Conditions for Guilt-Free Massacre

Troy Duster

Several years ago Harold Garfinkel wrote a short essay entitled “Conditions of Successful Degradation Ceremonies.” The purpose of the essay was not to offer a recipe for those who would like to degrade a fellow human but to explain the process of degradation through a novel device. Garfinkel has long held that a good method for clarifying a process is to tell how to make it happen. In his exposition, he details eight conditions which he argues must be present for the successful public degradation of a man. In general, the man must come to be seen as a symbol of something totally contrary to what others in the community regard as the communal good.

* Notes for this chapter start on p. 338.
Using Garfinkel's paper as a suggestive model, I attempt here an exposition of guilt-free massacre. Such an exposition is not undertaken lightly. If I thought that I were exposing new thoughts and strategies for such an outcome to an audience now unaware of them, I would abandon the task. My purpose is quite the opposite, and it is important that it be stated clearly.

Subtly and almost imperceptibly to some, this nation developed all the conditions for guilt-free massacre of Vietnamese and neighboring peoples and is now well on the road with respect to the Black Panthers. Thus, in explaining the process I point to various conditions which already exist but which are too seldom recognized as parts of a pattern. The purpose of the exposition is threefold: to understand clearly the process itself by saying out loud how to do it; to alert others who may be the next victims of the process; and to offer some suggestions for dismantling or intercepting the process.

At least three forms of guilt must be distinguished before we proceed to a discussion of guilt-free massacre: Guilt can refer to the commission of an act regarded as reprehensible, immoral, illegal, or the like. In such cases, men are characterized as guilty or innocent with reference only to whether the act was committed, and guilt in this sense is independent of retribution or redress. Guilt can also refer to the subjective feeling state of actors. This sense of guilt can result from matters of omission as well as commission. Men can feel guilt for being silent and inactive as they passively observe injustice. On the other hand, one may actually commit an act that others would call immoral but lack a sense of guilt. (For a further discussion of this possibility, see Chapter Nine.) Finally, guilt can refer to the pronouncement of culpability by men formally empowered to make such pronouncements, as in the case of the judiciary, review boards, and juries. In this usage what is called guilt can be independent both of the commission of the act and of any feeling of guilt. Innocent men have been found guilty. Obversely, one can be guilty of the commission of the act but be characterized as not guilty by a police review board, a court-martial, or the judiciary.

In this chapter, I am concerned with a particular configuration of these three forms of guilt, in which commission of a mas-
sacre (actual guilt) would lead neither to a sense of guilt nor to a pronouncement of guilt. I attempt to specify what conditions must typically prevail in a society for such a configuration to occur.

One further distinction is in order. Whole societies or whole armies do not commit massacres. Certain men are always singled out to do the work, and this commission of the act is the easiest of the three forms of guilt to pinpoint. The men do their work, however, in the name of the society, the nation, the army, the police, or the church. The subtle problems come in determining final culpability and the location of conscience. Can whole societies sense guilt? If organizational structures are to be blamed, then what is the culpability of individuals within those structures? Does it make any sense, indeed does it make any difference, to talk about the location of guilt in the Germany of the Third Reich? Although I am not able to answer many of these questions of culpability in this chapter, I hope some purpose is served by raising the issues and setting forth the conditions for guilt-free massacre.

The most general condition for guilt-free massacre is the denial of the humanity of the victims. You call the victims names like gooks, dinks, niggers, pinkos, and Japs. The more you can get high officials in government to use these names and others like yellow dwarfs with daggers or rotten apples, the more your success. In addition, you allow no human contact. You prevent travel, or you oversee the nature of contact if travel is allowed. You prevent citizens from going to places like China, Cuba, and North Vietnam, so that men cannot confront other men. Or on the home front, if contact is allowed or if it cannot be prevented, you indicate that the contact is not between equals; you talk about the disadvantaged, the deprived. You make sure that the culture and customs of the target population are seen as having no value to your own group, and you inculcate this attitude either by laughing at those cultures and customs or by destroying them.

Since other contributors to this volume deal with the dehumanization of the victims (as in Chapter Eight) and some with resistance to this process (as in Chapter Fourteen), I emphasize other conditions for a guilt-free massacre. However, I ought to
mention the role of race and racism in the dehumanization process. Massacres clearly have occurred within racial groups: whites have massacred whites as in centuries of European war, blacks have massacred blacks as in the Nigerian civil war, and the Far East has witnessed internecine slaughters on a large scale. It is foolish to treat race, therefore, as a necessary condition for massacre. Nonetheless, the existence of racial groups in structurally superior positions, exploiting and oppressing other racial groups—the pattern discussed in Chapter Eleven—is one of the most conducive settings for massacre.

