with sufficiently extensive brain damage to render him unable to stand trial.

Chapter 1: The Need for Extended Conceptualisation of Perpetrators of Torture

Attempts to understand torture committed by a member of a bureaucratic organisation acting on his own are short-circuited by the traditional reliance on a model of bureaucratic organisation of the perpetrators of torture. For the most part, this foundation has appeared appropriate, and adequate to the task. Certainly, our most common conceptions of torture (the Holocaust, Greece in the late 1960s and early 1970s, the military regimes in the Southern Cone) are exactly these familiar models of state-sponsored brutality. They rely on a machinery of bureaucracy to co-ordinate the instigation and organisation by leader-figures with the dutiful fulfilment of objectives by their followers. A circularity is present in the logic of the extant conceptions. Torture is defined as bureaucratic because our conceptual models require evidence of bureaucratisation.

The perceived necessity of bureaucratisation limits the range of events that are seen as appropriate objects of study. For example, Kelman & Hamilton (1989) differentiate between torture-as-Torture, and torture-as-‘ordinary’-crime:

Some of the instances of torture that occur in one or another state constitute ‘ordinary’ crimes – that is, crimes committed in violation of the expectations and instructions of authority. Torture would be an ordinary crime in this sense if it were carried out by *individual officials at their own initiative and in disregard of the policies and orders under which they function*. Similarly, officials could be charged with torture as an ordinary crime if they used means of pressure in excess of what was legally permitted (20).

Kelman & Hamilton (1989) have greatly narrowed the idea of what constitutes Torture, the social research problem, as distinct from 'ordinary' torture, the psychological or legal problem. There is no shortage of this type of 'real' Torture to occupy scholarly research agendas, which is perhaps the reason why this exclusionary conception has remained unchallenged for so long.

There are two inevitable, and related, by-products of this "necessary" bureaucratisation. The first is the binarisation of relationship of leaders and followers; the second is the polarisation of the relationship between the individual and the bureaucratic organisation. Kelman & Hamilton's selective acknowledgement of 'official capacity' is a prime example of the traditional reliance on the leader-follower dyad as an (and often, the only) explanatory mechanism. Only leaders can initiate "real" torture; for everyone else, including persons in non-leadership authority-bearing positions, it is "just an ordinary" crime.

Kelman & Hamilton's work is the most overt articulation of the distinction between "real" torture, and crimes that merely resemble torture. There are, however, many other authors whose concepts (implied or stated) mirror Kelman & Hamilton's 'necessary binary' of leaders and followers. Lifton's (1986) work, *The Nazi Doctors*, looks at the dynamics of being a follower at Auschwitz. It is a discussion of the realities of followers, focusing on ideas of sacrifice (doing things which may be personally difficult or distasteful for a higher purpose), duty, rationality (the belief that the distasteful solution is the only reasonable one), and rationalisation (the process through which the individual uses the preceding elements to justify their actions). For Lifton,

manipulation of the followers' fears by the leader(s) is the mechanism by which Nazi doctors came into their roles of torturers. While some measure of individual choice is implied, it was a choice that brought the individual into line with the prevailing policy and ideology of the Nazi regime. While insightful and valuable, Lifton's work is clearly entrenched in the bureaucracy-binary model of torture.

This binarism, resulting from the assumption of a bureaucratic impetus for torture, produces a body of literature that addresses two polar entry points into torture research: the organisational and the individual (social-psychological) levels. Kelman & Hamilton's (1989) work, with its emphasis on the distinction between real torture and so-called ordinary crime rooted in the existence (or lack of) a bureaucratic mandate of violence and brutality, is an example of the first type. The emphasis is on the structure and machinations of the torture *organism*. Lifton's (1986) look at doctors in Nazi extermination camps is an example of the second type of entry point, in which the primary focus is individual motivations and rationalisations.

These are both valid entry points, despite their one-sidedness. While each obscures certain details of the terrain, each serves its purpose because it is able to rely on the understanding of the simultaneous existence of the whole and its component parts, without necessarily elaborating on it. The individual can be highlighted or aggregated at will within the bureaucratically-driven torture model, because there is no question of the existence of some degree of concerted effort to a mutually understood end. The single focus is a practical choice in this case, more than it is a reflection of any wilful disdain for the larger picture. Difficulties arise when one steps outside of this way of relating

individuals and organisations, and attempts to address the question of torture committed by members of a bureaucratic structure in the absence of a bureaucratic mandate for such actions (Kelman & Hamilton's 'ordinary crime' torturers). The polar relationship presupposed by this bureaucratically-driven understanding of torture obscures the ways in which individuals may make use of the bureaucracy for their own purposes.

Traditionally, torture has been conceived of as a bureaucratic endeavour, and explanations have focused either on the persuasive nature of totalitarian bureaucratic policy, or on the choices made by individuals caught in the bureaucratic web. In all cases, the underlying assumption is that the bureaucratic structure provides the impetus: the means and the motivation. It allows for the fragmentation of perpetrators into polar groups—leaders and followers.

Legal definitions of torture provide the basis for a rethinking of torture research. They possess a latitude that could not be predicted from the extant literature on torture. Consider both the United Nations Convention Against Torture (UNCAT) and the Criminal Code of Canada (CCC) definitions:

For the purposes of the convention [the UNCAT], the term "torture" means any act by which severe pain or suffering, whether physical or mental, is *intentionally inflicted on a person* for such purposes as obtaining from him [sic] or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted *by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity*. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions (United Nations, 1984, article 1.1; emphasis added).

Criminal Code of Canada Torture Statute:

269.1(1) Torture

269.1 (1) Every official, or every person acting at the instigation of or with the consent or acquiescence of an official, who inflicts torture on any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

269.1(2) Definitions

(2) For the purposes of this section,

269.1(2) "official"

"official" means

- (a) a peace officer,
- (b) a public officer,
- (c) a member of the Canadian Forces, or
- (d) any person who may exercise powers, pursuant to a law in force in a foreign state, that would, in Canada, be exercised by a person referred to in paragraph (a), (b), or (c), whether the person exercises powers in Canada or outside Canada;

269.1(2) "torture"

"torture" means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person

(a) for a purpose including

- (i) obtaining from the person or from a third person information or a statement,
- (ii) punishing the person for an act that the person or a third person has committed or is suspected of having committed, and
- (iii) intimidating or coercing the person or a third person, or

(b) for any reason based on discrimination of any kind, but does not include any act or omission arising only from, inherent in or incidental to lawful sanctions.

269.1(3) No defence

(3) It is no defence to a charge under this section that the accused was ordered by a superior or a public authority to perform the act or omission that forms the subject-matter of the charge or that the act or omission is alleged to have been justified by exceptional circumstances, including a state of war, a threat of war, internal political instability or any other public emergency.

269.1(4) Evidence

(4) In any proceedings over which Parliament has jurisdiction, any statement obtained as a result of the commission of an offence under this section is inadmissible in evidence, except as evidence that the statement was so obtained.

R.S., 1985, c. 10 (3rd Supp.), s. 2.

Note that these definitions are virtually identical. In legal terms, then, what is important is *intentionality*; and *abuse of official capacity*, regardless of whether it is the result of a direct order, or an individual action which is not negatively sanctioned by superiors. In other words, the weight given to leader-follower dynamics in the bureaucratic model is not assumed or required by either the UNCAT or CCC definitions of torture. Torture committed by an individual may be both qualitatively and quantitatively different than the bureaucratically-driven torture machines we have witnessed in the last century; however, this difference is not as great as Kelman & Hamilton (1989), and other scholars of torture would suggest.

The unnecessary partitioning of the concept of torture into “real” versus “ordinary crime” forms is problematic, because it excludes an entire group of perpetrators of torture that is no less heinous, and probably a great deal more common than the state-sponsored violence that we are familiar with. Further, such a distinction is not implied by either UN or Canadian legal statutes.

The case of the torture murder of Shidane Arone at the hands of members of the Canadian Airborne Regiment (CAR) in Somalia in 1993 serves as a specific illustration of this type of exclusion. This incident shocked Canadians, and, despite the fact that the crime committed has consistently been referred to as torture by journalists, members of the legal institution, and some scholars (e.g., Winslow, 1997, 1998), traditional frameworks are inadequate to provide a conceptual model for understanding this event, and events like it. Incidents like Somalia are deemed anomalous, in the sense that they defy understanding with our current toolkit.

In the case of Somalia, what we see is an individual (Clayton Matchee) acting as a perpetrator of torture within a bureaucratic structure that does not fit the traditional logic. The bureaucracy (by many accounts) appears to have facilitated the emergence of torturers. It did this not by direct or overt mandate, but by vesting them with legitimate authority attached to their office. This authority was subsequently abused. A traditional explanation, relying on bureaucratic machinations, is therefore insufficient. It is similarly inappropriate to point to “individual defect,” or some inherent immorality. Questions of authority, and especially of the degree of autonomy and internalisation of legitimate authority, as well as choice-making, and interpersonal relationships render individual-level explanations equally insufficient. The nature of the relationship between individual actors and the organisational milieu must be considered.

The popular media accounts and academic literature on Somalia evidence attempts to operate within the traditional torture framework, to the extent that the explanations can be divided along the same organisational-individual binary that we find in torture literature dealing with state-organised violence. At an organisational level, we find discussions of military-wide disciplinary problems, primary group effects, workplace politics, and lack of appropriate mission training. Individual-level explanations include substance abuse, individual aggression, racism, and mental illness related to malaria prophylaxis. What I will show is that none of these explanations can stand alone.

What is required is a model that is broader in scope, and which does not rely on leader-follower polarisations, or on bureaucratically controlled/regulated authority. The dynamics of a bureaucratic organisation are important in the current context, but for

different reasons than in the traditional bureaucratic-torture model. In this case, concepts such as coercion, power, and authority must be examined from the local to the extralocal (see Smith, 1987,[1990] 1993, [1990] 1995, 1999), rather than from the top-down, as is usual in bureaucratic conceptions. The absence of a bureaucratic mandate does not make the bureaucracy irrelevant; on the contrary, it simply means that different features of the bureaucracy become significant.

The anomalous nature of Somalia does not discount it from study under the umbrella of 'torture research,' precisely because it points to a deficiency in current academic conceptions of torture. The issue is not whether the bureaucratic model is erroneous – there is a large body of literature that testifies to its utility applied to specific types of torture. This thesis argues, however, that we must think outside of this traditional model, with the goal of theorising the development and execution of a qualitatively different variety of torture.

The key points of departure of the Somalia case, the qualities which make the existing framework inadequate, rest primarily with the perpetrators. The Canadian soldiers in Somalia were public officials, acting in an official capacity. The Somalia case provides an example of a different type of torture perpetrator: a person who occupied a position of authority and who, in the context of that position, committed gross acts of violence against another human being independently of the bureaucracy which ascribed and legitimated his authority. Matchee was not a leader in the classic sense, because he occupied an intermediate position in an organisation with a specific mandate, one which expressly excluded torture of detained civilians. Instead, he stepped away from his

official capacity, to the extent that he abandoned the official mandate. He retained the trappings of authority, however, and used his official capacity to develop his own agenda.

Ultimately, the purpose of this thesis is to expand the concept of torture available as an academic tool, and, more importantly, to begin developing a framework into which non-traditional incidents of torture can be placed. To do this, traditional definitions must be challenged, and additional concepts must be developed. Foucault ([1977] 1980; [1978] 1990) suggests that power is situational, and this is an important idea in the present context, because what we are going to see is that this ‘anomalous’ sub-group of perpetrators occupy the interstitial space in the leader-follower binary. These perpetrators are (relatively) free agents, responsible for the creation and justification of the torture mandate, as well as its execution. The goal of this thesis is to create a typology of these Independent torturers (ITs) and to develop a preliminary model of their emergence.

Because of their intermediate position, ITs simultaneously undergo processes that are associated with the leaders and the followers in the traditional model. These perpetrators are the locus of authority and action, which explains why traditional binary models are insufficient to capture the complex pathways they traverse. In short, the anomalous nature of incidents like Somalia does not suggest that they cannot legitimately be studied as torture. On the contrary, what it means is that we need to rethink the boundaries of torture and torture perpetration as sociological concepts, and develop a model that reflects this broadened scope.

It is important to understand that this thesis in no way marks a complete departure from the established body of torture literature. In fact, this work relies heavily on traditional concepts, sometimes as counterpoint, and more often as a point from which to move into the realm of non-bureaucratic perpetrators. The model that I will be proposing attempts to incorporate and account for the institutional-level forces at work in this process. A key distinction in the current case is that bureaucratisation tends to run counter to the objectives of this group of perpetrators, instead of providing the reinforcement found in bureaucratic models.

The ideal-typical IT represents a partial hybridisation of the traditional characteristics attributed to the polar categories of leader and follower, the constituent elements of the bureaucratic torture engine. In essence, they derive authority from their “official” social position, their official capacity. Authority is a lynchpin concept in sociological research, as evidenced by the extensive body of literature devoted to its conceptual and empirical crystallisation. What we will see is that, while authority is an integral part of the perpetration of torture, there are different uses to which authority can be put, and these uses are at least partially dependent on context and individual characteristics. Bureaucratic torture models provide one such configuration. The independent torture model I am proposing is another. There are some general characteristics of authority that both distinguish and link independent torture and ‘traditional’ torture concepts.

An IT can only remain such as long as his positional authority retains its legitimacy in the eyes of society. This is more critical in the independent case, because

ITs lack the direct mandate legitimation of the bureaucratic machine. For ITs, authority must be internalised and coupled with a belief not only in the legitimacy, but also in the absoluteness of this authority. In contrast, the bureaucratic torture mechanism requires only the legitimacy and absoluteness beliefs – both of which are accomplished by the bureaucratic definition processes themselves. The distinction lies in the fact that for the IT, authority and legitimacy beliefs must be generated *within*, because they represent a shift from the established bureaucratically-vested authority that he previously possessed. They are inextricably tied to the specific individual. Bureaucratically-orchestrated mandates are produced by bureaucratic machinations, and are not tied to specific individuals, but can endure when the cast of agents changes.

It is legitimate to inquire why, if this new conception of perpetrators of torture is theoretically (and practically) useful, we do not simply shift the focus of the investigation to Matchee's primary accomplice, Kyle Brown. While this is tempting, because Brown could provide a wealth of empirical data, it would be a potentially tainted use of the Independent Torturer concept. As we shall see, the hallmark of this concept is that an individual so labelled must emerge by taking externally-vested positional authority and transposing it into a personally-held source of power. While Brown may well prove to exhibit a high degree of autonomy from local bureaucratic constraints, Matchee (as the instigator) is the purer example of the concept. Using Brown as the primary subject would lay the entire argument open to the criticism that he was not acting independently, but following an example set by another. The Independent Torturer does not follow the example of others, but dispenses with the constraints imposed by others in order to

pursue a goal that is in direct opposition to the mandate which initially invested him with any shred of authority. This relationship will be elucidated throughout the course of this paper.

