

***Justice ignited:  
the dynamics of backfire***

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# 1

## Introduction

What do these four events have in common?

- General Motors spied on Ralph Nader in 1965.
- Los Angeles police beat motorist Rodney King in 1991.
- Indonesian troops shot and killed protesters in Dili, East Timor in 1991.
- U.S. military forces invaded Iraq in 2003.

First, each event involved an injustice, at least in the eyes of quite a few observers.

- For General Motors, a giant corporation, to spy on and seek to discredit Nader seemed a devious and dishonorable response to what Nader had done, namely writing the book *Unsafe at Any Speed* that alerted the public to shortcomings in auto safety.
- For four Los Angeles police — with many more present at the scene — to strike Rodney King dozens of times, while he was apparently lying on the ground posing no threat, seemed to many to be a clear case of abuse.
- For Indonesian troops to shoot peaceful protesters appeared to most observers to be an obvious atrocity.
- For the world's leading military power to launch an unprovoked attack on another state — one already weakened by a decade of international sanctions — seemed to many people to be unfair. It was also said to be a violation of international law.

Another feature of these four events is that they received extensive publicity. Unlike some earlier cases, lots of people became aware of these instances.

- Corporations frequently take reprisals against critics, especially their own employees, without much publicity. In contrast, General Motors' investigation into Nader was exposed and led to widespread media coverage.
- Los Angeles police previously had beaten lots of other people, but few of these cases received much attention. King's beating was different: it was captured on videotape by observer George Holliday and broadcast on television nationally and internationally.
- Although Indonesian troops occupying East Timor had committed many massacres in the 15 years before 1991, they received limited attention due to censorship. The Dili massacre, unlike earlier killings, was witnessed by western journalists and recorded in photos and video, and later broadcast internationally.
- Some earlier U.S. invasions, such as in Panama, Grenada, and Haiti, were initiated quickly and completed before protest could build momentum. The 2003 invasion of Iraq, in contrast, was publicly planned months in advance and subject to sustained public debate.

Finally, each of the four events backfired against those held responsible.

- General Motors' secret investigation of Nader, once exposed, turned public opinion against auto manufacturers and dramatically raised Nader's profile, giving him the clout to instigate more effective challenges to the companies.
- The beating of Rodney King led to highly adverse publicity for the four police officers involved in the beating and for the Los

Angeles police force generally. The four officers were taken to court and two of them sent to prison.

- The Dili massacre, rather than discouraging opposition to Indonesian rule over East Timor, instead triggered a massive expansion in international support for East Timor's independence.
- The U.S.-led attack on Iraq reduced the standing of the U.S. government, as measured in public opinion polls, throughout most of the world. Furthermore, rather than reducing terrorist threats to U.S. citizens, it may have increased the risk.

In short, these four events are examples of a phenomenon that can be called backfire: an action that recoils against its originators. In a backfire, the outcome is not just worse than anticipated — it is negative, namely worse than having done nothing.

All sorts of things can backfire, especially when someone takes on those with more power. Children who steal from their parents might be chastised, denied privileges, or worse. An employee who openly insults the boss could be punished by being denied a promotion, being transferred, or even fired. A murderer who is caught is likely to end up in prison. Because openly challenging those with more power is so predictably counterproductive, most people avoid it most of the time. Breaking the rules is risky if you get caught.

But there's an exception: if you're powerful, often you *can* get away with it. Abusive bosses insult employees without much comeback. Powerful corporations threaten legal action against small businesses, most of which acquiesce. Repressive regimes commit human rights abuses against opponents; often few people know about this and even fewer try to oppose it. Those with power can make the rules but then enforce them only against others.

The four cases of backfire — against General Motors, the Los Angeles police, the Indonesian military, and the U.S. government — are unusual, because the backfires were against those with more power attacking those

with less power. In each case, two factors — a perception of injustice and awareness of the events by significant audiences — were crucial in making the action counterproductive. This is the particular type of backfire I examine in this book.

Backfire can refer to an outcome or a process. A backfire, as an outcome, occurs when an action is counterproductive for the perpetrator. Backfire, as a process, is the struggle over the meaning and consequences of an action. My main attention is on backfire as a process, in other words on the dynamics of backfire.

The word “boomerang” can be used as an alternative to “backfire.” A related concept is “blowback,” a term used to describe unforeseen adverse consequences of government policies, especially covert operations. Backfire is a more general concept: it applies to many areas outside the government level and deals with tactics as well as outcomes. (See chapter 13 for more on blowback.)

To refer to the emotional response to attacks, injustice, or norm violations, I mostly use the term “outrage,” in the sense of fierce anger or indignation. I use “outrage” as a surrogate for a wide array of emotional responses captured by terms such as anger, shock, indignation, revulsion, disgust, antagonism, and concern. The basic idea is that a person is upset by something and feels action should be taken about it. If this sort of emotional response is expressed, verbally and through actions, by sufficient numbers of people, it can lead to backfire as an outcome.

### **Inhibiting Outrage**

Backfires against powerful attackers are unusual, so it's worth asking, what do attackers do that prevents or inhibits backfire? There are five important methods for inhibiting the outrage that can lead to backfire.

- 1 Cover-up: information about the event is prevented from reaching receptive audiences.

- 2 Devaluation of the target: the moral worth of an individual or group suffering injustice is reduced.
- 3 Reinterpretation: the event or situation is claimed not to be what it seems.
- 4 Official channels: the issue is dealt with through formal procedures — such as courts or inquiries — or pronouncements by authorities or experts, giving an appearance of providing justice.
- 5 Intimidation and bribery: those who might act on the basis of outrage are subjected to threats or attacks, or offered incentives not to act.

The five methods of inhibiting outrage are most vividly revealed through examples, as we will see in chapters 2 to 12. But it is possible to make some preliminary observations.

*Cover-up* is an obvious tactic for perpetrators to avoid being blamed. The first instinct of most criminals is to not leave any incriminating evidence and then get away and not be caught. The Nazis carried out their exterminations in secret. Today, torture is carried out in dozens of countries, but not a single government admits it. There are many techniques for cover-up, including operating in secrecy, hiding evidence, destroying evidence, censorship, using proxies (such as hired killers), and refusing to collect evidence. Cover-up is a way to prevent communication to receptive audiences, one of the two essential conditions for backfire.

*Devaluation* lowers people's opinion about an individual or group, with the result that attacking that individual or group may not seem so bad — indeed, it might seem to be a good thing. Devaluation has a long history. All sorts of groups have been and are devalued, including women, ethnic minorities, gays and Lesbians, people with disabilities, the poor, the homeless, and criminals. Occasionally, such as during revolutions, aristocrats or the wealthy may be denigrated and attacked. In wartime, enemies are devalued.

*Reinterpretation* is a staple of unjust attack. Some of the facts may be accepted, but said to mean something entirely different, or the facts

may be denied. A perpetrator can deny an act occurred, deny knowledge of the act, deny the action meant what others think it does, and deny any intention to cause the act. Authorities may start by denying that anyone was killed at a protest. When the evidence becomes overwhelming, they may accept that someone died but deny having known anything about it. Or they may agree that protesters died, but say it was the protesters' fault and that police were protecting themselves and were following proper procedures. Finally, the authorities may deny any official intention to attack protesters, blaming a few rogue officers for abuses.

The types and styles of reinterpretation are legion. With the expansion of public relations and spin-doctoring, reinterpretation has been turned into a routine and yet sophisticated art. By the same token, audiences have become increasingly skilled in seeing through self-interested justifications.

*Official channels* give the appearance of justice and thus are a potent method of inhibiting outrage. If an action is endorsed by a scientific authority, an expert panel, a court, or a commission of inquiry, then many people will think all is well. Yet, contrary to appearances, official channels often give a spurious legitimacy to injustice: experts might be influenced by their employer or source of grants; courts might look only at legal technicalities, not moral justice; watchdog agencies might be given insufficient resources; commissions might be set up with restricted terms of reference and hand-picked staff to give the answer desired by the government.

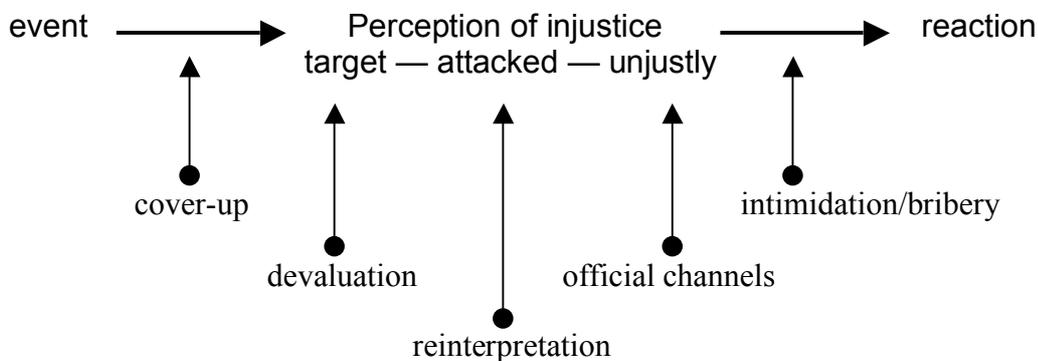
Some official channels are extremely slow. Cases can take months or years to get through the courts. By the time there is a court verdict or a report from a commission, agitation about the original injustice often has died down. Sometimes reports are released at times when they are least likely to be noticed. Finally, in many cases governments simply ignore recommendations from official inquiries.

*Intimidation and bribery* constitute the fifth method of inhibition: people may know exactly what has occurred and think it is unfair, but be unwilling to do anything about it due to the consequences, either negative or

positive. Intimidation can be used against targets, against witnesses, against campaigners, and against wavering members of the attacker group. Intimidation is often linked to cover-up, as when observers are too frightened to reveal what they saw. Bribery has a similar range of application. Often it is difficult to obtain evidence about intimidation and even more so about bribery, because these processes are frequently hidden and sometimes subtle.

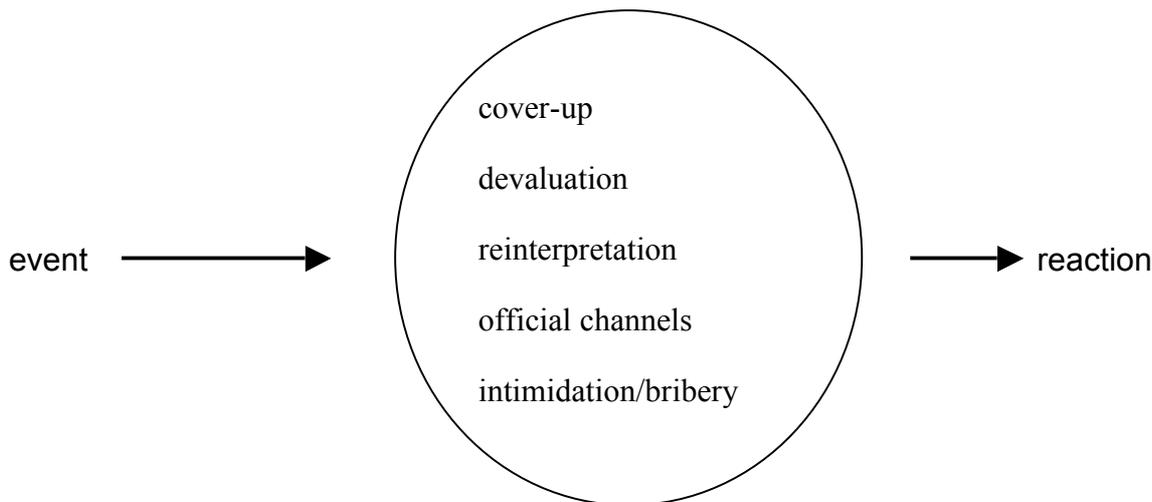
To say there are five main methods of inhibiting outrage over injustice is a matter of

convenience. Depending on the case, it might make sense to list several types of reinterpretation, to combine intimidation and cover-up, to omit official channels, to separate intimidation and bribery, and so forth. There is no right or wrong way to classify these methods. I have settled on five methods because they seem to capture much of what goes on in a wide range of cases, and because they are at a convenient level of generality. Figure 1.1 illustrates how the five methods fit into a pattern.



**Figure 1.1. Five methods of inhibiting outrage and how they relate to an event, perceptions of it, and reactions to it**

This diagram may give the misleading impression that the methods of inhibition operate in a sequence, beginning with cover-up and concluding with intimidation. Actually, each of the methods can operate independently, or in tandem with others, in virtually any order. So perhaps a better picture is Figure 1.2.



**Figure 1.2. Five methods of inhibiting outrage and how they relate to an event, perceptions of it, and reactions to it**

## Promoting Outrage

A key value of looking at methods of inhibiting outrage over injustice is developing “counter-methods,” namely ways of promoting or amplifying outrage or, to put it another way, of allowing appropriate outrage to be expressed. If, in confronting injustice, you can expect to confront most or all of these five methods, then it makes sense to be prepared to counter them. There are many possible ways to counter each of the methods of inhibition. Some of the most obvious are:

- Exposing information about the injustice.
- Validating the targets.
- Interpreting the event or situation as unjust.
- Mobilizing public support and either avoiding or discrediting official channels.
- Refusing to be intimidated or bribed, and exposing intimidation and bribery.

If attackers had complete control, they might be able to inhibit adverse responses to injustice, but often there are participants or observers who act to encourage this response.

## Overview

Chapters 2, 3 and 4 describe three classic cases of backfire from violent assaults against peaceful protesters: the 1960 Sharpeville massacre in South Africa; the Dili massacre; and the 1930 salt march in India. Each case was a turning point in a long-running struggle against injustice.

But backfire processes occur much more widely than violent attacks on peaceful protesters. Chapter 5 deals with the King beating, a case that starkly reveals backfire dynamics even though Rodney King was not a protester and certainly not committed to nonviolence. Chapter 6 deals with whistleblowing, and thus moves right away from violent attacks as the source of perceived injustice. Reprisals against whistleblowers are seen as unfair and hence can backfire. The usual range of methods for inhibiting outrage can be seen.

Chapter 7 is about the dismissal of biologist Ted Steele from the University of Wollongong. I give a close look at the events. The new complexity shown by this case is multiple backfire processes: not only can an action by a university administration backfire, but so can actions by a dissident.

Chapter 8 deals with two environmental disasters, the Chernobyl nuclear accident and the Exxon Valdez oil spill. No one intended these accidents to occur, yet they had adverse consequences for the Soviet government and Exxon, respectively. So backfire can occur even when there is no intent on the part of those held responsible.

Chapter 9 analyzes the 2003 invasion of Iraq, showing backfire processes at work. In a conflict with violence on both sides, the capacity of a single action to generate outrage is reduced. Nevertheless, there is clear evidence of efforts by the U.S. government to inhibit outrage. Chapter 10 examines torture at Abu Ghraib prison in Iraq. This case shows how a local backfire can occur within a wider one, namely the invasion of Iraq. Chapter 11 is about torture technology, in particular electroshock weapons. It takes a step back from incidents of torture, such as at Abu Ghraib, to the struggle over the production and sale of the tools of torture.

Chapter 12 examines the peculiar case of terrorism, which seems designed to produce outrage and thus is nearly always counterproductive. Hence, there must be other explanations for much terrorism.

Chapters 2 through 12 deal with case studies using somewhat different styles. Chapters 2 to 4 tell stories of backfires, only commenting at the end on how tactics fit within the five methods of inhibiting outrage. Chapters 5, 8, 9, and 10 are organized around the five methods, telling stories within that framework. Chapter 7, on an academic dismissal, tells the story and then gives four backfire perspectives. Chapters 6, 11, and 12 use a variety of examples to illustrate a backfire perspective on a particular topic. I use these different approaches to provide different perspectives and insights.

In chapter 13, I examine theory associated with backfire, including political jiu-jitsu, injustice, social movements, social problems, and communication. Finally, chapter 14 gives a summary of the backfire model and sums up insights from the case studies.

The backfire model offers a way to better understand social dynamics, especially where

perceived injustice is involved. Just as important as understanding is practical action. Analyzing backfire dynamics offers insight — especially for the less powerful — for building better strategies against injustice. The most important test of the model is whether it can do this.

## 2

### Sharpeville

On 21 March 1960, white police in the town of Sharpeville, South Africa, opened fire on a large crowd of peaceful black protesters, killing perhaps a hundred of them and injuring many more. This massacre dramatically publicized the protesters' cause internationally.<sup>1</sup> This case starkly illustrates how violent attacks on peaceful protesters can be counter-productive. I tell the Sharpeville story with special attention to tactics that might increase or decrease the scale of backfire. In the conclusion, I note how these tactics relate to the five main methods of inhibiting or expressing outrage.

In 1960, whites ruled South Africa. In the system called apartheid, blacks, who composed most of the population, could not vote and were given only the worst jobs at low pay, so their standard of living was far below that of whites. Blacks had separate, inferior education. Their movement was restricted: to travel, male blacks had to possess a "pass," analogous to an internal passport. By 1960, pass documents were held in a "reference book" that contained

the holder's name, his tax receipt, his permit to be in an urban area and to seek work there, permits from the Labour

Bureau, the signature of his employer each month, and other particulars ... the reference book must be shown on demand to any policeman or any of the fifteen different classes of officials who require to see it. Failure to produce it on demand constitutes an offence.<sup>2</sup>

Pass offences often led to fines or imprisonment, with a thousand people charged every day. For the black population, the pass laws were a potent symbol of their oppression. The rally in Sharpeville was a protest against these laws.

Sharpeville was set up by the South African government as a model community, with row upon row of housing for blacks who would travel to work in nearby cities. Residents of the nearby black town of Topville — seen by the government as too close to white suburbs — were encouraged to relocate to Sharpeville. Filled with many recently arrived families seeking a better life, Sharpeville did not have a strong local economy or traditions. There were about 35,000 residents, of whom some 20,000 were children. It was like a large anonymous suburb, stable and without a militant reputation.

Nevertheless, Sharpeville residents were affected by the unrest sweeping the country. For many decades, white rule in South Africa had been met by resistance, including mass opposition to pass laws from the early decades of the twentieth century. The African National Congress was the primary vehicle for black opposition to apartheid. Through the 1950s, the ANC was totally committed to nonvio-

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1. Philip Frankel, *An Ordinary Atrocity: Sharpeville and its Massacre* (New Haven, CT: Yale University Press, 2001) is the definitive treatment of the Sharpeville massacre. The account here, except for material about the international reaction, is drawn largely from this source. For the purposes of a backfire analysis, heavy reliance on Frankel's book is not problematic because Frankel did not structure his study using a backfire framework.

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2. Ambrose Reeves, *Shooting at Sharpeville: The Agony of South Africa* (London: Victor Gollancz, 1960), 51.

lence. For example, in 1959 the ANC called for a one-month boycott of potatoes, which were a suitable boycott target for both economic and symbolic reasons. Thousands of blacks, jailed for pass law violations, were put under the supervision of farmers and made to pick potatoes with their bare hands. Though potatoes were a diet staple, the boycott was taken up eagerly and continued for three months before the ANC called it to a close.<sup>3</sup>

In the late 1950s, the ANC was increasingly challenged by the Pan Africanist Congress (PAC), which took a more militant stance. In March 1960, the PAC organized protests against the pass laws, with 21 March set as the date for rallies around the country.

Being an anti-apartheid organizer was a risky business. The South African Police were well in control, with paid informers providing information about activities of both the ANC and PAC. Through their informers, police were aware major protests were being planned around the country, but were misled about the date. PAC activists discovered the police agents and fed them false information.<sup>4</sup>

In terms of black protest, Sharpeville was quiescent compared to other areas. Nevertheless, PAC activists were able to mobilize support from a large proportion of the town population. Over the weekend prior to the rally, PAC activists went door to door telling residents about the protest scheduled for Monday. During the nights that weekend, there were numerous spontaneous demonstrations and clashes with police. Protesters chanted and came armed with sticks; the police attacked with whips and batons. In one incident, numerous objects were thrown at police, who attacked with batons. But the crowd did not retreat or disperse and the police fired 42 rounds, killing at least two residents. Someone in a nearby house fired two shots, missing police.

Despite the police's greater arsenal and killing power, and the fact that no police were

seriously harmed over the weekend, the clashes and shots made them apprehensive, fearing an impending bloodbath.<sup>5</sup> Of course, residents subject to police assaults might well have been even more apprehensive. But it is important to be aware of the state of mind of the police in order to understand what was to come.

On Monday morning, 21 March, only a few residents left Sharpeville to go to work. Instead, most of the town's population gradually joined the rally outside the police station. The crowd eventually numbered 18,000 to 25,000, including many children.

The organizers of the rally had no well-developed plan of action, nor any system for crowd control. A few crowd members had weapons, mainly sticks and knobkerries, club-like weapons made from saplings with roots on their ends. There was some antagonism toward the police, but at the same time there were elements of a carnival, "happy-go-lucky" atmosphere. There was no plan to attack the police station. The few weapons carried in the crowd served to boost morale rather than to aid an attack.<sup>6</sup>

In the Sharpeville police station, facing the crowd, were some 400 police, half with firearms, plus Saracen tanks with machine guns. This was ample firepower to quell any disturbance. Nevertheless, the police perceived a threat from the large crowd as it pressed against a thin wire barrier in front of the station.

The police were poorly informed and seriously stressed. The white police lived outside Sharpeville, had few personal links with the residents and had no sense of what animated them. The police believed the crowd "lusted for white blood," seeing "cultural weapons" such as knobkerries as tools for attack. This was a serious misreading of the situation.<sup>7</sup>

The police, as well as being misinformed and stressed from the weekend's events, were

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3. Albert Luthuli, *Let My People Go* (London: Collins, 1962), 217–19.

4. Frankel, *An Ordinary Atrocity*, 64.

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5. *Ibid.*, 78–82, 86.

6. *Ibid.*, 100.

7. *Ibid.*, 100, 99.

not well commanded. Police leaders were unaware of the full weaponry held by the police. (There were both white and black police present, but only white police had firearms.)

Poor organization and poor information on both sides set the stage for disaster. On the police side, there was poor coordination of forces and a false belief that the crowd was intent on attack. As hours went by and the protest continued, the tired and stressed police remained on duty. Meanwhile, most participants in the rally were treating the event much more lightly. At one point, an aircraft buzzed the crowd, for unknown reasons. Far from being intimidated, crowd members treated this as part of the festivities.

At 1.30pm, a drunk in the crowd named Geelbooi produced a small caliber pistol. A friend tried to stop him and two shots were fired into the air. At the same time, a key police official named Spengler stumbled. Some in the crowd leaned forward. A constable helped Spengler to his feet. A few pebbles were thrown from the crowd and one hit the constable. The constable heard “shot” or “short” and fired. Spengler deflected the constable’s shot, but it was too late: the constable’s shot triggered the police to fire 4000 rounds into the crowd, killing dozens of people and wounding many more.

There are many views about these events, with police claiming they were defending against the threatening crowd and PAC supporters believing the police intended mass killing. My account here follows the detailed historical reconstruction by Philip Frankel in his authoritative book on the Sharpeville massacre titled *An Ordinary Atrocity*. According to Frankel, the massacre was not premeditated. It was a mistake but, once firing started, it continued, having unleashed deep-seated anxieties among the police.<sup>8</sup>

The official figure for the number of people killed by the police was 69. Frankel notes that this is certainly too low, as there were 24 or so victims removed by the police, plus others

who were injured, removed by family or friends and who later died. It seems reasonable to say perhaps a hundred died.<sup>9</sup> Many more were injured.

Just as important as the number of deaths was the manner by which they occurred. Most of the victims were shot in the back as they fled from the police. The firing continued long enough for some police to reload their weapons and continue. Some police used soft-nosed bullets that cause horrific exit wounds. These antipersonnel bullets, commonly called dumdums, had been banned by the 1899 Hague Declaration; any force that used them would look very bad in world opinion.<sup>10</sup>

In 1960, South Africa was a respected member of the international community. It had a long established, well functioning system of representative government, though crucially limited to whites. It had a prosperous economy — again mainly benefiting whites — and was seen as a valuable trading partner. It had many supporters internationally. At the same time, there was considerable opposition to the apartheid system, most obviously among the black South Africans but also among segments of the white population (especially the English-speaking segment) and in many other countries. Among opponents, apartheid was seen as a system of racist oppression.

But only some perceived apartheid as abominable. It had a fairly bland exterior. Apartheid was a system of oppression and exploitation but not one of brutal violence conspicuous to outsiders. To be sure, the South African police and military were essential to implementation of government policies such as the pass laws, but they mostly appeared as agents of an administrative, routine law-enforcing process, not as outrageous jack-booted thugs.

To many people worldwide, apartheid was abhorrent in itself as a system of racial oppression, irrespective of the legalities by which

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8. *Ibid.*, 116–18.

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9. *Ibid.*, 150–52.

10. Eric Prokosch, *The Technology of Killing A Military and Political History of Antipersonnel Weapons* (London: Zed, 1995).

this was achieved. But in 1960 this view was shared by only a minority of western governments. Colonialism was alive and well. Some countries had gained independence from their colonial rulers, such as India and Pakistan in 1947 and, in Africa, Ghana in 1957, but many others remained colonies, including most of black Africa. In Algeria, nationalists were fighting a bloody war for independence from France. In Vietnam, a liberation struggle was under way against a regime propped up by the U.S. military. Overshadowing the numerous wars around the world was the cold war confrontation between the two superpowers, the Soviet Union and the United States, with nuclear arsenals poised to launch devastating strikes. In the late 1950s, a powerful peace movement had sprung into existence to oppose atmospheric nuclear testing and the nuclear arms race.

In this context, South Africa seemed a pillar of stability in Africa, where independence movements were agitating for liberation from colonial shackles. The shootings in Sharpeville threatened to undermine international support for South Africa, by providing a stimulus for action by those already opposed to apartheid and by weakening the moral position of the South African government's traditional allies.

The shootings, because they were readily interpreted as a brutal attack by white police against the black population, certainly had the potential to be counterproductive for the South African government, for the South African Police as an organizational entity, and for the individual police involved.

After the shooting, the immediate reaction of the police was to protect themselves from repercussions from their actions. Some of them threw stones into the police station in order to give the impression that the threat from the crowd was greater than it had been: the larger the threat, the more easily the shootings could be justified.

The police immediately cordoned off the town and took control of communication. Journalists were kept out of the area, being told the situation was too dangerous.<sup>11</sup> These

11. Frankel, *An Ordinary Atrocity*, 134–35.

actions were taken before medical help was sought. If news of the shootings had been contained entirely or had only leaked out by word of mouth in dribs and drabs, without an authoritative account, this would have reduced the adverse consequences for the attackers. But the police efforts to control information were too little and too late. Not only were there numerous witnesses among Sharpeville residents, but some journalists had come to Sharpeville for the protest and took photographs before, during, and after the massacre.<sup>12</sup> This sort of photojournalism was much less common in 1960 than it is today:

It so happened that a reporter, using the resourcefulness which is the stock-in-trade of the journalist's profession, was able to get — and to get away with — some photographs of the Sharpeville affray. The chance availability of this dramatic record may have persuaded editors here and there to give the accompanying news story a prominent place on their front pages, and these pictures were seen by millions.<sup>13</sup>

Although the police could not contain news about the massacre, their efforts at “information management” are revealing. Crowd members wanted to help the wounded but were kept away by police, to reduce people's knowledge of what had happened, to prevent new protests developing, and to reduce adverse publicity.<sup>14</sup>

One goal of the police was to eliminate information about the use of dum-dums. They removed the dead bodies of a couple of dozen victims of these bullets. Some had survived and been taken to hospital. Doctors reported that most of the wounds were mid-body and from the rear. Police went to the hospital and

12. Reeves' book reproduces 30 photographs.

13. Peter Calvocoressi, *South Africa and World Opinion* (London: Oxford University Press, 1961), 2.

14. Frankel, *An Ordinary Atrocity*, 140–41.

took away some of the wounded, especially those with injuries indicating use of dumdums. (This was justified on the grounds that these individuals were security threats.) The police conveniently “lost” evidence about use of dumdums, “misplaced” evidence on the ammunition rounds issued, used and not used. Later, at the inquiry into the events, no experts on dumdums were called. All in all, cover-up of the use of dumdums was quite effective.<sup>15</sup>

From the point of view of most of the world, the Sharpeville events involved massive use of force against an unarmed and nonthreatening crowd. The police’s heavy use of firearms was seen as totally unjustified. That some in the crowd had sticks and knobkerries, and that some of them threw stones, did little to challenge the perception that the police had used massive lethal force inappropriately. Albert Luthuli, leader of the ANC, commented that

The guns of Sharpeville echoed across the world, and nowhere except among totalitarians was there any doubt about the true nature of what had occurred. The Government had placed beyond question the implacable, wanton brutality of their régime.<sup>16</sup>

From the police point of view, though, the real threat came from the black population, especially from the organizers of the rally. This perception persisted after the shootings. Police went through Sharpeville making many arrests, including the supposed leaders of the “disturbances” as well as many others. The police beat many of those arrested as well as others who were not arrested. According to Frankel,

In the initial hours after the massacre most of the police simply combed the streets and vented their anger on often hapless people who were treated ‘as if they [the police] were the victims,’

15. *Ibid.*, 147–48, 154–56.

16. Luthuli, *Let My People Go*, 222.

according to Saul Moise, an unfortunate who fell foul of the patrols, was beaten senseless for no apparent reason, thrown into prison and then released three weeks later without charges.<sup>17</sup>

Adding to the repression, armed groups of white citizens ran patrols in black areas. The police did not try to monitor these extra-legal initiatives.

The international reaction to the massacre was powerful and extensive. Peter Calvo-coressi, in his book *South Africa and World Opinion*, said that, “First emotions were everywhere much the same — horror, indignation, disgust.”<sup>18</sup> Governments condemned the massacre. Anti-apartheid activists were galvanized, obtaining much more support than previously. Supporters of the regime were put on the defensive. For example:

In Norway flags were flown at half-mast on public buildings on the day of the funeral of the Sharpeville victims. ... the Brazilian government banned a football match in Rio de Janeiro against a South African team; it also recalled its ambassador from Pretoria. At a conference in New Zealand the Prime Minister, Mr. Walter Nash, asked his audience to stand in silent memory of the dead and the Indian House of Representatives also paid this tribute ...<sup>19</sup>

By comparison, the reaction inside South Africa was muted. In the face of a government clampdown on activists and all dissent, the black population was demoralized rather than

17. Frankel, *An Ordinary Atrocity*, 156–57. Frankel’s original quotation includes the bracketed clarifier “[the SAP]” which I have changed to “[the police].”

18. Calvo-coressi, *South Africa and World Opinion*, 34.

19. *Ibid.*, 3–4.

energized by the events. Within Sharpeville itself, apathy was more typical than outrage.<sup>20</sup>

The difference between international outrage and the subdued response within South Africa can be explained by several factors. Black South Africans were already aware of the iron fist of the apartheid state, through day-to-day encounters with violence and humiliation. For many, the massacre only confirmed what they already knew and so did not cause an explosion of resentment and further action.

Some critics of apartheid saw the massacre as an expression of the true nature of the South African state and immediately assumed the Sharpeville events had been consciously orchestrated by the police as an exercise of premeditated killing for the purposes of intimidation and brutality. Frankel, whose views I have followed here, rejects both this interpretation and the opposite one, promoted by the police and government, that put the blame on the demonstrators.

Unlike South African blacks, few international observers were aware of the day-to-day brutality of apartheid, given the carefully managed image of legality and order conveyed by the South African government and the willingness of foreign governments and corporations to ignore evidence that might disturb their political and trading relationships with South Africa. The Sharpeville killings broke through this conventional image, nurtured by ignorance and convenience, with a picture of unmistakable and unconscionable violence. “Sharpeville,” a word which became synonymous with the massacre, served as an icon of everything wrong with apartheid.

A second factor distinguishing South African and foreign responses to the massacre was racism. Within white South Africa, blacks were commonly considered inherently inferior. Apartheid was a system of institutionalized oppression — with political, economic, legal, social, and psychological dimensions — that both reflected and enhanced perceptions of white racial superiority and justified privilege. The black population was so devalued that the

killings did not generate widespread abhorrence. The victims were perceived as unworthy. Consequently, South African whites “were staggered by the unanimity of the world’s reaction to Sharpeville,” reacting with “dazed incomprehension or truculent self-justification.”<sup>21</sup>

In contrast, in many foreign countries white racism was neither so virulent nor so widespread. To be sure, white racism was potent internationally, but it had to confront an increasingly powerful worldwide movement for racial equality, which was supported by ringing endorsements from the United Nations and other bodies. The extermination policies of Nazi Germany had discredited white racism in the eyes of many, making it much harder to overtly endorse racist policies, though much overt and de facto racism persisted. Speaking generally, many more people outside South Africa saw the Sharpeville victims as equal members of the human community, in other words as victims worthy of respect and empathy.

A third factor affecting the South African and foreign responses was the potential for intimidation. Within South Africa, police arrested activists as the government strengthened its capacity for repression, declaring a state of emergency. This seems to have discouraged a larger mobilization of resistance. Had the ANC and PAC and other opponents of apartheid been better organized, the massacre might have triggered an expansion of resistance, but, as noted, demoralization was more common. Outside the country, on the other hand, the South African police and state had virtually no capacity for threatening or repressing dissent. The risks of opposing apartheid were far less, making possible a rapid and very public expansion of opposition.

Peer pressure also played a role. Among white South Africans, open support for black equality was not easy. L. F. Beyers Naudé, a South African minister and supporter of white

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20. Frankel, *An Ordinary Atrocity*, 160–61.

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21. Colin Legum and Margaret Legum, *South Africa: Crisis for the West* (London: Pall Mall Press, 1964), 75.

supremacy, began to reconsider his views after the Sharpeville killings. In 1963 he resigned from the ministry “to become a director of a multi-racial Christian Institute.” As a result of this challenge to apartheid, he and his family suffered “the fate of every dissenter of prominence in the Church: social ostracism, reinforced by public attack.”<sup>22</sup> Ambrose Reeves, Bishop of Johannesburg, who wrote a powerful book about the massacre, was deported from the country.

In summary, there were three factors that helped the massacre trigger a much larger reaction outside South Africa than inside: less familiarity outside the country with the brutality of apartheid; a lower level of institutionalized racism; and less vulnerability to reprisals from the South African state.

Immediately after the massacre, the South African government decided to hold an inquiry into the events. Internally, the government wanted to show the white population it was in control of the situation. Externally, it wanted to demonstrate that South Africa was not an authoritarian state, to prevent damage to the country’s reputation in diplomatic and trading circles. So the Wessels Commission was set up.

In setting up this commission, there was a dilemma for the government. If the commission was too independent, it might come up with strong conclusions damning the police and government, thus adding to the bad publicity from the massacre. On the other hand, if the commission was too subservient to the government — if, for example, it completely exonerated the police and put all the blame on the protesters — then it would have reduced its own credibility and done nothing to placate international opinion. According to Frankel, the government’s preference for the commission was towards the subservient end of the spectrum:

A pliant (or partially pliant) commission which confirmed the vicious intent of the Sharpeville mob and presented police

responses as a natural, if over-reactive, case of self defence could connect very positively with the prevailing persecution mentality among white South Africans in the aftermath of the massacre — including many who would not, other than in these exceptional circumstances, lend their support to the Nationalist government ... Ultimately, a sympathetic commission — indeed any commission — was essential to smoothing the panic and fears of a vast array of international interests with stakes in a post-Sharpeville South Africa.<sup>23</sup>

The Wessels Commission did pretty much as the government had hoped: it whitewashed the massacre. It did not go into the details of police’s shooting or use of ammunition; the issue of dum-dums was hardly pursued.

Potential black witnesses to the commission came under strong pressures. Because of police intimidation, few of them were willing to testify, for fear of reprisals. They also came under pressure from the PAC to follow a “party line” that blamed the police for premeditated murder and did not acknowledge the role of fear and poor leadership among the police. Finally, police simply lied to the commission, having no fear of any punishment. Police also destroyed, hid, and fabricated evidence.

According to Frankel, the government wanted the commission to move quickly, both to reassure the international community about the government’s concern and to catch the victims while they were still in a state of shock and therefore less able to testify effectively. The commission seems to have lived up to most of the government’s expectations, at least in relation to its marginalization of the victims’ voices. Concerning the commission’s report, Frankel comments that:

its overall findings, read four decades later, are so densely unintelligible, so ridden with double-talk, qualifications,

22. Ibid., 31.

23. Frankel, *An Ordinary Atrocity*, 188.

and refutable logic as to defy both legal reasoning and ordinary comprehension.<sup>24</sup>

The commission's report was both obscure and relatively favorable to the police.

Sometimes it seems events are so obvious that they "speak for themselves." The Sharpeville massacre became such a symbol of the brutal reality of apartheid that it is easy to assume its meaning was transparent to all but the most prejudiced of observers. Yet a closer look reveals complexities. What "actually happened" was quickly obscured by the divergent agendas of black activists and the police, each of whom adopted simplistic, self-serving accounts. It is fair to say there was a struggle over the interpretation of events. Of course, more nuanced treatments such as Frankel's are not faultless; history is always open to rewriting on the basis of new evidence and ways of thinking. But in the aftermath of the massacre, the struggle over interpretation was a matter of dire urgency for both supporters and opponents of apartheid, with caricatures serving as tools in a struggle for allegiance.

But the struggle was more than a matter of interpretation of an event. Also involved were cover-ups and attempted cover-ups. A totally effective cover-up makes an event invisible to outsiders and makes interpretation irrelevant to them (though still relevant to those in the know); a partially effective cover-up, such as concerning the use of dum-dums, slants the basis for making interpretations. Devaluation of the victims profoundly affects the meaning of the events. Similarly, an official investigation such as the Wessels Commission transforms meanings by giving the stamp of approval to a particular interpretation.<sup>25</sup>

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24. *Ibid.*, 192.

25. Austin T. Turk, *Political Criminality: The Defiance and Defense of Authority* (Beverly Hills, CA: Sage, 1982), 146, says "The Republic of South Africa may well have the world's most elaborate legal structure for the repression of political resistance of all kinds." This is compatible with the role played by the

Finally, intimidation transforms both the willingness of participants to contribute to a struggle over meaning, as well as intervening on one side in the struggle.

My account here mentions only a small part of the copious detail provided in Frankel's book *An Ordinary Atrocity*. I've given special attention to material relevant to backfire. One thing is clear: the massacre did indeed backfire on the South African government in the international arena, energizing apartheid's opponents and putting its supporters on the back foot. Had the government and the police anticipated events in Sharpeville, there is little doubt they would have done everything possible to avoid the unprovoked and uncontrolled shooting at an unarmed crowd that appeared unconscionable to most neutral observers, and turned "Sharpeville" into a symbol of the brutality of apartheid.

## Conclusion

The Sharpeville massacre was a disaster for the South African government, particularly because it damaged its international reputation. The shooting of protesters, though intimidating to them, had the wider long-term effect of weakening the position of the white police and government in ruling a majority black population. So it is reasonable to say the shooting backfired: it was worse for the government than if it had not happened.

The police and government took a range of steps to reduce outrage from the shooting. These can be readily classified into the five categories presented in chapter 1, as follows.

*Cover-up.* South African police cordoned Sharpeville and tried to control communication out of the town. This effort largely failed, with information and photographs about the massacre made available to the world.

The police removed evidence of the use of dum-dum bullets. Dead bodies with evidence of dum-dums were removed from the protest site, surviving victims of dum-dums were taken

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Wessels Commission. I thank Jeff Ross for this reference.

from the hospital, and evidence of the issue and firing of dum dum rounds was removed or destroyed. This cover-up was fairly successful: the issue of dum dums did not play a significant role in the outrage over the massacre.

*Devaluation.* South African blacks were devalued in the eyes of most South African whites due to overt and institutionalized racism. International observers, though, were much less likely to have such a low opinion of South African blacks. Indeed, the fact that the massacre was carried out by white police against black protesters made it a potent symbol of racist brutality. White South African racism thus muted outrage within the country, whereas international anti-racism magnified it.

*Reinterpretation.* The police perceived the Sharpeville crowd as physically menacing and the product of a deeper anti-white threat. Thus it was easy for the authorities to endorse the view that the primary responsibility for the events was held by the crowd and its organizers, dubbed “agitators.”

The Sharpeville protest was part of the wider mobilization organized by PAC activists. Again, this was perceived as a serious threat to law-abiding citizens. However, this picture of the crowd as the aggressor and the police as victims who inadvertently used too much firepower did not sell well in other countries. On the other hand, PAC activists and other black sympathizers portrayed the Sharpeville events as premeditated murder. This interpretation resonated with those inclined to believe the worst about apartheid.

*Official channels.* After the massacre, the government quickly established the Wessels Commission to serve as a symbol of the government’s commitment to justice, due process, and the search for truth. In order to reduce outrage without disturbing the status quo, the commission had to be seen to be fair and independent yet in reality produce a whitewash. This seems to be pretty much what happened, though it is unclear how much effect the commission had on opinion inside and outside the country.