In such a setting, as in others where race may play no role, we can isolate a number of social conditions which lead to guilt-free massacre. The first is the soldering of a connection between faith in the well-being of a society and faith in its organizational arm of violence. (Externally, this organization is the army; internally, the police.) France during the Dreyfus affair offers an example of soldering such a link. Toward the end of the affair even the generals of the French army knew of Dreyfus’ innocence. Yet they had come to believe that to acknowledge his innocence would be to undermine the faith of the French people not only in their army but in France as a nation. And among many citizens, too, an attack on the army was seen as an attack on France. The cry was “treason.”

Once the connection is made between the well-being of the state and the actions of its army or police, citizens may soon conclude that the army or the police can never be wrong. Title II of the Omnibus Crime Control Bill of 1968 provided for wiretapping of suspects and the use of this evidence in court without the consent of the accused. When some of us pointed out that wiretapping could be used against anyone, its defenders argued that the police would use it only against criminals. If you are not a criminal, so goes the argument, then you have nothing to fear from the police. If our primary aim is to make the work of the police easy, then we should give the police access to our houses, our mail, our telephones, our office desks, our private dresser drawers, and our closets. If we have nothing to hide, then who could object to opening all aspects of our lives to surveillance by
the police? Surely, they would use such investigative powers only for our good—namely, not against us but against others. That has been the reasoning of the defenders of no-knock police investigation. On reflection, the line of argument seems to come out of a nightmare, but such men exist, and they establish the first condition for guilt-free massacre. "Why would the police harm innocent men?" they ask, discounting both the fallability and corruptability of humans given latitude and power made legitimate by the state—a problem considered further in Chapter Sixteen.

In defining the second condition, we observe that groups such as the police or the army treat organizational grounds for action as superior to individual grounds for action. Individuals in a society sometimes have the nerve to stand up to organizations and claim that they, as individuals, are better and truer carriers of the values of the society than are the organizational arms. For example, those individuals who opposed slavery before 1860 often argued that the state was wrong. They argued that, in terms of the Declaration of Independence and the Constitution, slavery violated the basic values of the republic and ought, therefore, to be opposed or no longer tolerated by the various institutions of society. In this way the abolitionists asserted the legitimacy of their actions while casting doubt on the legitimacy of institutions that helped to perpetuate slavery. That same claim was made by individuals who, in the old Civil Rights movement, refused to comply with police orders that interfered with their right to register to vote. And the same claim is often made now by those who refuse induction into the army.

However, those who equate the well-being of the state with the actions of its coercive arms effectively ignore the claims of individual moral superiority. For such people, the police and the army are right by definition, and the will of individuals must be subordinated to these organizations, which set internal standards of conduct in an attempt to stamp out individuality. In the military, uniforms are required and discipline is deified; insubordination becomes a most serious offense. In order to reinforce the notion of the superiority of organizational will to individual will,
the army and the police regulate personal choices and social and political choices (such as where one can go, the content of one's speech, and even whom one can meet).

In subordinating their will to that of the organization, members gain protection for all but the most egregious actions in the line of duty. As long as the individual is acting as a policeman or as a soldier, his actions are not individual but organizational. We can see these mechanisms when a policeman shoots a young black boy in the back and is excused on the ground of justifiable homicide. The same mechanism may operate on a larger scale.

The third condition for guilt-free massacre is a connection between whatever fragment remains of individual responsibility and the organization with its rules. Loyalty to the organization takes precedence over every other consideration, every other loyalty, every other morality, and individuals are ostracized for violation of this loyalty. In the Dreyfus case, Picquart was the subject of hatred and rebuke by army colleagues who saw him as one who placed the innocence of Dreyfus over loyalty to the army. At first, the army and the police require that individuals be subordinate only within the ranks. Next, however, they may define individual differences as suspicious at best and possibly traitorous.

This means that individuals in the army begin to believe that their actions alarm or please the army authorities only in so far as they relate to organizational rules. This begins to free them for otherwise illegal activity. They come to understand that they can even indulge themselves in personal ways as long as they do not cross the organization. They can intimidate homosexuals, harass and sometimes molest women, or act rowdily in places of business, and the authorities look the other way. In fact, members may pick up cues that the authorities even approve. This approval begins to seal loyalty to the organization, for it protects the member from the discipline he would receive if he were a civilian. The individual police officer, for example, starts to conclude that the force gives him latitude and protects him. He can saunter into restaurants for free meals and into stores for free
clothes. His primary identification shifts to the police, whose vision of the larger society he comes to adopt.