It is important to understand that I have chosen the term Independent (as opposed to alternatives such as *autonomous*) advisedly. I do not use it to connote an individual who functions asocially. In fact, in the context of the Independent Torturer, social context is extremely important. The Independent Torturer can only emerge within a bureaucratic context, because he is dependent on the bureaucracy for the initial presentation of positional authority. It would have been possible to call these individuals “autonomous,” in the spirit of Milgram (1977), who distinguishes between *agentic* (i.e., functioning as an agent of a bureaucracy) and *autonomous* individuals. The reason that I did not choose that route is simple, albeit semantic. For me, the use of *autonomy* carries with it the assumption that the potential for separation from the group resides within the individual alone. I am, of course, referring only to the autonomy of the first dissenter, not those who follow that lead. Independence, in my use, is the product of the interaction of psychological, cognitive, and subjective interpretation of extra-individual factors. The group is key, and independence is judged relative to the *intradependence* of the group. We will discuss this further throughout this thesis, but the point is that Independence is not the result of something inherent in the individual (as in the case of the autonomy of Milgram’s first dissenter), but the result of the interaction of the individual with a range of social cues (such as those which develop impunity beliefs), and the transposition of positional authority to internalised authority.

By first enumerating the potential organisational and individual explanations for the events in Somalia, and demonstrating their insufficiency, I will lay the groundwork for a multi-level, theoretical pathway to illustrate the distinct nature of independent perpetrators of torture. It is only in linking the individual to the organisational processes which (at least partially) construct and define them that we can hope to approach a comprehensive understanding of this type of torture. The resulting model is not unidirectional: the actions and beliefs of the individuals within the organisation are assumed to affect the nature of the organisation just as the organisation acts on the individuals contained within. The choice of the Somalia incident allows for a partial simplification of this process, inasmuch as the Canadian military, and the Airborne in particular, can be seen to approximate Goffman's (1961) total institution ideal type. This does not mean that societal level factors can be ignored in this analysis, and they will be included to the extent that they are assumed to be the root of internalised understandings, particularly with regard to racist views. Further, since the soldiers in Somalia clearly had interactions outside of the military (with their families, other civilians, the Somali people), it is necessary to look beyond organisational dynamics to the social context in which action is embedded. While social climate is occasionally addressed in traditional torture literature, it is less likely than individual factors to comprise the primary focus of such research. This omission should be addressed in all sociological research, but it is particularly important in the current case, because of the centrality of concepts such as legitimate authority. The fact that Canadians were shocked by the events in Somalia suggests that strictly societal-level explanations would not fare any better than the organisational or

individual explanations we will examine; this does not mean that the actions of Clayton Matchee and his fellow soldiers were without precedent or basis in Canadian culture, as much as it suggests that it ran contrary to our ideas about the role of public servants.

This thesis, then, will begin by examining the extant literature and its underlying assumptions about the divisibility of levels of analysis. The events in Somalia, as well as a collection of potential unidimensional explanations (organisational, individual, and societal) will be offered and critiqued. We will then move on to the problem of addressing the deficiencies in the traditional concepts and ways of understanding Somalia, which in light of traditional understandings presents an untenable analysis. The concept of ITs will be introduced, and we will explore a preliminary illustration of how the various factors appear to be embedded and interacting. This thesis is a first step in opening a new arena for torture scholarship by pointing to problems and deficiencies in current understandings, and by attempting to address these lacunae in a more nuanced way to supplement reliance on traditional understandings of bureaucracy.

Chapter 2: The Gap in the Literature

As discussed in the previous chapter, the dominant (if not the *only*) theoretical model for torture scholarship is that of bureaucratically organised and executed torture, often coupled with the genocide of a bounded group (or a collection of groups) by another bounded group. This results in a binary conception of perpetrators as either leaders or followers. Practically speaking, torture scholarship operates with this basic assumption, at a single level of analysis. In this chapter, some of the key models for understanding will be presented. In every case, they fall short as tools for understanding the emergence of ITs, and the specific case of Somalia. This happens, at the very least, because the single level of analysis is insufficient to capture the complexity of this phenomenon. In many cases, the concepts are specific to the leader-follower dyad as well. The purpose of this chapter is to provide an overview of these concepts and to point to some of those which could be utilised in the IT framework. In Chapter Three, I will employ these concepts as well as some additional tools to lay the groundwork for a comprehensive means to understand Independent torturers.

Attempts to Explain Torture: 3 levels of analysis

Various explanations have been offered (or extended) for understanding torture. They range from the psychoanalytic, to the institutional, with the rare foray into the

societal. Like the genocide and torture literature reviewed in Chapter One, the ideas presented in this chapter are not being challenged on the basis of their general scholarly merit. My purpose here is to present these ideas and examine the extent of their utility for explaining seemingly “anomalous” incidents of torture

These explanations are not being critiqued for their ability to explain what we traditionally think of as torture, that is, bureaucratically-driven operations such as a concentration camp. The question which concerns us now is whether such explanations are adequate to the task of explaining incidents of torture that are rooted in the bureaucratic milieu, but not prescribed or orchestrated thereby. Three levels of analysis are presented, in agreement with Staub’s (1990) proposal: the individual/psychological, the group or institutional, and cultural, social, & historical processes. For simplicity, I have abbreviated these to individual, group, and social.

Individual-Level Explanations: personality, aggression, choice-making, & learning

Individual-level explanations are those which focus on the individual perpetrator with little or no consideration of the larger social medium in which they live and torture. They are largely psychological in their orientation and address issues of personality traits, mechanisms for dealing with frustration, decision making processes, and the notion of torture as a learned behaviour. The reliance on a dyadic body responsible for torture in the traditional literature has affected the directions of research seeking to explain the transition from “good people,” or “ordinary people” (Hughes, 1962) to perpetrators of

torture. Hughes (1962) argues that otherwise “good” people had vested interests in precipitating or participating in heinous deeds, it still remains to be explained how it is that perpetrators and supporters of human rights-violating regimes are drawn from the entire population, not some special sub-set of the “truly” evil. Specifically, it has fuelled the search for psychological explanations of the transition: questions of personality traits and cognitive shifts assume a primacy that seems antithetical to notions of lack of choice, duty, and obedience inherent in the leader-follower dyad. Many authors (Arendt, 1963; Haney, Banks & Zimbardo, 1973; Gibson, 1990; Neumayr, 1995) have demonstrated that psychological abnormality (as measured by standard psychometry) is *not* a determinant of torture perpetration. Despite this, there has been a great deal of research into the question of what individual characteristics can be seen to be associated with perpetration of torture. The next few sections will examine these ideas in some detail.

General Psychological Arguments

Authors such as Kelman & Hamilton (1989), Lifton (1986), Rodley (1995), and Staub (1989, 1995) devote considerable attention to cognitive shifts required to assume the follower role. These shifts include dehumanisation of victims (Rodley, 1995; Kelman & Hamilton, 1989); and conceptualisation of victims as members of an outgroup (Kelman & Hamilton, 1989; Hughes, 1962) who then may be further conceived as the ‘true villains’ (Lifton, 1986). Lifton (1986) goes on to specify processes including rationalisation, derealisation (or dissociation from objective reality), numbing (often through alcohol abuse [see also Desbarats, 1997; and Winslow, 1998]), and doubling (switching between mutually conflicting roles). Crelinsten (1995) discusses the military

case specifically and proposes that numbing to the plight of the victims is at least partly the result of soldiers' desensitisation to their own pain -- and that of others -- as a part of the training process.

In addition to discussions of cognitive processes, other psychological research has addressed the interaction of psychological and situational variables. One of the most controversial of these was the "mock prison" study carried out at Stanford University (Haney, Banks & Zimbardo, 1973). The purpose of this research was to put the dispositional hypothesis to the test. This hypothesis suggests that social/environmental conditions are the product of personal characteristics of the actors within the environment. The test involved splitting a psychologically homogeneous 'normal' group of male students into two groups, guards and prisoners, and observing the resultant interactions in their prison replica. What they discovered was that the 'guards' exhibited an almost universal tendency to escalate their levels of abuse of the 'prisoners' under their care. Many of the guards exploited their authority position and used their situational power to create an acutely unpleasant and frightening experience for the prisoners. As a result of the escalating abuses, the experiment was terminated after only six days. The results were interesting because they suggest that the possession of authority and a situation that allows for imposition of this authority can result in behaviours that involve the dehumanisation and mistreatment of people in one's charge. This is significant because it allows for the possibility that a category of torturers exists outside of the leader-follower binary, torturers who possess *localised authority*, torturers who are in a position to act independently of bureaucracy. The researchers reported that,

The use of power was self-aggrandising and self-perpetuating. The guard power, derived initially from an arbitrary label, was intensified whenever there was any perceived threat by the prisoners and this new level subsequently became the baseline from which further hostility and harassment would begin. The most hostile guards on each shift moved spontaneously into the leadership roles of giving orders and deciding on punishments. They became role models whose behaviour was emulated by other members of the shift...even those 'good' guards who did not get as drawn into the power syndrome as the others respected the implicit norm of never contradicting or even interfering with an action of a more hostile guard on their shift (Haney, Banks & Zimbardo, 1973, p. 94; emphasis added).

It is important to note that their results are parallel to what I am calling IT emergence; demonstrating that such a phenomenon does exist and arises relatively spontaneously, and more importantly, that psychological variables alone are insufficient to explain it.

Staub (1989) paints a very detailed, albeit hypothetical, picture of torturers and leaders of genocide. He indicates that getting information on leaders is difficult, but that it is safe to assume that “leaders and followers who become perpetrators appear to share psychological processes and motivations that lead to genocide” (68). These characteristics appear to include an “extreme incapacity for empathy” (68); the execution of “certain *roles* -- prison guards, combat soldiers – in which the devaluation of some other people is inherent” (69); antisocial tendencies including poor self-concept, a view of the world as hostile, competence and affinity for violence, low self-awareness and acceptance. Nevertheless, these factors alone are not sufficient to give rise to a torturer or genocidal leader:

[t]wo psychological developments are of great importance: *a reversal of morality and relinquishing a feeling of responsibility* for the welfare of the victims... Feelings of responsibility are subverted by excluding certain

people from the realm of humanity...at the extreme, a complete reversal of morality may occur, so that murder becomes a service to humanity (83; emphasis in original).

Again, the contingency of this process, as well as the lack of consideration of situational variables, make this inadequate for our purposes. Further, many of the processes (devaluation of other groups, etc.) are of the sort that occur in intergroup relationships (more about this in the section on group factors), but membership in a group that is sufficiently cohesive to generate these types of effects should also work against the torture/genocidogenic individual traits of low self-esteem etc. by instilling a sense of belonging to a group, and taking the individual under the umbrella of group norms. Additionally, one must question the existence of a desire (and, perhaps, the ability) of an anti-social individual who sees himself as worthless to lead a group of people who share similar antisocial and poor self-image characteristics. How would such a group cohere? Even more difficult to understand is how these characteristics could give rise to the IT who manipulates the power of his official capacity in direct opposition to all of the organising principles of the bureaucracy that awarded his (now internalised) authority, especially when you consider the abundant proof that this same individual would be unlikely to evidence any pre-existing mental illness (Arendt, 1963; Haney et al, 1973). It is not impossible to see how an individual such as this could come to act in opposition to the organisational source of their authority, but it would seem to be a question best addressed using Frustration-Aggression theory (see page 31). What is of value here is the

notion that becoming “evil” (Staub, 1989) is a complicated cognitive process, and not simply the result of an unqualified object choice for aggression.

In the next few sections, we will look at more detailed psychological propositions regarding personality, coping with frustration, choice-making, and learned behaviours. As with general psychological concerns, we will see that, while each theory has some bearing on the question of perpetrators of torture, none is able to encompass the full scope of the issue on its own.

The Authoritarian Personality

The Authoritarian person is described as, “power-oriented, exploitively dependent [on one’s] sex partner and one’s God [who] may [possess]... a political philosophy and social outlook which has no room for anything but a desperate clinging to what appears to be a strong and a disdainful rejection of whatever is relegated to the bottom” (Adorno, Frenkel-Brunswik, Levinson, & Sanford, 1950, p. 971). This research was conducted immediately following the Second World War, in order to determine which types of people were likely to become fascists. In effect, these researchers were looking for the personality traits that could cause people to become supporters of fascist regimes and events like the Holocaust. They were looking for the personality traits that could explain observed intergroup conflict outcomes unlike any the world had ever seen.

One of the problems with this work is that the authors were limited to studying the “potentially fascistic” (ibid., p. 1), owing to the reluctance of individuals to call themselves fascists after WWII. The result was a discussion of potentials and contingencies: individuals will act in this way if they are predisposed to do so, and if the

circumstances are appropriate. We are, unfortunately, left with more questions than answers at the end, because all we can say for certain is that a specific person possesses personality characteristics that, when combined with certain social circumstances, may cause them to embrace a fascist ideology. The important question remains: what does it mean to say that some individual is a fascist? The authors anticipate the extrapolation from ideology to action by saying that the study of fascistic

...potential is a part of the study of the individual's overall ideology; to know what kinds and what intensities of belief, attitude, and value are likely to lead to action, and to know what forces within the individual serve as inhibitions upon action are matters of the greatest practical importance (4).

This predictive orientation is one on which I agree with Adorno et al. (1950), but we differ irreconcilably on conceptual issues.

This perspective has utility for the understanding of torture insofar as it may allow the researcher to pinpoint groups of people who may be sympathetic to a fascist regime. There is no *a priori* reason to assume that sympathy to fascism alone will cause a specific individual to torture. It remains to be seen if, when we begin to interlock the factors that lead to the emergence of ITs, these individuals fall into the Authoritarian group. However, a key element in this personality type is deference to, and respect for, authority; a characteristic that we would not expect in the ideal-typical IT. Further, social acceptability is important to Adorno *et al*, and fascistic potential was assessed based on whether an individual would be fascist *if it were socially acceptable*. The positive role of

authority, and the perceived need for social reinforcement make this framework difficult to apply to the Somalia case.

Sadistic Personality

The sadistic personality can be broken down into three tendencies: the creation of dependency in others and the exercise of absolute power over them; the exploitation of others; and the desire to make others suffer or witness their suffering (Fromm, [1965]1994). Sadism is rooted in the need to escape “feelings of aloneness and powerlessness” (ibid, p. 150) by dominating another. This idea of domination is powerfully attractive when discussing perpetrators of torture; however, the utility of this concept is severely undermined for this purpose when you consider Fromm’s ([1965]1994) suggestion that the relationship between the sadist (dominator) and the masochist (dominated) is necessarily symbiotic. That is, Fromm sees them as inseparable parts of a whole. This clearly presents a problem regarding torture scholarship, because if the torturer is the sadist, the victim becomes the masochistic half of the dyad. Victims of torture are obviously not masochists (in Fromm’s, or any sense of the term), because they are not participating in the relationship by choice (either conscious or unconscious). Except that it requires the masochist foil, the sadistic personality might have some utility for understanding perpetrators of torture. Fromm’s discussion of the emergence of the sadistic individual, the individual who acts on previously repressed sadistic drives, is at least an interesting metaphor for the emergence of the IT.