*Intimidation.* Immediately after the massacre, the police went through Sharpeville

beating and arresting residents. The government soon declared a state of emergency, giving legal backing for the increased repression that was already occurring. Arrests and threats also reduced the ability and willingness to report on the use of dum dums. However, intimidation had little effect on international opinion.

Intimidation was effective in limiting testimony to the Wessels Commission, helping turn its report into a whitewash. Likewise, cover-up reduced the commission’s access to information.

Although the police and government used all five methods of inhibiting outrage, in the end they were mostly unsuccessful: the massacre turned out to be counterproductive for them. Shooting protesters in cold blood was widely perceived as a gross injustice; once information and images about the shooting were communicated internationally, the efforts of the government to blame the protesters and give a semblance of justice through the Wessels Commission were too little and too late to undo the damage.

### **Acknowledgements**

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### 3

## Dili

On 12 November 1991, Indonesian troops gunned down hundreds of peaceful protesters in Dili, the capital of East Timor. This act was intended to intimidate opponents of Indonesian rule. But instead, the killings triggered a huge increase in international support for East Timor's independence. In order to understand the Dili massacre and how it backfired, I review its background and aftermath, giving special attention to the five methods attackers use to inhibit outrage.

Most of the archipelago today called Indonesia was previously a colony of the Netherlands. Indonesia obtained its independence in 1949. The new government, led by Sukarno, fostered a strong sense of nationalism. In 1965, there was a military coup, accompanied by a massive anticommunist purge, with hundreds of thousands of people killed.<sup>1</sup> The new regime, led by General Suharto, was ideologically procapitalist, but it retained its predecessor's strong nationalism.

One of the islands in the archipelago, Timor, had been colonized by Portugal in the 1500s, and later by the Netherlands. Portugal eventually ended up controlling just the eastern half of the island. In 1974, a military coup in Lisbon toppled the Portuguese dictatorship, opening the path for representative government. This also enabled Portugal's

colonies — such as Angola and Mozambique — to gain independence.

In East Timor, Portugal's most remote colony, with a population of nearly 700,000, rival political forces struggled for supremacy in the transition from Portuguese rule, with the liberation movement Fretilin having most popular support. In December 1975, Indonesian military forces invaded and occupied East Timor. According to some commentators, the Indonesian government had obtained agreement for the operation from the Australian and U.S. governments.<sup>2</sup> Fretilin fought the invasion but soon retreated to the mountains where it maintained a guerrilla resistance to the Indonesian occupiers.

The invasion and occupation were bloody, with many fighters and civilians killed. Indonesian forces perpetrated serious human rights violations, including torture, rape, and killing of civilians; Fretilin did the same, though on a much smaller scale and mainly in the first few years after 1975. The Indonesian occupation led to famine among East Timorese living on the land, leading to the death of up to 180,000 people.<sup>3</sup> On a proportional basis, this was one of the most lethal conquests in the century.

For several years, the United Nations passed resolutions condemning the Indonesian takeover, but none of these was backed up

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1. Robert Cribb, ed., *The Indonesian Killings 1965–1966* (Melbourne: Centre for Southeast Asian Studies, Monash University, 1990). On the lack of backfire from this bloodbath, see Brian Martin, Wendy Varney, and Adrian Vickers, "Political Jiu-Jitsu against Indonesian Repression: Studying Lower-profile Nonviolent Resistance," *Pacifica Review* 13 (2001): 143–56.

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2. Joseph Nevins, *A Not-so-Distant Horror: Mass Violence in East Timor* (Ithaca, NY: Cornell University Press, 2005), 51–52, 62–63.

3. Commission for Reception, Truth, and Reconciliation Timor-Leste, *Chega!* (East Timor: Commission for Reception, Truth, and Reconciliation Timor-Leste, 2005). I thank Joe Nevins for referring me to this source.

with action. Most governments and corporations preferred to keep on good terms with the Indonesian regime, which ruled one of the world's most populous countries. However, in the following decades, only the Australian government formally recognized the incorporation of East Timor into Indonesia. Within several countries, notably Australia, Japan, and Britain, there were active solidarity movements supporting the East Timorese liberation struggle.<sup>4</sup>

The Indonesian occupiers kept tight control over communications in and out of East Timor. After the 1975 invasion, supporters in northern Australia for some years maintained short-wave contact with Fretilin in the face of Australian government efforts to shut down the radio link.<sup>5</sup> The restriction on information flow helped to reduce outrage over atrocities carried out by Indonesian troops. Often the only word of these came via individuals who were able to leave East Timor. Their testimony often lacked credibility because there was no independent verification or endorsement by western sources.

The Indonesian occupiers in the late 1980s faced reduced pressure from Fretilin and

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4. On the East Timorese liberation struggle, see for example Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor* (London: Zed Books, 1984); Jill Jolliffe, *East Timor: Nationalism and Colonialism* (Brisbane: University of Queensland Press, 1978); Arnold Kohen and John Taylor, *An Act of Genocide: Indonesia's Invasion of East Timor* (London: TAPOL, 1979); John Pilger, *Distant Voices* (London: Vintage, 1994), 231–323; Constâncio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle: Inside the Timorese Resistance* (Boston: South End Press, 1997); John G. Taylor, *Indonesia's Forgotten War: The Hidden History of East Timor* (London: Zed Books, 1991).

5. Rob Wesley Smith, "Radio Maubere and Links to East Timor," in *Free East Timor: Australia's Culpability in East Timor's Genocide*, ed. Jim Aubrey (Sydney: Random House, 1998), 83–102.

reduced criticism from other governments. The governor of East Timor asked for easing of restrictions on travel to, from, and within East Timor, in order to foster investment, to which President Suharto agreed. From 1989, tourists and western journalists — but not human rights observers — were allowed into East Timor.

Fretilin, with declining numbers of fighters in the late 1980s, changed its strategic orientation, also taking into account the increased access by visitors. Rather than seeking liberation primarily through armed struggle with a guerrilla army based in the countryside, the new approach emphasized civilian resistance in urban areas. Fretilin retained its weapons but decided to use them only for defense, not to launch attacks. The aims of this new orientation were to foster East Timorese unity in the struggle and to gain greater support for independence both within Indonesia and internationally. Fretilin gave special attention to mobilizing protests to coincide with visits by foreign dignitaries.<sup>6</sup>

A delegation of Portuguese parliamentarians planned to visit East Timor in late 1991. Independence supporters organized a major demonstration; at the same time, the Indonesian military prepared for a crackdown. The Portuguese visit was called off at the last minute following a procedural disagreement between the Indonesian and Portuguese governments. Tensions were predictably high.

On the night of 28 October, there was a fight between pro-independence and pro-Indonesian Timorese in the Church of Saint Anthony of Motael in Dili. Many young people had sought refuge in the building prior to the cancelled visit; the church was surrounded by Indonesian troops, who tried to make the East Timorese leave. Two people were killed, one of them a Timorese working for the Indonesians and the other an 18-year-old supporter of independence named

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6. Chisako M. Fukuda, "Peace through Nonviolent Action: The East Timorese Resistance Movement's Strategy for Engagement," *Pacifica Review* 12 (February 2000), 17–31.

Sebastião Gomes. Bishop Carlos Belo — the leading Catholic Church figure in a largely Catholic country — went to the scene. The Indonesians tried to claim Gomes had been killed with a knife, but Belo saw the bullet holes in his body. In a funeral mass for Gomes, the bishop fiercely criticized the Indonesian occupiers, saying they had ultimate responsibility for the deaths.<sup>7</sup>

The resistance movement decided to go ahead with the protest it had planned for the Portuguese visit, but to make it part of a memorial procession and service at Santa Cruz cemetery for Gomes, scheduled for 12 November. Indonesian troops surrounded the mourners along its route. While expressing political sentiments, the large procession was almost entirely peaceful, except for one incident.

Suddenly there was a brief scuffle as an Indonesian major waded into the crowd with a group of soldiers bearing fixed bayonets. The major threw a young woman to the ground as he tried to grab a nationalist flag she was carrying. Some accounts say the major was then stabbed by the boyfriend of the young woman. The stabbing, later cited by Indonesian authorities as the reason for the tragedy that day, was hardly noticed at the time, and to this day it is not clear what happened.<sup>8</sup>

The march proceeded without hindrance until its arrival at the cemetery.

Indonesian troops arrived and opened fire on the crowd at point-blank range, without warning or provocation. It had all the appearance of a planned, disciplined operation. The fusillade lasted

several minutes — no one could be sure how long.<sup>9</sup>

This event might have become just one more instance of an alleged atrocity, without authoritative documentation. The difference this time was that western journalists were present at Santa Cruz cemetery, witnessing the massacre, among them Alan Nairn of the *New Yorker*, Amy Goodman of Pacifica Radio, and Steve Cox, a British photographer, each of whom was severely beaten. Their eyewitness accounts provided vivid, credible evidence of what had happened.<sup>10</sup>

Most powerful of all was video footage shot by British filmmaker Max Stahl, from Yorkshire Television. Stahl hid his videotapes in the cemetery and picked them up later. The next day, Dutch reporter Saskia Kouwenberg smuggled the tapes out of East Timor and then out of Indonesia. This video footage was screened initially in the Netherlands, then in Britain and other countries, and totally discredited Indonesian government denials that an atrocity had occurred.<sup>11</sup>

The Dili massacre severely backfired on the Indonesian occupiers. International outrage led to a huge increase in support for the East Timorese solidarity movement in many countries. Movement groups continued with their activities, raising awareness of the injustice and brutality of the occupation and putting pressure on western governments and corporations over their overt or tacit support for the Indonesian government. The outrage over the massacre boosted these efforts. Journalists and editors were more willing to run stories about East Timor. Politicians, many of whom saw Stahl's footage, were more willing to support legislation penalizing

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7. Arnold S. Kohen, *From the Place of the Dead: The Epic Struggles of Bishop Belo of East Timor* (New York: St. Martin's Press, 1999), 154–58.

8. *Ibid.*, 162.

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9. *Ibid.*

10. Also present was Australian journalist Russell Anderson, who tells his story in "The Massacre of 12 November 1991," in Aubrey, *Free East Timor*, 145–52. I thank Joe Nevins for this point.

11. Kohen, *From the Place of the Dead*, 167.

Indonesia. Speakers about the occupation, especially those from East Timor, were in much greater demand.

Commenting on western media coverage on East Timor, journalist Hugh O'Shaughnessy stated:

Whether the Indonesian authorities recognized it at the time or not, Stahl's film was the death knell for the continued dominance of Indonesia in East Timor. It put the territory on the world political agenda in a way that no other document had done, inspiring people around the globe with the desire to help to put an end to the occupation. Stahl's film inspired print, radio and television journalists worldwide to continue the coverage of East Timor. John Pilger and David Munro, for instance, used footage from Max Stahl and others as an indispensable part of a long television documentary, *Death of a Nation* (1994), which was screened widely and updated and re-screened in 1999.<sup>12</sup>

In the United States, the testimony of journalists Amy Goodman and Allan Nairn, plus photos and videotape, led to media coverage and to the creation of the East Timor Action Network, a grassroots movement. Some members of Congress were outraged by the massacre and initiated legislative moves banning U.S. provision of military training and weapons to Indonesia.<sup>13</sup>

The increased visibility of the East Timor issue was almost certainly a factor in the awarding of the Nobel Peace Prize in 1996 to

two prominent East Timorese figures, Bishop Belo and José Ramos-Horta, head diplomat of the resistance. The award significantly lifted the profile of the independence cause.

The global context in the 1990s also helped supporters of East Timor independence. Following the end of the Cold War, communism no longer served as such an effective pretext for oppression; governments were more prone to use the rhetoric of human rights. A number of small states gained independence, including the Baltic states and parts of former Yugoslavia, giving greater plausibility to demands for East Timor to have the same opportunity.<sup>14</sup>

The mobilizing effect of the Dili massacre did not derive solely from the scale of the killings, because there had been many previous massacres in East Timor, some of them worse than the one in Santa Cruz cemetery. For example, in 1981 a party of Fretilin guerrillas surrendered along with their women and children. Aside from a few women, they were all shot and their bodies burned, with some 400 killed. In August 1983, following a Fretilin attack that killed more than a dozen Indonesian troops,

First some 200 Timorese were burnt alive in their homes, while another 500 were killed at the Be Tuku River. ... According to Mario Carrascalão, provincial governor of the time who personally investigated the atrocity, more than 1000 Timorese of all ages were massacred. Yet there was no international response, let alone pressure on the Suharto government to stop the killing. A statement by an Australian cabinet minister to the effect that Falintil [Fretilin troops] should stop provoking the Indonesian military was the best that Canberra could come up with!<sup>15</sup>

12. Hugh O'Shaughnessy, "Reporting East Timor: Western Media Coverage of the Conflict," in *The East Timor Question: The Struggle for Independence from Indonesia*, ed. Paul Hainsworth and Stephen McCloskey (London: I. B. Tauris, 2000), 31–40, at 36.

13. Charles Scheiner, "The United States: From Complicity to Ambiguity," in Hainsworth and McCloskey, *East Timor Question*, 117–32.

14. James Dunn, *East Timor: A Rough Passage to Independence*, 3d ed. (Sydney: Longueville Books, 2003), 333.

15. *Ibid.*, 292–93.

In the past, cover-up and a highly regulated media had been effective means for minimizing awareness of the brutalities of the occupation, but this time information from credible independent observers reached the rest of the world. Indonesian officials, though, did what they could to prevent publicity about the Santa Cruz killings. Immediately after the massacre, phone services to the outside world were cut off. The Australian government, with strong economic and security ties to Indonesia, attempted to assist in preventing information about the massacre reaching a wider public,

by ordering its immigration officials in Darwin to conduct a rigorous search of the belongings of both Stahl and [photographer Steve] Cox when they flew out through Northern Australia in late November (fortunately, both had had the presence of mind to entrust their film to reliable couriers, one of whom exited Timor by another route).<sup>16</sup>

Indonesian officials denigrated the victims. For example, General Try Sutrisno, commander-in-chief of the Indonesian armed forces (and later vice-president of Indonesia), shortly after the massacre,

defended the action, telling a graduation ceremony at the National Defence Institute, Lemhanas, that dissent must be quashed by “exterminating anyone who disrupts stability ... They are people who must be crushed. This scum must be eliminated ... ill-bred people who have to be shot ... come what may, they cannot ignore ABRI [Indonesian armed forces] ... ABRI is determined to eliminate anyone who creates disturbances ... Delinquents like these agita-

tors have to be shot and we will shoot them.”<sup>17</sup>

As well as denigrating the victims, Indonesian officials attempted to undermine the credibility of East Timorese leaders by misrepresenting what they said and wrote. After East Timorese leader Xanana Gusmão was captured in 1992, a military-controlled newspaper accused him of rape and murder, among other slurs.<sup>18</sup>

A usual method by which the occupiers attempted to reduce backlash from atrocities was to misrepresent what had happened.<sup>19</sup> For example, Lieutenant Colonel A. Tampodang claimed the Dili events were due to the presence of “more than 100 clandestine separatists, armed with Portuguese-made G-3 rifles and hand grenades.” Indonesian Foreign Minister Ali Alatas claimed protesters had thrown grenades at the troops, who had to defend themselves against the threatening crowd.<sup>20</sup>

Lies did not convince the local East Timorese population, but usually were effective with the population of Indonesia and the wider world. The Indonesian media were regulated and monitored by the government, so only the official line was covered. In other countries, Indonesian government views were usually reported. Standard western media practice gives priority to statements by government officials — especially when the government in question is allied to the west — and gives government opponents little or no voice. Because the East Timorese resistance had little access to the western media, partly

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17. Andrew McMillan, *Death in Dili* (Sydney: Hodder and Stoughton, 1992), 162. Ellipses in the original.

18. Estêvão Cabral, “The Indonesian Propaganda War against East Timor,” in Hainsworth and McCloskey, *East Timor Question*, 69–84, at 75–76.

19. Cabral describes many of the techniques of misrepresentation.

20. McMillan, *Death in Dili*, 161–62.

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16. Steve Cox and Peter Carey, *Generations of Resistance: East Timor* (London: Cassell, 1995), 52.

due to Indonesian censorship and partly to cultural, language, and logistic barriers, it was difficult to offer a credible challenge to the official Indonesian government line. The Santa Cruz events were quite different: the testimony of experienced western journalists, plus video footage, provided a powerful counter to Indonesian government lies.

Indonesian officials initially stated 19 people had died at Santa Cruz cemetery. They later raised this to 50. A separate, non-government assessment gave a figure of 271, with many hundreds more injured.

A publication by the Indonesian Department of Foreign Affairs in 1992 gives the following account of the Santa Cruz “incident”:

The tragic outcome of the demonstration that occurred in Dili, East Timor, on the 12th of November 1991 was deeply regrettable, as was immediately and repeatedly expressed by the Indonesian Government at the highest levels. Most unfortunately, the demonstration was not entirely peaceful and indeed displayed premeditated provocation and belligerence. It triggered a spontaneous reaction by some security personnel, acting outside the control or command of senior officers, and resulted in a deplorable loss of lives and a number of wounded people. It was a tragic incident and clearly not an act ordered by or reflecting the policy of the Government or the Armed Forces.<sup>21</sup>

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21. Republic of Indonesia, *East Timor: Building for the Future* (Jakarta: Department of Foreign Affairs, July 1992), vi–vii. The language in this document is much more subdued than Sutrisno’s speech, reflecting the different audiences for their accounts. Sutrisno was addressing an Indonesian military audience whereas the Department of Foreign Affairs document, written in English, was expected to be available to foreign officials and others. I thank Philip Kitley for this point.

Many independent observers — including an official UN delegation — concluded, to the contrary, that the attack was indeed premeditated.

In response to the international outcry, the Indonesian government set up an official inquiry into the massacre. The inquiry report was released on December 26, 1991. Compared to testimony by East Timorese witnesses and western observers, the inquiry reported a very low number of deaths. But the very existence of an inquiry was an indication of the seriousness of the backlash against the Indonesian occupation. Following the investigation, two generals were removed. According to Kohen,

One prominent expert on the Indonesian military, who said that Suharto saw the Santa Cruz events as a major blunder, noted that it was the first time that any Indonesian army officer of that rank “had ever been so publicly humiliated” during the Suharto era.<sup>22</sup>

The massacre led to other official responses. The army conducted its own inquiry, which may have led to changes in the command structure. As well,

Amid the international outcry, ten members of the Indonesian security forces were tried for disciplinary offenses in connection with the Santa Cruz massacre. All received sentences of between eight and eighteen months, mainly served under house arrest, and were reportedly released well before serving their full sentences. In stark contrast, East Timorese accused of organizing the demonstration at Santa Cruz on November 12, 1991, and a subsequent demonstration in the Indonesian capital of Jakarta received sentences ranging from five years to life.<sup>23</sup>

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22. Kohen, *From the Place of the Dead*, 170.

23. *Ibid.*, 171.

Although the official inquiries led to more serious consequences for members of the Indonesian military than any previous atrocities, which usually were perpetrated with complete impunity, from the point of view of many outsiders, the official responses were window-dressing:

Some observers believed that the removal of the two generals and court martials of lower ranking officers had little concrete impact but were the very least the Suharto regime could do to appease an outpouring of international protest, and public disquiet in some quarters of Indonesia itself.<sup>24</sup>

The shootings in Santa Cruz cemetery were only the beginning of the Dili massacre. Indonesian troops then went among the wounded, beating them. Some of the wounded were taken, days later, to a nearby river and executed. According to Mario Carrascalão, former governor of East Timor, between 20 and 50 East Timorese were killed on this occasion.<sup>25</sup> The continuing assaults, torture, and killing, plus the arrest, trial, and lengthy imprisonment of leaders of the protest, were powerful means of intimidation. Despite this, Max Stahl reported that

on the morning after the massacre there were smiles on the faces of many Timorese. This was because the foreigners had been there and filmed the event, and the foreigners, for once, were also beaten up and this, they believe, will be noticed. This, they believe, may lift a little the curse which is worse than oppression and death for Timorese, the

curse of their total and relentless isolation in their struggle.<sup>26</sup>

The outrage from the Dili massacre laid the foundations for East Timorese independence. Indonesia was badly affected by the 1997 economic collapse in East Asia. In 1998, following a campaign that used familiar methods of nonviolent action, Suharto resigned and parliamentary democracy was introduced. A referendum was held in East Timor in 1999, with a vote of nearly 80% for independence. Indonesian troops, police, and militias organized and directed by the Indonesian military then went on a campaign of killing and destruction, leading to UN intervention and then independence for East Timor. But that is another story.<sup>27</sup>

### Conclusion

The Dili massacre was a crucial turning point — a transformative event — in East Timor's struggle for independence, most importantly by greatly increasing international support.<sup>28</sup> Ironically, this event appeared on the surface to be a major defeat for the East Timorese: a massacre in which hundreds died. But the very brutality and excessiveness of the massacre made it a prime candidate to backfire on the Indonesian occupiers.

The one additional essential ingredient was communication to outside audiences, provided by visiting Western journalists. The vital role of communication is highlighted by a

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26. Max Stahl, "Massacre among the Graves," *The Independent (London)*, 17 November 1991, 19.

27. Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor's Fight for Freedom* (Sydney: Allen & Unwin, 2002); Nevins, *Not-so-Distant Horror*.

28. Analysis of the Dili massacre as a transformative event is given in David Hess and Brian Martin, "Backfire, Repression, and the Theory of Transformative Events," *Mobilization* 11 (June 2006): 249–267.

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24. *Ibid.*, 172.

25. Lindsay Murdoch, "Dili Deaths 'Just the Start'," *The Age (Melbourne)*, 18 November 1998, 1.

comparison with previous massacres: the Indonesian military was successful in inhibiting outrage primarily through cover-up and intimidation. But with the Dili massacre, these were inadequate, so the Indonesian government eventually used all five methods to inhibit outrage. To summarize:

*Cover-up.* Indonesian officials attempted to prevent information about the massacre getting outside East Timor, for example cutting off all telephone services. But attempts at censorship were only partly successful. Western journalists gave their eyewitness reports to world media, and Max Stahl's videotape was smuggled out. Indonesian army commanders could have decided to increase the cover-up by killing the Western observers, but this could have backfired even more in the long run, because the presence of the observers in East Timor was well known.

*Devaluation.* Indonesian leaders denigrated the East Timorese and tried to discredit their leaders. But this had little influence outside Indonesia.

*Reinterpretation.* The military and government blamed the events on actions by protesters, or attributed them to an unfortunate loss of discipline. Officials gave low figures for the number injured and killed. These views had little credibility outside Indonesia.

*Official channels.* The government established an inquiry into the massacre, which largely exonerated the military. This, and a military inquiry, had low credibility outside Indonesia.

*Intimidation.* Troops arrested, beat, and killed independence activists in the wake of the massacre. This brutality did not discourage international supporters of East Timorese independence, but rather added to their outrage.

The international reaction to the Dili massacre shows the power of peaceful protest, in a repressive situation, for generating outside support. Fretilin's armed struggle against Indonesian troops from 1975 to the mid 1980s was courageous but disastrous in human terms. Furthermore, it did little to increase international support, because the independence

struggle was seen as a war, with violence on both sides. Fretilin's military weakness was less important, for wider perceptions, than the fact that both sides were using violence. This greatly reduced the likelihood that Indonesian violence, including atrocities against civilians, would backfire.

After Fretilin changed tactics, downplaying armed struggle and emphasizing peaceful protest in the cities, it was far more successful in building support within East Timor and, after Dili, internationally. The Dili massacre reveals how being the victim of attack can, in the right circumstances, be far more effective than fighting.

### **Acknowledgements**

I thank Truda Gray, Philip Kitley, Joe Nevins, Jeff Ross, Greg Scott, and Tom Weber for valuable comments on drafts of this chapter.

## 4

### Dharasana

For peaceful protesters to willingly walk forward and be cruelly beaten might seem, on the surface, to be masochistic and futile. Yet this is exactly what happened at Dharasana, India, in 1930. But far from being futile, the beating of the protesters reverberated around the world, turning public opinion against Britain's rule over India. The events at Dharasana are a perfect example of how violence against nonviolent protesters can backfire on the attackers. But the main way this process operated was not the way Gandhi thought it did.

In this chapter, I tell the story of the famous 1930 salt march, focusing on the Dharasana events. Along the way, I highlight the methods used by the British to minimize outrage and tell why these methods failed.

British forces conquered India in the 1700s and turned it into a profitable colony. As Britain's industrial economy boomed, India's declined through forced dependency. Considering the vast size and population of India, British rule did not require very many troops, because so many natives were willing to work for their colonial masters. The problem for Indian nationalists was that the country was split along so many lines, including caste, religion, class, ethnicity, and gender. These divisions were exploited by British overlords to keep the country in bondage. From the 1920s on, the struggle for independence followed a distinctive path, led by Mohandas Gandhi.

Gandhi, born in 1869, had a conventional upper-caste upbringing and then moved from India to South Africa to further his legal career. He became involved in the struggle against apartheid, was radicalized, and developed his own approach to social change. Central to this approach was satyagraha, often translated as truth-force or more generally as

nonviolent action. Gandhi believed one's methods should reflect one's goals and therefore violence should be avoided. He developed an approach based on personal purification, dialogue with opponents, and principled use of nonviolent action. He held that a conscientious search for the truth — strongly linked to justice — was the proper way to promote change. But for Gandhi, satyagraha was not just a technique, but rather a way of life, reflecting a long-term goal of community-level self-reliance built around self-governing villages.

Returning to India in 1915, Gandhi soon became a leader of the nationalist movement. His challenge was immense. On the one hand there were the "moderates," including landowners and industrialists, who prospered under British rule and who favored independence so long as their positions were not threatened. On the other hand there were Marxists and other radicals who favored armed struggle. It was also difficult to bridge the split between Hindus and Muslims.

The pinnacle of Gandhi's campaigning was the 1930 salt march. Salt was a British monopoly, subject to taxation, and it was illegal for Indians to manufacture it. Therefore salt, a basic necessity, was a potent symbol of British oppression. Gandhi conceived a plan of mass civil disobedience by making salt. To build support for this action, he led a 24-day march over more than 200 miles, giving talks along the way. The march was widely publicized across the country, leading to increasing support as the challenge to the British gained momentum. At the conclusion of the march, near the village of Dandi on the coast, Gandhi and his followers walked into the sea and scooped out handfuls of salty mud. This symbolic act of defiance put the British rulers in a quandary.

The dilemma for the British was whether to tolerate a brazen challenge and thus be seen as weak or whether to crack down hard with the risk of creating even more opposition. The dilemma can be seen in letters from Lord Edward Irwin, the Viceroy, during this period.

Prior to the march, Gandhi wrote an open letter to Irwin requesting his “assistance” by removing the salt monopoly, which would then make it unnecessary for Gandhi to proceed with his plan to march and make salt, which he explained in full detail. Gandhi always began with direct dialogue, seeking to win over his adversaries by appeals to justice, before mounting campaigns. Gandhi, a deeply spiritual person who drew on several religious traditions for inspiration, wrote in a way that resonated with Irwin, a devout Christian. Irwin respected Gandhi for his principled views.

Irwin could have ordered Gandhi’s arrest at the outset, but this would have inflamed public opinion in India and abroad. Yet as the march proceeded, generating tremendous enthusiasm across the country, the difficulties became even greater for Irwin. A nationalist newspaper expressed the dilemma:

To arrest Gandhi is to set fire to the whole of India. Not to arrest him is to allow him to set the prairie on fire. To arrest Gandhi is to court a war. Not to arrest him is to confess defeat before the war is begun ... In either case, Government stands to lose, and Gandhi stands to gain. ... That is because Gandhi’s cause is righteous and the Government’s is not.<sup>1</sup>

Irwin sought advice from provincial governors. Some of them recommended arresting Gandhi immediately whereas others advised a more cautious wait-and-see approach on the grounds that arrest would only make matters worse. Irwin’s ambivalence is apparent in a letter to his father:

I am anxious to avoid arresting Gandhi if I can do so without letting a “Gandhi Legend” establish itself that we are afraid to lay hands on him. This we clearly cannot afford. But at present there are no signs of that idea gaining currency. Apart from this, there is the undoubted fact that he is generally regarded as a great religious leader rather than a politician and that his arrest, while it will certainly not make the world fall in half, would yet offend the sentiment of many who disagree with him and his policy ...<sup>2</sup>

Irwin’s ambivalence was shared by others in the British government, such as Wedgwood Benn, Secretary of State for India, who wrote to Irwin from London that, “if Gandhi is arrested and disorder followed, it would become merged in the terrorist organization and thereby strengthen it.” Gandhi’s use of nonviolent methods caused special difficulty for the British. Benn noted that in the face of terrorism, “it will be a straight fight with the revolver people [violent opponents], which is a much simpler and much more satisfactory job to undertake.” In other words, the British had no hesitation in using ruthless force against terrorists.<sup>3</sup>

The difficulty of suitably responding to Gandhi’s methods was also expressed by a British police officer, John Court Curry, who encountered Gandhi in both 1919 and 1930.

From the beginning I had strongly disliked the necessity of dispersing these non-violent crowds and although the injuries inflicted on the law-breakers were almost invariably very slight the idea of using force against such men was very different from the more cogent need for using it against violent rioters who were endangering other men’s lives. At the same time I realized that the law-breakers could not be allowed to continue

1. Quoted in Dennis Dalton, *Mahatma Gandhi: Nonviolent Power in Action* (New York: Columbia University Press, 1993), 112.

2. Quoted in *ibid.*, 130.

3. Quoted in *ibid.*, 132.

their deliberate misbehavior without any action by the police.<sup>4</sup>

So great was Curry's tension that he felt "severe physical nausea" throughout the period.

After breaking the salt law at Dandi on 6 April 1930, Gandhi continued to promote the "salt satyagraha." He began a speaking tour; actions were undertaken across the country. The next major stage of the campaign was raids on the salt works at Dharasana. Gandhi drafted a letter to Lord Irwin telling of his intentions. Gandhi was arrested that very night, on 5 May, leading to demonstrations across the country. Gandhi had counseled against violence in the wake of his arrest, an admonition that was largely followed.

Gandhi's followers proceeded with plans for salt raids. At Dharasana, salt was produced and stored under the British monopoly. The raiders proposed to "liberate" this salt that, they argued, was legitimately owned by the Indian people. The raids were to take place under strict nonviolent discipline. Due to the arrest of Gandhi and some of the other key salt marchers, the leadership of the Dharasana raids fell to Sarojini Naidu.

Initial raids were mild affairs, for example with individuals strolling near the salt works, then rushing across the ditch around the salt pans to gather some salt in small sacks, followed by their arrest and transport to jail. Naidu and the other leaders decided to adopt a more confrontational approach. They called for volunteers to approach the salt works in groups of 50 in attempts to get through the wire fence. This mass action would force the government to take stronger action. This plan led to a confrontation later dramatized in the 1982 film *Gandhi*. At the time, the drama was captured by U.S. press correspondent Webb Miller. Here is a section of his report from 21 May.

In complete silence the Gandhi men drew up and halted a hundred yards from

the stockade. A picked column advanced from the crowd, waded the ditches, and approached the barbed-wire stockade, which the Surat police surrounded, holding their clubs at the ready. Police officials ordered the Marchers to disperse under a recently imposed regulation which prohibited gatherings of more than five persons in any one place. The column silently ignored the warning and slowly walked forward. I stayed with the main body about a hundred yards from the stockade.

Suddenly, at a word of command, scores of native police rushed upon the advancing marchers and rained blows on their heads with their steel-shod lathis [batons]. Not one of the marchers even raised an arm to fend off the blows. They went down like ten-pins. From where I stood I heard the sickening whacks of the clubs on unprotected skulls. The waiting crowd of watchers groaned and sucked in their breaths in sympathetic pain at every blow.

Those struck down fell sprawling, unconscious or writhing in pain with fractured skulls or broken shoulders. In two or three minutes the ground was quilted with bodies. Great patches of blood widened on their white clothes. The survivors without breaking ranks silently and doggedly marched on until struck down. When every one of the first column had been knocked down stretcher bearers rushed up unmolested by the police and carried off the injured to a thatched hut which had been arranged as a temporary hospital.

Then another column formed while the leaders pleaded with them to retain their self-control. They marched slowly towards the police. Although every one knew that within a few minutes he would be beaten down, perhaps killed, I could detect no signs of wavering or fear. They marched steadily with heads up, without the encouragement of music or cheering or any possibility that they might escape serious injury or death.

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4. Quoted in *ibid.*, 133.

The police rushed out and methodically and mechanically beat down the second column. There was no fight, no struggle: the marchers simply walked forward until struck down. There were no outcries, only groans after they fell. There were not enough stretcher-bearers to carry off the wounded; I saw eighteen injured being carried off simultaneously, while forty-two still lay bleeding on the ground awaiting stretcher-bearers. The blankets used as stretchers were sodden with blood.

At times the spectacle of unresisting men being methodically bashed into a bloody pulp sickened me so much that I had to turn away. The Western mind finds it difficult to grasp the idea of non-resistance. I felt an indefinable sense of helpless rage and loathing, almost as much against the men who were submitting unresistingly to being beaten as against the police wielding the clubs, and this despite the fact that when I came to India I sympathised with the Gandhi cause.<sup>5</sup>

This drama continued over a number of days, until the raids were called off. Hundreds of satyagrahis were hospitalized, and four died. As well as the beatings, the confrontation included arrests and police clearing or destruction of camps established by the raiders.

Most of the police who engaged in the beatings did not seem deterred by the lack of resistance by their opponents. Indeed, some of the police became enraged, kicking the men in their stomachs and testicles after they had fallen, sticking lathis up their anuses, and throwing them into ditches.

On the other side of the confrontation, some witnesses among the camp of the raiders were nearly driven to distraction by the brutality and had to be restrained from using violence

themselves. Maintaining nonviolent discipline was a top priority among the protesters; there were occasional lapses as salt raids occurred in different parts of the country.

For those who were not directly involved, the brutal beatings of nonresisting raiders had the potential to cause enormous outrage. Therefore it is not surprising the government attempted to minimize the political damage in various ways. One was to prevent correct information about the encounter reaching wider audiences. Thomas Weber, author of the definitive study of the salt march, says that after the raids on 31 May, "Red Cross workers were denied access to the wounded and according to nationalist sources 'even press reporters were chased away' in order to prevent bad publicity."<sup>6</sup> On this day more than a hundred raiders received serious injuries.

The government provided its own account of what happened, claiming no brutality was involved and that stories about hospitals filled with wounded satyagrahis were false. A government communiqué about the events of 31 May stated that,

Some half a dozen of the attackers got into the salt pans where they were easily caught, but the remainder, on seeing the horses [ridden by police], turned tail and fled with the horses after them. The whole affair was over in a few minutes and no casualties whatever resulted as the mounted men did not come into contact with the volunteers nor had they any sticks or weapons in their hands.<sup>7</sup>

The police also alleged that raiders were feigning their injuries.

Another method used by the government was ridicule. One communiqué described some protesters requesting a "tap or two on the back of the legs" so they could obtain meal tickets and return home.<sup>8</sup>

5. Webb Miller, quoted in Thomas Weber, *On the Salt March: The Historiography of Gandhi's March to Dandi* (New Delhi: HarperCollins, 1997), 444–45.

6. Weber, *On the Salt March*, 450.

7. Quoted in *ibid.*, 451.

8. Weber, *On the Salt March*, 453.

Probably the biggest impact of the raids was outside India. Press correspondent Webb Miller's moving account, part of which was quoted earlier, had an enormous influence in shaping opinion. The government knew that free flow of information was damaging to its rule and so had imposed press censorship. Miller, as a foreign correspondent, was not covered by this censorship law, but his attempts to cable his story from Bombay to the United Press office in London were initially blocked.

An apparent Gandhi sympathiser informed him by way of an unsigned note, that his message was not sent. On inquiring, at first he could get no information about his message at all. Later, at Government headquarters of the Bombay Presidency he was reassured that as there was no censorship his telegram must have gone. After further protests and a statement of his intention to fly to Persia if necessary to get his scoop to the world, it was admitted that his message was stopped by the censor. After further arguments most of his message was transmitted.<sup>9</sup>

Miller's story, circulated by United Press, appeared in 1,350 newspapers, was read out in the U.S. Congress, and was reproduced by Gandhi supporters in the United States with more than 250,000 copies.

Gandhi believed nonviolent action worked by conversion of opponents, through "melting their hearts" by the voluntary suffering of satyagrahis.<sup>10</sup> Thomas Weber argues that the Dharasana raids showed Gandhi's view to be wrong.<sup>11</sup> Few if any of the police who inflicted

the serious injuries were converted; indeed, some of them became incensed by the satyagrahis' lack of resistance and redoubled their brutality. Nor, apparently, were many government officials converted. The greatest impacts were on the Indian masses, who were informed of the events through the nationalist media, and on foreign public opinion, in Britain, the United States, and elsewhere, via reports by Miller and others. Using violence against disciplined nonviolent protesters thus generated outrage most importantly through indirect means — through written accounts of the Dharasana raids — rather than, or as well as, directly on the participants.

The salt march and the salt raids did not lead to a breach in the government's salt monopoly, but it did transform consciousness in India. According to Weber,

Talking with those old enough to remember the heady days of 1930, the consistent response is that the event transformed the feeling in the country from one of pessimism to revolution, that nothing which could now be said about those times could possibly capture the intense sense of drama and wonder that surrounded the event, that the movement changed the face of India's history, that the country of before and after the Dandi March was not the same.<sup>12</sup>

Beyond its impact on India, the events of 1930 introduced to the world the idea of nonviolent action — including civil disobedience and disciplined mass protest — as a strategic method of social action.

## Conclusion

The beatings at Dharasana were a transformative event in the struggle for India's independ-

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9. *Ibid.*, 403.

10. Gandhi's views on nonviolence are discussed at greater length in chapter 13.

11. Thomas Weber, "The Marchers Simply Walked Forward until Struck Down": Nonviolent Suffering and Conversion," *Peace & Change* 18 (July 1993): 267–89.

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12. Weber, *On the Salt March*, 479.

ence.<sup>13</sup> The British used all five methods of inhibiting outrage, yet without much success.

*Cover-up.* British authorities imposed press censorship within India and attempted to prevent Webb Miller's reports getting to his editors.

*Devaluation.* Indians were devalued in the eyes of many British whites. In some accounts, their resistance was trivialized.

*Reinterpretation.* The government said there was no police brutality and that victims were faking their injuries.

*Official channels.* Gandhi and other members of the independence movement were arrested; the courts served as agents for dispensing "justice."

*Intimidation.* The predictability of being beaten and the possibility of arrest discouraged many potential participants.

Gandhi believed nonviolence worked by converting opponents, but actually at Dharasana the police, who so ruthlessly beat the protesters, were not won over at all. Instead, the most powerful impact was on third parties, namely those not directly involved in the confrontation: Indians in the rest of the country and members of the public in Britain, the United States, and other foreign countries.<sup>14</sup>

The events at Sharpeville, Dili, and Dharasana have several similarities. In each case, violence was used against protesters who were peaceful, or nearly so. In each case, the attack rebounded against the attackers, leading to a dramatic increase in support for the cause espoused by the target group. Because this effect was so strong, these can be called classic backfires.

There are some important differences among the three events. At Dharasana, protesters carefully planned and prepared for the

confrontation, which was fully anticipated: participants knew what was in store for them. At Sharpeville and Dili, in contrast, the protesters did not expect an assault, nor had there been training in nonviolent discipline. Of the three events, the number killed was far less at Dharasana, yet the emotional impact of the violence was enormous. This suggests that when protesters are highly principled in their nonviolent methods, and design their campaign carefully, then even a relatively low level of violence against them will seem shocking. At Sharpeville and Dili, there was less planning and little anticipation of violence, but the scale of the killing was so great that it shocked audiences worldwide. The key to the impact in all three events thus appears to be that authorities used violence seen as grossly excessive in relation to the actions of the protesters.

These three cases are vivid testimony that brutal attacks on peaceful protesters can backfire. But what about other sorts of attacks? Can they backfire too? In the following chapters, I examine a range of other attacks, from unfair dismissal to illegal invasion. In every one, the perpetrators try to inhibit outrage using the same five methods; when these methods fail, the attacks backfire.

### Acknowledgements

I thank Truda Gray, Philip Kitley, Jeff Ross, Greg Scott, and Tom Weber for valuable comments on drafts of this chapter.

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13. Analysis of the salt march as a transformative event is given in David Hess and Brian Martin, "Backfire, Repression, and the Theory of Transformative Events," *Mobilization* 11 (June 2006): 249–67.