People outside these organizations, people of privilege who are not policemen or soldiers, find it easy to understand this primary identification. They begin to say, "Of course policemen are more upset by the murder of a policeman than they are about the murder of a young black teenager. Of course," they begin to say, "we will offer twenty-five thousand dollars reward for the murderer of a policeman, but not one penny reward for the murderer of Fred Hampton, a leader of the Black Panthers." Who offered twenty-five thousand dollars reward for the murderer of James Rector? Was his life less significant? When policemen begin to think of themselves more as policemen than as members of a people and when men of power and privilege tacitly agree, the third condition for guilt-free massacre is met, the merger of individual responsibility with the organization and its fate. When men see themselves and are seen only as members of an organizational arm, even their illegal actions cannot be charged as guilty, for that would reflect upon the organization; and this charge is avoided at all costs because of the original connection between faith in army or police and faith in the nation.

Fourth, just as the individual policeman or soldier can avoid blame by obtaining organizational cover for his actions, organizations have their strategies for avoiding blame. Of these, the most important and the most effective are secrecy and isolation, usually in combination. Both the army and the police claim that secrecy is crucial to their operations. Public scrutiny and control are avoided on the grounds both of inexpertise ("the generals know best") and of subversion (enemies of the people are among the people). The police are increasingly isolated from the communities that they police, both by patterns of geographical and residential recruitment and by the increasingly closed kinship network of recruitment.² Citizen control in the form of civilian police review boards is opposed on the grounds of mistrust and bad faith. And any military action or document that may be incriminating can be classified top secret in the national interest.

When outside investigations reveal a scandal and blame
must be located, top officials claim total ignorance. The culprits, the lower level actors who did the dirty deeds, "did so on their own," always. In the Chicago and Denver police scandals of the last decade, in the My Lai massacre, in the price-fixing conspiracy in the electrical appliance industry, in almost every case where public scrutiny reveals the necessity for locating blame in organizations, top officials always claim no knowledge of the activity.

Up until this point I have discussed several preconditions for a guilt-free massacre, conditions which can be understood as processes. The next two conditions refer instead to settings or contexts for the perpetration of acts accompanied by guiltlessness ensured through processes already described.

The fifth condition is the existence of what we can literally call a target population. There has to be a population to massacre, a vulnerable population, a population that has inferior firepower (or better, no firepower at all). What do I mean by firepower? It is not peculiar that the Mau Mau, known always in the Western press as Mau Mau terrorists, killed a few hundred British, while the British killed several thousand blacks in Kenya. Nor is it peculiar that the number of Algerians killed by the French army far exceeded the number of French colonists killed by Algerian rebels, commonly called terrorists in the Western press. The same pattern is true for the Portuguese massacres of black Angolans and for countless other cases. Does anyone need to be reminded that this nation massacred so many native American Indians that only a fraction remain? In each instance, the target population was vulnerable to outside firepower. Nations with megaton bombs are left alone. However much you may want to turn the firepower there, you prudently choose a more vulnerable population. In 1962 government officials were telling us that there were only a few thousand Communists in Vietnam. Officials of that same government now admit gleefully that the United States is responsible for the deaths of perhaps 350,000 Vietnamese people. Similarly now, we are told that there are only a few hundred (or perhaps a thousand) Panthers. The rest are "good Negroes." Just as in Saigon, where every angry Vietnamese has become a potential Viet Cong to be shot now and questioned later, we may soon approach the day when in Harlem every angry black is a potential Panther.
to be shot and then questioned. As I said in the beginning, this is no revelation, for we are well practiced in the techniques of guilt-free massacre and have come a long way in the designation of a new target.

The sixth and final condition is the simplest, and the most complex. You have to develop the motivation to conduct a massacre. In the United States, it seems that all you have to do is to get high government officials to repeat over and over again, "it is in the national interest, in the national interest, the national interest." Many, many people seem to become mesmerized. For example, the director of the FBI took it upon himself to proclaim the Panthers as a subversive group working against the national interest, thereby making them a target population and helping to set the stage for what followed. When police in Chicago raided a residence occupied by Panthers and killed Hampton, nobody even bothered to ask which officer had fired the fatal shot. It was enough to say the police had done it in the line of duty; individual responsibility had disappeared. Nor was the department as a whole reprimanded. Whenever Panthers have been shot by police, all but a thoughtful few of the public have yawned and glibly concluded that, well, they must have deserved it—a type of reaction considered further in Chapter Five. We are well down the road to guilt-free massacre, and few even raise the question of blame, much less initiate any vigorous pursuit of the individuals who do the dirty work.