There is one respect in which this personality type could possibly be seen to be conceptually useful, especially with regard to ITs. If you consider the sadist-masochist symbiosis in light of countervailing forces within a particular individual (the sado-masochistic personality), you end up with a picture that looks quite a bit like the Authoritarian Personality. This is not surprising, given Fromm's early involvement with that concept. This is important specifically with regard to the ambivalent relationship of this type of person to authority. On the one hand, the sadist "admires, loves, and submits to those who have power, and he [sic] despises and wants to control those who are powerless and cannot fight back" (Fromm, 1973, p. 291). Sadists are also fearful, submissive, and cowardly (ibid.) This submission parallels the masochist's need for domination by another, and makes this joining somewhat more plausible. The result would be an individual who seeks out opportunities to both dominate and be dominated. It is not difficult to see the image of the stereotypical "follower" torturer in this personality. Where it becomes potentially useful for the understanding of ITs is in the breakpoint of this fragile balance: sadism and masochism are always found together (Fromm, [1965]1994), but "one or the other aspect will be more dominant in a particular person" (Fromm, 1973, p. 292). The question that remains unanswered is: what determines which the dominant aspect will be, and is this a static or dynamic state of affairs?

Like that of Adorno et. al (1950), Fromm's (1973) work highlights a relationship between personality traits and action, but frames the causal chain in the opposite direction:

not every situation where a person or a group has uncontrolled power over another generates sadism...For any number of reasons, the character structure of many individuals is not conducive to the developments of sadism even under circumstances that offer an opportunity for it...there are others with a sadistic character in whom sadism is at least balanced by countervailing forces (not merely repressed), and while they may feel a certain amount of enjoyment in the control of helpless people, they would not participate in or get pleasure from actual torture and similar atrocities...(p. 290).

The problem that we're left with is that we are unable to comment on the countervailing forces that prevent the emergence of the sadist-torturer, in the same way that Adorno *et al.* leave us unable to determine situational restraints on authoritarian individuals. This consequence of unidimensionality, or single-mindedness, is a recurring problem in the frameworks we will examine in this chapter.

Frustration Aggression (FA)

Frustration Aggression (FA) theory was developed by Dollard, Doob, Miller, Mowrer and Sears (1939) around the deceptively simple idea that frustration leads to aggression. Like the work of Fromm ([1965] 1994, 1973), FA theory draws on Freudian psychoanalysis. Unlike Fromm's work, FA theory has undergone numerous modifications over the years (e.g., Miller, 1941; Berkowitz, 1989). The central principle is maintained: frustration experienced by an individual can lead to aggression by that individual.

Berkowitz's (1989) revamping of FA theory actually replaces the concept of frustration with the idea of aversive conditions, including "psychological discomfort, depression, anxiety, and physical pain, as well as goal-blockage" (Felson, 1992). These aversive conditions give rise to negative affect, out of which is born aggression. Felson (1992) points out that empirical support for FA theory is "mixed" (2), in part because there are other ways for individuals to dissipate frustration.

There is an obvious attractiveness in FA theory for the case of Clayton Matchee's emergence as an IT, because it is easy to pinpoint possible sources of frustration in his daily life. Hall (1997) proposed that Clayton Matchee's brutalisation of Shidane Arone must be looked at as the product of racism. What was unique (as far as media statements on this case are concerned) about this argument was his statement that "any complete and credible investigation of the Somalia Affair must include careful consideration of the possibility that Clayton Matchee is a victim as well as a perpetrator of a pervasive Canadian racism" (6)⁴. Prouse (2000) relates the details of the deplorable living and working conditions faced by the Canadian Airborne Regiment deployed in Somalia in 1993, and it is not difficult to see how FA could be seen as (at least a partial) explanation for the events leading to, and surrounding, Arone's death.

In fact, it is not possible or desirable to dismiss FA theory as a component of the explanation for IT emergence. It does not make sense to dismiss the premise on the basis

⁴ Matchee was quoted (Hall, 1997) as saying something to the effect that "the white man feared the Indian, now the Black man will too" before beating Arone to death. Hall does not offer evidence to support Matchee's victimization, but various media accounts of hazing rituals in other commando units make this a reasonable hypothesis.

of the mixed experimental support, because for each case where an alternative explanation suffices, there is another in which FA theory seems to provide an empirically supported explanation. One of my concerns with FA theory is the role of subjectivity found within it.

In discussing Berkowitz (1989), Felson (1992) discusses the idea of “arbitrary and illegitimate thwartings” (2) experienced by individuals. These are negative events which produce the “greatest negative affect...people who do not receive what they expect experience the most negative affect” (2). What is left unspecified is whether these events must be (or can be) objectively arbitrary and illegitimate, or whether this is a strictly subjective assessment on the part of the individual. If we are dealing with the subjective, a problem of explanation and prediction remains, because it is possible that people who perceive thwarting as arbitrary and illegitimate may do so because they are anomalous in some respect: perhaps they have unrealistic expectations, lack coping skills, or some other factor that would be invisible under FA theory. Felson (1992) underlines this, pointing out that “what is stressful for one person may not be for another. Subjective reactions to events are relevant as well as the events themselves” (2-3). While this does not necessarily damage FA theory, it does seem to make it applicable only in retrospect, and only in instances in which empirical data is available from the individuals regarding their reasoning and actions. On the other hand, the idea that aggressive responses are rooted in an entirely (or primarily) subjective response to frustration does, at first, appear to be the ideal explanation for why Clayton Matchee was the first and primary perpetrator in the attack on Arone. If responses to aversive events (such as racism within the unit,

and poor living conditions) are subject to such individual interpretation, it seems reasonable to suppose that only a handful of soldiers would aggress, and that only one would do so to the extent that Matchee did. Given that “[t]heories of aggression...uniformly entail inhibitory mechanisms that include expectations of punishment for acting aggressively [and, that t]he perceived undesirable consequences of aggression serve to restrain harm-doing behaviour” (Catalano, Novaco, & McConnell, 1997, p. 1441), we can see that FA theory offers only a partial explanation for Matchee’s actions. What remains to be addressed is the question of how these inhibitions were over-run when he made the shift from soldier to IT.

Choice-Making

Browning (1992) studied the ‘ordinary men’ who were members of the Reserve Police Battalion 101 in Poland during the Second World War. They were responsible for many deaths, which puzzled Browning because they were given the chance to opt out of shooting the Jewish citizens of a Polish village on their first mission. Almost none of the men took that opportunity. Browning explains their reluctance/inability to do so in a number of ways: first, there was little time to reflect on the offer; the need to make a choice was abrupt. Second, there was great “pressure for conformity -- [there was a] basic identification of men in uniform with their comrades and [a] strong urge not to separate themselves from the group by stepping out” (71). Browning raises the interesting point that choice is a burden that makes the killing even more difficult psychologically. This makes sense, because it denies the perpetrator the convenient “I had no choice” rationalisation.

This particular presentation of the elements of decision making has some relevance for discussing not the IT(s) in Somalia, but possibly for the bystanders – the soldiers who did not directly participate, but who did not prevent or stop the atrocities. ITs do have the choice to kill or not to kill, but it is not the same type of choice as that faced by the men of the 101 Battalion in Poland: they were in a situation in which the mandate is pro-killing, and they must choose between going along with the group and committing a heinous act, or taking the legitimate (although perceived as less legitimate or desirable) option to back out. ITs make the choice to kill in violation of a mandate that is anti-killing (or, at least unnecessary killing), so it doesn't follow that the presence of a choice in this instance has any bearing on the psychological burden they bear – continuing on their mandated trajectory entails no negative psychological effects of the type endured by the 101 Battalion. This type of investigation, therefore, is not appropriate for understanding our current case.

Crelinsten (1995) approaches the issue of choice from a different direction in his work with torturers in Rhodesia. He quotes one of his informants as observing, “[n]ow I can say, *then I had a choice*. In that situation [making the choice to torture] you don't even realise that you had a choice... *you always have a choice if you know what the consequences are*” (60). This is a different type of choice-making than the members of the 101 Battalion had to make. While Crelinsten dismisses it as a theoretical choice, citing social contextual pressures which override the notion of the individual, localised choice, I disagree. That soldier's words suggest that social context may not be the blanket substitute for conscience that many authors flirt with. More importantly, when

you look at the ‘anomalous’ cases, the ITs, this type of choice becomes very interesting because the choice to torture is not made in order to bring an individual into line with prevailing institutional or social pressures. On the contrary, the choice is made in *direct opposition* to these forces. The choice to torture for the IT should reflect similar mechanisms to those evidenced by Milgram’s disobedient subjects (discussed in the next section), with the distinction that ITs are also likely experiencing a greater level of situational power as a result of their choice. By this, I mean that their internalisation of authority allows them to override organisational norms. The power and authority to define the situation – and appropriate actions within it – have shifted from the organisation to the individual, as a result of the choice made by the individual⁵.

Obedience to Authority

Milgram’s (1974) now famous work on obedience offers some interesting ideas for the study of torturers. His social-psychological look at what makes people hurt other people is rooted in the idea that “an act carried out under command is, psychologically, of a profoundly different character than an action that is spontaneous” (xi). From the beginning, it is clear that, while this work has utility for understanding the “followers” to be found in the bureaucratic model, it is of no direct use for understanding ITs who are committing these acts without orders to do so, and usually in violation of orders to the contrary. Milgram makes the distinction between conformity and obedience. The first

⁵⁵ I am not implying a unidirectional causal relationship between the two, because the relationship is complicated by other factors and, I suspect, more reciprocal than not.

signals acquiescence to/between peers, and the second signals involvement in a differential authority/power relationship. Most individuals can demonstrate both, which is another point of departure for ITs, who appear to demonstrate neither, at least in that most narrow incident-focused scope. Conformity and obedience are distinct from each other on the basis of “voluntarism”, meaning that people “deny conformity, and embrace obedience as the explanation of their actions” (Milgram, 1974, p. 115). That is to say, in Milgram’s usage, people portray themselves as *choosing* to obey, rather than blindly conforming. These rationalisations are obviously unavailable to ITs, who are characterised by disobedience and nonconformity.

One criticism I have of Milgram’s work is that where Lifton (1986) and others discuss the need for psychological distancing by the torturer from the tortured, Milgram (1974) discusses the observation that his subjects experienced “intense and obvious” (4) conflict resulting from “the manifest suffering of the learner [which] presses him to quit” (4). The observation itself should not be contested, as the session transcripts demonstrate this clearly. What is questionable is the relevance of this reaction, which Milgram cites as evidence that people will ‘torture’ even if they are actively horrified by the process. These experiments were conducted in such a manner as to allow little to no time for the subject to ‘acclimate’ to their role as torturer. If, as in Haney et. al. (1973), the environment had been more enveloping, or there had been greater periods of observation of the subjects, these observations might have changed. Only after a significant amount of time could the observations of discomfort be relevant to “successful” perpetrators – all torturers report the necessity of a period of adjustment or desensitisation (e.g., Haritos-

Fatouros, 1983; Gibson & Haritos-Fatouros, 1986; Crelinsten, 1995). We will look at this more closely in the next section.

The focus on underlings responding to authority in different situations is valuable for understanding how people become dutiful followers of bureaucratic torture mandates. This is not useful for the current case, because the torturer in question was *not* following orders. The flip-side of the obedience experiments, Milgram's work on autonomy and resistance to authority, is much more applicable to this question, and I will be presenting it in detail in the next chapter.

Teaching Torture

Unlike the learning theory implicit in Adorno's (Adorno et. al, 1950) authoritarian personality work, in which the mindset which allows atrocities to be committed is learned through early socialisation, this section looks at the literal teaching of torture as a skill. Crelinsten (1995) studied Rhodesian soldiers who were guilty of torture, and attempted to explain the way that the cognitive dissonance arising in the face of the suffering they inflict is resolved. He writes,

torturers are directly faced with their victims' suffering, and they still usually [torture]. Why? In the training they receive, we have seen how they have been desensitised first to their *own* pain, suffering and humiliation. They are physically and psychologically conditioned. We have also seen how they are selected on the basis of their ability to take pain and endure suffering and hardship (51).

Such training is relatively common in countries run by military regimes (see, for example, Gibson & Haritos-Fatouros, 1986). Clearly, this is not helpful for

understanding the events in Somalia. Related to this, however, and entirely relevant to the situation, is the issue of military training and its impact on the individual. Stagner (1967) explains that,

[t]he process of military training has two major effects upon thinking. First, it sensitises the individual so that he interprets all incoming evidence as a probable threat...Second, the training for violence inevitably disposes the military man [sic] to think in terms of forceful solutions. He has little confidence in negotiations, in peaceful settlements, in compromises. The only definitive solution is one imposed by force (120-1).

We will be looking at the impact of the military institution on its individual members in the next section. Another issue that appears to be related to the idea of candidate selection prior to torture training is the role of elitism in the military, which will also be addressed shortly.

Group & Institutional Explanations: primary groups, intergroup conflict, military training

The literature on group factors comprises a less distinct group of subcategories than the relatively separable psychological categories. These authors are covering facets of the same concern, namely, *how much does the group constrain and/or enable the behaviour its members?* In this section, we will cover the “middle ground” of social context, the groups and institutions inside which much of the daily life of the individual occurs.

Quite a bit of attention has been paid to groups with respect to torture perpetration, because torture is (as I have stated repeatedly) assumed to be a group phenomenon (see, for example, Suedfeld, 1990; Staub, 1995). As this thesis is an

extended argument (in part) for the need to expand the scope of what is understood as torture beyond this group-driven conception, I will simply point out that these are not my concern at this time. The literature contains a rich tradition, often derived from torture scholarship, on inter- and intra-group processes and dynamics, which are of more interest to us as far as the IT case is concerned.

The Nature of the Military: total institutions, primary groups

Goffman (1961) defines a total institution as a “place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life” (*xiii*). One of the distinguishing characteristics of a total institution is a “breakdown of the barriers ordinarily separating [the] three spheres of life [sleeping, playing, and working]”(6). Dornbush (1993) highlights an important consideration in Goffman’s definition of total institutions, the idea of being *like-situated*, versus, *like-minded*: the military academy is designed to create unity of experience (Dornbush, 1993) through systematic mortification of the self (Goffman, 1961), but this experience should not be equated with unity of worldviews on the part of the cadets or soldiers (Dornbush (1993). This distinction could help explain why, or at least how, some members can break away from the group in a total (or near total) institution. To that extent, then, this concept is more important for ITs who live with the total institutional structure (and people who refuse to torture under a bureaucratic mandate), than for followers of the bureaucratic torture machine.

Life inside a total institution gives rise to primary groups, which are not necessarily different from primary groups in other parts of society, except that, in the case of the military, particularly, the group has a purpose beyond simply socialising its members. Janowitz and Little (1974) and Browning (1992) point to the power of conformity pressures that can be exercised in tightly bounded primary groups. In his study of the Reserve Police Battalion 101 in Poland during the second World War, Browning (1992) discusses the pressures on the battalion members to shoot innocent civilians:

[B]y breaking ranks, non-shooters were leaving the 'dirty work' to their comrades. Since the battalion had to shoot even if individuals did not, refusing to shoot constituted refusing one's share of an unpleasant collective obligation. It was in effect an asocial act, *vis-à-vis* one's comrades. Those who did not shoot risked isolation, rejection, and ostracism – a very uncomfortable prospect within the framework of a tight-knit unit stationed abroad among a hostile population, so that the individual had virtually nowhere else to turn for support and social contact (184-5)⁶.

