

## LECTURES

### MORAL UNIVERSES OF BRAZILIAN TORTURERS

*Martha K. Huggins\**

#### I. INTRODUCTION

In 1993, a research team under my leadership began studying state sponsored—and encouraged—torture and assassinations during Brazil's period of military rule, 1964–1985. *Violence Workers*, the book that resulted from this research, tells many stories about how to get torturers to talk.<sup>1</sup> If you have some questions, I can get into this subject later; what I would rather do today is tell you some of the things that we discovered in our research so that you think about these as lawyers and future lawyers.

Among the twenty-seven Brazilian police that we interviewed, fourteen admitted to having been torturers or assassins during Brazil's military period. An important first discovery was the six conditions that we argue were associated in military Brazil with state-sponsored torture, beginning with unchecked and arbitrary executive rule. Another condition was an ideology of war—against communism, rebel guerillas, or evil. Third, secrecy of interrogation locations and procedures. Fourth, hidden identities of interrogators and of those under interrogation—through the use of caps, masks, and hidden interrogation locations—anything that disguised the victim, torturer, and/or the torture location. Fifth, a social control division of labor that accorded plausible deniability personally and outwardly to each actor within the social control system. Such a

---

\* Charles and Leo Favrot Professor of Human Relations, Department of Sociology, Tulane University (New Orleans, LA). All quotations herein were gathered during the course of field research conducted by the lecturer.

<sup>1</sup> MARTHA K. HUGGINS ET AL., *VIOLENCE WORKERS: POLICE TORTURERS AND MURDERERS RECONSTRUCT BRAZILIAN ATROCITIES* (2002).

division of labor obscured the perpetrator's relationship to violence. For example, a group of Brazilian police would capture someone, bring the alleged subversive to interrogators, and then claim that, "We didn't torture anyone. We just brought the perpetrators to the interrogators. We don't know what happened to them after that." Finally, sixth, a public rendered impotent by fear.

Bringing the elements of this torture process to the current United States war against terror, last year, in an Opinion piece for the *Albany Times Union*, I identified the existence of some of these conditions in the War against Terror, focusing particularly on how the United States government was operating at Guantanamo Bay.<sup>2</sup> I argued that the torture-nurturing conditions—unchecked or arbitrary executive rule, secret interrogation locations and procedures, hidden identities of interrogators and victims, and a public rendered impotent by a culture of violence and/or fear—have the capacity to nurture and excuse torture at the Guantanamo interrogation center.<sup>3</sup>

## II. ATROCITY FACILITATORS

However, in this lecture I will focus on Brazilian violence workers, identifying several important findings from this book's research. Most important, I discovered that understanding atrocity requires examining atrocity facilitators as well as the direct perpetrators of such violence. The facilitators include, but are not limited to, international and national political decision-makers, including such people as former Secretary of State, Henry Kissinger, for his role in Chile.<sup>4</sup>

Also included in the atrocity-facilitator category are national-level actors, including the guards who bring people to torture locations or guard them there, the doctors who certify that a prisoner was not tortured or who advise torturers about how much torture a person can take, and the notaries who verify that a prisoner has not been tortured. Is there now a precedent in international law for holding former Heads-of-State accountable for directly and indirectly facilitating terror? For example, Slobodan Milosevic? Such

---

<sup>2</sup> Martha K. Huggins, *Treat Prisoners Like Human Beings*, TIMES UNION, Mar. 26, 2002, at A11.

<sup>3</sup> *Id.*

<sup>4</sup> See SEYOM BROWN, *THE CRISES OF POWER: AN INTERPRETATION OF UNITED STATES FOREIGN POLICY DURING THE KISSINGER YEARS* 108 (1979) (asserting, for example, that the United States, through Kissinger, was implicated in the "violent military ouster and death of Allende").

precedents seem to succeed or fail on a case-by-case basis, for example, the Augusto Pinochet case.