There are many strategies for intercepting the process and preventing it from developing to the point where the massacre finally occurs. The Panthers tried to eliminate the vulnerability of the black population to the armed force of the police. They armed in self-defense. The California legislature responded swiftly by stripping the population of firearms. The strategy that the Panthers chose could be effective but only if a considerable proportion of the black population began to bear arms. To try to disarm a large proportion of the black population would be civil war, a price few would want to pay. After the murders of the black students at Jackson State in the spring of 1970, Whitney Young urged blacks to pick up the gun. That put the Urban League only three years behind the Panthers. However, to disarm a few
hundred members of a militant organization infiltrated by government agents is not a large or difficult problem for federal, state, and local police acting in concert.

Others have tried to use the strategy of persuasion, reason, and concerted moral pressure to the point of civil disobedience in the effort to convince those in positions of political power that the national interest is not served, for example, by the slaughter of thousands of Vietnamese people per month. But such methods of resistance usually concern the larger issues of the war itself, its immorality and illegality. Some argue that since the economic basis for exploitation of Third World populations is fundamental to all other processes, a discussion of massacre is so limited that it can at best illuminate only a fragment of the issues. While I agree that we must have understanding of the basis for war and poverty as well, the degree of such an exclusionary concern is probably related to how close one is to the target population.

Another approach emphasizes organizational strategies, working within the army and the police to produce attitudes that separate the notion of individual responsibility from organizational goals. But the reward and punishment systems of organizations, especially military organizations, are so powerful that this is a long-range task. A promising direction is the alteration of the reward system itself, and that suggestion leads to the next approach.

Somehow, in order to prevent guilt-free massacre, we must separate the connection now made so firmly between the well-being of the state and the infallibility of its arm of violence. It is important, but it is not enough, to demand civilian control of the military and local control of the police. I do not have the answer, but a suggestion or two is in order. C. Wright Mills talked about the “higher irresponsibility.” The army and the police are authoritarian organizations. Orders come from the top and go down. The tight authoritarian line of control makes possible very effective internal accountability. Men at lower levels do not organize to redress their grievances and to hold the top accountable. The fact that authority and responsibility are relatively clearly defined means that the immediate superior officer
can either prosecute the violations of men under his command or face being prosecuted himself.

It is not enough for the highest level officers to be held accountable to civilian authorities merely in the sense that the latter hire and fire the former. In addition, officers should be found guilty for failing to prosecute violations by any lower level personnel. Prosecution of high level police and army personnel would make the violations themselves very visible, an important element in separating the dangerous connection between commitment to the well-being of the state and belief in the infallibility of the police and the military. It is now regarded as trivial when Marines in San Diego beat up a few homosexuals. It would not be trivial if generals were prosecuted for not court-martiaing those Marines. We could rid ourselves of some of the higher level irresponsibility, for generals and police captains would have to stop claiming ignorance and then dropping the case. To an extraordinary degree, the military and the police claim the right to discipline their own ranks without interference, but when violations of human rights and the public trust go unpunished, we need ways either to prod the internal process or, when necessary, to override it. If the officials responsible drop the case, they are to be found guilty. If they take the case, they must explain why they failed to control their subordinates or must face prosecution. There would no longer be a problem of tracing blame back to persons who act on order.

If we remain with structures already available, the civilian judiciary is the most logical place to bring top level military and police personnel to account. However, the courts act very slowly. Moreover, there is a problem getting personnel at a lower level to act as prosecution witnesses or as plaintiffs because of fear of reprisals or a general reluctance to play the role of informer. And, as was revealed in the Dreyfus affair, generals are hardly going to aid in the prosecutions of other generals. Finally, collusion may exist between the military and the political powers.

Thus, it is both necessary and desirable to develop new institutional arrangements for obtaining that accountability. A good way to begin would be the creation of the office of ombudsman
totally independent of the army and the police. The ombudsman and his staff should be generously funded by the state and should have subpoena powers and the authority to investigate even top secret documents in the pursuit of alleged violations, for otherwise the coercive arms of the state may cloak their violations by restricting the relevant information. While the ombudsman should develop safeguards to ensure the protection of those civilians and military persons who provide information about such violations as murder, rape, theft, and massacre, incentive to place evidence with the ombudsman should come from the creation of significant public and personal rewards. By allowing for the prosecution of top officials, we can encourage these officials to prosecute violations by their subordinates instead of trying to conceal them. At the same time, we may break through the protective wall of silence now so effectively operating on soldiers and policemen when they see violations by other soldiers and policemen, violations that may otherwise reach the level of massacre. We have enough decorations for bravery in slaughter. We should establish a few for those brave enough to prevent slaughter.