Janowitz and Little (1974) state that “[p]rimary groups can be highly cohesive and yet impede the goals of military organisation. Cohesive primary groups contribute to organisational effectiveness only when the standards of behaviour they enforce are articulated only with the requirements of formal authority” (94). This is simple, common-sense, and sounds straightforward enough, until you consider that unlike “normal” primary groups, which act as socialisation agents of individuals, instilling in them the

⁶ As we shall see in the case study, this particular condition has great relevance for the witnesses of the actions of the ITs in the 2 Commando.

basic normative ideas of their social environment, the military socialisation process cannot guarantee a homogeneous attitude outcome, only a shared (but limited) set of experiences on which to draw. As Janowitz and Little put it, “[e]very soldier has other roles which can potentially weaken his ability to perform his military obligations” (122). I suspect that it is within these other roles that we will find some answers to the atrocity in Somalia specifically, and the question of IT emergence more generally.

Group effects: conflict and choice-making

“In-group bias is a remarkably omnipresent feature of intergroup relations” (Tajfel & Turner, 1979, p. 38). This observation has been useful as a starting point for explanations of many instances of torture, as in Turner & Bourhis’ (1996) portrait of the intergroup conflict that grounded the Holocaust:

group-level attributions about Jews made by Nazis were implicit in and made possible by the fundamental prior categorisation of Jews as beyond the pale of “us.” Once this fundamental rejection and derogation had taken place, the finding of “reasons” for hostility followed logically and easily...The negative beliefs that justified cruelty and murder did not derive from rational explanations of the groups’ conflicting behaviours. They were made possible by and inherent in the prior categorisation of the Jews as “them”, “different”, less than human (p. 55).

Hughes (1962) points out that, “[e]ach of us is a centre of a network of *in* and *out*-groups” (8); and further, that

there are...out-groups toward which we may have aggressive feelings and dislike, although we give no formal mandate to anyone to deal with them on our behalf, and although we profess to believe that they should not suffer restrictions or disadvantages. The greater their social distance from

us, the more we leave in the hands of others a sort of mandate by default to deal with them on our behalf (9).

Kelman & Hamilton (1989) reinforce the importance of perceived difference between the in- and out-groups, observing that a “contributing factor to the dehumanisation of torture victims is the fact that they are often outside the ethnic or religious community of the torturers and of the dominant sector of society” (p. 32). Is this simply racist or ethnocentric ideology held by a group, or are there more complex processes at work here? Hogg (1996) indicates that,

[w]hen people categorise themselves and others in terms of ingroup-outgroup (defining one’s social identity) there is...an accentuation of the perceived group prototypicality, stereotypicality or normativeness of people. The individual is perceptually and behaviourally depersonalised in terms of the relevant ingroup prototype. It is this process of depersonalisation of self which underlies group phenomenon such as social stereotyping, group cohesion and ethnocentrism, co-operation and altruism, collective behaviour, and shared norms and mutual influence process (p. 69).

Clearly then, racism and ethnocentrism are simpler phenomenon embedded in the larger process of in-group and out-group formation, and intergroup relations. The depersonalisation to which Hogg (1996) refers is not intended to indicate a loss of identity for the out-group members; rather it marks a “contextual *change* in the level of identity” (p. 69). Turner and Bourhis (1996) indicate that this change in the level of identity marks the attribution of group characteristics to the members of both the in-group and the out-group. When you move into the realm of torture scholarship, such a conceptual tool can only be of use if you conceive both perpetrators and victims as

aggregate abstractions. In the case of the Individual torturer, it is important to analytically separate them from the in-group in order to ascertain what enables them to leave that setting and act autonomously. We will come back to this point in Chapter Three.

Tajfel and Turner (1979) offer a potential starting point for understanding the orientation of the individual within the group. They outline two belief systems that mark the endpoints of an interpersonal/intergroup relations continuum: social mobility, or the idea that society is “flexible and permeable” (p. 35); and social change, or the idea that

the nature and structure of the relations between social groups...is...characterised by marked stratification, making it impossible or very difficult for individuals, as individuals, to divest themselves of an unsatisfactory, underprivileged, or stigmatised group membership (p. 35).

This second worldview points to at least one motivation for each member of a group to perceive his group as superior in some way(s) to all other groups. Further, it is not difficult to see how this type of worldview could lead to individual frustration-aggression responses (outlined previously). The difficulty arises when the authors indicate that

[t]he major characteristic of social behaviours related to this belief system is that, in the relevant intergroup situations, *individuals will not interact as individuals*, on the basis of their individual characteristics of interpersonal relationships, *but as members of their groups* standing in certain defined relationships to members of other groups (p. 35).

At this point, we are left with the conclusion that inter-group relations has no utility for the IT as it applies to the case of Somalia. One of the IT's most important traits with respect to interpersonal relationships is that they act as *individuals*, harnessing the authority of their group position while simultaneously acting in violation of the norms governing their group. The problem of explanation is further compounded because it is not reasonable to suppose that the potential frustration-aggression response that we might have anticipated based on this worldview can be linked to the resulting group membership mentality of ITs, because, by definition, they divest themselves of this group mentality. This is precisely the problem with bureaucratic models for understanding torture: they assume a group consciousness that can be (and is) harnessed against another (out-)group.

The idea of "relevance" in intergroup comparison may also give rise to conceptual difficulties in the IT case. Relevance is rooted in variables such as "similarity, proximity, and situational salience" (Tajfel & Turner, 1979, p. 41), and the idea is that people compare themselves to groups that have relevance for them. In cases where there is face-to-face interaction between the group members (e.g., police patrolling a neighbourhood), it is conceivable that there is some measure of intergroup comparison occurring that may give rise to conflict. Although Somalia doesn't represent the systematic torture of a group of people, this logic still has merit. The perception on the part of some soldiers that

Somali actions were a threat – physically or materially – may mean that the intergroup comparison yielded the fuel for a frustration-aggression chain of events⁷.

ITs begin the emergence process as members of groups, which gives intergroup conflict analysis salience. Their break with the group would seem to give rise to factors that mark an endpoint for employing this framework within a discussion of this process in its entirety. Because of this at-least partial applicability of intergroup analysis, it is important to address group dynamics as they pertain to decision-making within groups. Although ITs ultimately break from their group at the point at which they commit atrocities, until that point (and perhaps after that point in some cases), they possess membership in a specific group. This interaction, although ultimately discarded, must be examined as a potential source of data regarding the emergence of the IT.

Asch's (1951) groundbreaking work on intragroup dynamics yielded some results that have important implications for both traditional and current frameworks of torture studies. Asch found that the presence of a "true partner" (185) (essentially, a like-minded individual) will facilitate independent choices that may be in contradiction to the choice of a sizeable majority (relatively speaking). This idea of independence has important implications for those individuals we are calling ITs, because a component of acting independently is the belief in one's independent choice (Asch indicated that people who are acting independently; that is, defying non-unanimous consensus, exhibit belief in the independence of their choice, regardless of whether their choice may ally them with

⁷ As discussed previously, FA theory provides an attractive, albeit partial, explanation for Matchee's emergence as an IT.

another member of the group.) Therefore, it is possible to have a group of ITs, all acting freely (at least to the extent that they believe that they have chosen this, and do not believe that they have been coerced into complicity). Further, it suggests that one person's decision may tip the scales for others to choose similarly. Independence does not necessarily mean isolation. What it means is that people can choose to act in a certain way, or believe a particular thing; and that the expression of one person's view may facilitate another's arrival at the same conclusion. Asch uses the label 'independent' ingeniously, because it is reflecting an *internal belief* that one has made a choice that has not been subjected to outside influence. This is something that can be seen only in choices that defy a majority consensus. The notion of independence really refers to independence from majority coercion. When we begin to explore our specific case, the torture killing of Shidane Arone in Somalia, this will become highly significant as a part of our framework for understanding cases that do not fit the leader-follower binary.

Societal-Level Explanations

Staub (1990) criticised torture scholarship that removes perpetrators from their context. "It is not enough to consider torturers and torture in a narrow sense, as if they were independent as individuals and as phenomenon from the nature of a society and from what is happening at a particular time" (49). This comment brings up two points that are relevant to this thesis. His reference to independence is not equivalent to the usage here. He is referring to the practice of treating perpetrators as psychological

objects, devoid of context, existing and acting within a social vacuum. Independent in my usage is more in line with Milgram's use of *autonomy*, in that the perpetrators act independently of bureaucratic impetus to do so. In no way are ITs outside society, or free from the impact of social context. In fact, we will see in the next chapter that it is precisely this context that endows them with the resources to emerge as torturers in the first place.

The second way in which this statement is significant is the fact that it does not appear to have been taken to heart by scholars, except in the most superficial way. Kooijmans (1995) indicates that his primary interest is the "system which allows [a person] to become a torturer" (16), but his focus emphasises context at the expense of individual and group factors. Fein's (1995) look at the relationship between democratic forms of government and genocide is another example of macro-level analysis overshadowing the actual perpetrators of crimes. Staub's criticism is certainly warranted when you look at the bulk of torture scholarship. The emphasis is on individual psychology and group analysis that excludes the individual altogether. Staub's is a call for a multiplicity of levels of analysis, however, and not indicative of a desire to discount the perpetrators from analysis. The issues raised by the events in Somalia underline the importance of analytical triangulation, and the need to create multidimensional frameworks for understanding. In the next chapter, I will attempt to incorporate all three of the levels of analysis outlined in this chapter, in the hopes of demonstrating that this particular "anomaly" has a place in torture scholarship. I will show that it is not the

object of study that does not fit, that it is instead a combination of narrow theoretical assumptions, and unidimensional analytical frames of reference.

Using the Extant Literature to Begin to Understand the IT

There has been a great deal written on torturers, victims, and the dynamics between them. There is generally an undercurrent of explanation seeking in this work, of trying to understand how people come to be torturers. Three areas of interest, and of relevance to the current project are typologies of torturers other than that proposed here, the relationship of authority and victim blaming, and the question of obedience to authority. Crelinsten (1995) delineates three types of torturers in his work, whom he calls *zealots*, *professionals*, and *sadists*. While these distinctions are useful as a means of talking about differences between individual torturers, they are references to stylistic and affective differences on the part of the perpetrator. The over-arching leader-follower binary continues to form the basis of this typology. Crelinsten's typology refers to follower-type torturers, persons who are committing the torture for a variety of reasons, but all acting on someone else's authority. The types that he outlines refer to the ways that the torturers can come to view their 'work.' Zealots torture 'for the cause'; and professionals torture because that is the job that they have been given, and they wish to do their job to the best of their ability. The third category, the sadists, denotes (in his usage) individuals who derive intense pleasure from inflicting pain on others⁸. In other

⁸ Crelinsten points out that they are not particularly effective torturers within a bureaucratic machine, because they are generally too busy enjoying themselves.

words, because he maintains the assumption of concerted action by virtue of obedience to authority, these stylistic distinctions could simply be subsumed into the typology that is being developed here, as the idiosyncrasies of individual torturers.

Haney, Banks & Zimbardo's (1973) prison study was conducted as a critique of the dispositional hypothesis, which puts the responsibility for prison conditions and mentalities on either the guards or the prisoners (depending on your perspective). This hypothesis has the potential to cross the line from explaining abhorrent conditions in prisons as a response to prisoner's 'inherently bad dispositions,' to blaming the victims for their cruel or inhumane treatment. Further, the dispositional hypothesis does not appear to account for 'reciprocal influences' between the prisoners and the guards, and the actors and the structures in which their actions occur.

The issue of "victim blaming" is also raised by Lifton (1986). He explains and criticizes "helpless omnipotence" (451), a rhetoric that suggests that Hitler was forced into the position of genocide orchestrator by the very group he brutalised. Lifton indicates that helpless omnipotence arguments paint Hitler simultaneously as the powerful leader of the Nazi SS, and helpless to react to the "threat" posed by the Jewish people in any way except genocide. It is a way for perpetrators of genocide and torture to rationalise their horrific deeds in such a way that the genocidal leader is portrayed, not as an evil madman, but as a person performing a necessary, albeit unpleasant task because

Crelinsten's is not the only available conception of sadism and other concepts of sadism (notably Fromm, 1973) are also potentially compatible with independent torture typologies, providing interesting social-psychological characterizations of these individuals, even if only in a metaphorical sense.

they have been left with no other choice. Followers, then, become apparently dutiful agents of a 'just' cause.

Victim blaming is not a legitimate explanation for the Holocaust, but the idea that there is a process undertaken by perpetrators of torture to locate and relocate the authority from which their actions derive, and by which they are justified, is interesting. The locus of authority is relevant to followers, because they are subject to it. In the case of leaders, it is relatively insignificant, because it represents little more than excuse making. In the case of the IT, the locus of authority mirrors that of the traditionally conceived leader: it is internal. Both ITs and leaders possess authority that can be exerted over their victims, and over themselves.

In addition to challenging victim blaming and the dispositional hypothesis, the work of Haney, Banks and Zimbardo (1973) yields data that suggests that psychological traits are not adequate predictors of whether an individual will abuse his or her authority. If psychological profiles are not useful to us, how do we predict this type of behaviour? The solution that they propose, and one that is incorporated into my analysis, is to give a great deal of weight to contextual factors. The inclusion of independent-type torturers relies heavily on this idea, and also serves to illustrate the importance of social environment to the emergence of torture behaviours.

Obedience-effects in Milgram's (1974) work can be criticised on the basis that they apply only in situations in which there are leaders and followers, and in which the goal is to understand torture from the perspective of followers. We remain at a loss to discuss the authority figures (leaders), and independents. Milgram (1974) examined the

effects (on the ‘teachers’) of physical and/or sensory proximity to the victims, and found that proximity increases the likelihood of ‘disobedience’ to authority. This is obviously not the case for ITs, since they are responsible for all aspects of the torture, from organisation to execution. This leads me to suggest that obedience to authority involves (perhaps requires) a division of labour that allows for convenient shifts in perceptions of responsibility, which would explain the utility of obedience-to-authority models for the followers in a leader-follower dyad, and the disutility for leaders and independents. Followers do not design bureaucratic torture machines. Leaders design them, but do not actually engage in the act of torturing people. The differential responsibilities held by leaders and followers create a very specific relationship between them with regard to authority and perception of responsibility. Independent torturers, by definition, have no superior to blame for the formulation of a plan; nor do they have an underling to carry out their wishes. This relative self-sufficiency makes the question of how individuals become Independent torturers distinct from the extant work on torture, because they do not require the co-operation of others to accomplish their goals.

Janowitz and Little (1974) suggest that “social research on attitudes and morale in the armed forces provides useful information for specific problems where it is assumed that the execution of a policy requires co-operation” (26), but that it neglects bureaucratic structures. Whether the problem requiring co-operation is *how do we make these people into torturers*, or, *how do we keep them from torturing civilians*, the importance of bureaucratic structures is the same, because these structures give shape and character to the primary and inter-group relations of the individuals within the structure.