14. This process is analyzed in more detail in chapter 13.

## 5

### The beating of Rodney King

Shortly after midnight on 3 March 1991, Rodney King was beaten by officers of the Los Angeles Police Department. King was hit by two tasers — electroshock weapons using two darts connected by wires to a high-voltage source — and then struck dozens of times by metal batons, as well as being kicked, over a period of several minutes. Four officers participated in the arrest and more than 20 police were present during the beating, which was illuminated by floodlights from a police helicopter hovering overhead.

This event probably would have become just another arrest statistic except that a portion of the incident was captured on videotape by an observer, George Holliday, who heard the commotion from his apartment nearby. After the video was screened on television, the “Rodney King beating” became the most well known case of police use of force in history, with serious adverse effects for the police. The reputation of the LAPD took a battering, as the force was widely perceived to be tolerant of brutality. There were vociferous calls for LAPD Chief Daryl Gates to resign. The four officers directly involved in the beating were charged with assault and brought to trial. Media attention was intense over the following months, with thousands of newspaper articles published as well as extensive coverage by electronic media. Morale in the LAPD was seriously damaged.

The King beating is an ideal case study for social analysis given the great amount of documentation of the incident and the subsequent media coverage, trials, and riots. Among the studies undertaken are assessments of the

context of racism and social control,<sup>1</sup> an examination of the practices of professionals, namely the police,<sup>2</sup> an analysis of media narratives about the beating,<sup>3</sup> and a study of the effects of the beating on public opinion about racial discrimination.<sup>4</sup>

If the beating is thought of as an attack on King, then it is reasonable to say the attack backfired: it recoiled adversely on the attackers. That the beating ended up being damaging to the police has been attested by observers of diverse persuasions<sup>5</sup> and confirmed by research.<sup>6</sup>

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1. Robert Gooding-Williams, ed., *Reading Rodney King/Reading Urban Uprising* (New York: Routledge, 1993).

2. Charles Goodwin, “Professional Vision,” *American Anthropologist* 96 (1994): 606–33.

3. Ronald N. Jacobs, “Civil Society and Crisis: Culture, Discourse, and the Rodney King Beating,” *American Journal of Sociology* 101 (1996):1238–72; Ronald N. Jacobs, *Race, Media, and the Crisis of Civil Society: From Watts to Rodney King* (Cambridge: Cambridge University Press, 2000).

4. Lee Sigelman, Susan Welch, Timothy Bledsoe, and Michael Combs. “Police Brutality and Public Perceptions of Racial Discrimination: A Tale of Two Beatings,” *Political Research Quarterly* 50 (1997): 777–91.

5. Lou Cannon, *Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD* (Boulder, CO: Westview, 1999), 228; Jerome H. Skolnick and James J. Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York: Free Press, 1993), 10.

6. J. R. Lasley, “The Impact of the Rodney King Incident on Citizen Attitudes toward

Several factors contributed to the backfire. George Holliday's video was an essential element, enabling a vivid visual exposure of the events. Television stations repeatedly screened a portion of the video, taking it to a huge audience.<sup>7</sup> The timing was advantageous for obtaining media attention. The first Gulf war had ended just recently, leaving the news agenda open to other issues. If the video had come to attention on the day the Gulf war began, for example, it undoubtedly would have had far less impact.

Also crucial was the symbolism of a police beating. Police are supposed to be protectors against injustice. Though many people are aware of discrepancies between the ideal and the reality of policing, nevertheless dramatic evidence of police abuse can strike a chord through its challenge to the dominant belief system about policing and justice. Furthermore, it was important that Rodney King, a black man, was beaten by white policemen (though a few of the police observing the arrest were black). The graphic image of whites attacking a black man resonated with the U.S. history of racist violence against blacks.

Although there were quite a number of citizens and groups concerned about police misconduct, there was not a powerful social movement to boost concern about the beating. Existing groups did not have a high public profile, nor was King associated with them in any way.

As in the cases of Sharpeville, Dili, and Dharasana, the King beating involved a violent assault by authorities. But there is also a big difference: King was neither a protester nor — as described later — particularly peaceful, and certainly not a practitioner of nonviolent action. Yet the public reaction to his beating

precisely parallels the reaction to violent attacks on peaceful protesters.

I will look more closely at the King beating by examining in some detail each of the five methods of inhibiting outrage: cover-up; devaluation; reinterpretation; use of official channels; intimidation and bribery. I present evidence, especially from valuable partisan books about the beating, that is especially useful in illustrating features of the struggle over reactions to the beating.<sup>8</sup>

This is not an attempt to tell “the story” of the King beating, much less to determine “what really happened.” Despite the existence of the videotape, the meaning of the events remains contested. My aim here is to show how attackers and their supporters used a variety of methods that inhibited outrage and how critics of the beating countered these methods.

#### Key Figures

- Rodney King, a black man beaten in the course of being arrested on March 3, 1991.
- Stacey Koon, the police sergeant in charge of King's arrest.
- Lawrence Powell, Timothy Wind, and Theodore Briseno, police officers directly involved in King's arrest.
- George Holliday, a witness to the beating who recorded it on his videocamera.
- Daryl Gates, Los Angeles police chief at the time of the events.
- Tom Bradley, Los Angeles mayor at the time.

#### Cover-up

The defining feature of the King beating is the availability of a videotape recording the event. As noted by numerous commentators, without the videotape, the beating would have been

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Police,” *Policing and Society* 3 (1994): 245–55.

7. Richard L. Fox and Robert W. Van Sickel, *Tabloid Justice: Criminal Justice in an Age of Media Frenzy* (Boulder, CO: Lynne Rienner, 2001), 33–35. I thank Kevin Wehr for recommending this book.

8. For a vivid film documentary, see *The Rodney King Incident*, video. Directed by Michael Pack. Chevy Chase, MD: Manifold Productions, 1998. I thank Jeff Ross for recommending this treatment.

unlikely to come to public attention.<sup>9</sup> Therefore, cover-up, as a means to inhibit popular anger, failed spectacularly in this case. Nevertheless, evidence of cover-ups can be found in the King saga. But first it is worth noting the usual scenario for cases of police brutality and other misconduct: no publicity and little or no negative consequences for police.<sup>10</sup> An investigation into police misconduct in the United States, stimulated by the King beating, stated:

Many cases of police misconduct take place out of the public eye. Often, there are no witnesses to the incident other than police officers and the victim of the misconduct, and thus no one to corroborate the complainant's account. Representatives of community organizations and legal agencies described the difficulty of pursuing complaints against the police, particularly in the absence of witnesses. Both police and civilians agreed that, if it comes down to a citizen's word against an officer's story, the police version controls. In the vast majority of cases involving one civilian and one officer the complaint is not sustained.<sup>11</sup>

9. Charles J. Ogletree, Jr., Mary Prosser, Abbe Smith, and William Talley, Jr.; Criminal Justice Institute at Harvard Law School for the National Association for the Advancement of Colored People, *Beyond the Rodney King Story: An Investigation of Police Misconduct in Minority Communities* (Boston: Northeastern University Press, 1995), 6; Michael Omi and Howard Winant, "The Los Angeles 'Race Riot' and Contemporary U.S. Politics," in Gooding-Williams, *Reading Rodney King*, 97–114, at 97; Skolnick and Fife, *Above the Law*, 3, 190.

10. Jeffrey Ian Ross, *Making News of Police Violence: A Comparative Study of Toronto and New York City* (Westport, CT: Praeger, 2000), 199.

11. Ogletree, et al., *Beyond the Rodney King Story*, 60–61.

Some of the reported cases of police brutality are far more serious than the King beating and seem to have less justification. They include beatings without pretext, torture, and killings, some apparently premeditated.<sup>12</sup> In these cases, cover-up is central to reducing a backlash. The basic means of cover-up is police lying about what happened: "Far too many officers lie with impunity about the conduct of a defendant, about what they were able to observe, and about whether proper procedures were followed."<sup>13</sup>

Other police often know their colleagues are lying but decline or refuse to speak out against them. This so-called "code of silence" is a form of police loyalty that inadvertently can sanction abuse. As described by the Christopher Commission, set up in response to the King beating, the code of silence "consists of one simple rule: an officer does not provide adverse information against a fellow officer."<sup>14</sup> Long-time Minneapolis police officer Michael W. Quinn wrote a book about code of silence. He says when he joined the force, he had no idea about the extent of corruption, including lying, burglary, and beating prisoners. These activities often were tolerated. But —

There was only one thing you *never* did.  
You never snitched on another cop.

*The Code of Silence was the only rule you had to obey above all other. Cops didn't tell on other cops. Not for any reason. Ever!*<sup>15</sup>

12. Ogletree, et al., *Beyond the Rodney King Story*; Skolnick and Fife, *Above the Law*.

13. Ogletree, et al., *Beyond the Rodney King Story*, 57.

14. Warren Christopher, et al., *Report of the Independent Commission on the Los Angeles Police Department* (Los Angeles: Independent Commission on the Los Angeles Police Department, 1991), 168.

15. Michael W. Quinn, *Walking with the Devil: The Police Code of Silence* (Minneapolis: Quinn and Associates, 2005), 33. Emphasis in the original.

The code of silence is part of the culture of many police departments, including the LAPD. It is enforced by reprisals against those who speak out, as described later in the section on intimidation.

Of crucial importance in the cover-up or exposure of police misconduct is the role of the media. In the conventional social science view of the news, called the “official dominance model,” officials are the primary definers of events. Consequently, most police use-of-force incidents are never mentioned in the news, and even those covered typically receive only cursory treatment, with the official versions of events predominating.<sup>16</sup> In most cases journalists do not even find out about police use-of-force incidents, and many such incidents do not conform to news values of prominence, proximity, and so forth. One consequence is that most police shootings in the United States are not reported.<sup>17</sup>

The interaction of official lying, the police code of silence, police public relations techniques, and the orientation of most news to official sources operates to minimize attention to most cases of alleged police brutality. These processes serve, in effect, as means of cover-up.

Regina Lawrence in her book *The Politics of Force*, a highly sophisticated analysis of media treatment of police use of force, argues that a few exceptional events break through the usual elite-oriented framing of news. The King beating is the most prominent example of this alternative, event-driven media treatment of police use of force. She argues that three factors combined to make the beating into an agenda-setting event: the video, a dramatic political struggle between LAPD Chief Daryl Gates and Los Angeles Mayor Tom Bradley, and public reaction.<sup>18</sup>

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16. Regina G. Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (Berkeley: University of California Press, 2000), 28–29.

17. *Ibid.*, 29.

18. *Ibid.*, 62–85.

Though the King beating is the most dramatic *exception* to the usual pattern of cover-up, nonetheless there are some instances of attempted cover-up in its story. George Holliday, who made the video of the beating, rang the local police station saying he had witnessed a police beating, intending to offer the video. However, the desk officer expressed no interest in what Holliday had to say, nor did the officer record a complaint. Given this official unconcern, Holliday offered the tape to KTLA, a television station in Los Angeles.<sup>19</sup> In retrospect, it is possible to say that had the officer taken Holliday’s call seriously and obtained the videotape, then destroyed it and claimed to have lost it, the scale of the backfire might have been dramatically reduced if not eliminated. Paul King, Rodney King’s brother, attempted to make a complaint, but was given the brush-off. Indeed, Paul King was inappropriately asked whether he himself “had ever been in trouble.”<sup>20</sup>

During the arrest of King, more than 20 police officers were present in addition to the four immediately involved in subduing King. None of the observing officers made any attempt to report inappropriate behavior. This could be because they believed the arrest had been carried out according to proper procedures or can be attributed to the code of silence. In the latter case it is possible to speak of a cover-up. The effect of the code of silence is more obvious in the first trial of the four officers directly involved. The prosecution approached police use-of-force experts to testify at the trial, but they were unwilling.<sup>21</sup>

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19. Christopher, et al., *Report of the Independent Commission*, 11; Tom Owens with Rod Browning, *Lying Eyes: The Truth behind the Corruption and Brutality of the LAPD and the Beating of Rodney King* (New York: Thunder’s Mouth Press, 1994), 56.

20. Christopher, et al., *Report of the Independent Commission*, 10; Owens, *Lying Eyes*, 39.

21. Cannon, *Official Negligence*, 242; Owens, *Lying Eyes*, 266.

These few instances illustrate that cover-up played a role in the King beating. The code of silence, police lack of interest in recording a complaint, their lack of interest in searching out additional witnesses of alleged brutality (there were numerous civilian eyewitnesses to the beating), and media acceptance of official interpretations, might well have relegated the beating to a non-event so far as citizen concern was concerned — except for the videotape.

It is also worth mentioning what can be called a backfire within a backfire, related to apparent cover-up. Holliday's video was edited at KTLA before being broadcast, removing the first few seconds because the image was blurry and hence not good for television. This edited version, which showed a lengthy beating of an apparently nonresisting man, was the one shown by CNN and other networks; very few people saw the full tape.<sup>22</sup> At the first trial, the jury was shown the full tape, in which the early seconds showed King apparently charging at officer Lawrence Powell, who initially struck King in self-defense. This made jurors think they hadn't been told the full story, suggesting a cover-up of evidence supporting the police.<sup>23</sup>

In summary, three key techniques were involved in cover-up in this case. First is the police code of silence, which essentially means lying — often by omission, namely not speaking up — about what happened or didn't happen. Second is failure to receive or collect evidence, as when complaints about the beating were not even recorded. Third is the routine interplay between police and the media whereby most police use of force is not seen as newsworthy by journalists or editors. Police public relations helps in this process, but the crucial thing is the routine cooperation between police and journalists.

These techniques are quite effective in limiting exposure of most police abuses, so usually only the victims and their immediate acquaintances may know anything about them. But in the case of King, the Holliday video cut

through these techniques of cover-up. It did not abide by the police code of silence; it was a graphic testimonial offered to the public eye despite police failure to report the events or collect evidence; and it broke through the routine relations between police and the media.

### **Devaluing the Target**

When police use violence, they commonly blame suspects who are painted as deviant and violent.<sup>24</sup> The beating of King was more likely to cause indignation if King was perceived as innocent, indeed a model citizen, not only during his encounter with the Los Angeles police on March 3, 1991, but also before and after. In many news reports, King was described as a "black motorist," with the implication that he had been doing nothing wrong.<sup>25</sup> Others, though, emphasized King's shortcomings and transgressions, thereby devaluing him as a person and reducing some people's disgust over the beating.

The officer in charge of King's arrest was Sergeant Stacey Koon, who with the support of journalist Robert Deitz wrote a book about the affair, published in 1992.<sup>26</sup> A few years later, Deitz wrote his own book, again focusing on Koon's role.<sup>27</sup> Tom Owens, in contrast, was a former LAPD officer who became an investigator for prosecutions of police for misconduct. He was hired as investigator for King's initial legal team. His book, titled *Lying Eyes*, gives a very different perspective.<sup>28</sup> Each of these authors pays attention to the characters of both King and

24. Lawrence, *Politics of Force*, 14, 37, 179.

25. Cannon, *Official Negligence*, 82.

26. Stacey C. Koon with Robert Deitz, *Presumed Guilty: The Tragedy of the Rodney King Affair* (Washington, DC: Regnery, 1992).

27. Robert Deitz, *Willful Injustice: A Post-O.J. Look at Rodney King, American Justice, and Trial by Race* (Washington, DC: Regnery, 1996).

28. Owens, *Lying Eyes*.

22. Cannon *Official Negligence*, 23–24.

23. *Ibid.*, 195.

Koon, as well as the other indicted police officers. As might be expected, Koon's and Deitz's books are far more derogatory of King.

Koon was proud of the arrest; he considered it a model arrest and, when initially hearing it had been videotaped, was pleased, as he assumed it would show the high quality of his performance. (This was before he knew about the public reaction.) In subsequent trials he justified every blow to King as appropriate and carried out according to official procedures. He is also forthright in mentioning a critical perspective on King.

The force we used was well within the guidelines of the Los Angeles Police Department; I'd made sure of that. And I was proud of my officers, proud of the professionalism they'd shown in subduing a really monster guy, a felony evader seen committing numerous serious traffic violations. And subduing this guy without the deadly force that all too often accompanies the arrest of a PCP-dusted felony suspect.<sup>29</sup>

(Koon assumed King had taken the drug PCP, which is said to endow the user with extraordinary strength.) Koon also referred to King's criminal record:

Rodney King's biography wasn't happy-face reading. Not only did he have a troublesome criminal record before March 3, 1991, his conduct afterwards had been less than exemplary. It included an arrest for picking up a transvestite prostitute and then trying to run over two LAPD vice squad cops.<sup>30</sup>

Deitz in his book wrote about "matters of character," lauding Koon's sterling record, giving extensive attention to King's failings, and claiming King was treated with kid gloves

by the police and courts because he was so well known through the video.<sup>31</sup>

Owens gives an entirely different perspective. He describes various attempts to smear King by associating him with crimes or by framing him. On March 28, 1991, Los Angeles media reported that King was being investigated for two robberies early in the year, with the victims being shown photos of King by officers from the Foothills Division, in which key police involved in the beating had worked.<sup>32</sup> Owens collected evidence clearing King and concluded that the episode was a "set up by the LAPD meant to [damage] King's image, detract from his credibility and integrity, make the four cops look good by making King look bad."<sup>33</sup>

On May 26, 1991, LAPD vice officers arrested King for consorting with a transvestite and attempting to run down officers, and the media immediately had the story. Owens again sprang into action, finding witnesses and collecting evidence; King did not have his parole revoked as a result of the arrest. Owens "was convinced the arrest of Rodney King was a staged event."<sup>34</sup> This was only the first of a series of LAPD arrests of King. Owens was proud of collecting evidence that cleared King on four occasions.<sup>35</sup>

Owens also spends some time in his book telling of his personal interactions with King. While Owens certainly does not idolize King — he tells of King's crimes and impulsive and dangerous behavior — he does describe good sides to King, for example King spontaneously spending time with a group of kids, encouraging them to get an education and buying them ice creams.<sup>36</sup> Owens concludes that King is neither a hardened criminal nor a saint, but

29. Koon, *Presumed Guilty*, 21.

30. *Ibid.*, 134.

31. Deitz, *Willful Injustice*, 31–60.

32. Owens, *Lying Eyes*, 103.

33. *Ibid.*, 105.

34. *Ibid.*, 114.

35. *Ibid.*, 222.

36. *Ibid.*, 151.

“just a man.”<sup>37</sup> In humanizing King, Owens counters others’ denigration. In the first trial, King did not testify, making it easier for the defense to demonize him; in the second trial, he did testify, making him more human to the jury.<sup>38</sup>

There is no doubt King is an easy target for denigration, given his limited literacy, his arrest and prison record, and his penchant for drinking and fast driving. In a 1992 article in *Vanity Fair*, King’s failings are recounted, along with criticisms of his lawyer and others cashing in on the “Rodney King trade.”<sup>39</sup> In an article about yet another arrest of King on August 27, 2003, more than a decade after the famous beating, David Horowitz defended the LAPD, criticized “liberals,” and denigrated King, calling him “a self-destructive lout,” “a pathetic bum,” and “a reckless criminal.”<sup>40</sup> The struggle over the meaning of the beating, including the reputation of the target, thus continues long after the event.

In summary, three main techniques of devaluation were used against King by his detractors, notably the police. The first was to find dirt on him, such as his criminal record and complaints against him. This wasn’t difficult, because King’s past contained many damaging episodes. The second technique was to publicize the dirt, for example by police feeding information to the media. The third technique was to manufacture dirt, as when King was apparently set up to be involved with a transvestite prostitute, with media primed to be present and record the embarrassing and discrediting interaction. For most cases of police brutality, these methods are not

needed because cover-up and intimidation are sufficient to minimize the consequences for police. In the King case, the impact of the Holliday video seems to have stimulated some police to take extra efforts to discredit the victim.

### Reinterpreting the Event

If outrage can result from a perceived injustice, then an effective way to counter it is to convince people that what happened was not actually what it seemed. In the case of King, most people perceived a brutal police beating of an outnumbered and defenseless man. Although the video of the King beating has often been assumed to be self-explanatory, in practice it must be interpreted.<sup>41</sup> Police countered it with a different story: King was a powerful and potentially dangerous threat to the police. He had been speeding, tried to escape when police signaled him to stop, and led police on a high-speed chase before he was forced to stop. Police then had followed normal procedures in arresting him and thus were fully justified in their actions.

Stacey Koon, in charge of the arrest, said LAPD policy had been followed throughout. The policy specifies a series of options, with escalating use of force: presence; verbalization; commands; firm grips; pain compliance; impact techniques; and deadly force.<sup>42</sup> On the night of 3 March, police went through the stages of presence, verbalization, and commands, but King did not acquiesce. Koon ordered a “swarm”: four officers each grabbed one of King’s arms or legs, but he threw them

37. *Ibid.*, 152.

38. Cannon, *Official Negligence*, 427–28.

39. Peter J. Boyer, “The Selling of Rodney King,” *Vanity Fair* (June 1992): 78–82, 158–61.

40. David Horowitz, “Rodney King: Once a Bum, Always a Bum,” *FrontPageMagazine.com* (9 September 2003). <http://www.frontpagemag.com/Articles/ReadArticle.asp?ID=9712> (accessed 29 June 2006).

41. Judith Butler, “Endangered/Endangering: Schematic Racism and White Paranoia,” in Gooding-Williams, *Reading Rodney King*, 15–22, at 17; Robert Gooding-Williams, “‘Look, a Negro!’,” in Gooding-Williams, *Reading Rodney King*, 157–77, at 165. That reality is socially constructed is argued by Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality* (Garden City, NY: Doubleday, 1966).

42. Skolnick and Fyfe, *Above the Law*, 37–42.

off. Then Koon used two tasers, whose high-voltage shocks normally bring down the target, but King, unlike most people hit with tasers, was not subdued; he made a charge at officer Powell. Koon believed King had superhuman strength due to being “dusted” with the drug PCP.

Next on the continuum of force options was impact techniques. Koon instructed two officers to use their batons on King; policy insists there be occasional pauses between strikes to observe whether the suspect is complying, in which case a lower-force option can be adopted. But, said Koon, King did not adopt the fully prone position demanded by the police; the beating continued until he did. Koon said the arrest was undoubtedly brutal, but it followed procedure.<sup>43</sup>

Because the police adopt force options in response to the suspect’s behavior, the police attribute their own actions to the suspect. Koon claimed that, “I had been in charge of the officers, but Rodney King had been in charge of the situation.”<sup>44</sup> This theme of King being “in charge” was used by the defense throughout the trials and nicely captures the reinterpretation involved. Normally, “in charge” implies having power or authority, which the police certainly had during the arrest. By portraying King as being “in charge” — validly so, from the perspective of police use-of-force options — the responsibility for the beating was attributed to King. More generally, the defense tried to make King the focus of attention, instead of the police.<sup>45</sup> In the initial Simi Valley trial, the jurors accepted the police framing of events, finding the four officers on trial not guilty.<sup>46</sup>

The police thus blamed King for his own beating, whereas most viewers of the video blamed the police. But “the police” has multiple meanings: it could mean the four officers directly involved in the beating, the 20 or so other police at the scene who did not intervene, the Los Angeles police force generally, the LAPD as an organizational entity, or LAPD top officials — especially chief Daryl Gates — who were formally responsible for policies, training, and discipline. The popular and political response to the beating opened some divisions between these groups. Gates referred to the beating as an “aberration,” blaming the individual officers.<sup>47</sup> The Christopher Commission took a more structural view, examining police attitudes, complaint procedures, and official tolerance of brutality, concluding that “The problem of excessive force in the LAPD is fundamentally a problem of supervision, management, and leadership.”<sup>48</sup> Koon blamed not only King but also LAPD managers, especially Gates, as self-interested bureaucrats who protected themselves at the expense of street cops.<sup>49</sup> Some commentators agreed: journalist Lou Cannon noted that because there had been other events equivalent to the King beating, the problem was systemic.<sup>50</sup>

Cannon said the beating was like the Japanese film *Rashomon*, which portrays dramatically different perspectives on the same event, except that one particular perspective received most of the attention: the version shown in the video.<sup>51</sup>

In summary, police used two principal methods in reinterpreting the events aside from blaming King. First, they presented their own perspective that the arrest was done

43. Koon, *Presumed Guilty*, 25–52; see also Deitz, *Willful Injustice*, 61–91.

44. Koon, *Presumed Guilty*, 45.

45. Laurence H. Geller and Peter Hemenway, *Last Chance for Justice: The Juror’s Lonely Quest* (Dallas: NCDS Press, 1997), 186.

46. D. M. Osborne, “Reaching for Doubt,” *American Lawyer* (September 1992): 62.

47. Daryl F. Gates with Diane K. Shah, *Chief: My Life in the LAPD* (New York: Bantam, 1992), 316.

48. Christopher, et al., *Report of the Independent Commission*, 32.

49. Koon, *Presumed Guilty*, 105–9.

50. Cannon, *Official Negligence*, 107.

51. *Ibid.*, 21, 450.

according to normal procedures. Second, when the pressure was on, they blamed each other: Gates blamed the arresting officers whereas Koon blamed police managers, especially Gates.

In the first trial, the jury was convinced by the police interpretation of what happened, leading to acquittal. But for members of the public who saw the beating on television, the police interpretation was abstract or nonexistent. Furthermore, when watching the video, it was easiest to blame the officers involved, simply because they were the ones visible. The effectiveness of reinterpretation varies from person to person and depends on the circumstances, including information, knowledge, and the response of respected others.

### Using Official Channels

Given that one way to reduce the popular outcry from injustice is to refer the matter to official bodies or experts with a reputation for being independent and fair, it is to be expected that court hearings and commissions of inquiry would be commonplace after prominent incidents of police violence.<sup>52</sup> For some people, the promise of justice through official channels — or through “champions of justice” such as honest politicians<sup>53</sup> — provides a substitute for taking action personally.

The King beating was seen by many as a blatant injustice, leading to demands and expectations that justice be done, with a range of possibilities expressed, including penalties for the police involved in the beating, resignation of police chief Gates, reform of the police to reduce brutality and penalize its perpetrators, and new policies to redress the economic and political disadvantage of poor minority inner-city communities in Los Angeles and elsewhere. The meaning of justice in part depended on whether a person saw the beating as an isolated incident or as a symptom of

systemic problems, and on which of the “multiple publics” the person was a member.<sup>54</sup>

Within days of the screening of the Holliday video, a grand jury was formed to look into the beating. This was followed by initiation of an FBI investigation and by the indictment of four Los Angeles police officers. These uses of formal procedures focused on the police involved in the beating, but pressure was intense for more sweeping reforms. Calls for chief Gates to resign reflected an assumption that new policies would be implemented.

At the end of March 1991, Gates formed a commission to investigate the beating; at the same time, mayor Tom Bradley also formed one. By agreement of the two bodies, they combined to form the Christopher Commission, which carried out a thorough investigation in a matter of months, reporting in early July. The commission did not examine the culpability of individual officers for the beating, which was a matter for the courts, but instead reported on systemic problems in the LAPD: the use of excessive force; racism and bias; police culture; recruitment and training; complaint systems; and formal structures for control of the police department and its chief. The commission’s report was seen by many as a largely sound and far-sighted document which, if its recommendations were implemented, would transform the police.<sup>55</sup> (In contrast, Gates was very critical of the report.<sup>56</sup>) This was quite different from some official reports that essentially whitewash the problems. After the report was released, pressure mounted on Gates to resign; eventually he announced he would step down in 1992.

Attracting far more attention was the trial of the four police officers directly involved in the arrest. Nearly everyone — the public, journalists, lawyers, and the defendants — expected a guilty verdict. Such an outcome would help

52. Ross, *Making News of Police Violence*, 6, 38–44.

53. F. G. Bailey, *The Prevalence of Deceit* (Ithaca, NY: Cornell University Press, 1991).

54. Jacobs, *Race, Media, and the Crisis of Civil Society*.

55. Cannon, *Official Negligence*, 121–47.

56. Gates, *Chief*, 347–51.

satiate the popular demand for justice. In an unusual development, the trial judge changed the venue to Ventura County, so that most of the jurors were drawn from Simi Valley, a population highly sympathetic to the police. At the trial itself, the defense effectively countered the evidence of the video by deconstructing it and encouraging the jury to see the events through the eyes of the police — an effective exercise in reinterpretation. The police code of silence ensured no convincing use-of-force experts were willing to testify for the prosecution. The prosecutors were not too worried, though, because they believed the video spoke for itself. The jury, though, was convinced otherwise and, on 29 April 1992, brought down a verdict of not guilty for all four officers.

News of the verdict, accompanied by repeated screenings of the original beating,<sup>57</sup> acted like a shock wave through the country and especially through South Central Los Angeles, where a massive riot ensued in which more than 50 people died, thousands were treated for injuries, and 800 buildings were burned with more than \$900 million in property damage. Undoubtedly many factors contributed to the scale of the five-day riot, notably existing racial tensions. One of the factors, and certainly the immediate trigger, was fury over justice denied or, in other words, to an extension of the original outrage over the King beating.

... the imagery of the “rule of law” suggests that the prohibition against racial discrimination is clear and determinate. It doesn’t depend on “subjective” evaluation. And from this frame, what’s so enraging about the King verdict is that it seems to show that even such clear, objective prohibitions

can be subverted by racial power, like that embodied in the Simi Valley jury.<sup>58</sup>

In short, the legal system promised to rectify an injustice to King; when it failed, the result was rage, though this rage was not targeted in any effective manner. Thane Rosenbaum in his book *The Myth of Moral Justice* comments on the failure of the law to achieve moral justice:

When the application of the law is perceived as senseless, it has a shattering effect on the capacity of the parties and the community to reconcile and move on. ... Unjust verdicts and the deep mistrust of and moral disgust with the legal system sometimes cause riots in the streets.<sup>59</sup>

The LAPD was not prepared for the riots. Gates was a lame duck chief, with less than full attention to the job; when the verdict was announced, he was attending a function to oppose some of the Christopher Commission recommendations.

On the third day of the riots, President George Bush addressed the nation on television and “virtually promised federal prosecution of the acquitted police officers ... the president and the attorney general felt the prosecutions were politically imperative.”<sup>60</sup> According to Lou Cannon, in his mammoth account of the King beating and its aftermath titled *Official Negligence*, the government’s goal was preventing “far-reaching investigations into police conduct” and “defusing the concerns of civil rights activists.”<sup>61</sup> Enormous government resources were poured into a

58. Kimberlé Crenshaw and Gary Peller, “Reel Time/Real Justice,” in Gooding-Williams, *Reading Rodney King*, 56–70, at 62.

59. Thane Rosenbaum, *The Myth of Moral Justice: Why Our Legal System Fails to Do What’s Right* (New York: HarperCollins, 2004), 16, 107.

60. Cannon, *Official Negligence*, 374; see also Deitz, *Willful Injustice*, 96–98.

61. Cannon, *Official Negligence*, 375.

57. According to Fox and Van Sickle, *Tabloid Justice*, 35, the media’s screening of the video after the verdict contributed to public anger.

second trial of the same four officers, this time a federal trial. In the new trial, with a different venue and jury composition, plus enormous pressures on the jurors to reach a guilty verdict to prevent further riots, the result was that two of the four officers — Stacey Koon and Laurence Powell — were found guilty and sent to prison. The system appeared to work and after the second verdict no riots or disturbances occurred.

The two criminal prosecutions of the four officers received saturation media coverage; far less media attention was given to system reform in the LAPD. In part this reflects news values that give priority to personalities and conflict. The net effect was to personalize the provision of justice and divert attention away from system reform.

To point to the role of official channels in reducing outrage is not to reject official channels, especially when they can bring about real change. The point here is that official channels can be used, cynically or inadvertently, to reduce anger resulting from a perceived injustice. The media are offered “a ritual of normalization in which problems are identified but then handed off to officials to resolve.”<sup>62</sup>

Gates, who felt the officers involved in the beating had let down the LAPD, wanted official action targeted at them, telling Mayor Bradley “we should isolate the Rodney King incident, let the courts handle it” and let the commissions do their work.<sup>63</sup>

Koon clearly recognized the way formal inquiries could be used to reduce outrage:

In the turbulent wake of the Rodney King affair, Los Angeles city officials scurried to repair the damage. Damage control was the foremost consideration. The first step was to make certain the officers in the Rodney King affair — the presumed guilty — were indicted ... the presumed guilty had to be prosecuted to

pacify an inflamed public that had been deceived by the media.

And what was the next step? It was predictable. As officials are inclined to do, the city appointed a study commission. The commission’s job was to patch the holes in the road.<sup>64</sup>

As stated by Koon, court cases and commissions of inquiry are a predictable response to public anger, because they give the appearance that justice will be done by responsible bodies. This is familiar from historical cases of backfire. The King saga reveals another important feature of such cases: in order to placate a horrified public, the official channels need to be seen to work. Many people who saw the Holliday video believed the police were guilty, so a guilty verdict was necessary to prevent anger turning into action. A guilty verdict, even with relatively mild penalties, might have been enough to mollify residents of South Central Los Angeles sufficiently to prevent a riot.

It is useful to remember that from the point of view of system change — a revamp of the Los Angeles police to eliminate racism and brutality, and promote community-building instead of force — the four police officers brought to trial were scapegoats. The verdict of guilty in the second trial gave the appearance of justice without any promise of more systemic change.

### **Intimidation and Bribery**

Police abuses are often accompanied by intimidation: the victim may be threatened or arrested. “Far too frequently, the citizen who has just been subjected to police abuse is then arrested and charged with a variety of crimes.”<sup>65</sup> Sometimes witnesses are charged as well. Many people are afraid to complain about police abuses, fearing retaliation and lack of response, hence complaints are made

62. Lawrence, *Politics of Force*, 113.

63. Gates, *Chief*, 338.

64. Koon, *Presumed Guilty*, 219.

65. Ogletree, et al., *Beyond the Rodney King Story*, 42.

about only some incidents. Police discourage complaints by resisting the filing of them, by harassing the complainant, by making threats, and by making arrests. For example, “In Virginia Beach, an NAACP attorney was arrested and prosecuted for trespass when he went to the police station to file a complaint about police misconduct toward an NAACP observer at a major disturbance.”<sup>66</sup> Police may also sue citizens who they allege are making false allegations about police misconduct, an example of Strategic Lawsuits Against Public Participations (SLAPPs).<sup>67</sup> Most of this intimidation by police is made more effective by being behind the scenes: cover-up and intimidation go hand in hand.

Bribery is another tool to limit outrage. When citizens sue police over alleged misconduct, the result is often a settlement in which the citizen receives a pay-out but in return signs a confidentiality agreement that bars public comment on the case.

Evidence about intimidation and bribery can be hard to obtain, given the reluctance of targeted individuals to talk and the interest of the police in keeping the issue quiet. In the King case, the most extensive account of intimidation is given by Tom Owens, the former LAPD officer who became an investigator for King’s legal team.

It seemed every time someone on our side became publicly known, confidential information about that person’s background surfaced. Within two days of appearing at a press conference, a doctor who had initially scheduled various specialists to work with King became the target of a minor scandal. Confidential information about an alleged past problem of the doctor’s — an overbilling to an insurance company

— was leaked to the media “from an informed source.” As quickly as the smear was out, the doctor resigned from the team.<sup>68</sup>

Owens tracked down quite a number of witnesses to the beating of King, most of whom were reluctant to comment, much less testify, due to fear of reprisals.<sup>69</sup> Freddie G, one of the two passengers in King’s car during the chase before the beating, was killed a few months later in a car crash. Owens spoke to witnesses who said the car was run off the road.<sup>70</sup>

Police and others who spoke out critically about the LAPD and chief Gates suffered threats and harassment.<sup>71</sup> As previously noted, police use-of-force experts were highly reluctant to testify at the trials of the four officers: the police code of silence was backed up by reprisals, especially ostracism.<sup>72</sup> Alan Yochelson, one of the prosecuting attorneys in the first trial, told Owens:

... we talked to any number of other force and policy experts, who told us the video showed excessive force. Clearly, there was excessive force on that video, but none of them would go on the record. They said it would end careers.<sup>73</sup>

According to Owens, most civilian witnesses of the beating had moved due to threats and unwanted publicity. Many Simi Valley jurors also moved due to threats.<sup>74</sup> After George Holliday became widely known for his videotape, the Immigration and Naturalization

66. *Ibid.*, 56. The NAACP is the National Association for the Advancement of Colored People.

67. George W. Pring and Penelope Canan, *SLAPPs: Getting Sued for Speaking Out* (Philadelphia: Temple University Press, 1996).

68. Owens, *Lying Eyes*, 32.

69. *Ibid.*, 93–94, 99–101, 112.

70. *Ibid.*, 119.

71. *Ibid.*, 182–87, 249.

72. *Ibid.*, 186–87.

73. *Ibid.*, 266.

74. *Ibid.*, 259.

Service began trying to deport him to South America.<sup>75</sup>

Lou Cannon in his book *Official Negligence* reports some of the same findings as Owens. Cannon recounts how LAPD use-of-force experts refused to testify at the Simi Valley trial. Fred Nichols, who had testified to the grand jury about excessive force, did everything possible to avoid testifying in court, including resisting a subpoena by claiming to suffer stress.<sup>76</sup> One of the four officers involved in the beating, Theodore Briseno, testified against his fellow officers. He was labeled “Benedict Briseno”; the LAPD later instigated an investigation of Briseno for perjury.<sup>77</sup> In the second, federal, trial, LAPD use-of-force expert Mark Conta testified for the prosecution; initially some officers were angry at him, and Koon called him a “whore.”<sup>78</sup> But, according to his wife, “most officers respected him for telling the truth.”<sup>79</sup>

It is also possible for intimidation to be used by the other side. Many of the police present at but not participating in the beating resented the prosecutions. To prevent them testifying for the defense — namely in support of the four officers who were charged over the beating — they were threatened with prosecutions for perjury; few of them testified.<sup>80</sup> In this case, intimidation was used not to inhibit outrage from the beating, but rather to prevent a diminution of the outrage.

Journalists who cover police brutality can come under attack. Lew Irwin, in a story in the *Columbia Journalism Review*, described two cases of reprisals against television journalists who covered police abuses, as well as a case of

anticipatory censorship to prevent reprisals.<sup>81</sup> Journalists reporting on the King beating seem not to have had the same problem, perhaps because the story so quickly obtained saturation coverage.

The various arrests of King, described earlier as means of devaluing him, can also be considered forms of intimidation. Furthermore, two of the officers involved in the beating charged King with assault,<sup>82</sup> though this might be better understood as a legal gambit than as attempted intimidation of King.

As noted, intimidation is difficult to document, but even more so is bribery. Were police who adhered to the code of silence and refused to testify against fellow officers rewarded with collegial support, better assignments, or promotions? The processes involved are often unconscious, so producing documentation is extremely difficult. Bribery may be too strong a word to describe subtle ways of rewarding those who do not speak out about an injustice.

In summary, in cases of police brutality, intimidation can be directed at many targets, including the victim of the brutality, witnesses, and journalists. However, evidence of intimidation is often hard to obtain. Without Tom Owens’ revealing book, there would be little on the public record about intimidation in the King story. Bribery is even harder to document. Often it operates so subtly it can only be inferred.

Intimidation can be very effective, but always has limits. Holliday’s video, once created and in the hands of television stations, was beyond the immediate influence of the police. After it was broadcast, too many people were shocked and infuriated for intimidation to make a significant dent in public opinion. Intimidation often serves to ensure cover-up, and once cover-up failed, backfire was predictable.

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75. *Ibid.*, 258.

76. Cannon, *Official Negligence*, 237–38.

77. *Ibid.*, 598.

78. *Ibid.*, 416–17.

79. Kathy Conta, personal communication, 13 June 2006.

80. *Ibid.*, 436–37; Deitz, *Willful Injustice*, 101–9

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81. Lew Irwin, “Cops and Cameras: Why TV is Slow to Cover Police Brutality,” *Columbia Journalism Review* 30 (September/October 1991): 15–17.

82. Owens, *Lying Eyes*, 132–33.

## Conclusion

The King beating is a multifaceted and vivid case study showing how what is perceived as an unjust attack can backfire. Reactions to the King beating were part of a struggle over perceptions of reality and what to do in response to those perceptions. George Holliday's video enabled this particular police beating to break through the media's usual reporting of official interpretations of police use of force, generate widespread revulsion, and trigger a major political struggle and crisis of legitimacy. As a result, the King beating provides extensive case material for examination, containing ample evidence of the five methods for inhibiting outrage.

Although the video circumvented the usual means by which police cover up misconduct, nonetheless evidence from the King affair shows attempts at cover-up both before and after the release of the video. Denigration of King as a person was a conspicuous technique used by defenders of the police. The video was interpreted by most viewers as clear evidence of police brutality, but the police involved offered a contrasting interpretation, namely that they were following official procedures and that King controlled the situation. After the video was broadcast, political and popular pressures led to the setting up of a commission and launching of two criminal cases against four police officers. In each case, these formal procedures gave the promise of dispensing justice and thus reduced outrage. Many people felt only a guilty verdict would provide justice, so when the jury in the first trial rendered a verdict of not guilty, public fury was reignited and a major riot erupted. Finally, there is evidence police intimidated witnesses and others in order to reduce the adverse consequences of the beating for the Los Angeles Police Department.