Examining further the indirect atrocity facilitators, in my previous book, *Political Policing: The United States and Latin America*, I studied almost one-hundred years of United States involvement with foreign police, focusing particularly on interaction with Brazilian police.<sup>5</sup> That book examined an AID-CIA police training program that lasted between the 1960s and 1974, through which the United States funneled technical and material aid and *know-how* to the police of a government under violent military rule. Such technical assistance and know-how often ended up facilitating horrific acts of violence against those deemed “subversives” by Brazilian military officials. In 1974, Senator James Abourezk was able to get the AID-CIA police training program partially shutdown.<sup>6</sup> This leads us to ask about the lawyer’s role in legislative drafting: How effective are international and United States national laws in preventing the supply of United States assistance and technical support to governments known to be violating international human rights laws?

*Political Policing* also demonstrated the role of United States corporations in directly and indirectly perpetrating atrocity. It disclosed that, in the 1960s, United States companies—through CIA-AID—provided, among other things, IBM and other technical equipment and know-how to Brazilian police. The IBM systems were used to document and track *subversives*; AID field radios made it easy to carry out torture without leaving long-lasting physical marks. Such equipment was supplied to Brazil at a time when the Brazilian government was already known by the U.S. Senate to be torturing its citizens.<sup>7</sup> How does or how can international law deal with corporate torture facilitators?

Another set of indirect perpetrator actors, at the national level, are societal *by-standers*—the public that does nothing to disclose or denounce torture, either because they support it or because they fear acting against it. Is there, indeed, should there be, a place in national or international law for the action or inaction of common citizens?

---

<sup>5</sup> MARTHA K. HUGGINS, *POLITICAL POLICING: THE UNITED STATES AND LATIN AMERICA* (1998).

<sup>6</sup> *Id.* at 192–93.

<sup>7</sup> *Id.* at 187–88 (describing Senator Church’s inquiries of Theodore Brown, the Office of Public Safety’s police advisor for Brazil, concerning his opinion regarding reports of Brazilian police torturing Brazilian citizens).

Another important discovery from *Violence Workers* was that the Brazilian police who directly perpetrated torture and assassination were in the numerical minority within Brazil's atrocity system. This was interesting because such actors, while in the numerical minority, receive the majority of legal, social science, and media attention. At the same time, it is very unlikely that an atrocity system made up of *only* direct perpetrators—without a range of indirect facilitators to keep the system alive and legitimized—would be able to maintain itself for very long, particularly for over two decades, as in Brazil.

### III. DIRECT PERPETRATORS

This discovery notwithstanding, *Violence Workers* still focused primarily on the direct perpetrators of atrocity, attempting to discover the factors that nurtured their violence, the ways that they explained it, and the manner in which they attempted to morally legitimize it. We found that a major difference between the police who became torturers and those who did not, was membership in an elite police operations or intelligence unit that focused singularly and constantly on fighting a *war against subversion*. Such membership was important because much journalism and popular discourse sees torturers and assassins as motivated by their own sadism. Such atrocity perpetrators are supposedly born to inflict pain on others. In fact, the Brazilian violence worker police who operated in elite units that perpetrated atrocities, did not usually enter such units by choice—presumably what a *born sadist* would do. Instead, they landed there by chance or were promoted into one.

### IV. DIVISION OF LABOR AND DIFFUSION OF RESPONSIBILITY

Rather than being *born sadists*, the violence workers that we studied were slowly encouraged and nurtured into their violent behavior, often demonstrating personal crises along the way as they carried out their violence. Organizational factors and dynamics helped these violence workers continue their atrocities. One such factor that helped a violence worker disavow his participation in atrocity, was the division of labor within police work: It was divided into so many specialized units, even within the specialized squads, but certainly between them, that each policeman could convincingly argue to himself and others that he was no more than a minor element within the social control system. Furthermore, within the division of labor among atrocity perpetrators, a violence worker

tended to be *either* a torturer or a murderer, with each actor considering himself less immoral or generally professionally better than the other: "I may kill, but at least I do it fast; the torturer works slowly and always goes overboard." We found that within the Brazilian atrocity system, torturers tended to be specialized in that area without crossing over (unless by error) into assassination, and vice versa. This regularity was explained by one violence worker as follows: "To be a 'good torturer,' you have to have a relationship with your victim, while a 'successful' murderer develops no such relationship"—an ideology that seems to separate torturers from murderers.