Overall, traditional frameworks are inadequate to the task. Precursors to the typology currently being proposed can be found in the literature. For example, the work of Haney, Banks, and Zimbardo (1973) represents an example of how people come to be ITs. The ‘guards’ in this study had no mandate to dehumanise or abuse the prisoners, but they did exactly that. Their initiative precludes their inclusion in the ‘follower’ category. Unlike leaders, they did not create an ideology or formalised policy of abuse, nor did they attempt to recruit followers. This was precisely the case within the CAR in Somalia in 1993. Some members of the 2 Commando acted *independently* of their bureaucratically determined mandate and official capacity in a manner that resulted in the death of a sixteen year old child.

Chapter 3: Somalia

In the previous chapter, I outlined various possible explanations for the atrocities in Somalia. Despite their range of specific details, they share the traits of unidimensionality and insufficiency as explanations for this event. In order to understand the specific case of Somalia (and later, other such incidents of torture), I contend that a broader understanding of the nature of perpetrators of torture is needed. This broader conception must be rooted in both a new categorisation of perpetrators, and a multifactorial explanation pathway, both of which will be explored in this chapter.

The first issue that needs to be addressed is the nature of what I have called *Independent Torturers* (ITs). From there, we will move on to a preliminary model of how these perpetrators emerge from their bureaucratic milieu, incorporating concepts of authority and impunity beliefs which take on a unique character among this group. Finally, I will incorporate some of the unidimensional explanations as foils for these second order concepts in an attempt to illustrate how an event like the death of Shidane Arone may occur.⁹ In the final chapter, I will discuss possible empirical strategies for getting at the psychology and sociology of the perpetrators.

⁹ It is important to note that this model is tentative, because data from Matchee is unavailable because of the extent of his self-inflicted injuries.

What is an IT?

The word 'independent' is used here in the spirit of Asch (1951), to mean something akin to 'autonomy.' Like Asch's independent decision makers, ITs are individuals who act in a manner different from their other group members. In using the concept of independence, I do not mean to imply that these perpetrators exist in an asocial or non-bureaucratic vacuum. On the contrary, the idea of independence as it is used here *presupposes* both a significant, primary group (Janowitz & Little, 1974) membership, and a position in a bureaucracy that provides the incumbent with authority and power over others. The emergence of the IT is marked by a break with the group norms, and by extension, a break with the norms of the bureaucratic structure in which they find themselves located.

This requirement of membership within an institutionally/bureaucratically formulated group is important, because it distinguishes ITs from private citizens who commit violent crimes against other private citizens. This stipulation is derived from the Canadian Criminal Code statute on torture (as outlined in Chapter One), which specifies that the perpetrator must be in a position of legitimate (that is, bureaucratically mandated) authority over the victim. Therefore, a police officer could theoretically be an IT if he tortures a prisoner in his custody¹⁰, but if the same officer goes home and brutally

¹⁰ The brutal attack on Abner Louima is a case in point. In August, 1997 Mr. Louima, a Haitian, was taken into custody by New York City police officers. He was brutally attacked in the washroom of the precinct house and left for over two hours before receiving any medical attention (see Amnesty International, 1998, 1999 for more

assaults his domestic partner, he is committing assault. In making this distinction, we are maintaining the necessity of bureaucracy in scholarly and sociological conceptions of torture, but the role of bureaucratic structures has been altered to the extent that the actions of perpetrators are not organised on bureaucratic principles. Instead, what we will see is that bureaucracy plays a role in the generation and legitimation of the authority necessary to become an IT. In the next section, we will examine the nature of this authority more closely.

Authority and ITs

Authority is a highly significant concept in torture scholarship, because it typically comes into play when accounting for the behaviour of followers. Studies such as Milgram's (1974, 1977) focus on the idea of obedience to authority, where the authority marks, metaphorically, the leader(s) of a torturing regime. The basic operationalisations of power and authority I will use follow Weber (1968), who indicates that "[p]ower is the probability that one actor...will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability exists" (53). Domination is equivalent to authority, and is defined as "the probability that a command with a given specific content will be obeyed by a given group of people" (53).

information). Four police officers were ultimately convicted for their parts in this atrocity. Two officers received five years each on conspiracy charges. Of the two primary perpetrators, one received fifteen years and eight months while the other received thirty years (Claffey, 2000). The parallels between this case and the torture-murder of Arone are remarkable.

The importance of the idea of internalised/localised authority is that it marks the shift of the individual to the position of law-maker within a larger rational-legal body. A colloquial approximation would be to indicate that a person believes that they are “above the law.” Internalised authority goes further in that, in their mind, the individual *is* the law, not merely above it.

The locus of legitimate authority is crucial for determining the type of torturer one is dealing with. It is unquestionably with leaders in the traditional bureaucratic model, a quality that is ensured by the bureaucratic hierarchy. Leaders possess localised, legitimate authority which they exert over those who will ultimately become their followers. Followers locate legitimate authority outside of themselves, in their leaders. ITs combine aspects of these two polar concepts in that they possess localised, locally legitimate authority that augments their power over their victims directly and over people in their immediate surroundings by virtue of providing local justification of their actions. It is important to note that these ‘others’ are not followers *per se*; they are merely bystanders. They are inspired by this relocated authority to accept the actions of the IT (i.e., not to hinder their “work”), but (in keeping with Asch’s (1951) ideas of independence) are not necessarily motivated to follow suit. If bystanders choose to become torturers, it is not at the behest of the IT. Their authority is legitimate, and legitimating, but not coercive of their peers.

The idea of localised authority is drawn from Foucault’s ([1978] 1990) discussion of localised power. Rao (1996) summarises the relationship between power and human rights, saying of Foucault, “[i]n opposition to the power-wielding state of human rights

doctrine, Foucault holds that power is omnipresent in our lives...local [and] continuous” (249). In a Foucauldian understanding, there is no such thing as the unilaterally or autonomously powerful being. Power relationships are contextual. Power balances are fluid both inside and outside of total institutions. Authority (as we will discuss shortly) functions in an analogous manner, which is not surprising, given that authority is a specific manifestation of power. The contextuality of authority provides the fuel for a potentially abusive situation.

What about the case of Somalia? The perpetrators possessed some authority, but like all bureaucratic authority it was (or began as) *positional authority* – limited to a tightly defined set of actions. How is this authority harnessed and abused? In order to answer this question, we must look at the idea of impunity beliefs, and then at how these beliefs are used to alter the nature of the relationship of the individual to their positional authority.

“I did nothing wrong” – Impunity beliefs

The internal/personal belief in impunity is the result of the external and quasi-internal factors outlined previously. It is this relationship that prevents the IT from being dissociated from the system and social context in which he acts. We are not talking about the *disregard* of sanction; rather, the belief that sanctions will not be forthcoming. No formal mandate to torture has been given¹¹, but the threat of sanction for such action is

¹¹ In fact, in Somalia, the mandate was precisely the opposite.

sufficiently indirect or invisible that it is not a real consideration, let alone an adequate deterrent.

The localisation of power and authority to act without sanction does not in itself cause people to torture. Choice is an important variable: Asch's (1951) work on group influence on decision making points to choice, or the belief in having a choice as a key factor in independence. The question is not so much why the individual makes the choice to torture (although this is important), but *how does he come to perceive such a choice in the first place?* Haney, Banks, and Zimbardo's (1973) work demonstrates how beliefs in one's localised authority and impunity can lead an individual to choose a path (in this case, brutal violence) that would not, under different circumstances, be open to them.

There is a hyperbolic relationship between authority and impunity beliefs. People who have complete authority, or who completely lack authority can expect to be able to act with impunity (relatively speaking, of course). People who possess positional authority that is derived from an intermediate position in a bureaucratic hierarchy cannot reasonably possess impunity beliefs comparable to those of leaders who are relatively free of sanction within the organisational context, or low-level followers whose "blind obedience" allows them convenient shelter from attributions of responsibility (see Figure 1, overleaf).

What is the difference between the middle-level bureaucrat and the leader? Theoretically, both possess authority that can be exercised at their discretion, within limits. I propose that the difference is partially due to the middle-level bureaucrat's awareness that his authority can be over-ridden, indeed *stripped* from him by the upper

echelon of the bureaucratic structure, whereas the leader has no such superior-underling constraints. The result is that the middle-level bureaucrat must undergo a shift with respect to the locus of generation of their authority – they must reconceptualize it as local, rather than positional. In order to understand how these middle-level bureaucrats become ITs, we must examine the relationship of the individual to their positional authority.

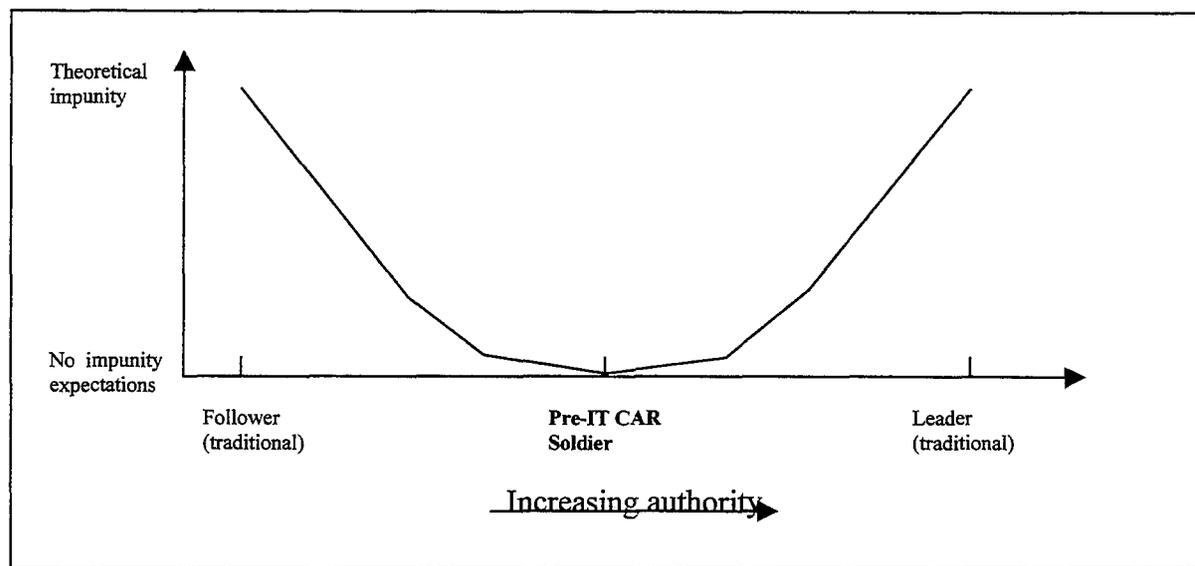


Figure 1: Theoretical Relationship Between Authority and Impunity Beliefs

Followers can assume impunity on the basis that they are “just following orders” – they have no positional authority. Leaders can assume impunity because the rules governing sanction are theirs to make. Middle-level bureaucrats (e.g., the pre-IT CAR soldiers) have access to neither rationalization and therefore, no justified expectation of impunity

Individuals and Authority: legitimacy and internalisation

Following Asch’s (1951) logic, there must be something qualitatively different about individuals who act independently. For some reason, they do not perceive a need to “follow the group,” to act according to the norms (stated or assumed) of their primary

group. I propose that this is related to the internalisation or individualisation of legitimate (that is, bureaucratic) authority. The authority that begins as positional becomes internalised: the individual perceives it as a *personal*, rather than a *positional* quality. This accomplishes two things. First, it moves the pre-emergent IT “up the curve” as it were, to an authority position similar to the traditionally conceived ‘leader’ of a torture machine. They become an authority in their own right as opposed to a bureaucratically-designated agent. They have undergone a shift from Milgram’s (1974) “agentic state” to autonomy. The individual no longer sees him/herself acting as an agent for a larger authority, carrying only the authority of their location within the hierarchy. Instead, the authority is carried within, as a personal capacity to act. In itself, this is not problematic. However, upon emergence, the IT has used this internalised authority to step outside of the group boundaries. Their authority has superseded that of the bureaucratic structure. They have, in effect, become the highest authority to which they must answer. At this point, they share characteristics of beliefs in impunity with what we traditionally conceive as leaders of bureaucratically-driven torture.

How then do I justify the distinction between leaders and ITs? It is a simple matter of juxtaposing the *subjective* belief that their authority is paramount, with the objective fact that the rules of the game, the norms of the bureaucratic structure remain unchanged. The legitimacy of their authority is not recognised as an objective fact, it remains of positional nature to all but the emergent IT. The IT is a subjective, personal construct to the extent that their legitimate authority is recognised by other members of

the bureaucratic organisation only while they act within their bureaucratically designated capacity.

How, then, do ITs commit their grievous acts of violence? Again, it is a matter of juxtaposing perceptions. While the IT has undergone a fundamental shift from agent to autonomous actor, their designation within the hierarchy has not changed. Other members of their primary group, the organisation, and the non-group members who fall under their jurisdiction are unaware of this shift, and continue to respond to the IT as though they were possessed only of their official capacity, and the attendant norms, roles, and impunity beliefs. Until the IT has emerged and committed a crime, the individuals around them are unaware of any difference in their relationship to their authority. The variety of reactions that follow (the complicity of the CAR soldiers, and the military institution in Somalia, prosecution, etc.) is a matter for another paper. What is important at this point is that the fundamental change that occurs within the individual who becomes an IT is that it is *cognitive, personal, and subjective*, and therefore, invisible until acted upon.

The concept of authority that we are looking at here is somewhat complicated. The bureaucratic origin of authority can be understood in Weberian terms, because it is a manifestation of rational-legal authority. However, this authority, in practical terms, is very similar to Foucault's understanding of power. He suggests that,

power must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organisation; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them; as the support which these force relations find in one another, thus forming a

chain or a system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallisation is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies (Foucault, [1978] 1990, pp. 92-3).

In other words, unlike Weber's hierarchical organisation of authority relations (which are evident in the extant literature on torture, and particularly in understandings of so-called followers), Foucault is suggesting that power is inherent in all social relations, that it is a dynamic force. Power does not emanate from a single point, but is instead the basis of social relations. What we traditionally treat as authority is the institutional crystallisation of these power relationships. Weber was right to call this rational-*legal* authority, because it is these laws that mark the crystallisation of this otherwise nebulous power.

This fluidity is important, because it means that power is situational. This concept is key with respect to ITs, because it makes understandable the shift that they undergo. If power, and therefore, authority were static, the shift from agent to autonomous actor would not be possible, because the power of the bureaucratic structure would preclude this. However, because power is relational and somewhat subjective, it is entirely possible to insulate or remove oneself from the bureaucratic milieu and act as an independent authority.

From here, we must consider a wide group of factors that may have contributed to the events in Somalia. These factors are specific to this event, although certain of them (inter/intragroup dynamics, for example), may ultimately be found to be common across many incidents of Independent torture.

The Emergence of ITs in Somalia

In this section, we will examine a hypothetical pathway to the emergence of ITs in Somalia that ultimately led to the death of a 16 year old boy. This model is theoretical, and draws on documented evidence regarding the events in Somalia, but in the absence of empirical data from the perpetrators, remains conjecture. I have maintained the divisions of analytical levels that were introduced in Chapter Two.