The analysis here is compatible with, but different from, Jeffrey Ian Ross's political process model of police violence as presented in his book *Making News of Police Violence*.<sup>83</sup>

83. Ross, *Making News of Police Violence*.

This model, consisting of the stages of media initiation, arousal, reaction, and outcomes, describes what can happen after a public case of police violence; backfire analysis draws attention to tactics used by those who stand to gain or lose from outrage over police violence.

It is worth looking at each of the five methods for ideas about how to promote outrage from police brutality. Given that cover-up is such a potent technique for inhibiting outrage, reformers and activists should devote attention to means of exposing abuses. Jerome Skolnick and James Fyfe in their insightful book *Above the Law: Police and the Excessive Use of Force* adopt openness as a key principle of police reform, arguing that monitoring and documentation systems should be set up to "routinely videotape police conduct during those occasions where propensity to excessive force are most likely to occur: high-speed chases, interrogations, protests, and riots,"<sup>84</sup> a recommendation endorsed by Jeffrey Ian Ross.<sup>85</sup> It is important to remember, though, that all videotapes are open to manipulation and interpretation.

Other means of challenging cover-ups are to support investigative journalism and encourage whistleblowers, something especially challenging and important for police departments where the code of silence reigns. The human rights group Witness provides video equipment and training to groups around the world where human rights violations are likely to occur, as a means to document abuses, increase popular concern, and ultimately help deter abuses in the first place.<sup>86</sup>

84. Skolnick and Fyfe, *Above the Law*, 266.

85. Ross, *Making News of Police Violence*, 126. For a detailed study of the use of closed-circuit television in custody cells in a British police station, and the trade-offs between privacy and protection of prisoners, see Tim Newburn and Stephanie Hayman, *Policing, Surveillance and Social Control: CCTV and Police Monitoring of Suspects* (Cullompton, Devon: Willan, 2002).

86. "Witness," <http://www.witness.org/> (accessed 29 June 2006).

Opposing devaluation is not easy. Those who are concerned about justice for all, regardless of status or stigma, need to be aware of techniques of devaluation, to be prepared to expose it, and to argue that everyone deserves to be treated with dignity and fairness. Humanizing targets, such as by showing what they have in common with others, can be an effective way of countering devaluation.

Interpretation struggles can persist long after apparently uncontested documentation such as the Holliday video. News stories and interpersonal communications — from backyard conversations to chatrooms — are all part of interpretation struggles, which can carry on for months, years, or decades. For many activists, participation in protests seems more real and substantial than writing a letter to the editor; looking at backfires suggests that interpretation struggles can be as crucial to the impact of social action as the immediate action itself.

The commission and the court cases following the King beating were the key official channels involved. They served to dampen demands for radical change in police procedures and management. In particular, the criminal cases against the four police officers served to direct attention and attribute blame to individuals and divert attention away from institutional reform. The implication for activists is that official channels should be used with care, if at all. Certainly, before using a particular procedure, it is worth investigating what happened to others who used it previously. Someone studying the fate of complaints against the police — nearly all of which exonerate the police of any wrongdoing — might conclude it would be far more effective to write a letter to the newspaper, circulate a leaflet, or call a meeting. As argued by Regina Lawrence, mobilization of popular concern is a key reason why the King beating received such intense media coverage.<sup>87</sup>

Although intimidation and bribery can be potent tools for inhibiting the expression of

outrage, they are seldom studied. Police brutality is often accompanied by threats and arrests of the victims, a process strongly linked with cover-ups. More widely, many activists and movements have been targeted for harassment and disruption, but there is relatively little written on how to deal with this.<sup>88</sup> Preparation is crucial, as is refusal to be intimidated and willingness to expose threats and attacks.

A study of the King beating offers several insights about the backfire process. First, backfire can occur well outside the template of violent attacks against nonviolent protesters found in the classic cases of Sharpeville, Dili, and Dharasana. King was not a protester, but instead a drunken and perhaps drugged man who had sped to escape police. He was not a principled practitioner of nonviolence, but rather resisted arrest, though the extent of his resistance is a matter of debate. He was not part of a movement seeking an end to injustice. Despite all this, the beating caused tremendous shock and anger, backfiring against the police. Whatever King had done, most viewers believed the police had done something much worse. This excessiveness or disproportionality is the key to backfire, along with communication to receptive audiences.

A second insight from the King saga is the importance of media practices in routine cover-up of police misconduct, as analyzed brilliantly by Regina Lawrence in *The Politics of Force*. The normal news routine makes journalists de facto collaborators with police by taking their perspective and adopting their priorities. But occasionally an incident breaks through this routine, and media coverage becomes critical, at least for a while. The same thing can happen with other injustices, including massacres: only some types of injustices by powerful groups are exposed in the media, whereas others are routinely ignored, falling outside the mass media's

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87. Lawrence, *Politics of Force*.

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88. An excellent treatment is Brian Glick, *War at Home: Covert Action against U.S. Activists and What We Can Do about It* (Boston: South End Press, 1989).

criteria for newsworthiness. Therefore, for those concerned about these low-profile injustices, it should be a priority to find ways to break through mass media indifference, or to use alternative media.

A third insight from the King story is that those perceived as responsible can fall out with one another. Police Chief Daryl Gates blamed the arresting officers for the incident, whereas Stacey Koon, the officer in charge of the arrest, blamed Gates for not standing behind established procedures. Those who wanted to blame someone for police brutality in the King case had several possible targets: the arresting officers, the police chief, the city government, police culture, and police procedures.

Police officers, the police chief, and the city government normally support each other, but in the face of public pressure it is understandable they tried to displace blame from themselves to others. Interestingly, blame was usually personalized: individuals such as Gates and Koon were blamed rather than arrest procedures or the bureaucratic processes of the police and government. Yet, it can be argued, getting a new chief or getting rid of a few officers would not do a lot to change the routines that led to the beating, a point recognized by the Christopher Commission. But one of the key features of backfires is that they are driven by perceptions, which may or may not correspond to a deeper analysis. The most common public perception was that responsibility should be placed on individuals. In response, some of these individuals blamed others. It is reasonable to expect to find a similar process in other types of cases.

### **Acknowledgements**

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## 6

### Target: whistleblowers

Ralph Nader's book *Unsafe at any Speed*, published on 1 November 1965, was an indictment of auto safety.<sup>1</sup> In December, General Motors initiated surveillance of Nader, including attempts to entrap him in discreditable activities.<sup>2</sup> The entire operation was kept secret, a classic example of cover-up. But when the surveillance was exposed, it backfired in a major way, with Senate hearings leading to media coverage that damaged GM and the entire auto industry.

After Nader became convinced he was being spied on, he sought and obtained press coverage. Journalists asked auto manufacturers for their comments. The companies denied that Nader was being investigated. To explain why not, one industry source said, "Think what a blunder it would be if a company were caught at it."<sup>3</sup> Eventually, under pressure from the press, GM admitted to its investigation of Nader. This became big news.

Discrediting Nader was difficult. GM apparently went through *Unsafe at any Speed* looking for anything that might be wrong. In the Senate auto safety hearings, Senator Carl T. Curtis repeatedly interrupted Nader, implying he was in it for the money. At hearings in Iowa on auto safety, Karl M. Richards, of the Automobile Manufacturers Association,

asked Nader who was paying his expenses. But such attempts to smear Nader, who lived a spartan lifestyle, were unsuccessful.

GM tried to pin blame on private investigators, implying that GM had requested they only examine Nader's value as an expert witness and, by delving into Nader's private affairs and sex life, they had exceeded their brief. GM had tried to maintain distance from the investigation by using an outside law firm as the go-between. In November 1966, Nader sued GM and Vincent Gillen, a private investigator. GM then distanced itself from Gillen, but this was a mistake: Gillen had secretly taped conversations showing GM's interest in discrediting Nader.

GM did one thing right: it made a public apology. The president of GM, James M. Roche, admitted the investigation to the Senate committee. He later apologized on national television. These acknowledgments were seen as statesmanlike, lessening the damage to GM.

Nader launched several court cases against GM in an attempt to discover and expose what had really happened. But these cases did not generate very much additional public attention, because the cases were slow and complex and the audience for the subsequent revelations was so much smaller than for the original exposé.

Nader found that people working in the auto industry were afraid to speak out. Nader himself, because he was not an employee, was less vulnerable to intimidation, but the surveillance and efforts to discredit him would have deterred many in his situation. Thomas Whiteside, in his definitive account of the investigation, rhetorically asked, "Under such an intimidating barrage, who but a Nader could have emerged without having had his personal integrity and critical reputation

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1. Ralph Nader, *Unsafe at any Speed: The Designed-in Dangers of the American Automobile* (New York: Grossman, 1965).

2. Thomas Whiteside, *The Investigation of Ralph Nader: General Motors vs. One Determined Man* (New York: Arbor House, 1972). I thank Jamey Wetmore for referring me to this book. See also Justin Martin, *Nader: Crusader • Spoiler • Icon* (New York: Basic Books, 2002).

3. Whiteside, *Investigation of Ralph Nader*, 42.

destroyed?”<sup>4</sup>

Nader was a whistleblower, a person who speaks out in the public interest.<sup>5</sup> Like many other whistleblowers, Nader came under attack. He not only survived but made the attack backfire: the publicity about GM's investigation turned *Unsafe at Any Speed* into a best-seller and launched Nader's career as the world's most well-known and effective consumer advocate.<sup>6</sup> In this, his case is quite different from the stories of most whistleblowers, which read like tragedies.

The previous chapters have dealt with forms of physical violence — massacres and police beatings — and how these can backfire against the perpetrators. Attacks on whistleblowers seem to be something quite different. Very seldom are whistleblowers physically assaulted. They might be spied upon, as occurred to Nader, or harassed, reprimanded, and fired, as happens to so many whistleblowers who are employees. The common feature in all these cases is a perceived injustice. Violence against those who are peaceful, or in a position of relative weakness, is seen as unjust. Reprisals against a law-abiding citizen are also seen as unjust. What makes these reprisals especially upsetting is that whistleblowers set out to serve the public interest, by speaking out about corruption or dangers to the public. The discrepancy between what

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4. Ibid., 176.

5. Nader was a whistleblower in this general sense, though not according to narrower definitions such as “the disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action” as given by Janet P. Near and Marcia P. Miceli, “Organizational Dissidence: The Case of Whistle-blowing,” *Journal of Business Ethics* 4 (1985): 1–16, at 4.

6. Nader has taken an active interest in whistleblowing. See Ralph Nader, Peter J. Petkas, and Kate Blackwell, eds., *Whistle Blowing: The Report of the Conference on Professional Responsibility* (New York: Grossman, 1972).

whistleblowers have done and what is done to them is so striking that there is a great potential for backfire.

This chapter follows a different format from the previous four. After describing, in the next section, what typically happens to whistleblowers, I focus on the failure of official channels, something that is counterintuitive to whistleblowers and observers. Then I look at the other methods of inhibiting outrage and conclude with an example of a whistleblower, Andrew Wilkie, who did just about everything right.

### Whistleblowing

Whistleblowers can be thought of as part of society's alarm and self-repair system, bringing attention to problems before they become far more damaging.<sup>7</sup> Whistleblowers have

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7. C. Fred Alford, *Whistleblowers: Broken Lives and Organizational Power* (Ithaca, NY: Cornell University Press, 2001); Quentin Dempster, *Whistleblowers* (Sydney: ABC Books, 1997); David W. Ewing, *Freedom Inside the Organization: Bringing Civil Liberties to the Workplace* (New York: Dutton, 1977); Myron Peretz Glazer and Penina Migdal Glazer, *The Whistleblowers: Exposing Corruption in Government and Industry* (New York: Basic Books, 1989); Geoffrey Hunt, ed., *Whistleblowing in the Health Service: Accountability, Law and Professional Practice* (London: Edward Arnold, 1995); Geoffrey Hunt, ed., *Whistleblowing in the Social Services: Public Accountability and Professional Practice* (London: Edward Arnold, 1998); Nicholas Lampert, *Whistleblowing in the Soviet Union: Complaints and Abuses under State Socialism* (London: Macmillan, 1985); Marcia P. Miceli and Janet P. Near, *Blowing the Whistle: The Organizational and Legal Implications for Companies and Employees* (New York: Lexington Books, 1992); Terance D. Miethe, *Whistleblowing at Work: Tough Choices in Exposing Fraud, Waste, and Abuse on the Job* (Boulder, CO: Westview, 1999); Charles Peters and Taylor Branch, *Blowing the*

spoken out about police corruption, pedophilia in the churches, corporate mismanagement, biased appointment procedures, environmentally harmful practices, and a host of other issues.

Although whistleblowers are extremely valuable to society, most of them suffer enormously for their efforts. Ostracism, harassment, slander, reprimands, referral to psychiatrists, demotion, dismissal, and black-listing are common methods used to attack whistleblowers. Bosses are the usual attackers with co-workers sometimes joining in.

Many whistleblowers are conscientious, high-performing employees who believe the system works. That's why they speak out. They believe that by alerting others to a problem, it will be dealt with. Many do not think of themselves as whistleblowers at all — they believe they are just doing their job. So they are shaken to the core when the response to their public-spirited efforts is to vilify them as disloyal, to question their work performance, to withdraw emotional support, and to mount attacks. As well as suffering financial losses and severe stress, whistleblowers are at increased risk of relationship breakdowns and health problems.

Even worse than this, though, and unlike Nader's confrontation with the auto industry, few whistleblowers seem to bring about any change in the problems they speak out about. The treatment of whistleblowers is a double disaster for society: capable and courageous individuals are attacked and sometimes destroyed, while the original problems are left to fester. This is illustrated by two longstanding Australian cases.

Bill Toomer was the senior quarantine inspector in the state of Western Australia when, in 1973, he requested fumigation of a ship in Fremantle because of the presence of mice and rats. Fumigation is costly and time-consuming and hence disliked by ship owners.

Previously, in the state of Victoria, Toomer had refused bribes to ignore infestations of ships. In the Fremantle case, Toomer was overruled by his superior and before long was fined, demoted, and transferred. In 1980, due to the pressure, he retired at age 45. In the past three decades, his case has been brought before numerous politicians and agencies, including the Ombudsman, the Administrative Appeals Tribunal, and the Merit Protection and Review Agency, with a number of them holding formal inquiries. Even today, Toomer's supporters continue to petition the Australian government for compensation and have gathered evidence that Toomer was set up in Fremantle for removal from ship quarantine duties.<sup>8</sup>

For one man to lose his career is bad enough. For millions of dollars to be spent on inquiries is an added burden. But in some ways worst of all is that focusing on the treatment of Toomer distracted attention from the original issue of corruption in quarantine inspections.

Mick Skrijel was a crayfisherman in South Australia in 1978 when he reported to police and politicians what he thought were drug drops off the coast. Afterwards, his catches were stolen, his boat was destroyed by fire, his house was partially burnt, and he was assaulted. Moving to Victoria in the 1980s, his allegations were passed to the newly created National Crime Authority. Skrijel leafleted and picketed NCA headquarters over its inaction — and then the NCA investigated Skrijel himself, who went to prison for five months after a raid found explosives and marijuana on his property. His conviction was later quashed by the Victorian Supreme Court: the judges found the explosives and marijuana could have been planted. Investigating the matter at the request of the government, a

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*Whistle: Dissent in the Public Interest* (New York: Praeger, 1972); Alan F. Westin, with Henry I. Kurtz and Albert Robbins, eds., *Whistle Blowing! Loyalty and Dissent in the Corporation* (New York: McGraw-Hill, 1981).

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8. Tony Hewett, "The Whistle Blower," *Sydney Morning Herald*, 6 March 1993, p. 40; Keith Potter, "Protection of Vested Shipping Interests and their Protectors: A Multi Million Dollar 32 Year Cover up" (submission to government bodies), 14 February 2005.

senior barrister, David Quick, recommended an inquiry, with powers to collect evidence and compel testimony, into the possibility that Skrijel was framed, but the government declined.<sup>9</sup>

Vast efforts have been made by Skrijel and his supporters to pursue justice over his case. Somewhere along the line, the original issue of the South Australian drug trade dropped off the main agenda.

These are but sketches of cases that are incredibly complicated, as are most whistleblower stories. But after hearing such stories, there is a burning question that is easy to articulate: “How can whistleblowers do better?”

### Official Channels: The Continuing Disaster

Whistleblowing usually involves a twofold injustice. First is the problem — corruption, abuse, a hazard to the public — about which a person speaks out. Second is the treatment of the whistleblower. Both of these have the potential to backfire, if people recognize them as matters for concern and information about them is communicated to receptive audiences. Therefore it is predictable that perpetrators will use the five methods of inhibiting outrage. That is exactly what can be observed in case after case.

I’m going to give special attention to official channels, because they play such a prominent role in whistleblower cases. In the late 1970s, I became aware of several cases in which environmental researchers or teachers had come under attack, for example being denied tenure, having publications blocked, or losing grants. I started writing about the issue under the label “suppression of dissent,” and as a result people told me about more cases, and before long I became familiar with a wide variety of cases outside the environmental area.<sup>10</sup> In 1991, the organization Whistleblow-

ers Australia was set up to provide information and support to whistleblowers; most of the group’s members are whistleblowers themselves. Through my involvement, especially as president 1996-1999, I heard from many more whistleblowers.

Over the years I’ve listened to hundreds of whistleblowers tell their stories. These stories are as predictable as they are heart-rending. As well as a litany of reprisals from employers, the most striking feature of the stories is what happens when whistleblowers take their complaints to outside bodies such as ombudsmen, anti-corruption commissions, auditor-generals, and courts. So familiar is the refrain that when a whistleblower mentions an agency, sometimes I jump in and say, “They didn’t help, did they?” The whistleblower responds, “How did you know?” I was just going by the odds — hardly anyone reports being helped.

Of course, whistleblowers who contact me may not be representative. After all, they wouldn’t be contacting me if an agency had resolved their complaint. But there’s solid research to back up my impressions. In the largest study of whistleblowers in Australia, William De Maria found that they reported being helped by an official body in less than one out of ten approaches, and in many cases they felt worse off.<sup>11</sup> This is the best available research on how whistleblowers feel about the performance of official channels.

Then there are whistleblower laws, often

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*Ecologist* 11 (January-February 1981): 33–43; Brian Martin, C. M. Ann Baker, Clyde Manwell, and Cedric Pugh, eds., *Intellectual Suppression: Australian Case Histories, Analysis and Responses* (Sydney: Angus & Robertson, 1986).

11. William De Maria, *Deadly Disclosures: Whistleblowing and the Ethical Meltdown of Australia* (Adelaide: Wakefield Press, 1999); William De Maria and Cyrelle Jan, “Behold the Shut-eyed Sentry! Whistleblower Perspectives on Government Failure to Correct Wrongdoing,” *Crime, Law & Social Change* 24 (1996): 151–66.

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9. Hall Greenland, “Mick’s War,” *The Bulletin* 121 (17 June 2003): 32–37.

10. Brian Martin, “The Scientific Straight-jacket: The Power Structure of Science and the Suppression of Environmental Scholarship,”

seen as the salvation for whistleblowers. But the laws fall far short of their promise. Whistleblower laws are written in different ways, but they all have a fundamental shortcoming: they only offer remedies *after* a whistleblower has spoken out and suffered reprisals. Many of the laws have other flaws. Often they require that a whistleblower report matters internally first before going to the media — in fact, contacting the media may nullify protection. Such conditions seem designed to minimize public concern. But even whistleblower laws that look good on paper may give only an illusion of protection.<sup>12</sup> In Australia, there are whistleblower laws in every state and territory but there is not a single case in which an employer has been prosecuted for reprisals against a whistleblower. In South Australia, whistleblowers have pushed for years for the state's whistleblower act to be applied, to no avail.

Even if the laws were implemented, they are almost always slow and procedural, dampening outrage. In many cases, it is virtually impossible to collect adequate evidence of reprisals. For example, ostracism is terribly debilitating but exceedingly difficult to prove. Likewise, subtle harassment, such as not informing an employee about meetings, denying routine privileges, or changing rosters, is hard to document. Therefore, the reality of the whistleblower's experience seldom emerges in formal investigations. Another problem is that whistleblower laws focus on the treatment of the whistleblower, with neglect of the original issue complained about.

There are some who give a more positive assessment of whistleblower laws. In Britain, the group Public Concern at Work, which worked towards the country's 1999 whistleblower law, is supportive of it.<sup>13</sup> On the other

12. Brian Martin, "Illusions of Whistleblower Protection," *UTS Law Review* 5 (2003): 119–30.

13. Anna Myers, "Whistleblowing — The UK Experience," in *Whistleblowing around the World: Law, Culture and Practice*, ed. Richard Calland and Guy Dehn (Cape Town: Open

hand, Geoff Hunt, founder of the UK group Freedom to Care<sup>14</sup> — a national support group for whistleblowers, made up primarily of whistleblowers, similar to Whistleblowers Australia — says

The UK law is, in our opinion, very nearly useless. We are not alone in thinking this and the law has had quite a bad press over the last two or three years. Its greatest success, it seems to me, has been in simply using its very existence (regardless of merits/demerits) to threaten ignorant employers.<sup>15</sup>

Hunt's alternative is to base whistleblowing on a human right: the right to freedom of speech in the workplace.

In Australia and Britain, governments have passed whistleblower laws but retain draconian defamation laws, which are frequently used to stifle free speech, and official secrets acts that prevent government employees from speaking publicly about virtually any aspect of their work. This is compatible with the judgment that whistleblower laws are more about symbolic politics — giving the appearance of government concern about an issue — than making effective interventions on behalf of those who speak out in the public interest.<sup>16</sup>

The United States is the country with the longest experience with measures to protect whistleblowers, starting in the 1970s. What seems to happen is that laws are passed and then found to be ineffective, so new laws are

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Democracy Advice Centre; London: Public Concern at Work, 2004), 101–18.

14. Freedom to Care. <http://www.freedomto care.org/> (accessed 29 June 2006). [*Note added 2010:* Freedom to Care has closed down.]

15. Geoff Hunt, personal communication, 12 July 2004.

16. For a general account of this process, see Murray Edelman, *Politics as Symbolic Action: Mass Arousal and Quiescence* (Chicago: Markham, 1971).

passed and the cycle is repeated. There are now dozens of different laws offering whistleblower protection, but none provides an easy road for whistleblowers.

Tom Devine of the Government Accountability Project is one of the country's most highly experienced whistleblower advisers. He is author of *The Whistleblower's Survival Guide*, the most useful manual for U.S. whistleblowers.<sup>17</sup> In his *Guide*, Devine assesses a host of different routes for whistleblowers, finding that even the most promising ones are very far from ideal. For example, most federal government agencies now have hotlines for reporting misconduct, but Devine says "for those whistleblowers who seek to make a difference while avoiding retaliation, hotlines are in most cases worthless at best."

The Office of the Special Counsel, set up specifically to receive whistleblowing disclosures from federal employees, has severe deficiencies in practice. For example, although the OSC can demand that government agencies adequately investigate charges made by whistleblowers, it seldom exercises its power: "The OSC's annual report for fiscal 1995 reveals that out of 333 whistleblowing disclosures, the office forwarded only two for agency investigation." Devine says that "On balance, these flaws in the system mean that an OSC whistleblowing disclosure is likely to be unproductive or even counterproductive — unless it is part of a larger strategy involving other institutions."<sup>18</sup>

The False Claims Act is the most powerful tool against fraud in government contracts. Through the act, whistleblowers can initiate suits against government contractors; if the government decides to take over a case, whistleblowers are guaranteed a share of any money recovered as a result of their disclosures. Reflecting the effectiveness of the act, a group of government contractors — most of

which had been found guilty of fraud and paid large fines — campaigned in the 1990s to neuter the act. But even with the False Claims Act, a whistleblower faces daunting hurdles. It can be difficult to find a lawyer willing to cover the huge legal expenses in a case that can easily last years. In the court case, whistleblowers must eventually reveal their identity, risking permanent exclusion from their field of work. During the Justice Department's review of the case, which may last years, whistleblowers are legally prohibited from speaking about the evidence to public audiences. And there are various other pitfalls along the way.<sup>19</sup>

In a more recent article, Devine reaches a similar conclusion:

On balance, in practice U.S. statutory whistleblower laws have been Trojan horses, creating more retaliation victims than they helped achieve justice. ... the system has been rigged so that realistically it routinely endorses retaliation ...<sup>20</sup>

After the failure of whistleblower laws in the 1970s and 1980s, Congress passed a stronger law in 1989, and then bolstered it with amendments in 1994. But, according to Devine,

... the pattern of futility persists. Between passage of the 1994 amendments and September 2002, whistleblowers lost 74 of 75 decisions on the merits at the Federal Court of Appeals, which has a monopoly on judicial review of administrative decisions.<sup>21</sup>

This is because the law is filled with loopholes

17. Tom Devine, *The Whistleblower's Survival Guide: Courage Without Martyrdom* (Washington, DC: Fund for Constitutional Government, 1997).

18. *Ibid.*, 51, 68, 69.

19. *Ibid.*, 76–82.

20. Tom Devine, "Whistleblowing in the United States: The Gap between Vision and Lessons Learned," in Calland and Dehn, *Whistleblowing around the World*, 74–100, at 83–84.

21. *Ibid.*, 85.

and the court regularly interprets the law to favor government administrators. Devine concludes that although whistleblower laws receive “popular acclaim,” in practice U.S. government whistleblowers are suffering “a government secrecy campaign of unprecedented severity since the McCarthy era in the 1950s and legal rights little better than window dressing for an empty house.”<sup>22</sup> Note that Devine refers to government whistleblowers. In the private sector, there is not even a pretense of legal protection.

Why don't official channels work? Imagine an independent agency that ruled solely on the facts, without regard to power structures, and that could implement and enforce changes in accord with its rulings. A single employee who found solid evidence of corruption at the top of the organization would then be able to topple senior managers and bring about major changes in policies and practices. Given that corruption is found in nearly every large organization, whether in government or corporations, such an agency would be a mortal threat. So it's no surprise that no such agency exists. Instead, the various oversight bodies are toothless tigers — underfunded, with restricted mandates, vulnerable to attack should they be effective — and thus give the appearance of addressing problems without much substance.

Most employees who speak out do so without consulting with whistleblower groups and without any awareness of the evidence about the weaknesses of official channels. Many such employees believe justice is to be found somewhere in the system, so when they suffer reprisals, they make a submission to an agency, wait months or years and then, when the result is negative, go on to another agency. This is an ideal way to reduce public anger from the injustice being done.

### **Other Ways for Whistleblowers to Go Wrong**

I've described shortcomings in official channels at some length, because whistleblowers so

often go wrong in pursuing them. The other methods of inhibiting outrage also play important roles in whistleblower cases.

#### *Cover-up*

Those who attack whistleblowers usually like to keep things quiet. Only foolish employers announce to the world that they have fired a prominent dissident. When whistleblowers go to court, employers often agree to a settlement under the condition that neither party speaks about the settlement itself. Acceptance of such a so-called gagging or silencing clause is often a precondition for a settlement.

Whistleblowers often want to keep things quiet too. Many of them are embarrassed and humiliated by the allegations against them and do not want others to be aware of their difficulties. Often they are making complaints to official bodies and assume that publicity will hurt their case. In many cases, lawyers advise keeping quiet. The upshot is that whistleblowers commonly cooperate with employers in covering up information about what is happening. The same applies to the original problem they revealed. The result is that public indignation is minimized.

#### *Devaluation*

Devaluation is part of the standard treatment of whistleblowers: harassment, referral to psychiatrists, reprimands, and the like are potent means of discrediting a person in the eyes of fellow workers. Spreading of vicious rumors is part of the package, including malicious comments about the whistleblower's work performance, personal behavior, and mental state. To counter this, whistleblowers need to behave impeccably — a difficult task when under intense scrutiny and immense stress — and to document their good performance and behavior. This can be done, but only if the whistleblower is able and willing to muster the information and make it available.

#### *Reinterpretation*

Employers typically deny any wrongdoing and say treatment of the employee is completely justified and nothing to do with public interest disclosures. Whistleblowers need to challenge

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22. *Ibid.*, 92.

the official line by providing solid documentation for every one of their claims.

#### *Intimidation and Bribery*

Whistleblowers are often intimidated by threats and actual reprisals. Many whistleblowers are surprised and shocked by reprisals. After all, they thought they were doing the right thing. Very few had any idea of what was in store for them. It is common to hear them say, in retrospect, "I was naive."

Furthermore, the way whistleblowers are treated serves as an object lesson to co-workers, most of whom avoid the whistleblower for fear of becoming targets themselves. Employees know their jobs are safer if they do not speak out; sometimes promotions are in order if they join in a witch-hunt.

Whistleblowers often accept settlements in legal actions because they cannot afford to continue the case or they are exhausted by years of procedural battles. As legal commentator Thane Rosenbaum comments, "A settlement is tantamount to an entirely lawful, economically efficient bribe."<sup>23</sup> Settlements with gag orders essentially use bribery to enforce cover-up.

It is perhaps no surprise that all five methods of inhibiting outrage are found in whistleblower cases. What is disturbing is that whistleblowers so often collaborate in these methods, especially in cover-up and using official channels. They can be highly reluctant to focus on taking their message to the widest possible audience. Yet this has proved time and again the most effective way to mobilize support for addressing the matter raised by the whistleblower and for providing personal protection from reprisals.<sup>24</sup>

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23. Thane Rosenbaum, *The Myth of Moral Justice: Why Our Legal System Fails to Do What's Right* (New York: HarperCollins, 2004), 96.

24. Devine, *Whistleblower's Survival Guide*; Brian Martin, *The Whistleblower's Handbook: How to Be an Effective Resister* (Charlbury, UK: Jon Carpenter, 1999).

#### **Andrew Wilkie**

Just a week before the U.S. government launched its invasion of Iraq in March 2003, Andrew Wilkie, an analyst in the Office of National Assessments, one of Australia's government intelligence agencies, resigned from his position and challenged the Australian government's reasons for joining the assault.<sup>25</sup> Through good sense and good luck, Wilkie avoided every one of the traps that snare most whistleblowers.

First, and most importantly, Wilkie spoke out in public. He did not report his concerns through official channels by writing a memo or talking to his boss. Instead, he contacted veteran journalist Laurie Oakes, who made Wilkie's resignation and revelations into a top news story. Wilkie persisted with this approach, giving numerous interviews and talks in the following months. His approach was the antithesis of cover-up.

Second, because of who he was and how he behaved, Wilkie resisted devaluation. His background was conservative. In public, he wore a suit and tie and spoke calmly and factually, a terrific performance for someone under so much stress. His background, demeanor, and principled stand undermined attempts to portray him as a traitor or a radical. When government figures made personal aspersions against Wilkie in Parliament and claimed he was not an Iraq expert, this backfired as journalists exposed their unscrupulous behavior and double standards.<sup>26</sup>

Third, Wilkie kept the focus on the main issue, the official reasons for the Australian government joining the attack on Iraq. He consistently countered the government line and did not pursue issues outside his expertise.

Fourth, Wilkie did not use official channels to make his protest. By resigning, he avoided

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25. Andrew Wilkie, *Axis of Deceit* (Melbourne: Black Inc. Agenda, 2004).

26. Mike Seccombe, "Howard's Rottweilers Still Biting at the Heels of Whistleblower," *Sydney Morning Herald*, 11 September 2003, p. 7.

all the usual reprisals at work. He also avoided the exhausting and time-consuming appeals to various official bodies.

Fifth, Wilkie stood up to intimidation. He might have been charged under one of the government acts requiring government employees to keep quiet, but by going public he made it difficult for the government to act against him. By speaking out, he also resisted the bribery implicit in keeping quiet to hold a job.

Wilkie also had perfect timing. For maximum response, the message needs to get to an audience when it is most receptive. Just before the invasion of Iraq was the ideal time, when media attention was intense and debate over justifications was fierce. Wilkie punctured the apparent unanimity of government Iraq experts, and so made a tremendous impact on the debate. Wilkie's timing was also ideal: mass protest against the Iraq invasion was at its height, so there was a large receptive audience for his message.

According to the backfire model, Wilkie did just about everything right. But that does not mean things were easy for him. After all, he sacrificed his career for the sake of speaking out. But it is worthwhile remembering that large numbers of whistleblowers lose their careers, and years of their lives, in futile efforts to obtain justice within the system. Seldom do they have any lasting effect on the issue about which they raised the alarm. Whistleblowers have much to learn about being effective. Whether or not one agrees with Wilkie's claims about Iraq, his method of speaking out is a model for others.

### What to Do

Whistleblower advice manuals<sup>27</sup> make the following sorts of suggestions:

- document claims exhaustively before going public, in order to be able to counter denials and destruction of evidence;

- consult widely before acting, including with family, friends, and sympathetic co-workers;
- build alliances with others willing to help expose wrongdoing, including co-workers, journalists, and public officials;
- be aware that official channels have significant limitations;
- be prepared for reprisals.

These recommendations are entirely compatible with challenging each of the methods of inhibiting outrage.<sup>28</sup>

Whistleblowers and their supporters have much to gain by thinking strategically. If they put themselves in the shoes of the guilty parties, they can imagine tactics that will keep the main issue off the public agenda. Cover-up, attacks on the credibility of the whistleblower, cover stories, and intimidation are predictable, so preparations should be made to counter them. Official channels also serve to keep issues out of the public eye by shifting attention to the treatment of the whistleblower and treating the matter in-house. It is an immense challenge for most whistleblowers to stop assuming justice can be obtained within the system and instead to seek support and vindication in the court of public opinion.

### Acknowledgements

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27. Devine, *Whistleblower's Survival Guide*; Martin, *Whistleblower's Handbook*.

28. Brian Martin with Will Rifkin, "The Dynamics of Employee Dissent: Whistleblowers and Organizational Jiu-jitsu," *Public Organization Review* 4 (2004): 221-38.

## 7

### The dismissal of Ted Steele

In 2001, Ted Steele, a biologist at the University of Wollongong — where I work — was summarily dismissed from his tenured position, resulting in an enormous outcry. This became the most prominent Australian academic dismissal case in half a century.

The Steele case was an important episode in the defense of academic freedom in Australia. In addition, it offers a wealth of evidence on how a dismissal, perceived as an attack on academic freedom and free speech, can backfire on a university administration. In this chapter, I examine backfire dynamics through a close analysis of the Steele case.

Like most of the whistleblower cases in the previous chapter, there was no violence involved in this case: the source of outrage was a dismissal seen as unfair. Yet the matter is more complex than a simple backfire: the actions of dissidents — such as Steele — and unions can also backfire. The Steele case illustrates the existence of multiple backfire dynamics.

The classic cases of backfire from violent assaults on peaceful protesters are relatively easy to analyze because the injustices were so widely recognized and the interaction so one-sided. In the King beating case and most whistleblower cases, the interactions are also commonly seen as very one-sided, despite efforts to stigmatize King and whistleblowers. But Steele's behavior, prior to his dismissal, was more problematic, as described later.

Some previous academic freedom cases seem to have involved backfire effects. For example, the 1958 dismissal of Harry Crowe from United College, Canada, on the basis of material in an intercepted private letter,

triggered a huge outcry.<sup>1</sup> The Principal of the College, Wilfred Lockhart, later said in interview that “if he had known what would happen ... he would have destroyed the letter or buried it at the back of a file drawer,”<sup>2</sup> a good indication that he thought his actions had backfired.<sup>3</sup>

The Steele case is especially useful for analyzing backfire dynamics because it is recent, because there is much published documentation and commentary, and because I have been able to observe the events from close at hand. This chapter reads somewhat differently from the others because my access to information allows closer attention to detail in a way that is seldom possible using secondary sources. I should mention that although I have known Ted Steele for years, I have never been a close friend of his. Since his dismissal, we have not communicated aside from brief e-mails, as discussed later.

The Steele case can be categorized as involving academic freedom, free speech, or both. The expressions “academic freedom” and “free speech” are contested concepts, so it is possible to find differing interpretations of

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1. Michiel Horn, *Academic Freedom in Canada: A History* (Toronto: University of Toronto Press, 1999), 220–45.

2. *Ibid.*, 225.

3. The dismissal of Herbert Richardson from St. Michael's College, University of Toronto in 1994 also appears to fit the backfire model quite well: Brian Martin, “The Richardson Dismissal as an Academic Boomerang,” in *Workplace Mobbing in Academe: Reports from Twenty Universities*, ed. Kenneth Westhues (Queenston, Ontario: Edwin Mellen Press, 2004), 317–30.

their meaning. Academic freedom is commonly taken to cover both institutional autonomy from governmental intervention and the autonomy of faculty to undertake teaching and research without interference and — in some circumstances — to make public comment. The Steele case involved only this latter dimension of academic freedom, namely making public comment.

Free speech is the right to express opinions without penalty. It usually refers to expression in the public domain, and can be claimed by corporations as well as individuals. Within most large organizations, though, there is seldom a presumption that employees have a right to speak in public about organizational problems: those who do are called whistleblowers and frequently suffer reprisals, as discussed in the previous chapter. Universities are a partial exception in that the tradition of academic freedom sometimes offers protection for those, like Steele, who go public about internal problems.

In the next section I give the background to the Steele dismissal, including a fair bit of information about Steele and his behavior. In the following sections I examine backfire dynamics in relation to the university administration, the union, Steele, and the university's Department of Biological Sciences. The extra information about Steele is useful for making two points: that a dissident's own actions can backfire, and that a dismissal can backfire — when it is seen to be grossly unfair — even when the person dismissed has credibility problems. The postscript reveals some of the responses to my writing about the Steele case.

#### **Key Events in the Steele Case**

- 1985. Steele is appointed to the University of Wollongong.
- January 2001. Steele makes claims to the media about students having their marks “upgraded.”
- January 2001. The Vice-Chancellor and members of Biological Sciences deny Steele's claims.
- 1 February 2001. The state Ombudsman declines to investigate Steele's allegations on

the basis that there is no evidence of upgrading.

- 26 February 2001. Steele is dismissed.
- After 26 February 2001. There is a massive backlash against the university administration. The National Tertiary Education Union (NTEU), the national academics' union, undertakes a publicity and lobbying campaign.
- May 2001. The NTEU launches a case in the Federal Court that the university administration violated the enterprise agreement.
- August 2001. A Federal Court judge rules in favor of the NTEU.<sup>4</sup>
- September 2001. The university administration appeals.
- March 2002. The full bench of Federal Court rules in favor of the NTEU.<sup>5</sup>
- April-July 2002. Negotiations occur between the NTEU and the university administration.
- 22 April 2002. Steele is reinstated but remains off campus on study leave (sabbatical).
- 5 July 2002. A settlement is announced. Details are confidential but Steele does not return to his post.

#### **The Steele Case**

The University of Wollongong is located in the city of Wollongong, which is just south of Sydney and has a population of about 250,000. Originally an extension of the University of New South Wales, it became a separate university in 1975 and grew rapidly through the 1980s to reach its present size of about 20,000 students. The university also grew significantly in reputation during this time, especially in research.

In 1985 Steele was appointed as a lecturer, a tenurable position roughly the status of a U.S. assistant professor. He advanced rapidly,

4. NTEIU v University of Wollongong (2001) Federal Court of Australia 1069 (8 August).

5. University of Wollongong v National Tertiary Education Industry Union (2002) Federal Court of Australia 360 (28 March).

being promoted to senior lecturer and then associate professor, a rank in Australia equal in status to full professor in the United States. Steele was an iconoclastic biologist, having proposed a mechanism for the inheritance of acquired characteristics at a genetic level.<sup>6</sup> Originally from Adelaide, he had worked overseas after his PhD but could not sustain a career in Britain due to resistance to his ideas. Wollongong provided a reasonably supportive platform for his research.

In dealing with his detractors and competitors in biology, Steele at times adopted a confrontational style. As well, he often engaged in campus issues using a similar style. With the introduction of a campus-wide e-mail system in the 1990s, Steele soon became a familiar commentator, noted especially for his comments hostile to the university administration. One of his prime targets was what he called “Mickey Mouse professors.” A full professor in the Australian system is an elite academic post, typically comprising no more than one out of seven faculty positions. Until recently at most universities, the rank of professor could not be obtained by promotion but only by appointment to an externally advertised chair. Steele claimed such chairs were being given to people of marginal scholarly achievement because of their connections with senior administrators.

Steele’s dismissal was triggered by his comments about “soft marking,” namely the awarding of undeservedly high grades to students. It is widely thought there has been some grade inflation in Australian universities, though nothing like that said to occur in some parts of the U.S. system such as Harvard. At Wollongong, like most Australian universities, grades are high distinction, distinction, credit,

pass, pass conceded, and fail. Many students mainly receive passes and credits and this is considered quite acceptable. Very high marks are unusual. It is common for only one to five students in a class of 50 to receive a high distinction, or perhaps even none. For a student to receive all high distinctions in a semester is exceptional. For example, at the University of Wollongong in the first semester of 2001, fewer than one in a hundred undergraduate students taking three or four courses received all high distinctions.<sup>7</sup> Grade inflation may be more significant at the bottom end of the grade spectrum, given that there seem to be fewer vocal protests about massive failure rates in introductory courses.