#### V. TORTURE RATIONALES

Looking just at the torturers among our interviewees, they offered four different justifications for having carried out their violence. The first such explanation *blamed the individual*—either a victim or a perpetrator. For example, one perpetrator who focused on his victims' failings, said: "They were tortured because they were stupid." Another rationalized his behavior by explaining, "I told one victim: 'You had the opportunity to talk without being tortured but you preferred not to talk. If you had only talked you could have remained a prisoner and not been tortured.'" Another torturer, citing police who had *inappropriately* used this violence, argued that: "They were a bunch of guys doing stupid things. Young guys who didn't know what they were doing. Most of these guys were not well prepared—they just wanted to show off." Apparently, if these torturers had been *properly prepared*, they either would not have tortured or they would have known how to do it, a justification that we refer to later as a *professionalism* argument.

Another set of justifications for torture employed a more generalized *diffusion of responsibility* argument. In one such explanation, where the *Parrot's Perch*<sup>8</sup> was used, an interviewee explained: "It is shocking the first time you see someone hanging on the Parrot's Perch with a water hose in his mouth." (Actually a water hose is usually in the anus and the mouth, with electric wires hooked to the person's testicles, breasts, and/or vagina). This perpetrator declared, "I didn't agree with that but I was inside the

---

<sup>8</sup> See Herbert Radtke, *Torture as an Illegal Means of Control in THE DEATH PENALTY AND TORTURE* 8–9 (Franz Bockle & Jacques Pohier eds., 1979) (describing how torturers develop euphemistic names for torture devices, such as the "parrot's perch," in an attempt to normalize their conduct).

room and the other guys were torturing him. I was just there. I didn't do it." Another diffusion of responsibility justification was used by an assassin: "Some guys died when we were shooting but I don't know who killed him. There were many guys shooting, I couldn't tell who hit the guy and who didn't. You just know that somebody died. Fortunately, it was the other side."

Yet another diffusion of responsibility example, offered by Jorge, who was the leader of a *kill-squad*, involved a *death flight* in which he took part. He and his partners were told to take their captives out over the Amazon "and not bring anybody back alive." Jorge recounted that his team's prisoners were being subjected to "all kinds of torture; women were being raped and then thrown out of the helicopter alive." Jorge "couldn't stand the shrieking" of one female victim, so he simply "had to kill her: It was the only humane thing to do." According to Jorge, his partners were torturing the woman "too much." As Jorge explained, "At least I killed my victims before I threw them out of the airplane." Jorge diffuses responsibility for the *worst* kind of violence onto the seemingly insensitive police within his squad.

I am told by my significant other that I must take a breath more often when I am describing atrocities. The audience needs a chance to process what they are hearing. I often forget how difficult it is to hear about the things I study. The way I do my research is to make myself immune to much of what I hear, almost the way the torturer and assassin must do if he is to continue committing atrocities. Clearly, there are some personal costs to studying atrocity.

The third justification offered by Brazilian interviewees for having carried out torture we label a *just cause* argument. For example, as one policeman asserted, "If I arrest someone whose partner has kidnapped a little girl—who will die if her captor is not located—I'm not going to waste time by questioning him for two or three days just to wear him down. I'll hang the guy up on the parrot's perch and get what I want in five minutes." In another version of this argument, a policeman explained: "We worked as if at war, we were patriots, we were defending our country. We were proud of what we did. We were doing a patriotic job, we were a religious people, a Christian people."

## VI. PROFESSIONALISM ARGUMENTS

The last justification offered by the Brazilian violence workers for having tortured was a *professionalism* argument. According to one

version of this torture justification, the police who are well trained know how to use violence and are therefore not really torturing anyone. In other words, professional police do not torture, they use violence skillfully for a just cause. In a second version of the professionalism argument, "torture is zealotry in trying to discover, [or] unravel a crime," it occurs because police must walk a "difficult balance" between professional, rational calculation and the organizational pressures on a policeman to get things done fast. As one interviewee stated, "we don't have the resources to work on an investigation, so the shortest route is by torturing." Another policeman explained that, in more recent times in Brazil, the justification for *acceptable* torture has expanded. "Today the police torture anyone they want. They do not have any professional calculus for when it is acceptable. In the old days, police used torture to gather evidence and indemnify the victim as well as to convict the thief or murderer. Today's irrational, immoral torturer only wants to find out evidence in order to extort gain from others." Within this policeman's moral calculus, "'legitimate' professional torture makes the perpetrator's suffering compatible with lack of injuries. This can be accomplished if the policeman is completely aware of what he is doing so that he will know his limits."