SOCIAL LEVEL	INDIVIDUAL/SOCIAL PSYCHOLOGICAL LEVEL	INSTITUTIONAL/ ORGANIZATIONAL LEVEL
<ul style="list-style-type: none"> • Racism • Cultural prescriptions of violence 	<ul style="list-style-type: none"> • “Appropriate” victim • Legitimate, internalised authority • Impunity beliefs 	<ul style="list-style-type: none"> • Legitimacy of CAR soldier’s authority • Reactions to criticisms of CAR • Regimental organisation of CAR • Command mandate and problems • Discipline problems within the CAR, and the military • Group effects

Social Level variables:

Racism

The question of racism in particular is important for understanding this incident, especially in light of the lack of cultural education afforded to the soldiers before deployment to Somalia (Desbarats, 1997; Prouse, 2000). How different are the soldiers

in Somalia from other Canadians with respect to the presence (or absence) of racist beliefs? Does participation in the military institution breed or foster racist attitudes? Is this a product of Canadian society, or of the military institution? Other factors, such as the soldiers' reaction to the sale of surplus relief supplies by Somali refugees¹² may have been the result racist assumptions on the part of the soldiers.

Explanations rooted in charges of racism have a certain attractiveness, because they allow for the focus to be removed from the individual actor, the IT, to social forces originating beyond their control. However, racism, like all social-level explanations, is insufficient for understanding. In the first place, authors like Goldhagen (1997) take a macro approach that parallels these social explanations with the goal of explaining the Holocaust. His concept, *willing executioners*, breaks down the leader-follower binary to the extent that it prevents the follower from dodging personal accountability for their actions via claims that they were "just following orders." This is not necessarily a bad thing, but his argument shifts the analytical focus to the sociocultural context of the Holocaust, from the individuals who directly ordered or committed atrocities to the German people as a group. The broadened accountability that results relies on an oversimplification of the causes of the Holocaust, and of the reasons and motivations behind the actions of individual actors. In fact, it results in an inability to discuss individuals as guilty parties, because they are no longer distinct from the population at large. The result is an argument that relies heavily on generalisations in which the

¹² Surplus supplies were distributed by the International Red Cross to Somalis, so that they could sell them in order to bolster the local economy (Desbarats, 1997; Somalia

individual actor, and organisations that engage in genocide are made invisible. This is precisely the problem we are trying to remedy in this thesis. There is no way to establish the reasons behind individual actions, especially those which simultaneously embrace larger cultural values like racism or a culture of violence, while acting in direct opposition to more immediate, meso-level factors, such as bureaucratic mandate. Social factors are important, but their utility is derived from the way that they contribute to a larger context that helps us to understand how the actions of ITs are understood by social groups and institutions, rather than from some inherent ability to shed light on the precursors to the actions themselves.

It is possible that racism is a factor in this type of crime. I would suggest, however, that it does not comprise a macro-level concern; rather, it is more relevant as a component of the social-psychological matrix that we are trying to discover. As we will see, the micro-social, or the social-psychological elements are of much greater interest and utility in our current context.

Individual/social-psychological factors

Social-psychological factors are significant in any discussion of individual actions. The case of ITs gives rise to the need to examine these elements, while keeping an eye on the larger environment in which the individual is embedded. The crucial issues of internalised authority and impunity beliefs will not be revisited here. Instead, we will

Commission Report, 1997).

look briefly at the idea of “appropriate victims,” and the role of this selection process in the emergence of the IT.

Many authors (including Goffman [1961], Lifton [1986], Staub [1989], and Fein [1995]) have suggested that seeing a potential victim as Other is a necessary part of the dehumanising process that precedes torture. We will see shortly that the Regimental structure of the Canadian Armed Forces resulted in a “Babushka doll” (groups within groups) fragmentation of the troops. The highly cohesive nature of the Two Commando, coupled with documented episodes of racist behaviour (see, for example, Desbarats, 1997), and poor pre-deployment training with respect to Somali culture resulted in a dangerous in-group/out-group split.

Bergman and Fisher (1994) provide evidence of Arone’s dehumanisation by the Two Commando: “[one soldier] says that he was shocked and disturbed by what he saw, but confirms that, just before departing, he told Brown and the second soldier¹³: “You’ve got a good trophy there” (27). Worthington (1994) provides numerous examples of how Arone was constructed as Other by the CAR soldiers. In the first place, Somalis in general were characterised as ungrateful and unfriendly in their interactions with the Canadian troops. Arone specifically (and Somalis more generally) had ‘strange’ customs: “Arone, though only a teenager, reportedly sixteen, was already married” (35). Worthington’s implicit assumption is that these apparently antisocial ingrates with their shocking cultural norms were appropriate victims, so despite the fact that he vehemently

¹³ The second soldier was unidentified as the result of a partial publication ban (Bergman & Fisher, 1994).

defends Kyle Brown against wrong-doing, the impression that we are left with is that Worthington sees the “real” guilty party’s (Matchee’s) actions as somewhat comprehensible¹⁴.

Examples of the necessity of finding a suitable victim are plentiful in the literature. The classic example is the idea that Hitler used continuously that the genocide of the Jews was distasteful, certainly, but ultimately necessary and justified on the basis that German Jews were waging war on the Germans already, plotting to destroy the Aryan race (e.g., “helpless omnipotence” Lifton (1986), discussed in Chapter Two). This rhetoric, then, allows for a recasting: the victims become villains and vice versa. This type of recasting was common in Somalia as well. A CAR soldier deployed to Somalia in 1992-1993 (Prouse, 2000) voices the exasperation of the CAR soldiers with the Somali locals, some of whom were caught breaking into the encampment and stealing supplies. These incidents were reconceptualised (by the soldiers) as a constant attack by the Somali people, thus allowing them to be recast as villains, and therefore as legitimate targets under the open-fire policy. It is not a huge leap from the reconceptualisation of civilians as ‘enemy,’ or ‘hostile,’ to seeing them as justifiable victims of torture by an independent perpetrator.

These factors and the ideas of internalised authority and impunity beliefs are extremely important in understanding *why* an IT emerges, and who they will target once

¹⁴ It is ironic how Brown’s most vocal defender sees Brown’s casting as a “suitable scapegoat” in a qualitatively different light from Arone’s casting as a “suitable victim”.

this emergence has occurred. The question that remains to be answered is *how* are they able to emerge? What happens to trigger the internalisation of authority?

I believe that the answer to this question lies in the organisational/institutional level of analysis. While I have suggested that the broad social context is not particularly helpful in understanding the intricacies of IT emergence, the same is not true of the bureaucratic medium from which the IT derives his positional authority. This authority is the fuel for their emergence, and the organisation in which it originates plays a central role in the regulation of that authority. In the next section, we will see how organisational breakdown and the resultant inability to regulate the relationship of the individual to the organisation contributed to the emergence of ITs in Somalia.

Institutional/Organisational Variables

The Legitimacy of CAR Soldier's authority

Prouse (2000) provides us with a look at the nature of the authority of the soldiers of the CAR. In his journal, he reproduces a morale-boosting card that was distributed to the soldiers in theatre that outlined the “Ten Commandments of the Canadian Airborne Regiment” (see Appendix C). He indicates that these cards were banned, because the officers considered the use of the word “Brotherhood” racist, but they were not confiscated. For our immediate purposes, there are a couple of points which are important. The first commandment indicates that the Airborne is an elite unit, and therefore of elevated status. Secondly, one of the characteristics of this superiority is a “relentless spirit of attack” (Prouse, 2000). These cards were highly valued by the

individual soldiers, who adopted the tenets contained therein as their personal code of conduct.

Their authority was granted and legitimated by the bureaucratic structure of the Canadian Armed forces. This authority was positional, and marked them as members of a much larger institution. The Airborne cards indicate that the Regiment as a unit had set itself apart from the larger command structure by virtue of their elite status. If this elitism is understood by the individual as a personally achieved characteristic, rather than an ascribed trait derived from membership in a group, it is conceivable that this individual might see a further separation from the group as a next reasonable step.

Regimental organisation of the Canadian Armed Forces.

The Canadian Army is organised into Regiments which place a “special emphasis on ‘belonging’ and ‘loyalty’ to the Regiment” (Winslow, 1998, p. 348). “According to Cotton [1990, cited in Winslow 1998], a Regiment’s essence is tribal and corporate rather than instrumental and bureaucratic” (357). This is important because it is an explanation for the primary group mentality that arises within the Two Commando. It is this corporate, highly cohesive arrangement that leads to the command difficulties that Janowitz & Little (1974) highlight as a potential problem with military primary groups (see page 41). These problems were in evidence in Somalia both *within* the Two Commando (intragroup), and *between* the Two Commando and the command structures (organisational).

Command mandate and command problems.

One of the problems associated with the Somalia deployment was that the Commanding Officer was changed just prior to deployment. So, in addition to having to adjust to a recent downsizing, new vehicles and the mission, soldiers had to adjust to a new commander. As one interviewee remarked, "if you don't permit a considerable amount of time to let the Commanding Officer get the unit in shape, get the unit stabilised, trained, socialised and well-motivated, then you're really asking for trouble (Winslow, 1998, p. 360).

Desbarats (1997) indicates that the "Somalia Commission" heard similar reasoning:

We were trying to discover why the Airborne had been selected for Somalia despite its history of disciplinary problems. Were there alternatives? Was the Airborne properly prepared for the Somalia mission? In particular, we were concerned about the replacement of its commander, Lt. Col. Paul Morneault, by Lt. Col. Carol Mathieu only weeks before the regiment deployed for Somalia. What were the reasons behind this unusual move? ...Morneault suggested that the problems in Somalia were the result of his "removal...His dismissal sent a message to the soldiers, he claimed, that they could defy authority and get away with it" (43-44).

It is in Morneault's statement (in Desbarats, 1997, above) that we can see the seed from which the soldiers' beliefs of impunity may have begun to flourish, because there was a dangerous lack of cohesion/rapport between the soldiers of the Two Commando, and the new commander. Soldiers were separating from the group. Further Desbarats (1997) charges that "the army's shrinking establishment was one of the hidden reasons for the Somalia disaster" (50). Command structures were fluctuating and shrinking as a result of personnel replacements and downsizing (Somalia Commission Report, 1997). Both of these problems contributed to their increasing ineffectiveness in maintaining

formal command authority. We will see later how extremely high levels of primary group cohesiveness exacerbated the weakness of the bureaucracy.

An additional command problem that may be seen to contribute directly to the reindividuation of the ITs in Somalia is the ever-shifting “open fire policy,” the orders which govern when and against whom weapons may be used. Prouse (2000) documents several instances in which the open fire orders were revised by non-deployed command entities (i.e., Ottawa bureaucrats who were never in the field)¹⁵. On the one hand, it appears reasonable, and would seem to preclude the gross levels of violence directed at the detained prisoner, Arone; however, on the other, phrases such as “hostile intent” leave such a wide margin for interpretation. It is easy to see how the ever-shifting definition of who could be considered hostile may have contributed to the widespread disregard for the command structure that eventually allowed members of the 2 Commando unit to disengage from it entirely.

In the *Supplement to an Agenda for Peace* (United Nations, 1995), the UN Secretary General made the following observations regarding UN Peacekeeping efforts in Somalia and Bosnia:

[P]eacekeeping operations were given additional mandates that required the use of force and therefore could not be combined with existing mandates requiring the consent of the parties, impartiality, and the non-use of force. It was also not possible for them to be executed without much stronger military capabilities than had been made available...nothing is more dangerous for a peace-keeping operation than to ask it to use force when its existing composition, armament, logistical support and deployment deny it the capacity to do so. *The logic of peace-keeping flows from political and military premises that are quite distinct from those of*

¹⁵ The original open fire policy has been included as Appendix D.

enforcement; and the dynamics of the latter are incompatible with the political processes that peace-keeping is intended to facilitate. To blur the distinction between the two can undermine the viability of the peace-keeping operation and endanger its personnel (United Nations Secretary General, 1995, para. 35; emphasis added).

In peace-keeping...a number of practical difficulties have arisen [since 1992], especially relating to *command and control* [among other considerations] (ibid., para. 37; emphasis added).

These observations tell us a few things about the state of the mission to Somalia. First, the command and mandate problems were not impossible to anticipate. Secondly, the extreme reactions of some of the CAR soldiers to the conditions under which they were deployed (Prouse, 2000) may be partially explainable by these conflicting orders and mandates. However, the fact that most of the troops (Canadian and others) deployed to Somalia did not commit violent crimes against Somalis underlines the inadequacy of policy and command confusion as a complete explanation. It is, however, a potentially significant characteristic of the type of organisation that may give rise to ITs.

Discipline problems within the military

Winslow (1998) discusses the fact that

...some authors in the post-World War II period...began noticing the emergence of self-interest and individualism. This was attributed to the “civilianisation” as military organisations in peacetime began to require personnel with technical and administrative skills that were similar to those in the civilian world. Civilianisation was seen as a negative force, eroding traditional military values (347).

The combination of ineffective regulation and the resultant disciplinary problems (Somalia Commission Report, 1997; Winslow, 1998) created an atmosphere rife with

mixed signals about what constituted allowable behaviour. Almost no attempt was made to counter these problems, despite the fact that these concerns were well-documented by sources inside the military (Desbarats, 1997; Winslow, 1998).

Of the Holocaust, Hughes (1962) said,

...if the Nazi movement teaches us anything at all, it is that if any shadow of a mandate be given to such people, they will – having compromised us – make it larger and larger. The processes by which they do so are the development of the power and inward discipline of their own group, a progressive dissociation of themselves from the rules of human decency prevalent in their culture, and an ever-growing contempt for the welfare of the masses of people (10).

Somalia was the result of a *shadow of a mandate* in another sense: there was no hard line taken by commanding officers regarding conduct infractions, so the (overtly) good intentions of the military bureaucracy were insufficiently articulated to be of much use with respect to regulation of the troops. Further, fuel for the mixed-signal fire resulted from reports that,

[Two] Commando platoon leader, Camp. Michael Sox [received the prisoner, Arone]...Hillier ... later [testified] that Sox had told soldiers earlier that day that the abuse of intruders was permissible... Sox denies making that statement, but adds that a senior officer [Seward] had told him that the soldiers could “abuse” or “rough up” any intruders (Bergman & Fisher, 1994, p. 26).

Statements like this have been characterised as tacit permission to commit acts of violence¹⁶. Coupled with the lack of a strongly articulated and enforced discipline policy, these mixed signals fed directly into the Two Commando soldiers’ belief in impunity.

¹⁶ See the discussion of these statements in the Prologue.

One early result of these developing impunity beliefs is the ongoing disciplinary problems that plagued the 2 Commando. This unit had been having problems since before its deployment in Somalia. Fisher (1994) reports that,

senior officers [apparently] knew well in advance of the Somalia mission of long-standing disciplinary problems within the 180-man 2 Commando – including a self-styled “Rebels” faction that adopted the U.S. Confederate flag as its symbol and had a reputation for heavy drinking and brawling (29).

Once in Somalia they, with the rest of the troops stationed in Belet Huen, had set up a non-regulation -- and unsecurable -- camp divided into five sections with little or no communication between them (Desbarats, 1997; Winslow, 1998). Inside the unit, there were concerns about other acts of violence and indiscipline committed by the soldiers.

Further,

[o]fficers from the other commando units in the Airborne were reluctant to report the problems in Two Commando to the chain of command. In Somalia they were left on their own. Prior to deployment, a number of incidents in October, 1992, indicated a significant breakdown of discipline in Two Commando during the critical period of training and preparation for operations in Somalia” (Winslow, 1998, p. 361).