Over a period of decades starting in the 1960s, Australian higher education moved from an elite to a mass system. This led to concern about declining standards, as some academics complained they had to reduce the level of difficulty in their classes. Much more contentious, though, has been the commercialization of higher education since the late 1980s, including the massive increase in full-fee-paying foreign students. Australian students pay significant fees but are entitled to a zero-interest, inflation-adjusted loan that is paid back gradually through an income tax surcharge payable when their taxable income exceeds a specified threshold. Foreign students, on the other hand, pay larger fees (typically around A\$12,000 per year, about US\$9000) and must pay them immediately. Through such fees, higher education has become a major Australian export industry. Foreign student fees have become a significant component of many university budgets and some academics complain there is pressure, open or subtle, to pass foreign students in order to maintain the income flow. Controversies over “soft marking,” raised periodically in the media, are largely about allegedly lower standards for foreign students.

At the beginning of 2001, the *Sydney Morning Herald* — one of Australia’s

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6. E. J. Steele, *Somatic Selection and Adaptive Evolution: On the Inheritance of Acquired Characters* (Chicago: University of Chicago Press, 1979); Edward J. Steele, Robyn A. Lindley, and Robert V. Blanden, *Lamarck’s Signature: How Retrogenes are Changing Darwin’s Natural Selection Paradigm* (Sydney: Allen & Unwin, 1998).

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7. I thank David Macpherson and Aden Steinke for figures on students’ marks.

“quality” daily newspapers — ran a series of stories about soft marking, drawing on an advance report of a survey of social scientists, some of whom claimed the emphasis on fee-based courses was leading to lower standards.<sup>8</sup> However, very few academics were willing to speak publicly about this. Steele jumped into this ferment by making the dramatic allegation that two students in his own department, Biological Sciences, had had their marks boosted — indeed, that he had been instructed to raise their marks.<sup>9</sup>

Other members of the department denied Steele’s allegations, as did Gerard Sutton, the Vice-Chancellor (equivalent to a U.S. university president). Claims and counterclaims flew about on the university e-mail system, with some of the commentary leading to stories in the mass media.

Steele, in one of his widely circulated e-mail missives detailing his allegations, sent a copy to the Ombudsman for the state of New South Wales, in which Wollongong is located. He received a formal reply from the Deputy Ombudsman, who said the office had been obliged to treat the e-mail as a formal submission. In a careful analysis of the case, the Deputy Ombudsman said there was no evi-

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8. Carole Kayrooz, Pamela Kinnear, and Paul Preston, *Academic Freedom and Commercialisation of Australian Universities: Perceptions and Experiences of Social Scientists*, Discussion Paper Number 37 (Canberra: Australia Institute, March 2001).

9. Aban Contractor, “‘High School’ Classes for Fee-paying Uni Students,” *Sydney Morning Herald*, 9 January 2001, pp. 1, 4; Aban Contractor, “Revealed: The Secret Paths to Higher Education,” *Sydney Morning Herald*, 12 January 2001, p. 1. Several years later, in May 2005, the *Sydney Morning Herald* ran a major series of stories about problems due to privatization of Australian higher education, including soft marking. This time, several academics were willing to speak out. See Debra Jopson and Kelly Burke, “Campus Critical,” *Sydney Morning Herald*, 7–8 May 2005, pp. 27, 32–33.

dence of any impropriety in marking and therefore no basis for a formal investigation.<sup>10</sup> On the basis of this assessment, plus information provided by Biological Sciences and the administration, Steele lost credibility in the eyes of many.

### **The University Administration and Backfire**

Then, on 26 February 2001, Steele was summarily dismissed. The Vice-Chancellor stated in a media release that the dismissal “was necessary in the light of Associate Professor Steele’s knowingly false allegations undermining the essential fabric of the employment relationship and puts at serious risk the good name of the university.”<sup>11</sup>

For the administration, the dismissal backfired in a dramatic fashion. Steele, previously perceived by many as having little credibility, was overnight transformed into a martyr. The method of dismissal accentuated the image of free speech muzzled. The dismissal notice was delivered to Steele at his home at 5.15pm; at the same time, the locks on his university office doors were changed.

Commentary in the media was overwhelmingly critical of the dismissal.<sup>12</sup> Many Wollon-

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10. Lisa Sewell, “No Uni Grade Rorts Study: Ombudsman Opts Out,” *Illawarra Mercury*, 3 February 2001, p. 3. The *Illawarra Mercury* is the sole daily newspaper in Wollongong.

11. Aban Contractor and Gerard Noonan, “University Sacks Whistleblower in Grading Row,” *Sydney Morning Herald*, 27 February 2001, p. 1.

12. “Unis Can’t Dismiss Demand for Quality,” *Australian*, 28 February 2001, p. 12; Jim Jackson, “The Freedom of Academe is a Fragile Thing,” *Sydney Morning Herald*, 15 March 2001, p. 10; Ian Lowe, “The Dissent of Steele,” *New Scientist* 169 (17 March 2001): 59; Pdraic P. McGuinness, “Silenced for the Sake of the Corporate University,” *Sydney Morning Herald*, 1 March 2001, p. 12. McGuinness is a regular columnist who

gong academics and staff were dismayed; I heard many say they did not support Steele's behavior but they opposed the way he had been dismissed. Indeed, many people unfamiliar with the details assumed Steele's allegations about boosting of grades must be correct — after all, why else would he be dismissed? When meeting academics from other universities, I — like many others from Wollongong — was frequently quizzed about the affair. For a period, the university seemed more known for the dismissal than for its undoubted achievements.

The attack on Steele backfired because it seemed to compromise his freedom to speak out on matters of academic and social significance and because it was perceived as arbitrary and disproportionate to anything Steele had done. In short, it was seen as both contrary to academic freedom and as unjust treatment.

Some administrators consciously take precautions to prevent or reduce backfire from their actions. Others have an intuitive grasp of how to achieve this. However, it is not necessary to probe motivations in order to observe common methods used by administrators that inhibit outrage: covering up actions, devaluing targets, disguising actions, following procedures, and using intimidation and bribery.

Hiding actions is perhaps the most effective means of inhibiting outrage. After all, if few people know about the issue, few will be upset. In previous cases at the University of Wollongong, academics had lost their jobs with little or no publicity. For example, tenured Geosciences senior lecturer John Formby was dismissed in 1998 following an investigation into allegations about his behavior, even though an investigation committee recommended against dismissal. Formby did not seek publicity, instead making a legal challenge to the decision, which he lost. Aside from gossip around campus, the dismissal was only publicized in an e-mail from departing Geosciences lecturer Laurie Brown (29 August 2001).

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usually writes from a conservative position; Lowe takes a more progressive line.

In contrast, there was little prospect of hiding Steele's dismissal, especially since Steele had a penchant for going to the media. Both the electronic and print media reported the story, using both the administration's brief media release and commentary from Steele, the union, and others.

A variant of cover-up is to say very little, for example by refusing to comment to the media. This is commonly called stonewalling. This reduces the risk of getting caught in lies or contradictions and reduces the attractiveness of the story to journalists, who normally like to obtain comment from both sides. This was the approach adopted, for the most part, by the administration.

When Steele made his original allegations about soft marking — but before his dismissal — all of his colleagues in the Department of Biological Sciences disagreed, and stated so in a letter to a newspaper.<sup>13</sup> However, unlike Steele, they were not used to or comfortable with media campaigning and could not agree on a common approach to it, so after the dismissal they did not make formal public comment — aside from rebutting Steele's claims on the department's website — leaving media comment for the administration, which said very little. For the first year after the dismissal, the same pattern prevailed, with Biological Sciences academics saying virtually nothing publicly and the administration producing only occasional brief formal statements.

Devaluation of the target can be an effective means of inhibiting outrage, but using the technique can be tricky because criticisms need to be credible. The dismissal itself would have devalued Steele in the eyes of some, especially those who believe we live in a just world. But the administration, to its credit, did not launch an open attack on Steele's performance or character. Nor do I have any evidence of covert efforts to discredit Steele. Undoubtedly there was hostile gossip, but much of this

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13. Rob Whelan, et al., "Look to Wollongong for Best-practice Assessment" (letter), *Australian*, 24 January 2001, p. 31.

was stimulated by Steele's own actions and statements, as described later.

Another common means for inhibiting outrage is to describe the events in ways that minimize concern. When academics are dismissed, administrators virtually never say "We are dismissing Professor X because she was a vocal critic of the university president" or, even less likely, "We are dismissing Professor X for exercising her academic freedom." Instead, in almost every case, administrators rhetorically endorse academic freedom while presenting some rationale for their actions: shortage of money, necessary redeployments or reorganizations, procedural violations, or poor performance. The Steele dismissal was unusual in that the administration explicitly stated the reason was Steele's public comments about marking and standards.

Formal procedures, such as grievance procedures or courts, give the appearance of providing justice. Following procedures therefore undercuts outrage even when the procedures themselves are unfair in practice, as in the case of court battles between an unemployed individual and a large organization.

Steele's dismissal was, on the surface at least, a gross violation of procedure. A bit of background is necessary to explain why. Australian academics are covered by a single trade union, the National Tertiary Education Union (NTEU). In the framework of Australian industrial law at the time, each university was expected to come up with an "enterprise agreement" about wages and conditions, with management and the local NTEU branch negotiating to reach the agreement. At Wollongong, the enterprise agreement negotiations in 1999 were exceptionally difficult. To push the process along, academics held a one-day strike, then a two-day strike, and finally a three-day strike. For Australian academics, this was an exceptional level of industrial action. Part of the enterprise agreement reached after this struggle stated that dismissal of an academic could only occur after following a set of procedures, including laying of charges and setting up of an investigation committee. None of this was done before Steele's dismissal. Instead, the admini-

stration relied on an inventive reading of a particular clause in the enterprise agreement.

Intimidation and bribery are potent tools in the hands of any large organization. Many academics are frightened by even the possibility of offending powerful figures in their university, not to mention a misconduct charge, reprimand, demotion, or dismissal, so it doesn't take much to intimidate them. Steele was made of tougher stuff, having confronted the administration for years, but undoubtedly being dismissed was traumatic for him. The obverse of intimidation is bribery through expectations of grants, reduced teaching, promotions, and the like. Again, for many academics it does not require much in the way of inducements to inspire conformity.

In summary, the University of Wollongong administration did little that mitigated outrage. Rather than hiding the dismissal, it was carried out in a heavy-handed manner. Rather than disguising the reason for the dismissal, it was openly stated. Rather than follow obvious procedures, they were openly violated. The administration did reduce backlash by limiting comment to the media and by arguing that its actions could be justified under a particular clause in the enterprise agreement, but this had limited effect. As a result, the dismissal backfired against the administration in a major way.

### **The Union and Backfire**

Just as administrations dislike outrage, so defenders of academic freedom would like to magnify it. If they are ready and able to achieve this, then administrations will be far less likely to mount attacks in the first place. After Steele was dismissed, his defense was largely undertaken by the NTEU, which mounted a three-pronged strategy involving a legal challenge to the dismissal, publicity, and lobbying.

The first prong was a legal challenge. Out of half a dozen legal options, the union decided to launch a case in the Federal Court that the enterprise agreement had been breached. In August 2001, the judge ruled in favor of the union. After the university

administration appealed, in March 2002 the full bench of the court affirmed the ruling.

The second prong was a publicity campaign, with media releases, circulation of information, and an on-line petition eventually signed by nearly 5000 people, the majority of whom were Australian academics.

The third prong was lobbying Council, the University of Wollongong's governing body (similar to a U.S. board of trustees). The two elected academics on Council were union members; informal approaches were made to other members. Despite the NTEU position gaining a degree of support on Council, for the most part Council went along with the Vice-Chancellor.

I now look at each of these prongs in terms of whether it amplified or inhibited the original feelings of outrage over the dismissal. Of course, outrage is not the only factor to be considered, so the NTEU strategy should not be judged on this criterion alone. But it is an important factor and hence worth examining.

The publicity campaign was highly effective in increasing outrage. It emphasized the unfairness and disproportionality of the dismissal and generated awareness and concern throughout Australia and beyond.

Lobbying Council, in contrast, did little to increase outrage. It was a classic insider approach, reinforcing the assumption that Council is a genuine ruling body, when in practice most Australian university councils routinely rubber-stamp decisions by their senior executives.

The court challenge to the administration utilized a set of procedures — the legal system — and thus tended to dampen outrage. During the long periods between court judgments, media and wider academic interest dwindled. Only when the court ruled in the union's favor did interest pick up, but then only briefly. However, the court challenge was also used for publicity purposes. For example, a protest was held outside the Federal Court on 5 July 2001, the day the initial hearings began, with many participants wearing academic gowns.

The dampening effect of formal procedures was most obvious following the union's second court victory, in March 2002, after

which union and administration officials entered negotiations about Steele's future. Nearly all this negotiation occurred behind closed doors, aside from some media flare-ups along the way. At a meeting of the Wollongong branch of the NTEU on 18 April 2002, members of the Biological Sciences Department presented a motion calling for a misconduct inquiry into Steele's actions to be set up. Carolyn Allport, national president of the union, told the meeting the NTEU was negotiating with the administration to obtain a satisfactory outcome regarding Steele; the Biological Sciences members were persuaded to withdraw their motion. The subtext was "trust the union negotiators." Whatever the advantages of this approach, it did little to promote debate about academic freedom at Wollongong or elsewhere.

A settlement between Steele, the administration, and the union was announced on 5 July 2002, stating "All legal and disciplinary procedures have been terminated as a result of the settlement. The details of the settlement remain confidential and all three parties have agreed to make no further public comment."<sup>14</sup> The tight confidentiality of the settlement drastically reduced media coverage. There was little about the settlement in the *Australian* or the *Sydney Morning Herald*, major newspapers that had regularly covered the Steele case.<sup>15</sup> Following the Vice-Chancellor's e-mail announcement about the settlement, not a single other person commented on the university's e-mail system. The union's legal and negotiation strategy defused outrage.

Soon after the dismissal, union branch presidents in New South Wales were keen to campaign on the grounds of defending intellectual freedom. However, they were hampered by reluctance within the Wollongong branch to support Steele's intellectual free-

14. Lisa Sewell, "Steele and Uni Reach Hush-hush Settlement," *Illawarra Mercury*, 6 July 2002, p. 3.

15. Patrick Lawnham, "Scientist Quits after Settling Uni Score," *Australian*, 8 July 2002, p. 3.

dom. To obtain a unified campaign, the lowest common denominator thus became defending the enterprise agreement, with the consequences described here. If, instead, the preference of the branch presidents to highlight intellectual freedom had won the day, then the union's campaign might well have promoted a much more powerful sense of outrage.

In the United States, free speech issues are often argued in terms of the First Amendment, with legal conflict taking the place of direct engagement with the issues. Australia, in contrast, has no constitutional protection of free speech, so free speech is more frequently defended by collectively organizing to oppose attacks on it. (Interestingly, there is no obvious difference between the two countries' overall levels of free speech.) In the case of free speech by Australian academics, though, enterprise agreements offer some formal protection. By providing an avenue for legal action to replace direct action, these agreements, like the First Amendment in the United States, may encourage tactics that dampen outrage.

### **Steele and Backfire**

The actions of individuals, including academic dissidents, can backfire against themselves. Steele had a long history of making allegations, especially against the university administration. According to Steele, his own "vigorous and vituperative interchanges on the e-mail" covered a range of topics, including "space allocations, library cuts, unethical collegial [sic] behaviour, promotional barriers, executive obstacles on overseas/conference travel, funding cuts, parking fines, senseless executive edicts on the pasting of student notices, etc." (e-mail, 23 February 1995). To take another example, in one of his attacks on "Mickey Mouse professors," sent in a 22 December 2000 e-mail to all staff, Steele commented that

The "Professor" title is so associated with derision that it would make that great humanist of good will Walt Disney turn in his grave. It has become so bad,

and VC Sutton is so drunk with power, that the place behaves (to those outside the "Wollongong Loop") much like a tin-pot South American dictatorship in a state of academic degradation metaphorically akin to contemporary Russia/Eastern Europe/Cuba.

Although some academics were sympathetic to both the content and style of such contributions, others were repelled. Steele's rude and aggressive style alienated many who agreed with some of his points. Sometimes individuals sent Steele personal e-mails commenting on some current issue and were surprised and disgruntled to find their message copied to the entire campus accompanied by a commentary by Steele. This discourteous behavior did not win him many friends.

Steele was not on good terms with union officers. On one occasion he used the campus-wide e-mail to criticize the union for not supporting him on some matter; the branch president, Mike Morrissey, rebutted Steele's claims in an equally vitriolic e-mail (2 December 1998). Steele was observed to drive through the picket line during strikes and, although a union member most of the time since joining the university in 1985, he was not a member for a couple of years not long before his dismissal.

By the time he was dismissed, Steele had become notorious on campus for his combative personal style. It should be said, though, that Steele was often quite pleasant, especially on a personal level. In many years of knowing Ted as an acquaintance, I never had anything other than agreeable face-to-face engagements with him. At one point I published a short article on plagiarism issues that favorably reported his position.<sup>16</sup> However, a few years after this I was one of a number of targets in some of his "vituperative" e-mails.

Many of Steele's colleagues in Biological Sciences had had unpleasant encounters with

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16. Brian Martin, "Academic Credit Where It's Due," *Campus Review* 7 (4–10 June 1997), 11.

him over the years, but these were episodic. What eventually united them in opposition to Steele were his claims at the beginning of 2001 about soft marking. Steele alleged the marks of two of his own students had been “upgraded.” The students in question were doing “honors,” something with no exact equivalent in the U.S. academic system. Traditionally, honors is an optional year of study at the end of a normal three-year undergraduate degree, typically involving coursework and a thesis. Those who achieve a high enough honors mark can proceed to a PhD, possibly with a scholarship, and no further coursework or examination is required aside from the PhD thesis. (In some newer degrees, honors is built into a four-year degree. A thesis is still part of it.) In Biological Sciences, honors results were calculated as a straight average of coursework marks and the mark on the thesis, itself an average of the marks of three examiners, two from Biological Sciences itself and one external.

Steele had supervised the theses of the two honors students in question, one in 1997 and the other in 2000. He was reported in the newspaper as claiming he had been instructed to raise their marks. This didn’t make much sense, because Steele himself was not a marker of the students’ work. Furthermore, he was acting chair of the department meeting in 1997 that decided the final marks of honors and other students, and made no objection at the time.

Steele had a different way of viewing the process. He claimed that the mark by the single external thesis examiner — whom he chose and with whom he agreed — should have been definitive and that any other result amounted to “upgrading.” However, to support this position would have been to reject the department’s formal procedures, yet Steele had made no objection to the procedures when they were reviewed in 1999-2000.

Steele’s colleagues knew of these contradictions in Steele’s position and so were angry when he made allegations of upgrading to the media. They were further aggrieved when, prior to a special departmental meeting (17 January 2001) to address the matters in

dispute, Steele threatened to sue them should he be damaged by decisions made at the meeting. They felt vindicated by the Ombudsman’s dismissal of Steele’s claims as not even warranting investigation.

However, free speech means little unless it also applies to those who are disagreeable and who make unsustainable claims. Academic freedom is valueless unless it includes the freedom to make provocative statements and to be wrong. That is why the dissent of a person like Steele should be defended against attack. (The question then arises of how to respond to those who make incorrect, misleading, derogatory, or damaging claims. This is a complex issue. One thing is to ensure the opportunity for others to reply openly and in a timely fashion to such claims.) At the same time as defending Steele’s right to dissent, it is possible to observe that his approach often backfired — leading to less support rather than more — especially when he was perceived as being abusive, making claims without solid foundation, or refusing to accept correction.

There are a number of ways dissidents can reduce the risk that their interventions will backfire.

1. Being polite
2. Couching comments constructively
3. Acknowledging inaccuracy or its possibility
4. Joining others.

Being polite, constructive, and acknowledging fallibility are quite compatible with dissent of the most radical sort. There is no guarantee that behaving this way will protect against attack, but it is certainly more likely to win allies than being abusive, negative, and obstinate. Joining others provides safety in numbers, with individuals less likely to be attacked than if they are ahead of or outside the crowd. Collective action, whether or not sanctioned by a union or industrial agreement, is usually safer than individual action. But individual dissent is sometimes a felt necessity when others are afraid or unwilling to act, or when

they do not have the information or resources to do so.

Steele did not consistently adopt any of these methods, so it is not surprising that his actions seriously backfired. After he was dismissed, he used a different method: he kept quiet. This avoided annoying his supporters or disturbing the union's legal and negotiation strategy. Being quiet avoids generating outrage but is hardly a general prescription for being an effective dissident.

It is not my aim here to tell Steele or anyone else how they should behave. But it is possible to observe that some behaviors are more effective than others in achieving particular purposes. Studying backfire dynamics can give insight into what sorts of behaviors are likely to be counterproductive.

Steele and some of his supporters put great store in a statutory declaration by Bob Blanden of the Australian National University. Blanden, a senior immunologist and collaborator with Steele, was the external examiner for both the students whose marks Steele claimed were upgraded. On 17 May 2002, Steele widely circulated Blanden's declaration. There are obvious gulfs between the perspective of Blanden and Steele and that of the Department of Biological Sciences. For example, Blanden said he awarded a grade of Third Class Honors to the student in 2000 but did not assign a mark; Steele saw this as proof that procedures had been violated. According to the Department, a mark in the Third Class Honors range was selected in the knowledge that the final grade (Second Class Honors, Division One) would have been the same whichever mark in the range was used. Blanden said the 1997 student "should never have been admitted to a Tertiary Course." Obviously the student was admitted, and indeed graduated. Blanden's claim raises the question of why Steele agreed to supervise such a student. Blanden said it was inappropriate "that the marks of two non-immunologists should be averaged with the mark of an external expert in immunology" (himself). Rob Whelan, then head of the Department of Biological Sciences, said the internal examiners were experienced researchers in an appro-

priate field and, implicitly referring to Blanden, that "External examiners (especially those in very narrow research fields in research only institutions) sometimes misjudge the level at which an Honours student is learning."

Adjudication of these and other points of dispute is not essential to examining outrage. I have outlined some points raised in Blanden's declaration in order to suggest the sort of procedural detail that can loom large to participants in disputes. Concentrating on procedural detail, though, is a sure way to discourage outside interest in an issue and to dampen any sense of outrage.

### **Biological Sciences and Backfire**

Members of the Department of Biological Sciences for the most part supported or tolerated Steele for years. Some of them had personal confrontations with Steele on occasion, but no formal complaints were pursued by university officials to the level of a formal inquiry, which, given Steele's willingness to go to the media, would have brought much negative publicity to the university.

In 2001, Steele's claims about upgrading were a direct attack on the department. Initially, these backfired against Steele to some extent, though the department's reputation remained damaged, especially among those who lacked awareness of rebuttals to Steele's claims. Then came the dismissal, which backfired against the university generally and, in the eyes of many, turned Steele into a martyr. The department, which was not consulted about the dismissal, could do little to resuscitate its reputation. Though Steele's attacks had united department members in opposition to Steele and his claims, they lacked the skills and confidence to mount a media campaign. But even if they had been prepared to go to the media, they had little leverage. The line that "assessment procedures were properly followed" is not a great story angle compared to "procedures were violated" or "dissident is dismissed." In short, there were few resources by which the department

could generate or redirect outrage to its own advantage.

The lesson here is that backfires are contingencies that cannot be created at will. A lot of groundwork is required, the conditions have to be right, and the opportunity has to be present. Steele's dismissal backfired against the administration because a commitment to free speech had been nurtured by the visible and invisible efforts of untold thousands over the years. Furthermore, the NTEU felt obliged to defend the enterprise agreement at the University of Wollongong because otherwise enterprise agreements across the country — in particular their procedures against arbitrary dismissal — would have been undermined. But none of this worked to the particular advantage of Biological Sciences.

### Using Backfires

In academia, administrations have much greater formal power than any faculty member, yet for the administration to openly exercise the power of dismissal is to risk triggering a large hostile reaction. Hence it is not surprising that various techniques are used to mitigate the response to dismissals.

This suggests it can be worthwhile looking at other academic freedom cases using the same framework. Like most organizational struggles, the Steele case is quite complex, and indeed only some of the complications have been canvassed here. Nonetheless, it is possible to generalize from the Steele case. Here is a tentative outline of points to look for.

- An attack on an academic can backfire when it seems unfair, seems to violate academic freedom, or appears to be disproportionate to anything the academic has done, and when information about this is communicated to significant audiences.
- Academic administrators are often aware, consciously or intuitively, of the potential for backfire. They can inhibit outrage in various ways, including by hiding actions, stonewalling, disguising actions, or following procedures.

- To activate or magnify outrage, academics need to counter these administration tactics. Possibilities include exposing hidden or disguised actions by documentation and mobilization of support, creating opportunities to expose actions, and avoiding procedures or using them to mobilize support.

Documentation is the foundation of any such effort. "Mobilization of support" means getting support from people, including through conversations, meetings, leaflets, e-mails, media coverage, and many other channels.

It should be remembered that outrage is not an end in itself, nor is it the only way to defend academic freedom. The point here is that it can be a powerful tool in defending dissident academics. The better prepared academics are to counter administration tactics, the less likely administrations are to attack academic freedom in the first place.

Backfires are not just a risk for administrations. Dissidents can generate backfires against themselves by seeming to go beyond norms of accuracy and decency.

The better the documentation and the greater a community's commitment to scholarly norms, the greater the chance participants will share perceptions. But even in the soberest of organizations, there are considerable levels of deception. It is well known that organizational elites use public relations, spin-doctoring, and cover-ups as a matter of course, with "truth" regularly subordinated to organizational imperatives. A totally honest organization would never hide or disguise actions or stonewall, but these are standard practice in numerous dismissals. To the extent that careerism, commercialism, and managerialism infect higher education, pressures exist to misrepresent what is really going on. This is not likely to change soon.

## Postscript

At the beginning of 2002, while the Steele case was still before the court, I wrote an article analyzing strategies of the administration, Steele, the union, and the Department of Biological Sciences. On 27 January I sent a draft of the article to all the key players, indicating that I would be submitting the revised version to *Australian Universities' Review* and inviting comment. This led to diverse responses. The Vice-Chancellor replied saying he declined to comment because the matter was the subject of legal proceedings. Members of Biological Sciences were more forthcoming. Six of them responded, ranging from those who saw my treatment as reasonably balanced to one who saw it as grossly biased in favor of Steele. Their comments on specific points led me to make various minor changes.

I opened the article by comparing Steele's dismissal to the dismissal of Professor Sydney Orr from the University of Tasmania in 1956, the most famous such case in Australian academic history.<sup>17</sup> Ted Steele responded by e-mail in a preliminary fashion, saying "I don't believe my case has any resemblance whatsoever to the Sydney Sparkes Orr case in Tasmania 50 years ago. Indeed what has happened to me, and the damage it has caused me personally and professionally, has no precedent as far as I can see in any advanced western democracy." Contrary to Steele's claim, there are many cases where the damage to challengers has been far more serious, including physical assault — a shot fired into Orr's house narrowly missed killing him — but his response certainly reflected the

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17. W. H. C. Eddy, *Orr* (Brisbane: Jacaranda Press, 1961), and John Polya and Robert Solomon, *Dreyfus in Australia* (Australia: The authors, 1996), are supportive of Orr. Cassandra Pybus, *Gross Moral Turpitude: The Orr Case Reconsidered* (Melbourne: William Heinemann Australia, 1993), is highly critical of Orr and supportive of the University of Tasmania administration.

extremely damaging effect the dismissal had on him.

After this initial response, I received no further personal communication from Steele. I did obtain, though, an e-mail he sent a few days later addressed to the editors of *Australian Universities' Review*. In it, he claimed "there is much misrepresentation in the article and facts that are incorrect" but did not specify any of the alleged misrepresentations or inaccuracies. He then said "In normal circumstances I would vigorously rebut or correct in public much of what Martin intends to publish — as I am a great believer in free speech and academic freedom. At present these freedoms do not exist in Australia and Martin's article damages me at a time when I cannot defend myself. In these circumstances I would appreciate that the NTEU does not publish the article."

This attempt at blocking publication has characteristic features of suppression of dissent,<sup>18</sup> notably that Steele neither provided evidence nor contacted the author (me) but instead intervened at a higher level (the editors). In exerting pressure to thwart criticism, Steele's attempt to block publication was reminiscent of his threats against colleagues in Biological Sciences. Steele's intervention can be taken as an example of a wider phenomenon: dissidents are not necessarily tolerant of others, including other dissidents. Nevertheless, I believe it is still vital to defend dissent, even of intolerant dissidents.

I also sent the draft to both University of Wollongong elected NTEU branch officers and to paid officers in the state and national offices of the union. Less than two weeks later I submitted a revised version to *Australian Universities' Review* which, it is important to note, is published by the union at a national level. *Australian Universities' Review* thus could be said to be a union journal, though it

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18. Brian Martin, C. M. Ann Baker, Clyde Manwell, and Cedric Pugh, eds., *Intellectual Suppression: Australian Case Histories, Analysis and Responses* (Sydney: Angus & Robertson, 1986).

has an independent editorial board. I chose this journal because of its circulation to union members nationally.

I received no response from any union officers. I did hear from the chair of the editorial board, David Burchell, who told me most members of the board were keen to publish the article. However, there were two obstacles to publishing the article, both raised by senior officers within the union. The first obstacle was a concern about defamation. Defamation law in Australia is harsh and leads to both censorship and self-censorship.<sup>19</sup> Union figures were worried about Steele suing the union over my article.

(When my article was eventually published,<sup>20</sup> the following sentences were omitted on the insistence of NTEU's legal advisers: "Indeed, because Steele so often made allegations without first checking the facts, and because of his inflammatory style, he had lost credibility in the eyes of many on campus. Within Biological Sciences, some colleagues were outraged by his behaviour on a number of issues, not all of which were known more widely.")

The second obstacle to publishing my article was that certain senior officers (outside Wollongong) thought it might be prejudicial to the union's court case involving Steele, for example if some of my comments about Steele were used against the union in the case. My view, naturally enough, was different. I thought publicity would be advantageous to the union's position. I also thought it would be better to present Steele warts and all and then to defend his academic freedom. The worry about material in my article being used in the court case seemed artificial, since I had covered the same basic points in a newspaper

article much earlier.<sup>21</sup> Finally, concerning the worry about my analysis being in a union journal, it would be a simple matter to include a disclaimer that I was not speaking on behalf of the union. (The published article included such a disclaimer.)

The response by certain senior union officers to my article has characteristic features of suppression of dissent, notably that those objecting did not contact me but instead intervened at a higher level, namely by putting pressure on the editorial board. This response is compatible with a generalization that academic unions and staff associations are uncertain allies of free speech.<sup>22</sup> Union officers were putting in enormous efforts to defend the enterprise agreement and, by extension, academic freedom across the country, but at the same time attempting to block my article. This can be explained by the priority they placed on the procedural route, namely defending the enterprise agreement through the courts and negotiations, rather than the mobilization route, namely building greater support through participation and publicity. Taking the procedural route implies that anything that might potentially disturb the union's legal and negotiation strategy was to be brushed aside, including my article. The irony is that my article highlighted the rhetorical role of academic freedom. In seeking to block my article, these particular union officers were in effect disagreeing with my analysis, instead asserting the primacy of using formal channels. Using formal channels gives those with power and position more control over the course of events but does little to empower the rank and file.

I am a long-time member and supporter of the union, but that does not mean I have to keep quiet about what I see as inappropriate action. There are many dilemmas of defending dissent, not the least of which is knowing what to do when erstwhile defenders of dissent —

19. Robert Pullan, *Guilty Secrets: Free Speech and Defamation in Australia* (Sydney: Pascal Press, 1994).

20. Brian Martin, "Dilemmas of Defending Dissent: The Dismissal of Ted Steele from the University of Wollongong," *Australian Universities' Review* 45, no. 2 (2002): 7–17.

21. Brian Martin, "When Dollars Do All the Talking," *Australian*, 18 April 2001, p. 35.

22. Martin et al., *Intellectual Suppression*, 246–47.

union officers in this case — attempt to suppress comment. Due to the settlement of the case, it was possible for my article to be published.<sup>23</sup> But if the case had not been resolved in a timely fashion, I like to imagine the editorial board would have successfully stood up to censorship pressure from within the union.

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23. Martin, “Dilemmas of Defending Dissent.”

## 8

### Environmental disasters

by Hannah Lendon and Brian Martin

Major nuclear reactor accidents and oil spills are disasters for both humans and the environment. With such disasters, attention usually is focused on the environmental impacts. But there is another sort of impact — on public opinion. Outrage is a common reaction. Some people see accidents as due to blind fate, but others hold corporations or governments responsible, or even entire technological systems. “Environmental backfire” — when outrage from environmental disasters is directed at industries, governments, or technological systems — offers an opportunity for the promotion of environmental causes.

In the cases described in previous chapters, the targets attacked were humans, whether described as protesters, citizens, or employees. Environmental backfire is quite different: the assault is on the environment, though humans may be affected too. Another big difference is that there seems to be no human *intent* behind accidents: in other words, the environment was not targeted for attack. Nevertheless, although an accident may be entirely inadvertent, if it has serious environmental or other effects, it can have adverse consequences for whoever or whatever is perceived as responsible. Although accidents are not intentional, many of the preconditions for accidents — technological design, maintenance systems, work schedules, adherence to rules — are the direct result of human decisions. So it is quite possible to attribute blame. The result is that the dynamics of environmental disasters fit the backfire framework.

On closer inspection, it is not so obvious that assaults that backfired were always intended. The Sharpeville shootings, according to Frankel's account as given in chapter 2, were not a pre-planned massacre, but rather

the result of rash copycat behavior by police in a tense situation. Likewise, the police who beat Rodney King did so at the conclusion of a furious police chase, known to pump up adrenaline and increase the risk of abuses. Generally speaking, only some assaults — such as torture — are coldly calculated; others are partly inadvertent, occurring in circumstances that make them possible or even likely. Environmental backfires can be seen in this way: they are inadvertent, in that no one intended them, but underlying conditions make them possible or even likely.

To examine environmental backfire, we look at two famous accidents: the Chernobyl nuclear accident and the *Exxon Valdez* oil spill. Both show evidence of the common methods of inhibiting outrage. We conclude by noting some implications, both for environmentalists to prepare for and deter future disasters and for managers who feel their organizations have been unfairly blamed. Disasters can serve as catalysts for strengthening environmental consciousness and leading to greater protection for the environment.

#### Chernobyl

On 26 April 1986, a chemical explosion in a nuclear power plant at Chernobyl in the Soviet Union dispersed radioactive pollution over a vast area, exposing thousands of people to dangerous levels of radiation.

A nuclear accident, like Chernobyl, can harm the environment as well as the local population. An event such as this is likely to be perceived as unjust because both the environment and the people are seen as innocent victims. Therefore, the accident can backfire against whoever or whatever is seen

as responsible: the operators, the managers, the designers, the industry, or the form of technology itself.

Chernobyl was the most prominent nuclear accident in history, triggering a tremendous reaction against nuclear power. It is easy to find evidence of major efforts to minimize this antagonism to nuclear power, because of the extensive documentation about this accident.

There is plenty of evidence of cover-up. Indeed, it was the most characteristic feature of the Soviet nuclear enterprise, which was tightly controlled by the Soviet government. There had been dozens of serious accidents within the Soviet Union prior to Chernobyl, yet the government had not permitted any public information about a single one.<sup>1</sup> In 1957 there was a chain reaction in a military nuclear waste dump at Chelyabinsk, contaminating a huge area with radioactivity and killing hundreds of people, but there was no announcement. This event was also denied by Western authorities.<sup>2</sup>

Following the Chernobyl accident, the government made no public statements; President Gorbachev's new policy of glasnost had not taken hold in the nuclear industry.<sup>3</sup> By chance, winds blew radioactivity from Chernobyl towards Western Europe, where it was first registered in Sweden. Western evidence and reports forced the Soviet government to make its own announcement. This was followed by an apparent new-found openness about the causes of the accident. But other cover-ups continued. The full effects of

the radiation on the local population and ecology were not revealed. Local people were not given realistic information about dangers, leading to rumors. Few statistics were kept about health impacts and ecological damage. Foreign scientists were not allowed entry to the region except under carefully controlled conditions.<sup>4</sup>

For the purposes of devaluation, the "target" included both the people and the environment affected by radioactive pollution. There is little evidence of official statements casting aspersions on the people or the environment, but the actions of the government reflected devaluation in practice. Some local communities were evacuated; others were not. Party officials and their families were evacuated quickly, but school children were removed from the special zone only later. Rather than fully informing the population, the government kept people ignorant and treated them patronizingly, thus devaluing their good sense.

Large numbers of workers were used in sealing the damaged reactor, in the process receiving significant doses of radiation. They were hailed as heroes at the time. Later, when many of them reported illnesses, these were dismissed as unrelated to radiation.<sup>5</sup> Thus, both the health consequences and personal understanding of these workers were devalued.

There were several ways to interpret the responsibility for and significance of the Chernobyl accident. The Soviet government promoted the view that workers at the unit caused the accident by carrying out unauthorized tests of safety measures. This view was presented by Soviet officials to the August

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1. Zhores A. Medvedev, *The Legacy of Chernobyl* (New York: Norton, 1990), 263–88.

2. Zhores A. Medvedev, *Nuclear Disaster in the Urals* (New York: Norton, 1979).

3. In a retrospective assessment, Mikhail Gorbachev, "The Nuclear Disaster that Opened Our Eyes to the Truth," *The Australian*, 19 April 2006, p. 12, claims there was no cover-up, but that the Politburo simply did not have sufficient information to understand what was happening.

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4. David R. Marples, *The Social Impact of the Chernobyl Disaster* (New York: St. Martin's Press, 1988); Grigori Medvedev, *The Truth about Chernobyl* (New York: BasicBooks, 1991); Medvedev, *Legacy of Chernobyl*; Alla Yaroshinskaya, *Chernobyl: The Forbidden Truth* (Oxford: Jon Carpenter, 1994).

5. V. M. Chernousenko, *Chernobyl: Insight from the Inside* (Berlin: Springer-Verlag, 1991), 46.

1986 meeting of the International Atomic Energy Agency. The IAEA, well known for its promotion of nuclear power, accepted this explanation without much question. For nuclear power promoters, blaming the workers was better than blaming the technology. Indeed, the Soviet government was praised for being so open at the IAEA meeting about the causes of the accident.

An alternative view was that the key to the accident was the Soviet RBMK reactor design, which critics said had serious deficiencies: it was not designed to be failsafe in the face of operator mistakes. By this interpretation, those who designed and approved RBMK reactors should have been held responsible.

The Soviet government attributed much of the criticism over the accident to anticommunism. On 14 May 1986, Gorbachev, in a major televised statement about the accident, claimed the Soviet Union had faced “a veritable mountain of lies — most dishonest and malicious lies” from Western politicians who intended “to sow new seeds of mistrust and suspicion towards the socialist countries.”<sup>6</sup>

The use of official channels was most apparent in the role of experts in making pronouncements about the accident. Soon after the accident, groups of Soviet experts were flown to the site to make assessments. In August, when Soviet officials reported to the IAEA about the accident, this provided an account taken by most western nuclear experts to be authoritative. Western media coverage also was influenced by the Soviet official line.

The government set up the “Chernobyl Rectification Program” to undertake decontamination, resettlement, food provision, and other work to deal with the ongoing human and environmental impacts of the accident. According to a Soviet scientist intimately involved in the aftermath of the accident, “The Program’s purpose seems to be only to: soothe

public anxiety; exonerate the real culprits; minimize expenses.”<sup>7</sup> Critics would say the main purpose of official statements and official programs was to give the appearance but not the substance of properly dealing with the problem.

Another use of official channels was the July 1987 trial of plant officials held in the town of Chernobyl. This use of the court gave a legal stamp of approval to the authorities’ interpretation of events, namely blaming individuals rather than the reactor design or the Communist Party elite. Foreign journalists were permitted to attend only the opening and closing days of the trial, being banned from the rest of its three weeks, during which many revelations about the accident occurred.<sup>8</sup> The trial of plant officials thus played multiple roles: it was an official channel giving a formal endorsement of the dominant interpretation, combined with cover-up of more damaging information.