*Professionalism* justifications for torture equate *good torture* with scientifically-guided action—an assumption that presupposes specialized police training, guided by a particular body of knowledge, a *rational* division of labor within police processes, and a "legitimate" justification for the use of violence, with the police *professional* knowing best, and in the best position to judge, what constitutes legitimate and illegitimate police violence. These are the very mechanisms that our research has found to nurture and justify torture in the first place. Yet, according to our Brazilian interviewees, such professionalization reduced police violence. Any illegitimate violence that occurred was the result of solid professional decisions, on the one hand, and residual uncontrollable organizational pressures, on the other. Within such a framework, almost anything that a *professional* policeman does is appropriate. The autonomy of the policeman and his organization grants invisibility to violence and ensures an absence of accountability. This helps ensure impunity to police organizational violence.

Examining the discourse of Brazilian violence workers, we discovered yet another socially constructed moral dimension to their assertions about torture. Torture was described as *unacceptable* if a policeman was *deliberately sadistic* or *cold-blooded*. (Torturers

themselves do not like to have sadists in their ranks because, to do a *good job*, the policeman has to have control. The sadist gets pleasure out of torture and therefore loses control). If the torturer is *permanently out of control*, or has a *character disorder*, then he is a *bad torturer*, according to interviewees. A *good torturer*, by contrast, is professionally trained and controlled—a “rational” actor who uses psychological cunning to get the needed information.

In the *moral middle ground* are those police who our interviewees characterized as “youthful” and “stupid,” and therefore easily controlled by a superior who lacked the *right kind of balance*. The police who are in the moral middleground did things that they should not do, but were not condemned by their peers for such behavior. For example, a “cold and aggressive” older policeman who had been *drained* by his superiors’ demands for violence and then *hung out to dry* by them, should not be condemned for his lack of control since the police organization’s superiors consciously created it.

## VII. CONCLUSION

Do you remember the case of the Rampart police scandal, which broke in Los Angeles at the millennium? In the end, one policeman took the fall for an entire structure of political and police Rampart District violence. This policeman reported at his trial, using *moral-middle-ground* discourse, that “We [police] see such horrible things, we see dead babies. After a while it does terrible things to you.”<sup>9</sup>

To close, then, in today’s world—at least in Brazil—torturers, and those who politically, organizationally, and socially foster, support, and justify torture, have adopted discourse that argues for the value of police professionalism in reducing police atrocities. Presumably, if you can professionalize police, they will not use *inappropriate* torture. An example of this from the United States would be Harvard Law Professor Alan Dershowitz’s call for the use of “torture warrants” to ensure just, controlled, and legal torture in the United States’ *just war* against terror. Within such *professionalism* discourse, the interrogators who violate professional

---

<sup>9</sup> See Matt Lait & Jim Newton, *The Rampart Scandal: The ‘Rampart Way’: Macho, Insubordinate and Cliquish Misconduct: Report Describes an ‘Us Versus Them’ Mind-set in Which Superiors Were Frequently Ignored*, L.A. TIMES, Mar. 1, 2000, at A16, 2000 WL 2215743 (explaining that the Rampart scandal—in which members of Los Angeles’ anti-gang unit were implicated in wide-spread corruption and brutality—was made possible by the lack of supervision by higher authorities and an atmosphere in which the anti-gang unit was kept apart from other police department units and allowed to ignore Department protocols).

2003]

Moral Universes of Brazilian Torturers

535

standards—presumably the few who might do that—are exceptions, *bad apples*. Through such thinking, torture is rendered not really torture and victims are not really victims. As one Brazilian interviewee explained: “The professional policeman knows how and when to appropriately and effectively torture.”