Alcohol abuse was rampant among the Canadian soldiers in Somalia, just as Lifton (1986) indicates that it was among Hitler’s Nazi doctors. Alcohol was part of the tradition of the Armed Forces, and was virtually free-flowing in Somalia (Winslow, 1998):

Soldiers are...encouraged to drink to let off steam or to relieve pressure or alcohol is used as some sort of reward for having survived a particularly rough day (357).

Soldiers were able to get more than their allotment by accessing the alcohol of the non-drinking members or by presenting themselves several times at different rationing stations. At times, officers simply didn't feel it was necessary to enforce the [alcohol ration] at all and simply opened up the back end of the beer truck. Moreover, officers were reluctant to enforce a policy that they themselves were breaking (357).

Each Regiment celebrates its "birthday" in addition to one or two famous battles from the past. The night Shidane Arone was tortured in Somalia, the members of Two Commando who were supposed to be watching him were beginning their celebration of the PPCLI Regimental birthday which is March 17. Kyle Brown, the soldier sent to prison for his role in the torture death of Arone tells us: "Be it in Italy during the Second World War, Korea, or on UN peacekeeping missions, March 17 has usually been celebrated with puerile enthusiasm and official indulgence" (Worthington et al, 1997; cited in Winslow) The eve of the celebrations in Somalia were marked by a relaxed and party atmosphere and increased consumption of alcohol. From testimony to the Board of Inquiry and court-martial hearings it is clear that members of Two Commando had consumed much more than their two beers per day (356).

The lack of sanction for infractions ranging from violation of mandated camp set-up to excessive alcohol consumption at the unit level acted in the same way as the intra-institutional laxity: soldiers' beliefs in impunity were reinforced.

Group Effects

The tightening of the borders of the primary group and its increasing cohesion resulted in an extremely well defined in-group mentality on the part of the Commando units deployed in Somalia. The regimental division of the Army provides the groundwork for these insular divisions. The elite nature of the Airborne regiment and the high degree of isolation and lack of co-operation between the units served to augment the in-group mentality. Furthermore, this prevented intervention by the Commanding

Officers (COs) of other units: “Unit pride can become so exaggerated that one only respects the members and/or officers of one’s unit, ignoring and sometimes resenting those outside the group” (Winslow, 1998, p. 359).

Desbarats (1997) points out that the troops deployed in Somalia were not well prepared for deployment:

[the entrenchment of racist etc.] attitude[s] was reflected in the casual approach to the preparation of our soldiers for service in Somalia. “Cultural” or “sensitivity” training consisted of a single lecture by a Somali-Canadian haphazardly recruited for this task in Ottawa. The lecture was restricted to officers who were supposed to pass on the information to their soldiers. Very little made its way down the ranks (47).

In addition, the Canadian soldiers were not aware of what had been going on in Somalia prior to their arrival. An example Desbarats (1997) gives is the fact that the International Red Cross (IRC) had given the surplus supplies to some refugees in Belet Huen so that they could sell them – something that the Canadians interpreted as sale of stolen goods when they saw the IRC supplies for sale in the market later. Their interpretation of incidents could be seen to lend credibility to charges of racism within the unit, given the apparent ease with which this assumption was made, and its subsequent durability. The spectre of racism can certainly be seen to reinforce in-group/out-group divisions, possibly in dangerous ways.

As we have already discussed, the overt mandate of the Army and the bureaucracy’s seeming inability to control its soldiers resulted in a decided lack of clear, formal authority. As Janowitz and Little would predict, this caused a feedback loop of

negative impact between the primary group and the eroding command authority. The more the Two Commando distanced itself from the formal authority, the more it was able to do so. The command structure was unable (or unwilling) to address the disciplinary problems within the Airborne Regiment, or the Two Commando specifically. This loop strengthened the autonomy of the primary group, which further lessened the formal authority of the commanding bodies.

Another highly significant consequence of the formation of a tightly defined in-group within the 2 Commando is the definition of the Somali people (and ultimately, of Arone in particular) as members of the out-group. DuBois (1990) calls this “the construction of an enemy” (317), and points to attributions of hostile motives and intent to the out-group in order to justify the violence committed against it. This is something that these particular individuals have in common with perpetrators of both the leader and follower variety: the assumption of the victim’s guilt is not an uncommon justification for the commission of atrocities against them.

Another group-related issue is the question of what types of effects the group has on decision making for the group in general, and for individual members. Janis (1972) discusses a concept that he calls “groupthink,” a dynamic which is characteristic of decision making in-groups in which a high level of cohesion leads to a type of decision-making tunnel vision and fanaticism. Choices are made which are based on incomplete, incorrect, or highly biased information. These decisions can have disastrous results. Janis suggests that there are potentially a set of psychological factors that can intersect and leave a person more susceptible to groupthink; however, he suggests further that it is

not that simple, that situational variables (e.g., isolation and insularity of the group, pressure to reach a decision) render all decision makers potentially at risk.

High group cohesiveness and high group insulation from outside input are two such situational variables (Janis, 1972). Both of these factors were patently obvious in the Two Commando. Military training creates a highly cohesive group (Janowitz & Little, 1974), and the disciplinary problems within the Airborne (Desbarats, 1997; Winslow, 1998) could be seen as a potential means of insulation of the Two Commando from outside input. Does this mean that the soldiers in Somalia were victims of groupthink? Perhaps, but not in the classic sense. These men were soldiers, not policy makers. They were not charged with creating policy and committing themselves and their country to act on the basis of that policy. In fact, the opposite was true. They were there to carry out a mission that had already been defined and approved. On the other hand, the utter lack of resistance to the ITs within the Two Commando, their apparent disbelief in the existence of consequences for such actions, and the distance between the soldiers and the command structures of the regiment all suggest that some type of groupthink process may have been at work.

This concept is important primarily for explaining the complicity of the other group members, but may also contribute support to the idea that impunity beliefs on the part of the pre-emergent IT are instrumental in their ultimate emergence. At the very least, it means that immediate environmental factors can and should be considered as facilitators or inhibitors of the emergence process. Overall, while social factors are significant in a less immediate sense, particularly with regard to the ways in which

perpetrators are labelled and sanctioned; the social psychological factors, taken in conjunction with organisational elements, provide us with a multi-dimensional series of interactions that helps us to understand how individuals who appear to be members of a tightly controlled bureaucratic structure, vested with only positional authority, can effectively mutiny and use their authority against others in ways that previously defied explanation. In short, the organisational characteristics we've looked at the CAR facilitated the emergence of what is a primarily social-psychological phenomenon.¹⁷

¹⁷ This is an important distinction between the familiar types of torture scholarship in which the state appears to be equated with the social (that is, they are believed to operate with the (tacit) approval of the population), and our ITs; because the ITs are not asocial, so much as their actions are much more immediately and concretely contained.

Chapter 4: Where We've Been, and Where We're Going

Where We've Been

Torture, no matter how it is conceived, is not an uncommon phenomenon (Amnesty International, 1998, 1999). Broadening the scope of torture scholarship to include an additional type of torture perpetrator certainly does nothing to reduce the number of incidents that require understanding. If, for example, incidents such as police brutality and violence within penal institutions were relabelled "torture," we would see a significant increase in the prevalence of torture in Canada. This does not, however, reduce the importance of these incidents, nor does it reduce the urgency of the need to understand why they occur.

This project began with the consideration of the torture-murder of a 16 year old boy in Somalia the hands of Canadian soldiers. Using the dominant concepts of torture and genocide scholarship left me at a loss to explain how something like this could happen. My indignation at the idea of such atrocities gave way to a need to understand this, and other acts of gross violence between human beings in a sociological context. It did not take long to discover that there is no sociological perspective that allows for a satisfactory explanation of how an individual entrusted with a position of authority makes the descent into becoming the perpetrator of such horrendous violence toward another person.

I studied the extant literature, and discovered that our conceptions of the perpetrators of torture are rooted in a bipolar framework that appears to trace its origins to the attempt to understand the Nazi Holocaust of World War II. The research in this area is first-rate, drawing its theoretical grounding from a broad psychological and sociological base. This literature, however, has serious limitations in cases where the individuals who torture are unaffiliated with a bureaucratic machine that orchestrates large-scale, sustained attacks against the ‘enemy’ group(s).

The conclusion that I reached was that there was a segment of the perpetrator population absent from the literature. The theoretical tools did not exist to deal with their actions. I have developed the concept of ITs to assist in this goal.

ITs represent a partial hybridisation of the characteristics commonly attributed to the polar categories of leaders and followers, the constituent elements of the bureaucratic torture engine. In essence, they derive authority from the externally awarded authority associated with their “official” social position. Although I have used the specific case study of the soldiers of the 2 Commando unit of the Canadian Airborne Regiment, this typification is not limited to military personnel. In fact, it is my belief that many of the episodes of criminal assault we witness in our everyday surroundings actually constitute incidents of independent torture. Under this typology, any person who uses their position of authority as a shield from negative sanctions in order to inflict unwarranted harm on a person subjected to their “official” authority could be construed as an IT. As I point out, the differences between perpetrators of assault and torture are largely semantic matters,

and the result of a judicial preference to prosecute under the broader assault statutes in the Canadian Criminal Code.

Authority is a highly significant and highly debated concept in sociology, as is evidenced by the extensive body of literature devoted to its conceptual and empirical distillation. What I have done is to show another way to look at the uses to which legitimate authority can be put, when coupled with specific circumstances and individual characteristics. Obviously, not all persons in positions of authority are torturers waiting for the opportune time to make their move. The concept of IT is one which requires that a number of environmental and personal factors coalesce ‘just so.’

The most important of these factors are the internalisation of previously positional authority, and the belief that one can act with impunity. An IT can only remain as such as long as their positional authority retains its legitimacy in the eyes of others. To others, the emerging IT appears no different – because they are still occupying their position within the bureaucracy, their abdication of their bureaucratically mandated role is relatively invisible. The internalised power, and the shift from agentic to autonomous actor happens behind the scenes. The ITs internalised authority is relatively benign, unless it is held in conjunction with a belief that this authority is absolute – that is, the individual also believes that they can act on this authority with impunity.

This thesis has had a relatively narrow purpose that is nested inside of a much more ambitious goal. I have attempted to show that there is a need to expand on the extant conceptions, and broaden the scope of what we consider ‘real’ torturer, and the ‘real’ perpetrators of torture. The bureaucratically driven model of torture is no less

legitimate than when I started, because it addresses a serious and relevant issue: the engineering of large scale torture within a state-run (often genocidal) machine of violence. This legitimacy does not change the fact that many incidents of torture, as defined in both the UNCAT and the Canadian Criminal Code, are treated as anomalous, or worse, as false incidents of torture. The implication is that *size matters*, and that episodes of this type of violence are only worthy of sociological understanding if they are large-scale and state sanctioned. I disagree, in part because the scale is not so different if you consider all of the possible implications of the concept of IT. While it was used in this instance to address events in Somalia at the hands of a very small number of Canadian soldiers, the broader applications are numerous, as I will outline shortly.

The bottom line is this: the model of the bureaucratically-driven group of perpetrators that is most common in torture scholarship is not appropriate to understand episodes in which there is no bureaucratic mandate of torture. Further, macro-level explanations are almost entirely useless for understanding the actions of the category of perpetrators (ITs) being proposed here. Social psychological explanations fare somewhat better, because they make the individual actor visible. Even these approaches, however, are insufficient on their own. In order to understand how the IT emerges, we must first step away from the bureaucratically-driven model, and move toward more micro-level investigations. However, organisational factors and intergroup relations are also key in theorising this type of torture. In fact, the key distinction between theorising ITs and traditional torture scholarship lies in the nature of the relationship between the individual and the bureaucracy/organisation. In both cases, the individual has positional authority. In

the bureaucratically-driven case, the exercise of this authority is “in line” with the prevailing organisational-level mandate. In the IT case, the exercise of authority shifts from being aligned with the organisation’s official goals and policies to their polar opposite.

Where Do We Go From Here?

As promised, the development of the concept of ITs raises more questions than it answers in an immediate sense. This thesis has fulfilled its purpose in that it opens a new area of investigation, and shows how the concept of ITs can be applied to the specific case of Somalia. The remainder of this chapter will address further theoretical issues that must be taken up in later research.

The next phase of investigation requires that we address the question, *is the concept of Independent torture broadly applicable?* There are three general areas that need to be developed in order to this question in the affirmative:

1. the role of social-psychological and psychological factors;
2. organisational analysis with a focus on authority relationships;
3. moral and political issues resulting from a broad application of the IT concept.

The Role of Social Psychology and Psychological Factors

Strictly psychological explanations for IT emergence are insufficient for a number of reasons. As we discussed in Chapter Three, the Authoritarian Personality (Adorno et al., 1950) has interesting implications for explaining individual potential for fascist

beliefs. Unfortunately, potentials do not explain overt action. Further, the qualification that their subjects would embrace fascist ideology if it were socially acceptable to do so eradicates the APs utility for our purposes, as a key characteristic of ITs is that their actions violate prevailing social norms.

Fromm's (1973) concept of the sado-masochistic personality is an apt metaphor for the process of emergence of the IT. The argument that the sadistic personality emerges in the absence of inhibiting psychological processes parallels the process that I envision occurring in the IT case. However, the S-M personality is overly simple, as it accounts only for processes which are invisible until after emergence' and because it accounts only for the very micro (i.e., individual psychological) aspects of the case. The S-M personality's use as a metaphor comes from the parallel that we will see in the idea that certain organisational configurations act as catalysts or inhibitors of torture perpetration. That makes Fromm's concept interesting, but it does not increase its explanatory potential.

Frustration-Aggression reasoning and other social psychological arguments are similarly interesting; but, again, they fall short due to their inability to explain the shift from action potential to overt action. This means that a social-psychological picture must be developed fresh, without attaching unnecessary pathology, and with an eye to explaining (and ultimately, predicting) action on the part of the IT. As we have seen, two key components include the ITs ability to internalise positional authority, and their possession of impunity beliefs. Any social or demographic similarities that exist between perpetrators will have to be distilled from additional data gathered for that purpose.

Organisational Analysis

A more detailed examination of the organisations which ultimately give rise to ITs is another area of development. A comparative analysis across institution types in which crimes that can be reclassified as IT is necessary. Using the following group of institutions will be advantageous:

- residential schools
- youth offender facilities
- adult offender facilities
- mental institutions
- the policing institution
- the military

These institutions represent three relatively discrete points on a continuum of institutional totality (see Figure 2 below). This is important because it allows us to determine whether primary group interactions specific to total institutions such as the military (e.g., Janowitz & Little, 1974) are important organisational variables in this process.