Finally, intimidation played a role in reducing the expression of concern. The secrecy about previous accidents, and the failure to learn from them, can be attributed to the climate of fear in the Soviet Union, in which voicing criticism could be met by serious reprisals. For example, Dr Ivan Zhezherun, long before the accident, pointed out design defects of the RBMK, but couldn’t go to the media because of the likely consequences.<sup>9</sup> After the accident, journalist Alla Yaroshinskaya investigated health consequences of the accident and came under attack after having articles published in newspapers.<sup>10</sup>

In earlier Soviet nuclear accidents, government efforts to inhibit anger and concern had been largely successful. The outside detection of radiation helped the Chernobyl disaster break through the usual Soviet pro-

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6. Mikhail Gorbachev, “Television Address by Mikhail Gorbachev, 14 May 1986, Moscow,” in *Chernobyl: The Real Story*, ed. Richard F. Mould (Oxford: Pergamon, 1988), 195–201, at 198.

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7. Chernousenko, *Chernobyl*, 263.

8. Marples, *Social Impact of the Chernobyl Disaster*, 118–24.

9. Medvedev, *Legacy of Chernobyl*, 259.

10. Yaroshinskaya, *Chernobyl*, 45.

cesses of censorship, disinformation, and intimidation, contributing to worldwide criticism of nuclear power.

### ***Exxon Valdez***

Since the 1960s, there have been numerous oil spills, with millions of gallons of oil escaping into the sea. Yet only a few of these spills have generated massive publicity. Among the prominent accidents, named after the ships involved, are the *Torrey Canyon* spill of 36 million gallons off southwest England in 1967, the *Amoco Cadiz* spill of 67 million gallons off France in 1978, and the *Prestige* spill of 23 million gallons off Spain in 2002. However, some of the largest spills generated little media coverage or public outcry. During the 1991 Gulf war, over 250 million gallons of crude oil were spilled in the Persian Gulf, with minimal attention or public response.<sup>11</sup>

Also receiving little attention are slow spills, such as the Guadalupe Dunes spill in California that released 8 to 20 million gallons over four decades. Because there is no sudden crisis, such spills often evade scrutiny even when the long-term damage is huge.<sup>12</sup>

Of all spills, the *Exxon Valdez* is most well known. Because it occurred in what was seen as a pristine Alaskan ecosystem, the spill generated huge international media coverage and mobilized support for the protection of the environment.<sup>13</sup>

Just after midnight on 24 March 1989, the supertanker *Exxon Valdez* ran aground on

Bligh Reef in Prince William Sound, Alaska. Eight of its 11 cargo tanks were ruptured, causing over 10 million gallons of crude oil to be spilled. At the time, Captain Joseph Hazelwood was in his cabin, quite possibly under the influence of alcohol, and the ship was being navigated by third mate Gregory Cousins.

Before retiring, Hazelwood directed the ship to travel in inbound shipping lanes and had the ship's autopilot speed increased to the maximum. Cousins, who was fatigued, did not respond to several indications the ship was off course. When he finally realized the problem, it was too late to avoid grounding on the reef.<sup>14</sup>

Immediate cleanup efforts were plagued by terrible weather, insufficient resources, and poor safety procedures. The environmental and legal repercussions of the spill continue today and remain controversial.

Alyeska, the consortium of oil companies that managed the Valdez terminal and the Trans-Alaska Pipeline, was not well prepared for such a large accident. Its cleanup equipment was inadequate, with many of its booms buried in snow. Soon after the accident, Alyeska put the responsibility for the spill onto Exxon. Other oil companies with Alaska operations tried to avoid criticism by keeping a low profile.

The reaction against Exxon was enormous. For example, eight weeks after the spill:

At the annual shareholders' meeting on May 18, [Exxon CEO Lawrence] Rawl faced a firestorm of criticism from both shareholders and the general public. Thousands of people across the country had already cut up their Exxon credit cards and mailed the pieces to Rawl. Crowds of protesters marched in the streets outside the meeting. Some stockholders wanted an environmentalist on the board, while others

11. Abelard News Archives, "Oil 1-2." <http://www.abelard.org/news/archive-oil1-2.htm#spills> (accessed 27 June 2006).

12. See Thomas D. Beamish, *Silent Spill: The Organization of an Industrial Crisis* (Cambridge, MA: MIT Press, 2002) for an insightful analysis of how the Guadalupe spill has evaded attention. We thank Kevin Wehr for referring us to this book.

13. John Keeble, *Out of the Channel: The Exxon Valdez Oil Spill in Prince William Sound* (New York: HarperCollins, 1991).

14. J. Steven Picou, Duane A. Gill, and Maurie S. Cohen, eds., *The Exxon Valdez Disaster: Readings on a Modern Social Problem* (Dubuque, IA: Kendall-Hunt, 1997).

demanded the resignation of top management. Pension fund representatives holding large amounts of Exxon stock made it clear that they would be watching Exxon's cleanup performance.<sup>15</sup>

There were dozens of legal cases targeted at Exxon. In the 1991 legal settlement, Exxon was fined \$150 million for an environmental crime, paid \$100 million for injuries to fish, wildlife, and lands, and agreed to pay \$900 million over a decade as civil settlement to restore resources harmed by the spill.<sup>16</sup> Exxon said it spent \$2.1 billion as a result of the spill.

The media outcry and public support for the environment after the disaster created a situation in which Exxon's efforts to inhibit outrage were not very successful in the face of a local and wider community of environmentally conscious individuals. Still, there is evidence of Exxon's use of several inhibition methods.

First, cover-up: Exxon claimed 11 million gallons of crude oil were spilled when the ship ran aground, and this is the figure normally quoted. However, the Alaskan government, in an unpublished investigation, found the actual figure was roughly 35 million gallons, a figure three times as great. After the spill, other Exxon vessels removed most of the remaining oil from the *Exxon Valdez*. Exxon claimed all the salvaged liquid was oil, but ballast water survey forms showed about 24 million gallons of the salvaged liquid was water, implying an additional 24 million gallons of oil — besides the 11 million admitted by Exxon — was spilled.<sup>17</sup>

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15. Art Davidson, *In the Wake of the Exxon Valdez: The Devastating Impact of the Alaska Oil Spill* (San Francisco: Sierra Club Books, 1990), 205.

16. Exxon Valdez Oil Spill Trustee Council, *The Court Settlement*. <http://www.evostc.state.ak.us/History/settlement.htm> (accessed 27 June 2006).

17. Riki Ott, "Why Exxon Owes Alaska \$5 Billion," *Anchorage Daily News*, 25 June 2002.

Exxon said 1,300 miles of coastline had been oiled by the spill. In contrast, the National Oceanic and Atmospheric Administration reported 3,240 miles had been oiled.

According to court records of lawsuits filed by sick workers, Exxon's cleanup led to sickness among approximately 6,700 of its 11,000 workers. Exxon did not report these cases to state and federal agencies, thereby avoiding requirements to monitor the long-term health consequences of hazardous waste cleanups.<sup>18</sup> These examples of discrepancies in figures about oil spilled, coastline oiled, and workers made sick can be attributed to cover-up by Exxon or to a genuine divergence of views, in which case they fit into the reinterpretation method of inhibition.

In the first few weeks, Exxon paid for wildlife rescue boats that reported on the number of dead birds and mammals observed. But then Exxon cut back on the operation: fewer boats meant fewer reported wildlife fatalities.<sup>19</sup> In effect, by not collecting data, the full effects of the spill were covered up.

For the purposes of devaluation, one potential "target" is the environment itself. This might work with some environmental issues, such as a proposal for a waste dump in an area already polluted by toxic chemicals: degraded areas are commonly seen as less worthy of protection. But this was far from the case for the unspoiled areas polluted by *Exxon Valdez* oil. Many communities, from Anchorage to Cordova, maintain strong environmental values; national park and heritage sites cover thousands of miles of coastline. Therefore it would have been futile, and probably counter-productive, for Exxon to attempt to devalue the environment. Instead their devaluation attempts were targeted towards Captain Hazelwood (as discussed below) and the validity of scientific research that deviated from Exxon's own claims.

The third method of inhibition is reinterpretation. The accident received such immediate

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18. *Ibid.*

19. Davidson, *In the Wake of the Exxon Valdez*, 208–9.

news coverage that Exxon could hardly deny a major accident had occurred. The main controversy lay not in what happened but who was to blame: Captain Hazelwood, Exxon, Alyeska, or the oil industry generally?

Captain Hazelwood was Exxon and Alyeska's favorite scapegoat. He had a long record of alcohol intoxication, and had had his car driver's license repeatedly suspended for drunk driving. Nine hours after the accident, Hazelwood had a blood alcohol test, indicating his alcohol level could have been extremely high at the time of the accident.<sup>20</sup> Exxon CEO Rawl portrayed Hazelwood's drunkenness as the crux of the problem and strongly disassociated Exxon from "the captain ... this man" who was unable to deal with his alcoholism.<sup>21</sup> On the other hand, Exxon could be blamed for not addressing known alcohol abuse.

There is another perspective: it was normal for captains to leave the ship's bridge after leaving the sound, and third mate Cousins was well qualified, so it may be unfair to blame Hazelwood. It can be argued Cousins's sleep debt was the prime cause of the accident.<sup>22</sup>

Or perhaps the problems were more deep-rooted. The magnitude of the cleanup totally overwhelmed the mechanical capabilities of the Valdez terminal and its vessels. Alyeska and Exxon's lack of emergency preparation led to delays in obtaining permission to apply chemical dispersants to the oil. Alyeska and Exxon both downplayed their ongoing failure to meet the annual safety requirements of the Alaskan Department of Environmental Conservation. Should Alyeska have been held primarily accountable due to its decade-long

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20. *Ibid.*, 64–70.

21. Edmund Faltermayer, Alex Taylor, III, and Marshall Loeb, "In Ten Years You'll See Nothing" (interview with Exxon CEO Lawrence Rawl about the Valdez oil spill), *Fortune*, 8 May 1989, pp. 50–53.

22. William C. Dement and Christopher Vaughan, *The Promise of Sleep* (New York: Dell, 2000), 51–53. We thank Kevin Wehr for pointing out this reference.

failure to comply with regulations? Or should the Alaskan government have been held responsible for approving oil development but not enforcing its own regulations?<sup>23</sup>

A deeper challenge to the oil industry is to question the feasibility of oil cleanups even with the best possible protection. According to risk analyst Lee Clarke, when organizations create plans to handle disasters such as nuclear reactor accidents and massive oil spills, they can sometimes reassure the public but actually they are producing "fantasy documents" that obscure dangers and give a false sense of security. Experiments in trying to recover spilled oil show it is not feasible in practice, so contingency plans are largely symbolic rather than practical.<sup>24</sup>

Exxon maintains the spill has had no adverse long-term environmental impacts. In 1993, it claimed that, "Biological recovery of affected species has been rapid and in most cases is nearly complete." A government official from the National Oceanic and Atmospheric Administration said Exxon had put up a "smokescreen" and that Exxon's assertions made no "difference in the big picture in regards to damage."<sup>25</sup> A study by a team of researchers published in the journal *Science* in 2003 found the long-term impacts of the spill on wildlife were greater than expected, and therefore it should not be assumed the main effects were the immediate ones.<sup>26</sup>

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23. Davidson, *In the Wake of the Exxon Valdez*, 79–98.

24. Lee Clarke, *Mission Improbable: Using Fantasy Documents to Tame Disaster* (Chicago: University of Chicago Press, 1999). See also Davidson, *In the Wake of the Exxon Valdez*, 297–301, who says the oil industry and government officials must have known that plans to recover spilled oil were unrealistic.

25. "Exxon Valdez Controversy Revived," *Oil and Gas Journal*, 26 April 1993, pp. 26–27.

26. Charles H. Peterson, et al., "Long-Term Ecosystem Response to the Exxon Valdez Oil

In summary, Exxon reinterpreted events by blaming the captain and by playing down the scale of the disaster, the company's lack of preparation, and the long-term environmental effects.

Several official channels were involved. Exxon tried to give the impression justice was being carried out by dealing with the spill through the courts, scientific research, and the federal government.

The legal aftermath of the Exxon case extended well over a decade. Federal and state governments settled their criminal and civil cases against Exxon in 1991, but private legal cases were still proceeding in 2004.<sup>27</sup> But is moral or social justice achieved through these legal channels, which focus on financial compensation? The legal agenda does not include any radical change in the regulation of Exxon's transportation of oil, Alyeska's operations, or the oil industry as a whole.

Exxon, using a multi-million dollar budget, contracted science advisors to monitor and report on damage from the spill. As part of this, Exxon flew three British scientists, known to be skeptical about oil-spill ecological damage, to Valdez. (At an Institute of Petroleum seminar, Otto Harrison of Exxon said a scientific message was more credible to the U.S. public when spoken in a British accent.<sup>28</sup>) Exxon said it had chosen these scientists to provide impartial findings from the field. One of the scientists wrote that, "The effects of the cleanup, coupled with the scouring action of winter storms, left the shoreline largely free of oil by the spring of 1990. ... There is evidence that remaining oil

is neither toxic nor harmful."<sup>29</sup> In contrast, scientists not funded by Exxon reported that pockets of crude oil had the potential to disperse toxic chemicals into the food chain, causing long-term damage.<sup>30</sup>

On 7 April 1989, President George Bush Sr. reportedly exempted Exxon from some cleanup requirements. He put the Coast Guard in charge, and promised to send troops to Prince William Sound.<sup>31</sup> Exxon managed and paid for the cleanup and supplied equipment while the Coast Guard made final decisions and approved and monitored the plans. Although there was no evidence from historically declared national disasters to suggest federal intervention would improve the effectiveness of the response,<sup>32</sup> the fact that the Coast Guard was making the final decisions gave the *impression* that appropriate action was being carried out and the situation was being dealt with professionally.

Cases of intimidation and bribery in the corporate sphere are often difficult to verify publicly as there is usually such an imbalance of power and influence that individuals are afraid to speak out. There have been claims Exxon harassed and fired whistleblowers who had access to compromising information at the time of the early court cases.<sup>33</sup> Investigative journalist Greg Palast claims the oil industry used dirty tricks against individuals who warned, before the oil spill, of shortcomings in containment systems. For example, in 1984, Captain James Woodle, Alyeska's commander of Port Valdez, warned of weaknesses in

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Spill," *Science* 302 (19 December 2003): 2082–86.

27. Ashley Shelby, "Whatever It Takes: Exxon Has Used the Legal System to Avoid Paying Damages for the Valdez Spill," *The Nation* 278 (5 April 2004): 16–23.

28. Corporate Watch, "Degrees of Involvement," Magazine Issue 8 (Spring 1999).

29. Robert Clark, "Recovery: The Untold Story of Valdez Spill," *Forum for Applied Research and Public Policy* (Winter 1991): 24–26, at 25.

30. CTV, "Contamination From Exxon Valdez Still a Problem," 19 December 2003.

31. Keeble, *Out of the Channel*, 51.

32. *Ibid.*, 95.

33. Cecilia Hunter, "Lasting Lessons," *Living on Earth* (5 March 1999). <http://www.loe.org/series/exxon/lessons.htm> (accessed 27 June 2006).

cleanup equipment and training, and pointed out an earlier oil spill in Valdez. Palast reports that,

When he prepared to report it to the government, his supervisor forced him to take back the notice, with the Orwellian command, “You made a mistake. This was not an oil spill.” ... When Alyeska got wind of Woodle’s complaints, they responded by showing Woodle a file of his marital infidelities (all bogus), then offered him pay-outs on condition that he leave the state within days, promising never to return.<sup>34</sup>

Also in 1984, according to Palast, Charles Hamel, an “independent oil shipper,” learned from Alyeska employees of problems in Valdez and flew to London to warn British Petroleum executives.

... a secret campaign was launched to hound him out of the industry. A CIA expert was hired who wiretapped Hamel’s phone lines. They smuggled microphones into his home, intercepted his mail and tried to entrap him with young women. The industrial espionage caper was personally ordered and controlled by BP executive James Hermiller, president of Alyeska. On this caper, they were caught. A US federal judge told Alyeska this conduct was “reminiscent of Nazi Germany.”<sup>35</sup>

Intimidation can happen from both sides. The only juror to oppose the decision to charge Exxon \$5 billion in punitive damages was Rita Wilson. A pro-environmentalist security officer, at the time of the court decision, allegedly pulled his gun out to “put her out of her

misery,” causing her much “emotional distress.”<sup>36</sup>

This case reveals that a multi-billion dollar oil company, Exxon, was unable to inhibit backfire from its catastrophic oil spill in Alaska. This shows that accidents offer opportunities to rally support against the activities of large companies. As a consequence of the disaster, tougher tanker regulations were put in place. Thomas A. Birkland, who has studied the policy consequences of the spill, says it “was the event that tipped the balance in favor of more stringent oil spill legislation.”<sup>37</sup> The U.S. Coast Guard now uses satellite monitoring in Prince William Sound, two vessels are required to escort tankers through the Sound, pilots are trained specifically for this region of Alaska, all vessels in the Sound will be required to be double-hulled by 2015, and safety equipment is monitored regularly.<sup>38</sup> Many grassroots organizations, environmental monitoring bodies, and protection services emerged after the *Exxon Valdez* disaster. Arguably, the high profile of the accident made it more difficult to promote oil exploration in Arctic National Wildlife Refuge in Alaska.<sup>39</sup> So outcomes of the disaster included both new opportunities for environmentalists and new guidelines for organizations.

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36. David Ridenour, “Jury Tampering in *Exxon Valdez* Trial Pollutes America’s System of Justice,” *National Policy Analysis* 232 (February 1999).

37. Thomas A. Birkland, “In the Wake of the *Exxon Valdez*: How Environmental Disasters Influence Policy,” *Environment* 40 (September 1998): 4–9, 27–32, at 27.

38. Exxon Valdez Oil Spill Trustee Council, *Preparing for the Next Spill*. <http://www.evostc.state.ak.us/Habitat/improvements.htm> (accessed 27 June 2006). Of course it is possible that some of these measures may be more symbolic than substantive.

39. Birkland, “In the Wake of the *Exxon Valdez*,” 29.

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34. Greg Palast, *The Best Democracy Money Can Buy* (London: Pluto Press, 2002), 101–2.

35. *Ibid.*, 102.

## Conclusion

Environmental disasters can backfire against industry and government, sometimes spectacularly as in the cases of Chernobyl and the *Exxon Valdez*. But these are the exceptions.

Dozens of nuclear reactor accidents have occurred that have received little, if any, publicity, such as the 1957 Fermi reactor meltdown near Detroit.<sup>40</sup> At that time, the anti-nuclear-power movement was virtually non-existent, so there was less prospect for turning the accident against the budding nuclear industry. The movement, once it developed, promoted new ways of understanding nuclear power, for example as a runaway technology or one that escaped public accountability. These frameworks for thinking about nuclear power, or in other words “interpretive packages,” offered alternatives to the previously dominant framework of nuclear power as progress and allowed members of the public to understand nuclear accidents in different ways.<sup>41</sup> The important point here is that raising environmental consciousness increases the likelihood an accident will backfire, which in turn further stimulates environmental awareness and action.

Similarly to nuclear reactor accidents, dozens of oil spills have occurred, such as the massive 1991 release in the Persian Gulf, only a few of which generated widespread concern. Timing and location are crucially important, as well as environmental constituencies.

As discussed above, rhetoric and action by industry and government can reduce outrage through the usual five methods. As environmental consciousness becomes more widespread, it becomes harder to use these mechanisms, as shown in the case of the

*Exxon Valdez*, where Exxon apparently did not attempt to challenge environmental values.

For both environmentalists and organizations, clearly it is best to avoid disasters altogether, though accidents will always be a possibility in many technological fields such as genetic engineering, nanotechnology, large dams, and nuclear weapons. But when disasters do occur, backfire analysis gives insight into how to wage the struggle over responses. Our case studies reveal the various ways in which organizations — namely the Soviet government and Exxon — attempted to inhibit outrage.

Backfire analysis can also give guidance to environmentalists wishing to prepare to use such disasters to promote better policies and practice. To counter cover-up, strong links should be built with investigative journalists, sympathetic editors, and workers on all levels from production to management, in order to reveal the full story. Alternative media are vital when the mass media underplay the issues.

Devaluing the target can reduce concern. Environmentalists can emphasize the value of all environments and all peoples, not just ones that are fashionable or highlighted in western news.

Reinterpretation of events is the most common method used to inhibit outrage once cover-up has failed. Governments and industry typically try to minimize concern by saying an accident was an isolated occurrence and by blaming individuals rather than top officials, organizations, or the entire technological enterprise. Environmentalists should draw connections between the disaster and the wider web of responsibility.

For environmentalists, it is tempting to respond by calling on counter experts and making submissions to investigations or court cases. This is sometimes effective, but it does reduce popular concern by transferring the struggle to specialist and legal forums, which are slow and technical, and where powerful interests have an advantage. Therefore, environmentalists should carefully consider the risks of heavy involvement in expert and legal struggles. A public campaign promoting

40. John G. Fuller, *We Almost Lost Detroit*. (New York: Ballantine, 1976).

41. William A. Gamson and Andre Modigliani, “Media Discourse and Public Opinion on Nuclear Power: A Constructionist Approach,” *American Journal of Sociology* 95 (July 1989): 1–37.

awareness and indignation about environmental damage may be more likely to foster greater participation in activism and to change policies and practices.

Finally, exposure is a powerful antidote to intimidation and bribery, because people are often angered by the abuse of power.

In summary, protesters can promote outrage by exposing what has happened, insisting on the worthiness of targets, giving their own interpretation, avoiding or discrediting official channels, and refusing to be intimidated. Thomas Birkland says that, "Groups would do well to seize on such events and use them not to distort facts or policy but to promote more responsible and responsive environmental policies."<sup>42</sup>

But what about the other side? Sometimes governments and corporations are blamed for activities in a way that is unfair in their own eyes and in the view of some observers. What implications for such groups can be drawn from backfire analysis?

For organizations, it is risky to use methods perceived as constituting cover-up, devaluation, intimidation, or bribery. Each of these is seen by some people as discreditable in itself. Therefore, when these methods are exposed, they can increase opposition. The safest methods are reinterpretation — the honest presentation of one's own view — and use of official channels, if they are genuinely independent and fair and seen to be so. Taking this course maximizes the possibility that attacks by environmentalists will themselves be seen as unfair and backfire against the environmentalists.<sup>43</sup>

### **Acknowledgements**

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42. Birkland, "In the Wake of the Exxon Valdez," 32.

43. For comprehensive and engaging advice for companies along these lines, see Peter M. Sandman, *Responding to Community Outrage: Strategies for Effective Risk Communication* (Fairfax, VA: American Industrial Hygiene Association, 1993).

## 9

### The invasion of Iraq

On 19 March 2003, U.S. military forces, supported by forces from Britain and a few other countries, invaded Iraq and soon overwhelmed Iraqi military resistance. The U.S. government had spent months pushing its case for the operation, arguing that the Iraqi regime had, or was trying to obtain, weapons of mass destruction (WMD), especially nuclear weapons, and implying it had links with the terrorist group al Qaeda. There had been popular opposition to the invasion in numerous countries, including in the United States itself.

In the months following 19 March, the occupying forces were met by a guerrilla resistance. As U.S. soldiers died, George W. Bush's promise of a glorious transition to democracy faded. Meanwhile, the search for Iraqi WMD came up with a blank, undercutting the primary justification for the attack. These were signs the Iraq operation might be going wrong for the U.S. administration. But signs of backfire had been apparent for a long time.

Prior to the invasion, protest rallies attracted huge numbers of people, with the largest single-day numbers in history — some ten million people across the world — on 15 February, including large numbers of people who had never joined a rally before. Public opinion in most countries was strongly against the attack. Many governments opposed it, most prominently several key members of the UN Security Council. Interviews in 20 countries in May 2003 revealed that,

in most countries, opinions of the United States are markedly lower than they were a year ago. The war has widened the rift between Americans and Western Europeans, further inflamed the Muslim world, softened support for the war on terrorism,

and significantly weakened global public support for the pillars of the post-World War II era — the U.N. and the North Atlantic alliance.<sup>1</sup>

A note on terminology: because the initial military conflict was so one-sided, I seldom refer to the invasion of Iraq as a “war.” In western media reports, the attackers were conventionally called “the coalition.” Here I usually refer to the “U.S. government” because it was the prime mover, with the British government playing second fiddle; other military contingents, such as from Australia and Poland, were token and mostly unremarked. I avoid referring to “the United States” as an actor — as in “the United States said” or “the United States attacked” — because it doesn't distinguish between the government and the people. But even to refer to the U.S. government as the attacker is misleading, because a small group within the government made the key decisions.

In examining the Iraq case, I look at the five principal ways the attackers tried to inhibit outrage and how opponents attempted to express it. There is such a wealth of material on the events that only a few of many possible examples can be presented here. I concentrate on the events leading up to the invasion. I

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1. Pew Global Attitudes Project, *Views of a Changing World* (Washington, DC: Pew Research Center for the People and the Press, June 2003), 1. Similar findings were reported the following year: Pew Global Attitudes Project, *A Year after Iraq War: Mistrust of America in Europe Ever Higher, Muslim Anger Persists* (Washington, DC: Pew Research Center for the People and the Press, 16 March 2004).

examine only backfire dynamics associated with the attack on Iraq; terrorist acts by the Iraqi resistance, such as beheadings, can also be analyzed in backfire terms. Wars are filled with so many atrocities that they are a rich source of material on backfire.

In the cases described in previous chapters, the targets of attack — peaceful protesters, citizens being arrested, whistleblowing employees — were relatively harmless, at least to wider society. The Iraq attack brings in a new dimension: the target, namely Saddam Hussein and his regime, was itself a menace. The Iraqi regime was built on ruthless violence against internal opponents. It had launched two major wars, against Iran in the 1980s and Kuwait in 1990. Yet despite its terrible record of aggression and human rights violations, many people opposed the U.S.-government-led attack on Iraq, because it represented an injustice of its own, whether seen as a violation of international law, as an assault by an overwhelmingly powerful military on a weak one, or as a self-interested attack on an opponent that posed no threat. For an attack on a reviled opponent to backfire, the violation of norms must be correspondingly greater. When protesters are resolutely nonviolent, as in Dharasana, a brutal beating can echo around the world. When the target is a ruthless regime, attackers can get away with much more — but there are limits. The invasion of Iraq illustrates these limits starkly.

### Cover-up

Some wars are carried out in secrecy or by use of proxy armies, limiting the prospect for revulsion. For example, the U.S. government financially supported the French military in Vietnam for years until its defeat in 1954, and subsequently supported the South Vietnamese government and military before, during, and after direct participation by U.S. troops. The low profile of this involvement is one key reason why, from the late 1940s until the mid 1960s, opposition to U.S.-government-

supported military operations in Vietnam was limited.<sup>2</sup>

However, there was no prospect of covering up the 2003 invasion of Iraq. Throughout 2002, long in advance of the actual assault, the U.S. government increasingly signaled its intention to invade Iraq. This made the likelihood of backfire much greater, at least if people perceived the attack as unjust.

Nevertheless, cover-ups played a significant role. It is often perceived that the attack on Iraq only began in March 2003, but actually attacks occurred throughout the period after the first Gulf war, in 1991, until 2003. This included frequent bombings of Iraq that seldom attracted news coverage or protest. After the first Gulf war, the U.S. and British governments unilaterally set up “no-fly” zones — no flying for Iraqi aircraft — over parts of Iraq, though these had no legal status, and made thousands of overflights between 1991 and 2003, including regular bombings leading to many civilian casualties.<sup>3</sup>

Some attacks on Iraq in the period 1991-2003 were undertaken covertly, but others were made openly, sometimes with fanfare such as the bombings beginning in December 1998. For these latter attacks, the description “cover-up” is not quite appropriate, but still captures some of the dynamics. By being a matter of routine and usually operating below the threshold of interest for news media and peace groups, the attacks largely escaped scrutiny and seldom caused concern. The very normality and banality of the attacks served as a sort of de facto cover-up.

2. Daniel Ellsberg, *Secrets: A Memoir of Vietnam and the Pentagon Papers* (New York: Viking, 2002).

3. Anthony Arnove, ed., *Iraq under Siege: The Deadly Impact of Sanctions and War* (Cambridge, MA: South End Press, 2000); Jeremy Scahill, “No-fly Zones: Washington’s Undeclared War on ‘Saddam’s Victims,’” *IraqJournal.org*, 2 December 2002. <http://www.iraqjournal.org/journals/021202.html> (accessed 29 June 2006).

Such de facto cover-ups applied to many other matters involving Iraq. The U.S. government's support for Saddam Hussein's regime throughout the 1980s was, following the Iraqi military invasion of Kuwait in 1990, seldom mentioned by U.S. government officials, especially in the 2002-2003 lead-up to attack. Nor did officials mention the U.S. government's unwillingness to topple Saddam Hussein in 1991 when, just after the first Gulf War, it had the opportunity, and indeed had promised to support anti-Saddam uprisings but then allowed them to be brutally crushed by the regime.

This silence about earlier complicity with Saddam became more salient as U.S. officials castigated the Iraqi regime for having biological and chemical weapons and for using chemical weapons against Iranian troops and Kurdish civilians in the 1980s. Little was said by official sources about the role of U.S. and British governments and companies in supplying materials for Iraqi weapons programs. For example, in President Bush's address to the nation of 17 March 2003, on the eve of the invasion of Iraq, he stated, "This regime has already used weapons of mass destruction against Iraq's neighbors and against Iraq's people."<sup>4</sup> However, he did not mention this occurred in the 1980s when the U.S. government supported the Iraqi regime, nor did he mention that the U.S. government covered up the chemical weapons attack.<sup>5</sup> Similarly, the British government covered up its role in building the chemical plant in Iraq used for production of chemical weapons.<sup>6</sup> In his

address, Bush did not mention that his administration had undermined international efforts to develop a stronger biological weapons convention, nor that the United States has the world's largest biological weapons program.

The UN sanctions imposed on Iraq beginning in 1990 resulted in enormous levels of suffering and death, with figures commonly quoted of around a million extra deaths over a decade, but with no apparent impact on the rule of Saddam Hussein. Such a death toll might have been treated, in other circumstances, as an emergency warranting humanitarian intervention. The process of de facto cover-up — namely, lack of attention or concern by government officials — turned this into an unremarkable occurrence or a "price that had to be paid."<sup>7</sup>

The investigation of Iraqi WMD was subject to more conventional cover-ups and disinformation, at least by some accounts.<sup>8</sup> The lack of evidence of effective, deliverable biological, chemical, or nuclear weapons in Iraq was covered up by false and misleading claims, for example of Iraqi importation of uranium from Niger. U.S. spying under the cover of the UN weapons inspectors was also covered up. In March 2003, diplomats from half a dozen countries met in secret in an attempt to find a compromise that could prevent the invasion of Iraq, but a British-U.S. spying operation disrupted the initiative. This too was covered up.<sup>9</sup>

Cover-up is greatly aided when mass media report U.S. government pronouncements with

4. George W. Bush, "President Says Saddam Hussein Must Leave Iraq within 48 Hours: Remarks by the President in Address to the Nation," 17 March 2003. <http://www.whitehouse.gov/news/releases/2003/03/20030317-7.html> (accessed 29 June 2006).

5. Bruce W. Jentleson, *With Friends Like These: Reagan, Bush, and Saddam, 1982–1990* (New York: Norton, 1994).

6. David Leigh and John Hooper, "Britain's Dirty Secret," *Guardian*, 6 March 2003.

7. Arno, *Iraq under Siege*; Sarah Graham-Brown, *Sanctioning Saddam: The Politics of Intervention in Iraq* (London: I. B. Tauris, 1999); Geoff Simons, *The Scourging of Iraq: Sanctions, Law and Natural Justice*, 2d ed. (Basingstoke: Macmillan, 1998).

8. William Rivers Pitt with Scott Ritter, *War on Iraq: What Team Bush Doesn't Want You to Know* (New York: Context Books, 2002).

9. Martin Bright, Peter Beaumont, and Jo Tuckman, "British Spy Op Wrecked Peace Move," *Observer*, 15 February 2004.

no critical analysis or historical background, and do not run stories presenting other perspectives. This is characteristic of much western reporting, especially in the United States.<sup>10</sup>

The counter to these forms of cover-up is straightforward in principle: exposure of information, for example of U.S. government support for Saddam Hussein in the 1980s. Some writers and activists made great efforts to expose the horrific consequences of the sanctions. Finally, as mentioned, the conquest of Iraq was undertaken openly and signaled well in advance. In these circumstances, cover-up did not work very well to inhibit public fury over the attack.

### Devaluing the Target

In January 2002, President Bush, in his State of the Union address, labeled Iraq, along with

Iran and North Korea, the “axis of evil.” An even more potent form of devaluation was to demonize Saddam Hussein and to treat him as the personification of Iraq. There is no doubt Saddam was a brutal and dangerous dictator, guilty of gross human rights violations and launching wars against Iran and Kuwait. Even so, U.S. government officials painted Saddam as an even greater monster, for example by comparisons with Hitler. Bush in a talk in Prague on 20 November 2002 said, “Czechs and Slovaks learned through the harsh experience of 1938, ... that aggression left unchecked by the great democracies can rob millions of their liberty and their lives.” He went on to say, “A dictator who has used weapons of mass destruction on his own people must not be allowed to produce or possess those weapons. We will not permit Saddam Hussein to blackmail and/or terrorize nations which love freedom.”<sup>11</sup> This was an implicit comparison between Hitler and Saddam Hussein, at least as interpreted by reporters.<sup>12</sup> Similarly, British Prime Minister Tony Blair, in an interview with *The Guardian*, drew parallels between confronting fascism in the 1930s and confronting Iraq.<sup>13</sup>

The comparison with Hitler was misleading in more than one respect. Hitler was a far greater danger to the world because he commanded the extremely powerful German military machine and embarked on a program of conquest; Saddam, though probably more

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10. Sheldon Rampton and John Stauber, *Weapons of Mass Deception: The Uses of Propaganda in Bush's War on Iraq* (New York: Tarcher/Penguin, 2003); Paul Rutherford, *Weapons of Mass Persuasion: Marketing the War Against Iraq* (Toronto: University of Toronto Press, 2004); Danny Schechter, *Embedded: Weapons of Mass Deception: How the Media Failed to Cover the War on Iraq* (Amherst, NY: Prometheus Books, 2003); Norman Solomon and Reese Erlich, *Target Iraq: What the News Media Didn't Tell You* (New York: Context Books, 2003). For critical assessments of the mass media more generally, see for example Cees J. Hamelink, *Trends in World Communication: On Disempowerment and Self-Empowerment* (Penang: Southbound and Third World Network, 1994); Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media* (New York: Pantheon, 1988); Robert W. McChesney, *Rich Media, Poor Democracy: Communication Politics in Dubious Times* (Urbana, IL: University of Illinois Press, 1999); Gerald Sussman, *Communication, Technology, and Politics in the Information Age* (Thousand Oaks, CA: Sage, 1997).

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11. George W. Bush, “President Bush Previews Historic NATO Summit in Prague Speech: Remarks by the President to Prague Atlantic Student Summit,” 20 November 2002. <http://www.whitehouse.gov/news/releases/2002/11/20021120-4.html> (accessed 29 June 2006).

12. Anne E. Kornblut and Charles M. Sennott, “Bush Seeks NATO Solidarity,” *Boston Globe*, 21 November 2002.

13. Jackie Ashley and Ewen MacAskill, “History Will Be My Judge,” *Guardian*, 1 March 2003; “Blair Likens Saddam to Hitler,” *CNN.com*, 1 March 2003.

brutal personally, commanded only the mediocre Iraqi military, with limited capacity for external aggression after 1991. To compare Saddam with Hitler, as dangers to the world, was to confuse personal evil with state capacities. Many torturers and serial killers are just as evil personally as Saddam or Hitler, but they do not pose more than a local danger to the world.

Opponents of the invasion did not try to argue Saddam was virtuous. Instead, their response can be summarized by the questions "Why Iraq?" and "Why (attack) now?" They pointed to double standards: there were plenty of brutal dictators in the world, including some who ruled countries allied in the "war on terror," such as China, Pakistan, and Uzbekistan. Critics questioned why Iraq was singled out, among all the world's repressive regimes, for attack. Double standards were also involved in demonizing Saddam, given that in the 1980s, when he had been just as ruthless and was more powerful militarily, he had been an ally.

The demonization of Saddam no doubt helped convince some people to support the invasion. Others, though, used the double standard test to draw an opposite conclusion.

### Interpreting the Attack

The attack on Iraq was perceived by many as a case of the world's sole superpower and possessor of overwhelming military force conquering a relatively weak country that posed no immediate threat. The invasion was seen as unjust because it was illegal and because it was disproportionate to any threat posed by Iraq.

To counter this perception, supporters of the attack offered a series of interpretations of what was going on. Whether these interpretations are considered to be honest views or as calculated public relations,<sup>14</sup> they operated to reduce opposition.

For a long time, the main theme was that Iraqi militarism was a threat to the world, including to the United States, especially via WMD. This cleverly reinterpreted the attackers as the targets, and the target, Iraq, as the attacker. The attack on Iraq then could be interpreted as a form of defense, an interpretation that was formalized as the doctrine of pre-emption.<sup>15</sup> Military aggressors have long painted their targets as threats.

The interpretation that the Iraqi regime was the (potential) attacker was pursued in various ways, including reference to Iraqi military use of chemical weapons in the 1980s, claims that evidence for Iraqi weapons programs existed, and claims that the UN weapons inspection process was not working. Underlying the ongoing claims by U.S. and other officials was the assumption that the primary danger was from Iraq, indeed such an overwhelming and immediate danger that military action was required and that any other course of action constituted appeasement.

At one point, inspectors found that some Iraqi al-Samoud II missiles, in testing, traveled further than the 150-kilometer limit placed on them after the first Gulf war: to be specific, they could travel up to 183 kilometers. Iraqi officials claimed that this was because the missiles had no payload. However, U.S. and British officials made great play over this

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On war and the media more generally, see Susan L. Carruthers, *The Media at War: Communication and Conflict in the Twentieth Century* (Basingstoke, UK: Macmillan, 2000); Phillip Knightley, *The First Casualty: The War Correspondent as Hero and Myth-Maker from the Crimea to Kosovo* (London: Prion, 2000); Peter Young and Peter Jesser, *The Media and the Military: From the Crimea to Desert Strike* (Basingstoke, UK: Macmillan, 1997).

15. *The National Security Strategy of the United States of America* (Washington, DC: The White House, September 2002); "Bush Outlines Strategy of Pre-emptive Strikes, Cooperation," *USA Today*, 20 September 2002.

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14. Rampton and Stauber, *Weapons of Mass Deception*; Rutherford, *Weapons of Mass Persuasion*.

evidence of a threat — the missiles might be able to deliver biological or chemical weapons — and over Saddam's alleged unwillingness to disarm, even though a 183-kilometer range was far short of what could reach Israel, much less the United States. The key point here is that the focus was entirely on the Iraqi military threat.

The obsessive focus on the danger of the Iraqi regime can be seen as a facet of "American exceptionalism," a pervasive double standard in which, for example, the U.S. government demands that others adhere to human rights principles but does not expect these principles to be applied to its own behavior.<sup>16</sup>

Language played a big role in attempts to justify the attack. During the Cold War, the expression "weapons of mass destruction" referred exclusively to nuclear weapons. In the lead-up to the invasion of Iraq, U.S. government officials expanded the meaning to include biological and chemical weapons, even though there were no examples where biological or chemical weapons had ever caused or were likely to cause "mass destruction" approaching the scale routinely achieved using conventional weapons.<sup>17</sup> Other U.S.-government favored expressions included "regime change" (rather than "government overthrow"), "death squads" (instead of "fedayeen"), "thugs" (instead of "troops"), and "liberation" (instead of "conquest" or "occupation").<sup>18</sup>

The second main argument used by the U.S. government was that the Iraqi government was

supplying WMD to terrorists, or was capable of doing so. Bush, in his address to the nation just before the attack, stated, "The regime ... has aided, trained, and harbored terrorists, including operatives of al Qaeda."<sup>19</sup> Carefully crafted statements gave the impression that Saddam Hussein was implicated in the September 11 attacks — polls showed that many U.S. citizens believed this was the case<sup>20</sup> — though no substantive evidence was ever presented to show any link between al Qaeda and the Iraqi regime.<sup>21</sup>

A third argument was that Iraq must be attacked to liberate Iraqis from Saddam Hussein. This received relatively little play before the invasion, but as the occupation continued and no evidence of WMD or Iraqi links to al Qaeda could be found, Bush and his supporters put greater emphasis on liberation as a justification and downplayed their earlier reliance on fears of imminent danger from WMD and al Qaeda links.

Although many people were persuaded by one or more of these interpretations, many others found them wanting. Critics presented evidence of the absence of any serious threat from Iraq, of the effectiveness of the UN weapons inspection process, of Osama bin Laden's hostility to the secular Iraqi regime, and of fraudulent documents used to make the case against Saddam Hussein.<sup>22</sup>

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16. Julie A. Mertus, *Bait and Switch: Human Rights and U.S. Foreign Policy* (New York: Routledge, 2004).