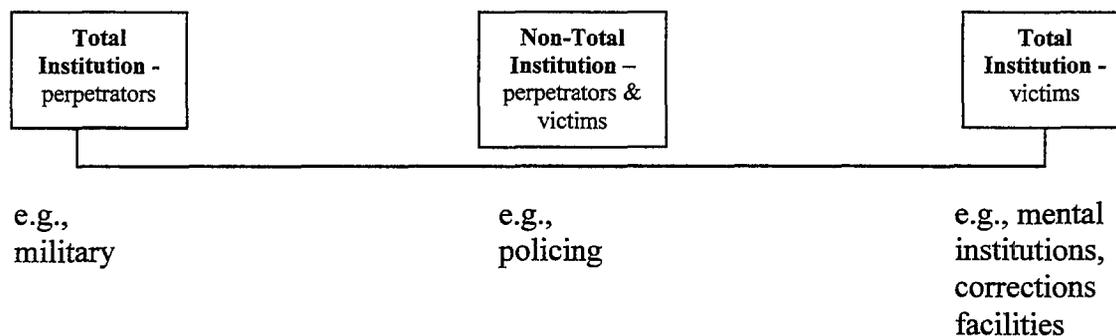


Figure 2: Institutional Totality Continuum

The concept of totality comes from Goffman (1961).

Grouping the institutions on the basis of their totality (specifically, the subject(s) of their totality) may allow us to make generalisations about organisational structure, types of interaction between perpetrators and victims, rates of independent torture among the agents of the organisation, and different labelling and sanctioning strategies should such an episode occur. Ideally, examining the organisation in terms of the above-mentioned variables, either singly or as members of categories allows us to determine if there is a generic institutional form that facilitates IT emergence.

As suggested previously, case of the torture of Abner Louima by members of the NYPD is an example of a case that could be used in such a cross-institutional comparative analysis. What this incident shows is that (in the United States, at least) there is an increasing recognition that torture does indeed occur on a “small scale,” as well as the more familiar bureaucratic scale. One of the reasons that this fact has not been previously recognised is because torture appears to be a crime associated with war and military-type institutions. Skolnick and Fyfe (1993) suggest police officers are often characterised as “soldiers engaged in a war against crime” (115), a condition which may have eased the transition from assault to torture charges being levelled in the Louima case. Skolnick and Fyfe (1993) go to great pains to separate police officers from soldiers. Their reasoning centres around the clearly discernible ‘enemy’ in war – something that they suggest is lacking in an everyday context for others – and the differing nature of appropriate force for soldiers and police officers. What future research will have to determine is how the IT identifies their enemy within their organisational context.

The idea of identification of an enemy is related to another question, that of what actually *constitutes* an organisation. These lines are fairly clear, at least to the extent that the organisation must encompass some type of official custodial function. For example, the crime of domestic violence, however brutal, does *not* constitute an incident of independent torture. Consider the example of a police officer who beats his spouse. If the officer avoids prosecution by virtue of his official capacity, that is a clear abuse of their authority, and is very likely to interact reciprocally with the officer's impunity beliefs. What prevents it from being independent torture is that the officer does not batter his spouse within his official capacity as an officer. They do not come into contact with their victim as a result of their official capacity. If, however, the officer's spouse was arrested, and beaten by the officer (or any officer) while in custody, the violence could be classified as independent torture.

As alluded to previously, the organisational purpose will be significant in identifying which organisations have the potential to produce (or facilitate the production of) ITs. Typical corporate bureaucracies are unlikely to yield an IT. So are non-residential educational facilities. Neither of these are total institutions for the perpetrators or the victims and therefore, do not have the same type of custodial orientation toward potential victims as do the institutions designated as objects of study.

Nature of Authority

The specific details of the organisation have an impact on the type(s) of authority available to potential ITs. As we have already established, we are working with a concept

of authority that borrows its situational and fluid nature from Foucault's ([1978] 1990, etc.) concept of power. This theoretical formulation actually allows for a relatively tangible application of Foucault's concepts, and allows us to explore the consequences of such concepts for real actors and organisational relationships. The authority that perpetrators are vested with originates with the organisation and is positional, rather than personal, in all but those agents who reindividuate and become ITs. More detailed descriptions of organisations, and the creation of authority maps of those organisations will ultimately yield a deeper understanding of the relationship between the IT, the organisation, and the previously positional authority. Ultimately, each 'tightening up' of a concept – independent torture incident and perpetrator, organisations that facilitate IT, authority of IT characteristics – allows for improved conceptualisation of each of the others.

Moral, Political, and Human Rights Issues

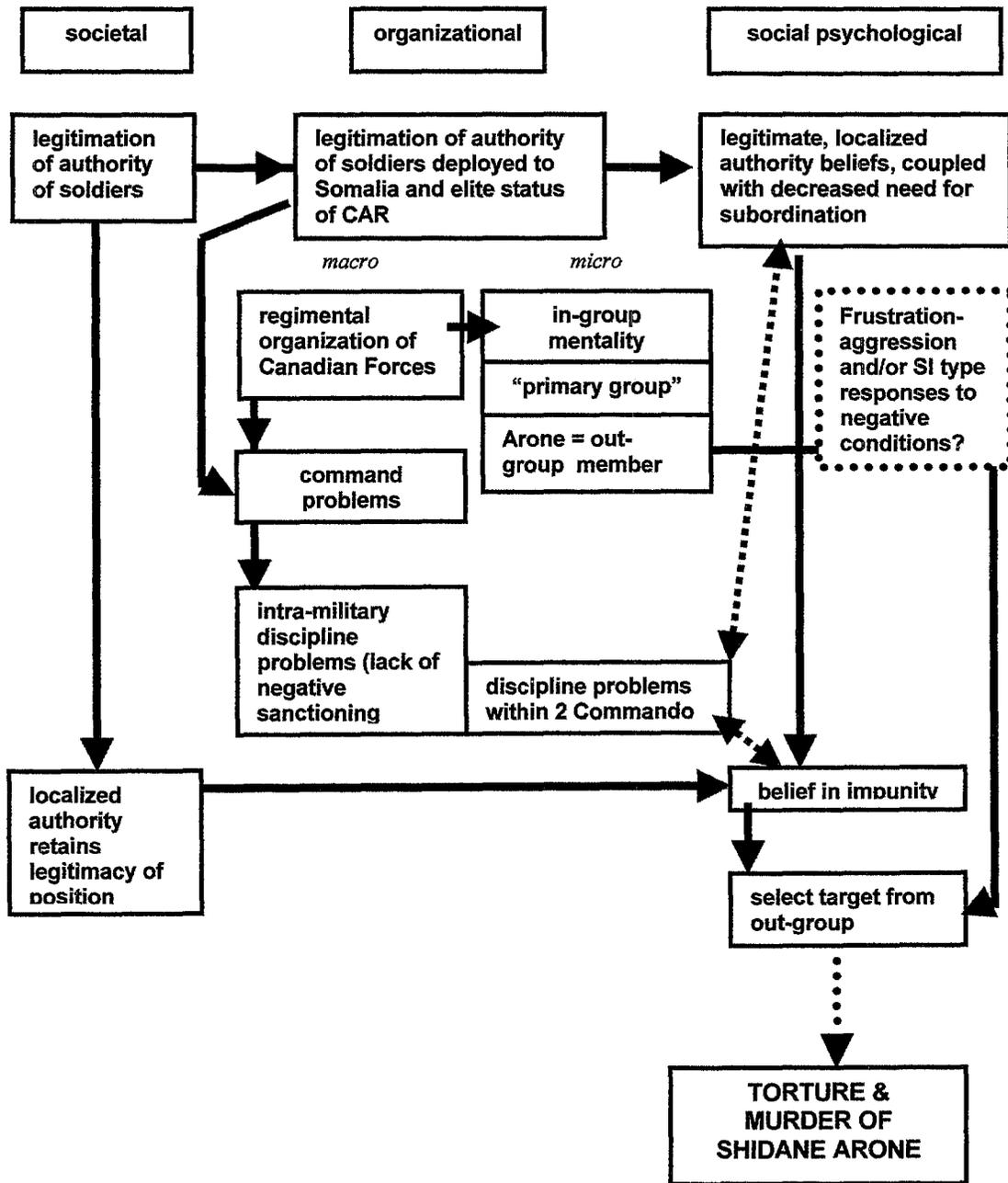
The end-goal of this next phase is the broadened application of the concept of independent torture, particularly in circumstances and institutions where the Canadian Criminal Code torture statute applies in theory, but has been avoided in practice. There are potentially significant political consequences for such an undertaking, owing mainly to the common-sensical/media understanding of torture as something which does not happen domestically, unless it is at the hands of a deranged monster. There are understandable psychological and social reasons why we, as a society, need to maintain an image of our agents of custodial organisations as humane, sane, and law-abiding.

Unfortunately, there are events that challenge this picturesque idealisation, and it is likely that an examination of assault convictions against these agents will reveal a much bleaker reality.

There are human rights implications for this reformulation, as well. The discussion of independent torturers parallels Howard's (1998) emphasis on the individuality of human rights over their perception as a collective function. Specifically, I refer to her criticism of the assumption that so-called "third-generation... 'collective' rights...can be enjoyed only by groups, not individuals" (95). Both of these ideas emphasise the existence of the individual, and this rethinking of torture also speaks to the issue of cultural relativism (see, for example, Howard, 1995), at least to the extent that it addresses the problem of torture conceived as a non-domestic phenomenon. These two ideas are related, because if torture is seen as a collective phenomenon, it cannot also be seen (by Canadians) as a domestic issue. In other words, the human rights implications of the concept of independent torturer are two fold. First, it allows us to individuate the perpetrators and victims; and secondly, this individuation allows us to see these human rights violations more clearly in our own backyard.

The potentially negative reaction to such a retypification of violent crimes committed by authority figures is far outweighed by the importance of accurately labelling these occurrences and their perpetrators. Only by casting these atrocities in the harsh but more accurate light of independent torture can we hope to prevent similar atrocities from occurring in the future.

Appendix A: A Graphical Summary of the Theorised Relationships Between Social, Organisational/Group & Social Psychological Factors Leading to Independent Torture in Somalia, 1993



Appendix B: A Brief History of the Canadian Airborne Regiment

The Canadian Airborne Regiment (CAR) was established in April, 1968.

[T]he regiments principal roles were defence of Canada operations against small-scale enemy incursions in the north, provision of short-notice response to United Nations request for peace operations, and operations in limited or general war within the context of a larger allied force, particularly a variety of 'special service' missions (Somalia Commission Report, Volume 1, p. 106).

Ultimately, the CAR was comprised of three infantry commando units affiliated with the three Canadian Regiments: 1 Commando was affiliated with the Francophone regiment, the Royal 22^e Régiment; 3 Commando was affiliated with the Royal Canadian Regiment; and 2 Commando – Matchee's home unit – was affiliated with Princess Patricia's Canadian Light Infantry.

Friedland (1997) suggests that Airborne soldiers were characterised by higher than normal (within the military) levels of physical aggressiveness, coupled with an unwavering belief in their superiority as individual soldiers and a fighting unit. In the 1970s, none of their three deployments (the October Crisis, Cyprus, and security at the 1976 Montreal Olympics) required the paratrooper skills in which their elite status is apparently rooted (Somalia Commission Report, volume 1, p. 107). In fact, even in the 1970s, there were concerns expressed about the suitability of the CAR for the missions on which they were deployed (e.g., Stethem, 1975). Until 1992, the Airborne was

organised much as it had originally been laid out, but in 1992 downsizing stripped the CAR of both its functional independence from the rest of the Armed Forces, and also of its ability to expand its personnel rapidly in times of crisis. It was during the flux following this rather drastic change that the Airborne was chosen for deployment to Somalia. One result of this reorganisation was that there was a conflict between the proposed role (the “concept of employment” (Somalia Commission Report, volume 1, p. 108)) of the Airborne and the structural and equipment realities of the CAR. The limitations were a cause for concern for the Land Force Command officers charged with creating a description of the CARs roles and capabilities, but despite these problems, Airborne soldiers were deployed to Somalia in late 1992.

Appendix C: Ten Commandments of the Canadian Airborne Regiment

1. You are the elite of the Canadian Army. For you action shall be fulfilment and you must train yourself to stand every test.
2. Cultivate true comradeship, for together with your comrades you will triumph or *die*.
3. Be shy of speech and incorruptible. The strong act, the weak chatter; chatter will bring you to the grave.
4. Calmness and caution, thoroughness and determination, valour and a relentless spirit of attack will make you superior when the test comes.
5. Face to face with the enemy, the most precious thing is ammunition. The man who fires aimlessly merely to reassure himself has no guts. He is a weakling and does not deserve the name of "Paratrooper."
6. Never surrender. Your honour lies in victory or *death*.
7. Only with good weapons can you achieve success. Look after them therefore, on the principle, "First my weapons, then myself."
8. You must grasp the full meaning of each operation so that, even if your leader should fall, you can carry it out coolly and warily.
9. Fight chivalrously against an honourable foe; fifth columnists and civilian snipers deserve no quarter.
10. With your eyes open, keyed up to the highest pitch, agile as a greyhound, tough as leather, hard as steel, you will be the embodiment of a Canadian Paratrooper (Prouse, 1998).

Appendix D: Canadian Airborne Regiment Open Fire Policy Upon Deployment to Somalia.

Prouse (2000b) provides a look at the open-fire policy furnished to CAR soldiers upon their deployment to Somalia. Below are sections of the policy of interest in light of the torture-murder of Arone by members of the CAR. Of particular interest is the fact that the procedure for dealing with both unarmed and armed individual proscribes minimal force in the form of a verbal warning, escalating to deadly force only as a defensive response.

...RIGHT OF SELF DEFENCE - Every soldier has the right to take all necessary and appropriate action for self-defence.

MINIMUM FORCE - Only the minimum degree of force required to deal with the situation shall be used.

DEFINITIONS

HOSTILE FORCES - Any individual, force or terrorist group, whether civilian, paramilitary or military that has committed a hostile act or demonstrated hostile intent.

HOSTILE ACT - An opposing force commits a hostile act when attacking or otherwise using armed force against Canadian Forces, Canadian Citizens, coalition forces, relief personnel, relief material, distribution sites, convoys, or non-combatants.

HOSTILE INTENT - Hostile intent is the threat of imminent use of force against Canadian Forces, Canadian Citizens, coalition forces, relief personnel, relief material, distribution sites, convoys, or non-combatants.

TERRORIST ATTACKS - Terrorist attacks are usually undertaken by civilian or paramilitary personnel in which a definition of hostile act or hostile intent apply.

GRADUATED RESPONSE. (The level of response to be exercised initially will depend on the situation, as common sense dictates.)

- . warning (verbal, visual);
- a. minimum force (manoeuvre, physical restraint);
- b. warning shot; and
- c. deadly force (use of firearms or crew served weapon.)

USE OF DEADLY FORCE PERMITTED FOR

- . Self Defence.
- a. Defence of Coalition member.

b. Defence of relief personnel and supplies.

c. Defence of Non-combatants.

THREAT/RESPONSE

- Threat - Unarmed Harassment or Threat (should first take the following procedure)

Response

1. verbal warning,
2. show of force,
3. warning shot,
4. deadly force (use as a last resort)

Note: Riot Control Agents may be used before deadly force, if approved by the Commander CJFS

- Threat - Armed Individual

Response

1. verbal warning,
2. minimum force,
3. warning shots,
4. deadly force

...**DETENTION OF PERSONNEL.** Personnel who commit a hostile act, or demonstrate hostile intent, interfere with the mission may be detained when ordered by the commander.

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