17. Vic Carroll, "Some Words Can Make a War Cry Foul," *Sydney Morning Herald*, 28 May 2003, p. 13.

18. Elisabeth Bumiller, "Even Critics of War Say the White House Spun It with Skill," *New York Times*, 20 April 2003, p. B14; Rampton and Stauber, *Weapons of Mass Deception*, 113–30.

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19. Bush, "President Says Saddam Hussein Must Leave Iraq within 48 Hours."

20. Pew Research Center for the People and the Press, "Americans Thinking about Iraq, but Focused on the Economy: Midterm Election Preview," Washington, DC, 10 October 2002. <http://people-press.org/reports/display.php3?ReportID=162> (accessed 29 June 2006).

21. Gethin Chamberlain, "Experts Scorn Saddam Link to al-Qaeda," *The Scotsman*, 6 February 2003; Pitt, *War on Iraq*.

22. Milan Rai, *War Plan Iraq: Ten Reasons against War on Iraq* (London: Verso, 2002). For critiques of Bush speeches, see Solomon and Erlich, *Target Iraq*, 125–54.

Critics also pointed to double standards. Iraq's nuclear weapons program was nonexistent or at least far from making a bomb; why was it seen as such an urgent threat when known weapons states, including Pakistan, Israel, China, and indeed the United States itself, were not subject to the same strictures?<sup>23</sup> Why was Iraq's meager potential to make deliverable chemical and biological weapons seen as such a threat when dozens of other countries had a greater capacity? As for the alleged need to liberate Iraqis, why not also undertake wars to liberate Pakistanis or Uzbekis, among others?

Of the huge outpouring of words leading up to the invasion, a large proportion were about interpretation of what was going on. Those who supported an attack presented evidence and, just as importantly, made assumptions that framed attack as necessary, just, even emancipatory. Opponents of the attack countered these interpretations using evidence and exposure of double standards. They also presented alternative interpretations, including that conquering Iraq was about U.S. access to Iraqi oil, about U.S. power in the Middle East, about revenge, about U.S. world hegemony, or about diverting U.S. public attention away from domestic scandals and economic problems.

The way people responded to all this information and opinion varied individual to individual, with systematic differences across cultures. One fascinating study found differences between countries in the way people remembered misinformation, namely false statements made in the media that were later retracted. The respondents were surveyed in the weeks immediately after the invasion of Iraq. When the media published misinformation that was later corrected, respondents in Germany and Australia tended to discount it, whereas respondents in the United States continued to believe the misinformation even though they knew it had been retracted. For

example, many U.S. respondents had a false memory that WMD had been discovered in Iraq. The researchers concluded that their results "are consistent with previous findings in that the differences between samples reflect greater suspicion about the motives underlying the war among people in Australia and Germany than among people in the United States."<sup>24</sup>

For many commentators, the case for the invasion involved so many transparent lies and contradictions that they found it hard to take seriously and so responded with humor, such as in the British Channel 4 television comedy "Between Iraq and a Hard Place" of January 2003. In a Doonesbury strip, an instructor of CIA trainees says, "We're here to serve the President. When he asks us to jump, what does the C.I.A. reply?" Dismissing the answer "How high?" the instructor says "No. That's Congress. We say, 'Into which country?'" In July 2003, inserting "weapons of mass destruction" into the Google search engine led to a fake error message saying, "These weapons of mass destruction cannot be displayed," with a series of mordant options for fixing the problem.

### Official Channels

Because it seems unfair when a powerful country invades a weaker one without good justification, it is common for attackers to seek authoritative endorsement for their actions. In the international scene, one of the best endorsements is from international bodies, especially the United Nations. After the Iraqi army invaded and occupied Kuwait in 1990, the UN Security Council endorsed the use of force against the invaders. This gave credibility to the U.S.-led assault in 1991. Although many people favored other measures against Iraq, notably sanctions, the existence of a UN

23. Ian Williams, "Double Standards, UN Style," *Globalvision News Network*, 3 February 2003.

24. Stephan Lewandowsky, Werner G. K. Stritzke, Klaus Oberauer, and Michael Morales, "Memory for Fact, Fiction, and Misinformation: The Iraq War 2003," *Psychological Science* 16 (2005): 190–95.

endorsement made a big difference in justifying the first Gulf war.

In 2002-2003, though, there was no immediate pretext for attacking Iraq: no hard evidence of Iraqi WMD, no immediate risk of an Iraqi military attack on the United States, no illegal Iraqi invasion or occupation of neighboring countries. An attack in these circumstances could backfire. Obtaining UN approval for an attack would greatly reduce popular opposition.

The U.S. government decided in 2002 to seek a UN resolution permitting an invasion. This can be interpreted as an attempt to reduce the backlash from unilaterally launching an illegal, unjust assault. If UN approval had been obtained, it would have made a big difference in many people's minds. To be sure, some people supported military action even without UN approval and others opposed it under any circumstances, but opinion polls showed a substantial middle ground of people who supported an invasion with UN endorsement but opposed it otherwise.

As noted, official channels may give only the appearance of fairness. The UN is very far from being a neutral, independent body, as many analyses reveal,<sup>25</sup> and the UN Security Council is even less neutral and independent. The U.S. government applied its formidable persuasive powers — primarily threats and bribes, along with tendentious evidence — in an attempt to obtain a resolution authorizing attack, and British prime minister Tony Blair added his eloquence.<sup>26</sup> Though there was some reporting of the heavy-handed tactics used by

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25. Boutros Boutros-Ghali, *Unvanquished: A U.S.–U.N. Saga* (New York: Random House, 1999); Shirley Hazzard, *Countenance of Truth: The United Nations and the Waldheim Case* (New York: Viking, 1990); Abraham Yeselson and Anthony Gaglione, *A Dangerous Place: The United Nations as a Weapon in World Politics* (New York: Grossman, 1974).

26. Sarah Anderson, Phyllis Bennis, and John Cavanagh, *Coalition of the Willing or Coalition of the Coerced?* (Washington, DC: Institute for Policy Studies, 2003).

U.S. officials to obtain a favorable UN resolution,<sup>27</sup> many people would have been unaware of these behind-the-scenes machinations. UN endorsement remained a potent tool for legitimating an invasion.

However, unlike previous occasions in which the Security Council was more susceptible to pressure, this time few member governments acquiesced. The existence of massive popular opposition to war played a significant role in stiffening the resolve of government leaders.

The delicacy of the “politics of endorsement” is suggested by the U.S. government's hot-and-cold approach to seeking a vote at the Security Council. Not long before the invasion, U.S. officials said they would bring a resolution before the Council. But then, as it appeared that the vote would go against them, the resolution was not put forward.

This was a tacit admission that it could not have passed. If the resolution had been submitted to a vote and rejected, the negative vote would have further undermined the doubtful claim by the sponsors that earlier resolutions by the Council authorized them to use armed force if and when they deemed that Iraq was in non-fulfillment.<sup>28</sup>

In other words, for minimizing public backlash, it was better to have no vote at all than a hostile vote. Even so, having sought UN endorsement for months, the failure to obtain it made the backfire even more powerful than if no resolution had been sought.

U.S. leaders displayed an ambivalent attitude towards the UN. On the one hand, they

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27. Ed Vulliamy, Peter Beaumont, Nick Paton Walsh, and Paul Webster, “America the Arm-twister,” *Observer*, 2 March 2003; Martin Bright, Ed Vulliamy, and Peter Beaumont, “US Dirty Tricks to Win Vote on Iraq War,” *Observer*, 2 March 2003.

28. Hans Blix, *Disarming Iraq: The Search for Weapons of Mass Destruction* (London: Bloomsbury, 2004), 7–8.

sought UN endorsement for their preferred options, but when this gambit failed, they attacked the UN as irrelevant. As soon as the UN became an obstacle, it was subject to familiar sorts of denigration, reinterpretation, and intimidation.

Another example of the role of official channels is the UN team, headed by Hans Blix, sent to Iraq in 2002 to look for WMD. If the team had found damning evidence, it would have provided convenient legitimation for an attack. However, by failing to report substantial Iraqi violations of UN-imposed conditions, Blix became an obstacle to U.S. government plans. Blix himself later claimed that some U.S. officials had tried to discredit the UN team — and him personally — implicitly recognizing that his team's work was valued by the U.S. government only for its potential role in legitimating an attack.<sup>29</sup>

### Intimidation and Bribery

When a powerful government threatens a weaker one, that itself constitutes intimidation. In addition, many forms of intimidation can be used before, during, and after an attack. As described earlier, Iraq came under repeated military assault over the years 1991–2003. In the invasion in March 2003, the initial “shock and awe” bombardment served to intimidate both Iraqi resisters and any other government that might consider defying U.S. government demands.

Another target is commentators, who may be threatened or wooed. It is well known that journalists who write uncritically about U.S. government policy can be rewarded with greater access to officials, whereas those who are too critical may be penalized by denial of access. Journalists who venture into sensitive

areas may suffer censorship and dismissal.<sup>30</sup> NBC dismissed veteran journalist Peter Arnett for making a few comments during the conquest that, though innocuous enough in the eyes of many, were labeled as treacherous by high officials. His treatment was an object lesson for anyone who might stray from the mainstream.

Tami Silicio, a worker in Kuwait, took a photo of coffins of U.S. soldiers. After it was published in the *Seattle Times*, she was fired from her job. U.S. military forces in Iraq have attacked, arrested, beaten, bombed, and killed independent journalists.<sup>31</sup> For example, on 8 April 2003, a U.S. missile hit the Baghdad bureau of the satellite broadcaster Al-Jazeera, killing Tareq Ayyoub. U.S. officials claimed that their forces were responding to enemy fire, but Al-Jazeera said no fire was coming from their building.<sup>32</sup>

Experts who do not toe the line can come under attack. U.S. government officials exposed the cover of covert CIA operative Valerie Plame as a reprisal against her husband Joseph Wilson, who publicly challenged official claims that Niger supplied uranium to Iraq.<sup>33</sup> U.S. troops in Iraq have been threatened with reprisals should they be openly critical of U.S. government policy.<sup>34</sup>

30. Kristina Borjesson, ed., *Into the Buzzsaw: Leading Journalists Expose the Myth of a Free Press* (Amherst, NY: Prometheus Books, 2002).

31. Christian Parenti, “Al Jazeera Goes to Jail,” *The Nation* 278 (29 March 2004): 20–23; Jeremy Scahill, “Shooting the Messenger,” *The Nation* 280 (7 March 2005): 4–6.

32. For details about this and many other cases, see Committee to Protect Journalists, <http://www.cpj.org/> (accessed 29 June 2006).

33. Joseph Wilson, *The Politics of Truth: Inside the Lies that Put the White House on Trial and Betrayed My Wife's CIA Identity* (New York: Carroll & Graf, 2005).

34. Steve Liewer, “Servicemembers Speaking Out: A Look at the Policies, Consequences,” *Stars and Stripes*, 22 August 2003.

29. Ibid., 215–28; Helena Smith, “Hans Blix Interview: One Last Warning from the Man Who Made an Enemy of Bush: UN Weapons Inspector Says Iraqi Guilt Is Still Not Proven,” *Guardian*, 11 June 2003, p. 4.

The pettiness of reprisals is shown by the attack on Mick Keelty, the Australian Federal Police Commissioner, Australia's highest ranking police official, who was interviewed about terrorism on Australian television in March 2004. He made a passing and oblique reference to the possibility that a country having troops in Iraq was more likely to come under terrorist attack: "The reality is, if this turns out to be Islamic extremists responsible for this bombing in Spain, it's more likely to be linked to the position that Spain and other allies took on issues such as Iraq." This was contrary to the Australian government's position. The Prime Minister's office immediately put pressure on Keelty to retract, and government officials apparently even wrote the "clarifying statement" that he had to make. Keelty's original comment would probably have passed unnoticed; forcing him to make a humiliating retraction drew more attention to it, as well as adverse comment on the government's intolerance.<sup>35</sup>

Yet another target is members of official bodies. The bribes and threats used to pressure members of the UN Security Council have already been mentioned. The connections between reinterpretation, official channels, and intimidation are captured in this comment:

The glaring contradiction in the UK-U.S. posture toward the UN seems to be lost on Downing Street and the White House. On the one hand, Bush administration and Whitehall officials declare that war was necessary to uphold the authority of the UN Security Council against alleged Iraqi denial and deception. President Bush even cited the electronic bugging of UN weapon inspectors by Iraqi officials in his eve of war address to the nation. On the other hand, the U.S. and British governments

target the Security Council for espionage and outright subversion.<sup>36</sup>

Intimidation and bribery are risky strategies: if revealed, they can discredit those who use them. Therefore, a central task for those who want to magnify indignation is to expose the use of these unsavory means.

## Conclusion

The 2003 invasion and occupation of Iraq generated enormous hostility around the world, a popular and political reaction that can be interpreted as an example of how state-sanctioned attacks can backfire. Much of this hostility can be attributed to the attack being perceived as unjust and disproportionate to anything the Iraqi regime had done, or threatened to do, to the attackers. Each of the five usual methods for inhibiting outrage was used, but without great success. The impending invasion was announced to the world, so cover-up played a limited role, though it was important in limiting awareness of the ongoing attacks from 1991. The demonization of Saddam Hussein was perhaps the most effective tool in inhibiting outrage, convincing many people the invasion was justified, but was powerfully countered by exposure of double standards such as via the queries "Why Iraq?" and "Why now?" Various arguments were advanced for invading Iraq: to prevent Iraqi aggressive use of WMD, to prevent Iraqi government support for terrorists, and to liberate the Iraqi people. However, these arguments were not very effective, partly because of transparent inconsistencies and partly because of powerful counter-arguments. An attempt was made to legitimate the invasion by obtaining UN endorsement, but this failed, causing further delegitimation. Finally, there was some intimidation of critics of the attack,

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35. Alan Ramsey, "Bad Call of a Keystone Cop Routine," *Sydney Morning Herald*, 20–21 March 2004, p. 39.

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36. Andreas Persbo and Ian Davis, "Electronic Surveillance of Foreign Diplomatic Missions: A Question of Law and Morality" (Silver City, NM & Washington, DC: Foreign Policy in Focus, 2 March 2004).

but this did not appear to significantly reduce the overall volume of criticism.

To a casual consumer of the media, the lead-up to the invasion of Iraq could well have appeared bewildering, with multitudinous claims and counter-claims involving Saddam Hussein, WMD, disagreements between governments, and so forth. The concept of backfire brings some order to this complex picture by focusing attention on the struggle over perceptions, specifically the perception of an attack as unjust or disproportionate.

The Iraq case suggests many ways to increase outrage, and roles for doing so. For exposing cover-ups, vital roles are played by investigative journalists, whistleblowers, outspoken advocates, researchers, independent commentators, and courageous publishers. To expose cover-ups can be very difficult: persistence in both gathering and distributing information in a credible fashion is vital.

Countering rhetorical means of justifying attack — devaluing the target and reinterpreting events — requires knowledge, commitment, eloquence, and access to communication channels. Commentary about an impending invasion, or one that has already occurred, is far from irrelevant; instead, it is crucial in shaping attitudes that influence whether an invasion proceeds or, if it does, how and whether future attacks occur.

The role of official channels for legitimating attacks is a challenging obstacle for opponents. There are two basic approaches to ensuring appropriate concern: to influence the official body to refuse to endorse the attack, or to undermine the credibility of the official body or its deliberations. The first approach is often more effective in the short term but, for official bodies whose appearance of fairness and neutrality is a facade, the second approach may be better. Finally, a good way to oppose intimidation is to expose it, thereby making it backfire.

This analysis of backfire dynamics points to the crucial role of information and communication. Attacks backfire because of *perceptions* of injustice and disproportionality. Therefore, secrecy, disinformation, spin-doctoring, and public relations may be of

much greater importance for attackers than sometimes realized. These techniques are widely used in ostensibly open societies and, even more extensively, by repressive regimes. These regimes do not rely solely on force. Examples include secrecy and state propaganda in the Soviet Union and the secrecy with which the Nazis carried out their exterminations. Official channels are also important for dictatorial regimes, such as when they hold elections that are transparently fraudulent, but nevertheless give a facade of legitimacy.

Backfire analysis can give a new appreciation of the diverse means of opposing attacks. Opposition to the attack on Iraq was most obvious in massive rallies throughout the world and in resistance by many governments to joining or endorsing an invasion. These forms of resistance cannot easily be separated from an ongoing struggle over information and meaning, involving news reports, articles, letters, leaflets, e-mails, and everyday conversations. This struggle will continue long after the invasion of Iraq, for example in the ongoing debate over what U.S. officials actually knew in advance about the presence or absence of WMD.

In many cases, such as the Sharpeville massacre and the beating of Rodney King, public anger occurs after the attack. In the case of Iraq, in contrast, much of the anger occurred beforehand. This suggests that an early warning system, raising concern about potential attacks, can be a potent way of resisting injustice.

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## 10

### Abu Ghraib

by Truda Gray and Brian Martin

In April 2004, photos of torture and abuse at Abu Ghraib prison in Iraq were broadcast, causing revulsion and anger throughout the world. Abu Ghraib had been a notorious prison during the regime of Saddam Hussein, but the photos showed something different: this time it was U.S. soldiers who were the perpetrators. Their own photos revealed grotesque rituals in which prisoners were sexually humiliated, terrorized with dogs, and brutally restrained, accompanied by grinning and apparently shameless prison guards. The U.S. government had claimed the conquest of Iraq was a liberation from tyranny, but this graphic material suggested the new rulers were not living up to their espoused principles.

The revelations about Abu Ghraib seriously damaged the reputation of the United States. Polls in Arab countries showed that support for the U.S. occupation declined at a greater rate than usual, with most respondents believing Abu Ghraib was typical of a wider problem and that most U.S. people behaved like the prison guards.<sup>1</sup> In the United States, polls revealed an increase in opposition to the war generally.<sup>2</sup>

The Abu Ghraib story triggered a torrent of commentary as different groups tried to make sense of what had happened or to shape public perceptions of the events.<sup>3</sup> While the U.S.

government disowned what it called the “abuse” at Abu Ghraib, sociological and historical studies have looked at the continuities of U.S. government practice, showing that the conditions for such behavior lay in policies going back decades.<sup>4</sup>

The very words “Abu Ghraib” have now become shorthand for the torture scandal. Understanding the policy background of the events is important, especially because most media reports treat the events at Abu Ghraib out of context. Here, though, we examine a different facet of Abu Ghraib: the tactics used by perpetrators and opponents to stifle or express outrage over torture and abuse.

In the following sections, we examine in turn each of the five areas of contention contained in the backfire model. In the conclusion, we sum up the implications of this analysis for understanding responses to torture and abuse.

Given the huge volume of material about Abu Ghraib, our examination is not intended to be comprehensive: rather than try to present every possible example in each of the five

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1. Michael Hirsh, “Grim Numbers,” *Newsweek*, 15 June 2004.

2. John Ritter, “Poll: War Opposition Up amid Iraqi Abuse Scandal,” *USA Today*, 10 May 2004.

3. Lila Rajiva, *The Language of Empire: Abu Ghraib and the American Media* (New York: Monthly Review Press, 2005).

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4. Jennifer K. Harbury, *Truth, Torture, and the American Way: The History and Consequences of U.S. Involvement in Torture* (Boston: Beacon Press, 2005); Gregory Hooks and Clayton Mosher, “Outrages against Personal Dignity: Rationalizing Abuse and Torture in the War on Terror,” *Social Forces* 83 (2005): 1627–45; Alfred W. McCoy, “Cruel Science: CIA Torture & U.S. Foreign Policy,” *New England Journal of Public Policy* 19 (2005): 209–62; Alfred W. McCoy, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror* (New York: Metropolitan, 2006).

areas, we select a range of illustrations of the techniques. Further investigations and revelations about Abu Ghraib will take place, throwing new light onto the tactics used to contain or express outrage. Indeed, further investigations and revelations will be part of the ongoing struggle over the significance of Abu Ghraib. This struggle is likely to continue for years and even decades after the events themselves.

### Cover-up and Exposure

Cover-up at Abu Ghraib is best understood in the context of cover-up at all U.S. prisons in the “war on terror.” U.S. authorities have sought to cover up as much as possible of their activities at prisons in Guantánamo Bay, Afghanistan, Iraq, and other countries involved in their rendition policy. Furthermore, they hold some prisoners at secret locations: even the existence of these prisoners is kept secret. The prisons at Guantánamo, Afghanistan, and Iraq are physically remote from the United States, and off limits to journalists. These basic features of the prisons are enough to indicate the centrality of secrecy to their operation.

One of the few groups permitted access to these U.S. prisons is the International Committee of the Red Cross (ICRC). However, U.S. authorities tried to stop ICRC spot visits to Abu Ghraib.<sup>5</sup> They also held some “ghost” detainees in secret, away from the ICRC.<sup>6</sup>

These measures limited public awareness of prison abuses, but could not stop all information leaking out. Prisoners, after their release, could tell about their ordeals. For example, British citizens imprisoned at Guantánamo were all released at the request of the British government and subsequently many of them

spoke openly with journalists and others.<sup>7</sup> Human rights groups are active in collecting testimony about abuses in prisons.<sup>8</sup>

However, evidence gleaned from prisoners received relatively little attention in the mass media, being especially rare in the U.S. media. For example, in 2003 there were reports of torture at numerous U.S. foreign prisons, but they did not reach the media threshold for a major story in the U.S. media.<sup>9</sup>

Prior to April 2004, most reporting about human rights abuses in U.S. foreign prisons was framed by the perspective of the U.S. government: official reassurances were reported without much critical commentary, and the issue of torture received little attention. Evidence of torture in these foreign prisons was not sufficient to move coverage from elite framing to event-driven framing.<sup>10</sup> In effect, the mass media aided in a de facto cover-up.

The Abu Ghraib photos were the key to breaking through the media’s usual orientation to government framing. Suddenly the treatment of prisoners was a huge story. Even so, the mass media did not report everything they could have. Only some photos were published. Many of those published were cropped so they

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7. David Rose, *Guantánamo: The War on Human Rights* (New York: New Press, 2004).

8. Human Rights Watch, *The Road to Abu Ghraib* (New York: Human Rights Watch, 2004).

9. Rajiva, *Language of Empire*; “Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Person by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation,” in *The Torture Papers: The Road to Abu Ghraib*, ed. Karen J. Greenberg and Joshua L. Dratel (Cambridge: Cambridge University Press, 2004), 383–404.

10. Elite and event-driven framing were discussed in chapter 5, drawing on Regina G. Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (Berkeley: University of California Press, 2000).

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5. Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review Books, 2004), 216.

6. Josh White, “U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds,” *Washington Post*, 1 December 2004: A01.

did not show the presence of other U.S. personnel and thus did not reveal wider official involvement in the actions.<sup>11</sup>

CBS's *60 Minutes II*, having obtained the photos, delayed broadcasting them at the request of the Pentagon. It required the impending publication of Seymour Hersh's story about Abu Ghraib in *The New Yorker* to prod CBS into action. After Hersh's story and accompanying photos were published, all major U.S. newspapers followed.<sup>12</sup> De facto cover-up can sometimes occur when major outlets do not want to rock the boat, but there is a countervailing pressure: the desire to break a major story. Therefore, investigative journalists and courageous editors, by breaking through usual mass-media orientation to elite perspectives, play a central role in the exposure of injustice.

With the publication of the photos, the primary methods of cover-up had failed dramatically and the U.S. government had to resort to rearguard actions to limit the damage. In this, cover-up continued to be a key tactic.

After the mass media published photos, U.S. officials tried to get them to stop, arguing among other things that it was unpatriotic and endangered U.S. troops.<sup>13</sup> They prevented hundreds of photos and videos from being circulated.<sup>14</sup> The photos were thus the focus of a continuing struggle over cover-up and exposure, a struggle that continues today, given that some of the most graphic images have never been broadcast.

A parallel struggle over cover-up and exposure took place over textual materials about

Abu Ghraib. The report by Major General Antonio M. Taguba<sup>15</sup> on treatment of prisoners at Abu Ghraib was extremely damaging to the U.S. military. Authorities tried various means to limit its circulation. Defense Under Secretary Douglas Feith banned discussion of the Taguba report within the Pentagon itself, despite it being widely available. After the report was leaked and reported by the media, Feith warned staff not to read or even mention it. The report itself was classified secret by the Defense Department. When the report was sent to Congress, one-third of its 6,000 pages were missing — supposedly due to an “oversight.”<sup>16</sup>

Although the Pentagon has formidable powers to control information, in this case its efforts were insufficient. It is worth noting the many players and activities in the communication process leading to exposure. In the early stages, the ICRC and human rights groups were able to gather information from ex-prisoners and other sources to produce damning reports. There were two key roles in this aspect of exposure: credible witnesses and credible groups to document and communicate their stories.

The photos played a crucial role in exposure. They were made possible by cheap digital technology and the willingness of soldiers to capture their own behavior in images: their treatment of the prisoners appeared to be an occasion for boasting rather than for being ashamed. This insensitivity to what would cause outrage, and thus what needed to be covered up to prevent it, laid the

11. Susan Sontag, “Regarding the Torture of Others,” *New York Times*, 23 May 2004.

12. David Remnick, “Introduction,” in Seymour M. Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib* (London: Allen Lane, 2004), xviii.

13. Sontag, “Regarding the Torture of Others.”

14. Matt Welch, “The Pentagon’s Secret Stash: Why We’ll Never See the Second Round of Abu Ghraib Photos,” *Reason*, 36(11) (2005): 18–19.

15. Antonio M. Taguba, “Article 15–6 Investigation of the 800th Military Police Brigade (The Taguba Report),” in Danner, *Torture and Truth*, 279–328; also in Greenberg and Dratel, *Torture Papers*, 405–556; also in W. Frederick Zimmerman, ed., *Basic Documents about the Treatment of the Detainees at Guantánamo and Abu Ghraib* (Ann Arbor, MI: Nimble Books, 2004), 1–38.

16. Michael Hirsh and John Barry “The Abu Ghraib Scandal Cover-Up?” *Newsweek*, 7 June 2004, p. 34.

foundation for a scandal of enormous proportions. (In principle, someone *opposed* to what was occurring might have taken photos in order to expose it, but this apparently did not take place at Abu Ghraib.)

The next stage in the communication chain was Joseph M. Darby, a soldier not involved with abuse. Asking for information about a shooting incident, he was given, by Charles A. Graner, Jr., two CDs that Darby found filled with disturbing images of prisoners. After confronting Graner, Darby gave the CDs to the Army's Criminal Investigation Command. The story might still have remained dormant except for the willingness of individuals in CID to take the issue seriously and instigate an investigation. Major General Taguba also played a key role.

Then there was journalist Seymour Hersh, who broke the story in *The New Yorker*.<sup>17</sup> (Hersh had also played a key role 35 years earlier in breaking the story of the My Lai massacre during the Vietnam war.) Hersh relied on many anonymous informants who gave him confidential information and leaked documents to him. Hersh and his supportive editors and colleagues at *The New Yorker* — including fact-checkers — gave the story sufficient credibility to break any remaining reluctance of the mainstream media to cover the story.

Key Abu Ghraib photos have become so familiar that they now serve as symbols of abuse. This makes it hard to realize that they might never have been revealed or that the story might have remained on the back pages. The prominence of the Abu Ghraib story is the contingent outcome of a struggle over cover-up and exposure. Some months later, a brief story appeared reporting that photos had also been taken at Bagram prison in Afghanistan, but in the wake of the Abu Ghraib scandal these had been destroyed. It is likely many other atrocities, similar to Abu Ghraib, have occurred but remain hidden.

To sum up, the key elements in cover-up — both successful and less successful — were: isolation, namely preventing outsiders access to the prisons or to information about them; conventional media framing oriented to elite perspectives; and censorship. The key elements in exposure were: witness reports and information-gathering by concerned groups; vivid, damning images; soldiers willing to report on and to genuinely investigate evidence of wrongdoing; people willing to leak the information; journalists and editors willing to run the story.

### Devaluation and Validation

In all U.S.-run prisons outside the United States, devaluation occurred through labeling. The very designation “war on terror” implies prisoners are “the enemy” — the opponents in the so-called war — and terrorists. Further, calling those held “detainees” suggests even fewer protections than referring to them as prisoners.

International law, such as the Geneva Conventions, provides formal protection for prisoners. For prisoners in Afghanistan and Guantánamo Bay, the U.S. government adopted a new label, “unlawful combatants” (or “enemy combatants”) arguing that the Geneva Conventions did not apply because al Qaeda was not a conventional army. This line of argument has been contested by legal scholars; the point here is that, in relation to international norms for treating prisoners, the new label signified a further devaluation of those designated. The term “unlawful combatants” was also used in Iraq, even though the original justifications for using it did not apply there.

Devaluation is far easier when the target is a faceless abstraction. By restricting access to the prisons, the U.S. administration helped maintain the image of a cruel, malevolent, ruthless enemy who deserved no rights. Isolation of those imprisoned thus served both as cover-up and devaluation. Most of those arrested were presented as alien to European-Americans: from another culture, adherents to

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17. Hersh, *Chain of Command*, incorporates stories from *The New Yorker*.

a different religion, from a different ethnic group — and generally presented as inferior.

The prisoners at Abu Ghraib were given a variety of negative labels: terrorists, insurgents, rebels, towelheads, suspects. U.S. Senator Inhofe stated, “you know they’re not there for traffic violations.”<sup>18</sup>

Challenging devaluation, human rights groups proceed on the assumption that all humans have intrinsic rights. Those who promote the application of international law are in essence arguing the same: the prisoners are humans like anyone else and deserve the same rights.

Abstract argument and information can help validate targets of attack, but far more powerful is humanization through stories and images. Some of the prisoners at Guantánamo were citizens of countries such as Australia, Britain, and Germany. Journalists were able to write stories about them using photos, quotes from relatives and friends, and comments from lawyers. This personalized these individuals and, in the eyes of many, made their treatment seem more worthy of concern.

The photos from Abu Ghraib made the prisoners seem much more real: they were flesh-and-blood people and no longer abstractions. In many of the photos, prisoners’ heads were covered or their faces not presented, thereby limiting identification with the victims. Photos showing the faces of prisoners were especially powerful in awakening empathy, such as the image of a terrified Iraqi prisoner face to face with an aggressive attack dog. Many photos showed prisoners in humiliating poses, which in general would not be considered positive imagery — compared for example to photos of a graduation, wedding, or family gathering — but nevertheless this offered a greater opportunity for identification and validation than abstract labels.

At the same time, the beaming faces of U.S. prison guards were conspicuous in many photos. Some articles included attempts to explain their actions, though seldom to justify

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18. Quoted in Sontag, “Regarding the Torture of Others.”

them. In a rare news-page reference to social science experimentation, the 1971 prison simulation run by Philip Zimbardo and colleagues at Stanford University was described. In this pioneering and eye-opening study, U.S. male university students were randomly allocated the roles of prisoner or guard in a simulated prison. The experiment was terminated after less than a week because participants had dangerously adopted behaviors corresponding to their roles.<sup>19</sup> The implication of this study is that ordinary members of the U.S. public can become abusive in an environment that sanctions or encourages such behavior: hence, the Abu Ghraib guards were responding to their circumstances. What is striking is how seldom such an analysis is applied to behavior at conventional prisons or to the behavior of terrorists.

In summary, prisoners at Abu Ghraib were devalued by being categorized as enemies in the war on terror (and hence implicitly as terrorists), by being placed in the new classification of unlawful combatant that allegedly exempted them from human rights protections, by being seen as undesirably alien in race and religion, and by remaining abstractions through prevention of personal contact. These techniques of devaluation were countered by civilizing human rights discourses, by information about the innocence of many prisoners, by personal stories of some prisoners, and most of all by the photos showing real people.

### Interpretation Struggles

In relation to Abu Ghraib, reinterpretation was minimal prior to the publication of the photos, but arguments proliferated subsequently.<sup>20</sup> The instinctive response of many observers was that the actions at Abu Ghraib were disgusting and deplorable. The task of those seeking to minimize the damage from these exposures was difficult, but followed a predictable pat-

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19. Philip G. Zimbardo, “Stanford Prison Experiment,” <http://www.prisonexp.org/> (accessed 29 June 2006)

20. Rajiva, *Language of Empire*.

tern. We look briefly at the key interpretation techniques used by U.S. officials.

In a few cases, events were relabeled into nonexistence: some of the deaths at Abu Ghraib, and other prisons, were said to be due to natural causes, despite evidence of physical abuse.<sup>21</sup>

A key form of redefinition was to say the actions at Abu Ghraib did not constitute torture. Memos within the U.S. government argued that many of the techniques used in interrogation should not be classified as torture.<sup>22</sup> So far as most human rights legal experts were concerned, these reclassifications did not conform to international laws on torture.

U.S. government officials never used the word torture but instead referred to “abuse” and “humiliation.” The mass media mostly followed the government’s terminology, so the prevailing term became “abuse.” This linguistically reinterpreted the events as far less serious than would be suggested by “torture.” There were other euphemistic descriptions of what had occurred, such as “setting conditions” or “loosening up” for interrogation.

One of the central issues involving interpretation was whether Abu Ghraib was an isolated incident or represented a commonplace and pervasive practice. The government pushed the isolated-incident explanation, saying the photos portrayed the actions of a few rogue guards in just one prison block. U.S. Secretary of Defense Donald Rumsfeld declared it was “an exceptional, isolated” case.<sup>23</sup>

Responsibility for this isolated incident was sheeted home to a few lower-level troops. These perpetrators were said not to be representative of the Army, of the United States, or of the country’s “true nature.” Only the lower ranks were blamed: they were said to be oper-

ating without any encouragement by superiors. Pentagon officials said it was a matter of individual misconduct, of lack of discipline.

The dominant government line served to blame aberrant individuals and to distance the government itself from any responsibility. But this was challenged by rival interpretations. Some of the soldiers involved, such as Charles Graner, Jr. and Lynndie England, said they were only following orders.

Those who gave a more structural explanation of Abu Ghraib referred to reports of similar treatment occurring in Afghanistan, Guantánamo, other prisons in Iraq, and elsewhere. They also referred to a history of policy development and application of interrogation techniques that portrayed Abu Ghraib as a logical outcome rather than as an anomalous incident.<sup>24</sup>

Following revelations that something bad had happened, the next question was who or what to blame. As indicated, the main candidates were the individual soldiers, and possibly the line of command and top policymakers. But there was also another possibility: blame those who revealed the abuse, including the media and even the general public. George Bush said he was sorry for the damage to the image of the United States and Donald Rumsfeld said the photos would tarnish the reputation of U.S. troops, evincing more concern about damage to U.S. interests than about damage to Abu Ghraib prisoners.<sup>25</sup>

To sum up, the meaning of the Abu Ghraib photos was not self-evident but rather the subject of an ongoing struggle. A few commentators said the matter was not all that serious.<sup>26</sup> Those who wanted to minimize the

21. Human Rights Watch, *Road to Abu Ghraib*, 28–29.

22. Danner, *Torture and Truth*; Greenberg and Dratel, *Torture Papers*.

23. Human Rights Watch, *Road to Abu Ghraib*, 1.

24. Harbury, *Truth, Torture, and the American Way*; Hersh, *Chain of Command*; Hooks and Mosher, “Outrages against Personal Dignity”; McCoy, “Cruel Science”; McCoy, *A Question of Torture*.

25. Robert Plummer, “US Powerless to Halt Iraq Net Images,” *BBC News*, 8 May 2004.

26. Dick Meyer, “Rush: MPs Just ‘Blowing Off Steam’,” *Against the Grain* (CBS News), 6 May 2004.

seriousness of the events referred to “abuse” rather than “torture.” They blamed a few deviant troops who were said to be misbehaving in a single cell block.

The contrary interpretation was that Abu Ghraib revealed torture that had become tolerated or even encouraged by high-level policies, and which represented the tip of an iceberg of atrocities.

### Official Channels

The Abu Ghraib exposures led to numerous inquiries, including at least ten general inquiries plus more than a hundred individual investigations.<sup>27</sup> Most of these were by the U.S. military itself, with all the limitations of internal inquiries, including limited public access to the proceedings and findings. In the case of a significant investigation by George R. Fay,<sup>28</sup> military procedure did not allow the inquiry to hold anyone accountable above the level of the investigating officer, in Fay’s case Major General, and the same sort of restriction applied to several other investigations.<sup>29</sup>

The inquiries varied in the depth of their analysis and the breadth of their recommendations. Some, such as the report by James R. Schlesinger,<sup>30</sup> said responsibility for Abu Ghraib went all the way to the top. But a

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27. Seymour Hersh, “The Unknown Unknowns of the Abu Ghraib Scandal,” *Guardian*, 21 May 2005.

28. George R. Fay, “AR 15–6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade (U),” in Danner, *Torture and Truth*, 436–579; also in Greenberg and Dratel, *Torture Papers*, 1018–131.

29. Hirsh and Barry “Abu Ghraib Scandal Cover-Up?”

30. James R. Schlesinger, “Final Report of the Independent Panel to Review DoD Detention Operations (The Schlesinger Report),” in Danner, *Torture and Truth*, 329–402; also in Greenberg and Dratel, *Torture Papers*, 908–75.

strong recommendation was one thing; acting on it is another. A strong recommendation suggests the system is working to deal with its own problems, but this may be an illusion when implementation is piecemeal, purely symbolic, or nonexistent.

There were some hard-hitting reports, but their impact was muted by their internal nature. The Taguba report was a courageous treatment; its major impact, though, was the result of being leaked to the media and providing authoritative support for what was apparent in the photos.

It is worth noting the sorts of inquiries that were *not* carried out. There were no well-funded independent inquiries and no televised hearings — and no prosecutions for war crimes. To our knowledge, there were no inquiries to determine whether and which Iraqis held at Abu Ghraib had been mistakenly or falsely detained, or to determine whether to offer anyone compensation for ill-treatment.

There were accusations made against many soldiers, but many were not punished judicially, with over 70% of official actions being administrative punishment.<sup>31</sup> Brigadier General Janis Karpinski, commander of the Abu Ghraib prison at the time, was relieved of her command, but all other officers were cleared and no civilian policy-makers were even charged. No one was charged with torture or war crimes. Some charges were dropped, but only a few soldiers were sentenced. From media stories, it would have been easy to gain the impression of a flurry of prosecutions. However, due to the large number of disparate cases, it was difficult to grasp the scale and pattern of outcomes. In other words, it would be easy to gain the impression that the system was working, but exactly how was not clear.

Our argument is that the inquiries and trials gave the appearance of providing justice without providing much substance. One key

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31. Amnesty International, “One Year after Abu Ghraib, Torture Continues,” 28 April 2005; Dave Moniz and Tom Squitieri, “U.S. Works to Repair Damage of Abu Ghraib,” *USA Today*, 27 April 2005.

impact of the numerous investigations and trials was to dampen public anger. Officials seemed to be doing something, though the complexity, slowness, and technicalities meant few could follow the details even of those procedures in the public domain. This fits the pattern of other cases in which official channels are used by perpetrators in a way that dampens outrage. But Abu Ghraib reveals another dimension to the failure and facade of official channels: members of the Bush administration went to considerable effort to ensure that laws could not be used against them.

In the aftermath of 9/11, key members of the administration wanted to use tougher forms of interrogation but were concerned about international law. Their response was to solicit legal opinions that expanded what was deemed legal interrogation practice short of torture, in effect redefining torture.<sup>32</sup> (Most independent human rights experts condemn this.) The U.S. administration admitted the Geneva Conventions applied in Iraq, but violated them all the same. Although the designation “unlawful combatant” did not apply to the circumstances in Iraq, the practices in prisons in Afghanistan and Guantánamo were imported to Iraq as if it did.<sup>33</sup> Finally, the U.S. government refused to support the International Criminal Court, making extraordinary efforts to ensure it could not try U.S. citizens. President Bush in particular was exempt from legal scrutiny by the claim of presidential war powers. These were among the many actions taken well before Abu Ghraib to reduce the vulnerability of U.S. soldiers and both military and civilian commanders from independent legal scrutiny.

As a result, the numerous investigations and trials concerning Abu Ghraib took place within a legal and policy context in which top officials were exempted from challenge, at least so far as the administration could manage. The inquiries and trials mainly

targeted those at lower levels, thus complementing the administration’s interpretation that Abu Ghraib was an isolated incident involving misconduct by individuals.

In summary, in response to damaging revelations from Abu Ghraib, U.S. officials launched numerous investigations and prosecutions. Arguably, though, the net effect of these formal processes was more to dampen public concern than to implement substantive justice. Furthermore, the U.S. administration had previously made strenuous efforts to limit the vulnerability of officials to prosecution for torture and war crimes, in essence trying to ensure it could act with impunity and official channels would be toothless.

### Intimidation and Resistance

Just as the attack on Iraq was a process of intimidation of the Iraqi people, torture at Abu Ghraib and elsewhere served to intimidate prisoners. Here, though, we focus on the use of intimidation against U.S. soldiers and civilians in relation to Abu Ghraib.

One key target was whistleblowers those who leaked information, who could expose wrongdoing at Abu Ghraib to wider audiences. In this regard, Douglas Feith, U.S. Under Secretary of Defense, sent a message to officials warning that leaks of the Taguba report were being investigated with the possibility of criminal prosecution. Indeed, Feith was said to have made his office a “ministry of fear.”<sup>34</sup> Similarly, Donald Rumsfeld established what was called a “command climate” in which bad news was not welcome.<sup>35</sup>

Within the U.S. Army, threats of disciplinary action or other penalties were made against soldiers who spoke out. Some of the Army’s investigators seemed to pursue whistleblowers with greater eagerness than they did those alleged to have committed human rights violations, with threats of

32. Danner, *Torture and Truth*; Greenberg and Dratel, *Torture Papers*.

33. Hersh, *Chain of Command*.

34. Hirsh and Barry “Abu Ghraib Scandal Cover-Up?”

35. Evan Thomas, “No Good Defense,” *Newsweek*, 17 May 2004, p. 24.

prosecution made unless the names of whistleblowers were revealed.<sup>36</sup> After Sergeant Frank “Greg” Ford reported, to his commanding officers, witnessing torture by fellow soldiers, he was forcibly removed (“medivaked”) out of Iraq on psychiatric grounds, though psychiatrists subsequently pronounced him fully sane. Other military whistleblowers were treated the same way.<sup>37</sup>

Intimidation itself is usually covered up, so the available evidence is only a sample of what actually occurs. But whatever its scale, intimidation was insufficient to keep a lid on what happened at Abu Ghraib, because there were a number of prisoners, soldiers, investigators, journalists, and publishers who were willing to speak out. Furthermore, many of them have spoken out about intimidation itself, making it an additional source of outrage.

## Conclusion

In retrospect, it may seem inevitable that the well-documented events at Abu Ghraib would lead to public outrage. We have argued, though, that this outcome was never guaranteed, but rather was the result of a multifaceted struggle continuing to this day. The contingent nature of the Abu Ghraib struggle is shown by the parallel cases of prisons in Afghanistan, Guantánamo, and elsewhere in Iraq, in which there is evidence of similar treatment of prisoners but far less public outcry. The crucial difference is the release of photos from Abu Ghraib, which circumvented the usual processes by which wrongdoers prevent or minimize reactions to their actions. On the other hand, we should not assume the Abu Ghraib scandal, as it has occurred, was the worst possible outcome for the U.S. government: it is plausible that cover-up, devaluation, and other techniques prevented the scandal being even larger than it has been.

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36. Tony Allen-Mills, “Witch-hunt Fears Stall New US Abuse Investigation,” *Sunday Times* (UK), 2 October 2005.

37. David DeBatto, “Whitewashing Torture?” *Salon.com*, 8 December 2004.

At U.S. prisons other than Abu Ghraib, secrecy more effectively prevented information from reaching wider publics. Some former prisoners told what had happened to them, but the media’s news values prevented this from becoming a major story. Information from prisoners failed to have impact because they were devalued — as terrorists, the enemy, and so forth — and because the U.S. government’s interpretation of actions and responsibility was treated as credible. No soldier who witnessed ill-treatment of prisoners at other prisons was able to achieve a high-profile stand in exposing what occurred.

In contrast, the Abu Ghraib photos cut through all these defenses. Their release broke through cover-up, constituting one of those exceptional events that challenges usual elite-oriented perspectives. With the images going directly to the public, the photos largely surmounted the obstacles of devaluation, reinterpretation, and official channels: viewers felt they could see and interpret the events themselves, without requiring much explanation. Finally, individuals in the chain through which the photos reached the public played their roles despite the possibility of reprisals.

Although the photos played a crucial role in turning Abu Ghraib into an international scandal, there has been nothing automatic about the trajectory of the case. As we have outlined, the U.S. administration and military command used a host of techniques to minimize outrage and direct it towards a few soldiers and away from senior officials and officers. But these efforts were inadequate: the Abu Ghraib events backfired on the U.S. government, causing far more damage than any benefit from intelligence gained or through intimidation of the Iraqi opposition to the U.S. occupation.

## Acknowledgements

We thank Steve Wright for many valuable comments.

## Countershock: challenging pushbutton torture

by Brian Martin and Steve Wright

Torture, by its nature, can be expected to trigger revulsion. On the one side is the torture victim, who is unable to resist, much less hurt the torturer. On the other side is the torturer, inflicting pain and harm with impunity. Many people perceive the situation as inherently evil. This helps explain why no government acknowledges using torture and why Amnesty International and other human rights organizations have such high levels of participation and credibility. To be exposed using torture can backfire, as in the case of Abu Ghraib, so extraordinary efforts are made to cover up and deny the practice.

As well as opposing torture itself, it is possible to raise concerns about the tools of torture. However, unlike arms production and sales, which have long been a focus for peace activists, technologies used for restraint, surveillance, assault, and torture have received relatively little attention. Yet the scale of production and trade in such technologies is enormous.<sup>1</sup> They include everything from thumb cuffs and leg irons through crowd control weapons such as riot shields and stun grenades to sophisticated computer surveillance systems.<sup>2</sup> Much of the research and development on so-called non-lethal weapons contributes to the capacity for human rights

abuses.<sup>3</sup> The thriving market for such technologies is revealed through the many sales fairs around the world where the latest repression technology is touted; representatives from countries with repressive governments are frequently present, as vividly revealed in the British television documentary *The Torture Trail*.<sup>4</sup>

There is growing evidence that “non-lethal weapons” are not benign — indeed, they can be lethal — and are forming a new arsenal used primarily against the exercise of freedom rather than in defense of it.<sup>5</sup> At an expert briefing in October 2002 between Amnesty International, European Commission officers, the Omega Foundation, police and medical experts, and the UN Special Rapporteur on Torture, participants were told there are 230 known manufacturers, distributors, suppliers, or brokers of electroshock weapons and 69 of leg irons, shackles, or thumb-cuffs. The United States has the largest number of companies providing restraint technology (43) followed by Western Europe (10); similarly, the United States has the most companies providing electroshock equipment (81), followed by the Asia-Pacific (56), Western Europe (41), Eastern-Central Europe (23), Africa (11), the

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1. Mike McBride, ed. *Janes Police and Security Equipment 2002–2003* (Surrey: Jane's Information Group, 2002).

2. Steve Wright, Omega Foundation, *An Appraisal of Technologies for Political Control*, Report to the Scientific and Technological Options Assessment (STOA) Panel of the European Parliament, 6 January 1998. <http://www.uhuh.com/laws/euopar3.htm> (accessed 29 June 2006).

3. Steve Wright, “The Role of Sub-lethal Weapons in Human Rights Abuse,” *Medicine, Conflict and Survival* 17 (2001): 221–33.

4. Martyn Gregory, *The Torture Trail*, Channel 4 (UK), *Dispatches*, 11 January 1995.

5. Omega Foundation. *Crowd Control Technologies (An Appraisal of Technologies for Political Control)*. Report to the Scientific and Technological Options Assessment (STOA) Panel of the European Parliament, June 2000.

Middle East (10), and Latin America (8).<sup>6</sup> Thus the West provides the largest share of the torture technology supply pipeline with most of the companies actively involved in the provision of restraint technology and over half of those involved in the proliferation of electroshock weapons. Of course, the number of companies is only one part of the story: in China, where production is enormous, a single company might be making scores of thousands of electroshock weapons.

These weapons provide means for restraint and torture, yet there are powerful corporate, government, and public relations forces seeking to present them in a favorable light and, despite rhetoric about human rights, to carry on business as usual. In such circumstances, it is important for researchers to expose what is going on and investigate how these weapons can best be opposed.

Therefore, we start with the assumption that it is important to oppose the production and trade in the technology of repression. The question is how to go about it. One approach is through government regulation. This can be valuable, but has seldom proved effective on its own. Nor do international agreements about torture, simply by their existence, appear to achieve very much. After all, no government admits to using torture, yet it is known that dozens use or tolerate it as a matter of policy. Our focus is on independent campaigning. A number of non-government organizations (NGOs), such as Amnesty International and Campaign Against the Arms Trade, play an important role in exposing and opposing the trade and use of repression technologies.<sup>7</sup> Our aim here is to assess what types of intervention are likely to be most effective in generating support and action.

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6. Omega Foundation, "Stun Weapons and Their Effects," A draft paper to the International Meeting of Experts on Security Equipment and the Prevention of Torture, London, 25–26 October 2002.

7. Amnesty International, *Stopping the Torture Trade* (London: Amnesty International Publications, 2001).

Much campaigning on these issues is heuristic and repetitive when each new campaigning generation has to forge its tools anew: institutional learning in peace activist communities is still embryonic. One useful approach to the problem is through exploration of the psychological and political processes by which atrocities can be denied at the level of the individual and the state. This provides insight into why human rights organizations have such difficulty gaining support and what they can do to cut through denial.<sup>8</sup>

Electroshock weapons can be used to inflict torture in a conscious fashion but they can also be used for other purposes, such as crowd control. Even so, use of these weapons can backfire if people believe serious pain or harm is being inflicted in a highly unequal situation. We adopt the term "countershock" for backfire against torture: because we focus on electroshock weapons, we let the part stand for the whole.

In the beating of Rodney King, outrage was from the beating itself. In the case of torture technology, in contrast, outrage is directed at both the torture and the tools used to carry it out. King was hit by two tasers — electroshock weapons — and by metal batons, but little attention was given to these weapons. In the case of torture, the weapons are a primary focus, due to the efforts of human rights groups.

When people witness or hear about the existence of torture technology — even such unsophisticated technology as restraints and apparatus for causing electrical shocks — many are appalled. They can imagine such technology being used and are disgusted by the very thought. Increasing people's awareness of torture technology and preparations for torture thus can help build a network of support for human rights defenders. This is vital, because few victims of torture have the psychic resources to foster public anger during the time of their incarceration without the

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8. Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity, 2001).

assistance of NGO networks. Even afterwards, individuals may be too damaged to immediately speak out.

One powerful exception was the Tibetan monk Palden Gyatso, who endured 33 years of imprisonment by the Chinese authorities for supporting the independence of Tibet and was tortured every day. He told Steve Wright he was so hungry he ate his boots. On his release, he traveled to Northern India to seek the permission of the Dalai Lama in Dharamsala to go back to his prison and buy the electroshock and other torture instruments used upon him. In one of the most powerful literal examples of countershock, this incredibly brave monk has subsequently toured the world to tell his story. By displaying the implements used to torture him, he acts politically against the perpetrators of these human rights crimes and their Chinese masters. His story<sup>9</sup> has received widespread publicity and illustrates two powerful effects. One is the role of NGOs like Amnesty in freeing political prisoners, which Gyatso acknowledges in his own case. The other is the role of exemplars in achieving political change: Amnesty used Gyatso's case in its own effective "Stop Torture Campaign."

Those involved in torture systems include the people who inflict torture themselves (torturers), governments that knowingly sponsor or tolerate torture, scientists and technologists who research and develop technologies that can be used for torture, and companies that manufacture and sell torture technologies. Our focus here is intervention at the point of production and sale, so the key players are corporate and government leaders and related apologists and public relations agencies. We look at the ways these players seek to inhibit outrage using the five standard categories: (1) hiding torture; (2) devaluing the opponent; (3) reinterpretation, including denying that technologies are being used for repressive purposes and denying that technologies can or do cause harm; (4) claiming proper procedures are being followed; and (5) attempting to

intimidate those who expose participants in the torture system. For each method, we look at ways for activists to counter these tactics.

### Hiding and Exposing Torture

If outsiders are not aware of events, then the potential for outrage is minimized. Some regimes cause dissidents to "disappear," which is harder to mobilize against than open or acknowledged killings. Minimizing outrage explains why torture is nearly always carried out in secret: if done openly, it would generate widespread revulsion. For the same reason, very few torturers try to justify their actions in public.

Exposure is a powerful tool against torture. As described in chapter 3, the filmmaker Max Stahl videotaped the 1991 Dili massacre and smuggled the tapes out of East Timor. Broadcasts of the images he recorded were instrumental in triggering a huge increase in international support for the East Timorese liberation struggle. There was an extraordinary follow-up to this.

Stahl was later the cameraman for the British comedian Mark Thomas, who posed as a public relations consultant to torturing states at an arms exhibition in Defendory, Greece in 1998. There he came face to face with General Widjojo who had authorized the Dili massacre. It might have been understandable if Stahl had been provoked to an attack, but instead he watched Thomas convince the General and his staff to do ridiculous calisthenics on the pretext that they needed to relax for the camera.

Thomas advised the General that their government's credibility was being affected by Amnesty's publicity about their human rights abuses and that if they denied everything no one would believe the regime. He gave a list of atrocities the regime had been guilty of in East Timor and said to the General, if you admit one, people will believe you're being honest and willing to change. Stahl was then in the position of filming the first admission of torture by the Indonesian military authorities — and in an astonishing twist, Thomas was offered the job as their public relations

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9. Palden Gyatso, *The Autobiography of a Tibetan Monk* (New York: Grove Press, 1997).

consultant in follow-up talks in London. The resulting program — including the calisthenics — was later broadcast on British TV.<sup>10</sup> It caused public indignation and ridicule and played a role in firming up opposition to the illegitimate Indonesian military role in East Timor.

### Devaluing the Target

Not everyone sees torture as a crime in itself. Some people identify with torturers; others assume victims must have done something to deserve their treatment. As discussed later in chapter 13, many people implicitly believe the world is just; because torture of an innocent victim is a brutal challenge to this belief, some will assume the victim must be guilty of something.

Devalued groups are easier targets for use of torture technologies. In many societies, prisoners have a very low social status. Some members of the population believe prisons should be places for punishment rather than rehabilitation. Such attitudes help to inhibit the backlash from using electroshock weapons against prisoners.

For torture to cause the maximum repugnance, then, the victim must be believed to be worthy of respect, simply as a human being or even better as a defender of freedom. This helps explain why Amnesty adopts as prisoners of conscience only those who have not used violence. Not all prisoners of conscience are victims of torture, but the rationale still applies.

Various methods can be used to counter devaluation of victims of torture, including highlighting their good points, emphasizing common bonds of humanity and the universality of human rights, and providing personal information about and pictures of victims.

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10. “The Mark Thomas Comedy Product: The Third Series,” Channel 4, January 1999, Shows 1 and 2. <http://www.fnord.demon.co.uk/mt/third/> (accessed 29 June 2006).

### Reinterpretation 1: Denying Use for Repressive Purposes

Companies producing electroshock weapons commonly deny that their products are used for repression. What is the problem with producing a technology if it used for “legitimate” purposes? In the Alice in Wonderland of definitions where words mean exactly what a company spokesperson says they do, no one actually admits to making torture technology or ever confesses to using it: ergo it does not exist. Many of the technologies used in torture have other names. To get around restrictions on exporting leg irons, they are called “jumbo cuffs.” Electroshock prods — what Helen Bamber, the founder of the UK Medical Foundation for the Care of Victims of Torture, has called the “universal tool of the torturer” — are in other security quarters simply called non-lethal weapons for facilitating “compliance through pain.” For example, they might be sold to women as anti-rape devices. Indeed some companies have only sold them for such purposes and can back up that claim with evidence. Any effort to make a universal claim about the undesirability of such technology will undoubtedly draw legal fire from such “legitimate” businesses.

The obvious counter to such claims is to present evidence that specific weapons are sold to named repressive regimes and used for torture. It is especially powerful when victims are willing to come forward and bear witness. If a company’s denial can be unmasked, people will be angered. In the UK, investigative journalists have played a critical role in exposing corporate collusion. Revelations surrounding *The Torture Trail* program were incredibly damaging to companies such as ICL Technical Plastics, Royal Ordnance, and Hiatt, and led eventually to political reform, including changes in British export regulations and a new trade regulation by the European Commission.<sup>11</sup>

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11. Steve Wright, “The New Trade in Technologies of Restraint and Electroshock,” in *A Glimpse of Hell: Reports on Torture World-*

Official data sources can make for dry reading but often contain valuable campaigning data. In 1993, the Omega Foundation made a Freedom of Information request via the Federation of American Scientists for the following export administration codes:

(OA82c) \* saps, thumbcuffs, thumb-screws, leg irons, shackles and handcuffs, specially designed implements of torture, straight jackets etc; and

(OA84c) \* Stun guns, shock batons, electric cattle prods and other immobilization guns.

The statistics from 1991-1993 revealed that the U.S. Department of Commerce had approved over 350 export licenses under category OA82c and 2000 licenses under category OA84c. The material released was highly embarrassing. Although the latter category also included shotgun shells, people just assumed all the licenses were for electroshock weapons. The negative media coverage and subsequent Amnesty reports<sup>12</sup> persuaded the Department of Commerce to further disaggregate these categories.

### **Reinterpretation 2: Denying Damage from the Technology**

Companies producing electroshock weapons commonly say their products are "safe": there is no lasting harm from their use, and any pain or other effects are minimal, transient, or otherwise acceptable. Such claims can be countered by revealing the actual consequences of the weapons, which often cause lasting damage to susceptible individuals or due to improper use. Furthermore, even when

weapons do not cause lasting physical damage, their use can constitute torture.

A case in point is electroshock belts and restraint chairs in U.S. prisons. Amnesty gathered evidence of prisoners who were tortured to death in restraint chairs in U.S. jails. Subsequent legal cases used the discrepancies between actual use and manufacturers' warnings. In one key case the warning said,

The purpose of the Prostraint Violent Prisoners Chair is to provide law enforcement and correctional officers with the safest, most humane and least psychologically traumatizing system for restraining violent, out-of-control prisoners ... The chair is not meant to be an instrument of punishment and should not be used as such.<sup>13</sup>

Similarly, Amnesty has challenged the use of remote control induction of electric shock via the use of body belts that use kidney-proximate probes to pulse 50,000 volts through a prisoner, by arguing that devices psychologically damage, humiliate, and degrade prisoners.<sup>14</sup> Amnesty's campaign against this weapon used a highly successful poster of Muhammad Ali that said

25 times in his career, Muhammad Ali fought for a belt. Now he's fighting against one. Even "the greatest" couldn't stand up to today's stun technology. Around the U.S., police and prison guards are using electro-shock weapons of up to 50,000 volts on suspects and prisoners as young as 17.

Within Europe, stun belts now form part of the European Commission proposed list for banning or regulating technology that can be

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*wide*, ed. Duncan Forrest (London: Cassell, 1996), 137-52.

12. Amnesty International, *Arming the Torturers: Electro-shock Torture and the Spread of Stun Technology* (London: Amnesty International, March 1997).

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13. Ann-Marie Cusac, "The Devil's Chair: Intended as a Restraint, It Has Led to Torture and Death," *Progressive* (April 2000): 22-28.

14. Amnesty International, *United States of America: Use of Electro-shock Stun Belts*, 12 June 1996.

used for torture and other human rights violations.<sup>15</sup>

Activist researchers need to use a variety of approaches to challenge dubious assumptions. These include participant observation investigations such as those of Dr Brian Rappert who joined a taser instructors' course over two days and wrote up his findings that only one trainer was willing to take the full five-second jolt — the taser default setting — and not one was willing to repeat the experience.<sup>16</sup> Such material may become even more important in the future once taser technology is used in anti-personnel mines. Refugees might be captured at borders via such devices that paralyze them, potentially for hours, until troops arrive. The effects are likely to induce severe post traumatic stress syndrome in anyone who is unfamiliar with such weapons, especially in the elderly, the infirm, and vulnerable persons such as children.<sup>17</sup>

Activist researchers need to be familiar with the literature in order to challenge claims of harmlessness, for example by highlighting the effects of stun weapons on pacemakers, and the delayed neurological consequences of

electrical injuries<sup>18</sup> including the possibility of motor neuron disease.<sup>19</sup> It is also essential for activist researchers to have the requisite scientific approach to deconstruct the claims of manufacturers who have continued to use data gathered for much less powerful devices to justify the safety of new generations of this technology.<sup>20</sup>

It can be helpful to use counter-experts to challenge denials of damage. For example, it may not seem very damaging to restrain prisoners, put hoods over their heads, and turn on mild white noise. Experts, though, concluded such a regime can be highly damaging. Given a convenient label, “sensory deprivation,” this form of treatment became widely acknowledged as a form of torture.<sup>21</sup> Until the early 1960s, disparate elements of sensory deprivation such as denial of sleep had been used in pre-interrogation softening-up procedures. By the 1970s, new methods were being explored by states wishing to refine these techniques using the social, psychological, and pharmacological sciences. The focus of these modern methods is to cause sufficient suffering to intimidate and break the will of the prisoner, without leaving any embarrassing physical evidence of brutality. Some of these individual techniques were originally melded into a technology by the British in the 1970s<sup>22</sup>

15. Article 6 of the “Proposal for a Council Regulation concerning Trade in Certain Equipment and Products which Could Be Used for Capital Punishment, Torture or other Cruel, Inhuman or Degrading Treatment or Punishment” EC, COM (2002) 770, 30 December 2002. [http://europa.eu.int/eur-lex/en/com/pdf/2002/com2002\\_0770en01.pdf](http://europa.eu.int/eur-lex/en/com/pdf/2002/com2002_0770en01.pdf) (accessed 29 June 2006).

16. Brian Rappert, “Shock Tactics,” *New Scientist* 177 (15 February 2003): 34–37.

17. Landmine Action, *Alternative Anti-Personnel Mines: The Next Generations* (London: Landmine Action, 2001): 46–47; Brian Martin and Steve Wright, “Looming Struggles over Technology for Border Control,” *Organisational Transformation and Social Change* (2006).

18. Donald F. Farrell and Arnold Starr, “Delayed Neurological Sequelae of Electrical Injuries,” *Neurology* 181 (June 1968): 601–6.

19. Michael D. Sirdofsky, Rollin J. Hawley, and Herbert Manz, “Progressive Motor Neuron Disease Associated with Electrical Injury,” *Muscle and Nerve* 14 (October 1991): 977–80.

20. Omega Foundation, “Stun Weapons and Their Effects.”

21. G. Gudjonsson, “Custodial Confinement, Interrogation and Coerced Confessions,” in *A Glimpse of Hell: Reports on Torture Worldwide*, ed. Duncan Forrest (London: Cassell, 1996), 36–45.

22. John McGuffin, *The Guineapigs* (Harmondsworth: Penguin, 1974).

and are reported as being used on al-Qaeda suspects being processed by the U.S. government in Afghanistan, Guantánamo Bay, and Iraq.<sup>23</sup> The military utility of these techniques is to fool the public that they were not technically torture.

When scientific evidence and authority can be used to identify and explain what measures are actually being applied, this can promote popular concern. In the 1970s, scientists from the then British Society for Social Responsibility in Science introduced a new framework they called the “technology of political control.”<sup>24</sup> One of them, Dr Tim Shallice, recognized that these techniques had roots in the studies of sensory deprivation and wrote them up for the scientific journal *Cognition*. Shallice said the techniques, whilst not pure sensory deprivation, mimicked its effects causing visual, auditory, tactile, and kinaesthetic deprivation.<sup>25</sup>

To maximize outrage, then, it is vital to mobilize scientific evidence and expertise to reveal the harmful effects of electroshock weapons.

### Official Channels: Claiming to Follow Procedures

Companies producing and selling electroshock weapons often justify their actions by the claim that they are obeying the law, following official procedures, and only doing what has been approved. They say complaints should be made to the proper authorities. This takes the focus away from a highly unequal and unjust

situation, namely the use of damaging weapons against defenseless victims, and redirected to an arena seen as fair and balanced, namely courts and bureaucratic regulations. Activist researchers are beginning to challenge the “following-procedures line” by directly learning what standard operating procedures are being advocated in training. For example, Dr Brian Rappert, following his training experience, warned of the danger of these weapons being used routinely as instruments to ensure compliance through pain.

Indeed, company literature advocates the “early, aggressive use” of the Taser in order to minimise injuries to everyone involved. But that means the Taser could easily be employed as a convenient way of gaining compliance, rather than as a last resort for dealing with people who pose a threat.

Rappert also spoke of the training based on the practice in the United States of using the taser to get unruly individuals into police cars.

Give a shock to the side of the knee, for instance, and a suspect quickly folds. You don’t have to fire the barbs to do this: remove the barb cartridge, and the Taser becomes a stun gun that can deliver a shock directly to the body.<sup>26</sup>

The emergence of such ad hoc procedures undermines the claim that the weapons are only used as substitutes for lethal force and opens up the debate about street punishment routines.

Without such direct-access field research by articulate experts, the alternative may be that of attempting to act through courts and bureaucracies, which is slow, expensive, procedural, and very unlikely to produce justice or action. Furthermore, these channels put a premium on insider knowledge of courts and bureaucracies, so most activists have little role to play, further reducing the potential for popular action against torture. Meanwhile

23. Duncan Campbell, “US Interrogators Turn to ‘Torture Lite,’” *Guardian*, 25 January 2003, p. 17.

24. Carol Ackroyd, Karen Margolis, Jonathan Rosenhead, and Tim Shallice. *The Technology of Political Control* (Harmondsworth: Penguin, 1977).

25. T. Shallice, “The Ulster Depth Interrogation Techniques and Their Relation to Sensory Deprivation Research,” *Cognition* 1 (1972): 385–405.

26. Rappert, “Shock Tactics.”

serious harm continues, but many people perceive laws and regulations to be fair. Thus, the potential for generating public concern through legal and bureaucratic interventions is very low if followed in isolation.

In the first empirical study of the effect of joining an international human rights agreement, Linda Camp Keith looked at the connection between a government signing the International Covenant on Civil and Political Rights and the government's subsequent human rights behavior. She found there was no correlation whatsoever. She concluded cautiously that "it may be overly optimistic to expect that being a party to this international covenant will produce an observable impact," noting that enforcement mechanisms are so weak that governments know they can join, gain good public relations, but not actually have to change their human rights behavior.<sup>27</sup>

This assessment of official channels is supported by the fact that it is hard to find a case where laws and regulations provided a prompt and effective counter to the production and trade in torture technologies. In principle, laws and regulations should offer a potent avenue for dealing with the problem but in practice there is a litany of shortcomings and failures.

These problems with official channels highlight the importance of mobilizing outrage as a crucial factor in campaigns. With outrage dynamics as a foundation, it is possible for some legal actions initiated by knowledgeable human rights groups to form a complement to activist action rather than a substitute for it.

For example, recent European Union (EU) efforts to control the proliferation of such technologies only came about because NGOs such as Amnesty vigorously lobbied governments worldwide to stop the trade in torture. Their catalyst was the previously mentioned 1995 Channel 4 program that revealed a

British-sponsored *Torture Trail*. Senior sales staff from BAe-owned Royal Ordnance were shown offering electroshock batons for sale and admitting they had sold 8000 to Saudi Arabia as part of the Al Yamamah deal. A director of Scottish firm ICL Technical Plastics, Frank Stott, also admitted on the program that he had sold thousands to the Chinese authorities, "who had copied them." The European Parliament responded by calling on the Commission to incorporate these technologies within the scope of arms export controls and ensure greater transparency.

In a June 2000 report to the European Parliament's Scientific and Technological Options Assessment Committee, the Omega Foundation formally requested that the EU introduce "severe restrictions on the creation, deployment, use and export of weapons which cause inhumane treatment, superfluous injury or unnecessary suffering."<sup>28</sup> Following further campaigning by Amnesty, the European Commission, in a landmark move at the end of 2002, published a draft regulation to ban member states trading in "certain equipment and products which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment," including gallows, guillotines, electric chairs, gas chambers, lethal automatic drug injection systems, electric shock belts, leg irons, and individual shackles exceeding 190mm.

The last measure is important: British companies supplied medieval ironmongery to the slave trade, and they continue to manufacture similar material. Although the export of leg shackles was outlawed in the UK in 1997, the government granted six licenses for equipment within this category in 2001. In December 2002, Birmingham journalists reported they had bought leg irons in the United States that looked identical to oversized handcuffs made in the UK, with a chain attached.<sup>29</sup>

27. Linda Camp Keith, "The United Nations International Covenant on Civil and Political Rights: Does It Make a Difference in Human Rights Behavior?" *Journal of Peace Research* 36 (1999): 95–118, quote at 112.

28. Omega Foundation, *Crowd Control Technologies*, ix.

29. Caroline Wheeler, "Torture Shackles Made in Brum: Leg Cuffs Traced to Midlands," *Sunday Mercury*, 15 December 2002, pp. 1, 6.

The draft regulation would have controlled a second class of equipment, including portable electroshock devices, restraint chairs and shackleboards, as well as certain riot control devices using the disabling chemicals CN, CS, OC, Pava, and CR, by requiring prior authorization by an EU committee. Since equipment of this type has been used in human rights abuses and push-button torture, there should be a presumption that supply should be denied if there are reports of human rights violations in the receiving country.

Unfortunately, vested interests lobbied against this measure to make the EU territories torture-technology-free zones. A watered-down version was finally passed in mid 2005: European Commission oversight of the trade was eliminated, so control of torture technologies remains in the hands of member states, with various possibilities for getting around the regulation.

More generally, it is likely that technological innovation will spawn new tools for torturers, designed to get around any controls, and new descriptions of them designed for the same purpose. In particular, many so-called non-lethal weapons can be used for torture and can even enable human rights abuse to be more automated, moving from one-on-one procedures to a situation where a single operator can induce pain and paralysis on a mass scale. Non-lethal weapons symposia in 2003 in the United States, Britain, and Germany discussed weapons using microwaves to heat humans up to unbearable temperatures, using wireless or plasma tasers to head them off at borders, and using painful electric shock to paralyze muscle function.<sup>30</sup>

Therefore activists should not see legal instruments as ends in themselves. They are merely milestones, albeit important ones.

What really matters is the changing situation on the ground rather than what should be happening procedurally. In this regard, countershock has a vital role to play in calling malefactor companies and state agencies to account.

### Attacking Critics

The nature of torture is so horrifying that any public association with it is seen as contaminating and is both politically and economically potentially disastrous for the agencies involved. For these reasons, those who expose and oppose torture, and challenge perpetrators — including governments and companies involved in the torture trade — can come under attack. Company and government lawyers will actively punish any NGO that gets critical facts wrong, can't properly back up a story, or inadvertently libels associated individuals and related companies in published allegations. Legal attacks can be potentially a major diversion of effort, so great care needs to be exercised to make sure the process is as legally fireproof as possible.

In the aftermath of *The Torture Trail* program broadcast in 1995, the Campaign Against the Arms Trade (CAAT), a major British-based NGO, carried a less-than-precise editorial mentioning the collusion of COPEX in promoting electroshock. The company threatened legal action. The wider NGO research community provided further evidence from field research that not only prevented the legal action for libel proceeding but, in a powerful boomerang process, earned CAAT many thousands of pounds in damages, used for further campaigning.

Indeed it might be argued that one of the aims of the countershock technique is to draw the opponent into unwise actions. Often this currently happens by accident in follow-up defense actions. For example, following the furor after the broadcast of *The Torture Trail*, the program makers, who had operated a complex and daring series of “stings” on British suppliers of electroshock technology, were accused by then Deputy Prime Minister Michael Heseltine of contriving the evidence.

30. Steve Wright, “Future Sub-lethal, Incapacitating and Paralysing Technologies — Their Coming Role in the Mass Production of Torture, Cruel, Inhumane & Degrading Treatment,” *Statewatch News* (November 2002). <http://www.statewatch.org/news/2002/nov/torture.pdf> (accessed 29 June 2006).

Most program makers would have just shrugged this off, but Martyn Gregory sued in the High Court, won £50,000 in damages, and used this money to make a successful follow-up program, *Back on the Torture Trail*, which highlighted how brokers of such weapon deals can get around government restrictions by operating extra-territorially.

Legal action is just one of many means of attacking critics, which include rumor-mongering, harassment, ostracism, and dismissal; the form of attack depends primarily on the resources available to the attacker. The general sorts of tactics used against torture technology also can be used against attacks on the critics of such technology.

### **Conclusion**

On many issues — such as dismissal of an employee — there is considerable disagreement about whether an action is or isn't an injustice, because so much depends on the particular circumstances. Torture is different. It is universally condemned, both by governments and most citizens. This was not always true: torture used to be much more acceptable, at least in specific situations. Today's rejection of torture is an achievement of campaigners for human rights.

But despite this condemnation, torture is all too common in dozens of countries. So it is not surprising that perpetrators deploy the usual range of techniques to prevent outrage. Cover-up is the first and most effective tool of all those involved in torture and the torture trade, along with intimidation of victims. But sometimes cases escape cover-up, so other techniques are brought into play. Devaluation is found in virtually every case of torture or alleged torture, with the victims being labeled as terrorists, subversives, enemies, apostates, or some other category associated with danger or evil. Reinterpretation is used regularly to say that what happened wasn't actually torture or, if the evidence is too obvious or overwhelming, to deny responsibility by blaming someone else.

Because torture is so universally condemned, official channels do not provide

nearly as much protection and support for perpetrators as with some other injustices. International human rights agreements and courts do not provide much of an escape avenue. However, using official channels can still reduce outrage simply by moving the issue to a venue that is procedural, dependent on experts, slow, and out of the public eye, as the Abu Ghraib story shows.

Another special feature of torture, as an injustice, is that victims are seldom able to play a major role in opposing it. This is unlike male domination, against which women have played the leading role, but instead similar to environmental destruction, against which humans (rather than the environment itself) necessarily have taken the lead. For torture victims, it is a major achievement simply to survive and try to regain a semblance of ordinary life. The task of opposing torture falls largely on others, including human rights campaigners and people from all walks of life who care about what happens to their fellow humans.

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## 12

### Terrorism as predictable backfire

On the face of it, terrorism seems to be an incredibly counterproductive method of action.<sup>1</sup> When violent attacks are made against innocent civilians, the usual response is revulsion and increased popular support for government action against the terrorists and those associated with them. In short, terrorism is almost guaranteed to backfire. This suggests the motivation for terrorism may often be something other than effectiveness.

The terrorist attacks on 11 September 2001 were a challenge to U.S. corporate and military power but, rather than weakening the United States, instead had the effect of generating enormous sympathy around the world for the U.S. people and mobilizing U.S. public opinion in favour of attacks on anyone held responsible. The 9/11 attacks legitimized the unleashing of U.S. military power in ways previously only contemplated — including attacks on groups not responsible for 9/11.

The same pattern can be observed time and again in other terrorist incidents. Every Palestinian suicide bombing gives greater legitimacy to harsh policies by the Israeli government. The spectacular attacks by Chechen rebels against the Russian people have led to greater support for brutal methods used by the Russian government in Chechnya.

This pattern has prevailed for a long time. Uruguay used to be a model liberal democracy, known as the Switzerland of South America. In the 1960s, as the economy stagnated and corruption worsened, the government was challenged by the Tupamaros, a left-wing revolutionary movement. The Tupama-

ros gradually escalated their tactics, eventually engaging in urban terrorism including kidnappings, bombings, and assassinations. The government used the Tupamaro attacks as a pretext for heavy-handed repression, including police searches, arrests, and torture. The actions of the Tupamaros, rather than leading to revolution, resulted in 1973 in the destruction of democracy and descent into repressive military rule.<sup>2</sup>

In some cases, terrorism seems to be successful in achieving gains for oppressed groups, as in Sri Lanka and Northern Ireland.<sup>3</sup> But in such struggles, there was widespread community support for the cause. The question is whether terrorism as a tactic helped or hindered the cause. As discussed later, nonviolent tactics may be more effective in achieving goals with fewer casualties along the way.

Terrorism is widely seen as an injustice, because it is a blatant violation of human rights. What is both strange and striking about terrorism is that it flouts all the techniques usually used to dampen outrage over injustice — in other words, it seems designed to backfire. Terrorism is widely perceived as unjust and it is often intended to generate attention, thus satisfying the two fundamental conditions

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2. See, for example, Arturo C. Porzecanski, *Uruguay's Tupamaros: The Urban Guerrilla* (New York: Praeger, 1973). After restoration of representative government in 1985, the Tupamaros became a political party. I owe this example to Andrew Mack.

3. Robert A. Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House, 2005), argues that most suicide terrorism is part of campaigns with instrumental aims. However, he does not compare terrorism, as a tactic, with alternatives.

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1. Caleb Carr, *The Lessons of Terror* (New York: Random House, 2002), argues that all forms of violence against civilians have been counterproductive throughout history.

for backfire. Indeed, terrorism has been called “communication activated and amplified by violence.”<sup>4</sup>

Terrorism illustrates a very different backfire dynamic than the cases described in previous chapters. In massacres, beatings, dismissals, wars, and torture, perpetrators normally do everything possible to reduce outrage from their actions. But with terrorism, all the usual rules are ignored. The whole point is to generate shock and horror.

Look in turn at each of the five methods of inhibiting outrage. First is covering up the event. Terrorists commonly carry out their actions publicly or announce responsibility for them or both. Sometimes they even claim responsibility for actions they didn’t carry out. They expose their actions rather than covering them up.

Second is devaluing the target. Usually terrorists have lower status than their targets, especially when prominent citizens are kidnapped or assassinated. The potential for devaluing the targets of terrorism is not great. If al Qaeda has used derogatory labels for the victims of 9/11, these labels have no popular acceptance.

Third is reinterpreting the event. Terrorists seldom say there wasn’t really a bombing or the number of dead was small or the attack was a mistake. Indeed, they are more likely to celebrate and exaggerate their attacks.

Fourth is using official processes to give the appearance of justice. Terrorists usually have no access to courts, commissions of inquiry, panels of prestigious experts, or other official

processes for justifying their actions.<sup>5</sup> Quite the contrary: these processes are regularly used against them, for example when alleged terrorists are brought to trial.

Fifth is intimidation and bribery. The power of terrorists to intimidate opponents and critics — politicians, military forces, intelligence agencies, journalists, ordinary citizens — is seldom very great, as evidenced by the number of citizens willing to publicly denunciate terrorists and their attacks. After the March 2004 Madrid train bombings, large numbers of Spaniards joined public protests against the bombings. On the other hand, terrorists are usually more able to intimidate those who criticize them from within their own milieu. Finally, their ability to bribe targets and witnesses is limited.

In summary, terrorists have limited capacity to inhibit repugnance resulting from their actions. Indeed, they often go out of their way to magnify the sense of revulsion, for example by seeking media coverage. Therefore it is predictable that most terrorist actions backfire against the terrorists.

In the next section, I explore some possible reasons for the persistence of non-state terrorism despite its poor record of instrumental success. Then I use the same framework to examine terrorism by states, which have a much greater capacity to reduce disgust from their actions. Finally, I look at the implications for nonviolent responses to terrorism.

### Why Terrorism by the Weak?

The question thus arises of why terrorists behave in a way almost guaranteed to be counterproductive. It is possible to identify several explanations.

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4. Alex P. Schmid and Janny de Graaf, *Violence as Communication: Insurgent Terrorism and the Western News Media* (London: Sage, 1982), 54. See also Brigitte L. Nacos, *Mass-Mediated Terrorism: The Central Role of the Media in Terrorism and Counterterrorism* (Lanham, MD: Rowman & Littlefield, 2002); Joseph S. Tuman, *Communicating Terror: The Rhetorical Dimensions of Terrorism* (Thousand Oaks, CA: Sage, 2003).

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5. Al Qaeda leaders have sought opinions from Islamic scholars to justify their killing of civilians, but the purpose of this seems mainly for ideological support within the network. (Note that the search for theological justification for killing is peculiar neither to terrorists nor to Islam.)

First, terrorism can be an expressive act, rather than an instrumental one.<sup>6</sup> It can be an expression of resistance against humiliation or degradation experienced, consciously or unconsciously, or an expression of revenge against previous acts by the opponent. Expressive acts can serve emotional purposes even when they are not effective in practical terms.<sup>7</sup>

Second, terrorism is a characteristically masculine act.<sup>8</sup> Nearly all terrorists are male. The few female terrorists — such as some Palestinian suicide bombers — are unusual and often generate disproportionate attention. Even when women are involved, men are almost always the commanders, for example the organizers of suicide bombings.

Males are far more likely than females to be involved in all types of violence, not just terrorism. Violence is seen by some — such as Frantz Fanon, theorist of decolonization — as a psychologically liberating act.<sup>9</sup> This psychology is, in my view, largely masculine.

Third, some terrorists and observers believe violence is an effective way of achieving their goals. The belief in the potency of violence is pervasive in many cultures, for example underlying news reports that concentrate on violence and ignore low-profile nonviolent action, in Hollywood movies where good guys

use violence more effectively than bad guys, and in history books that concentrate on wars and governments. So, despite the dismal record of terrorists in promoting their causes, many of them assume violence on behalf of their cause must be effective.

Fourth, terrorism can be used instrumentally to provoke counter-violence from the state. If this counter-violence is seen as excessive — as it sometimes is — then this can create more support for the cause espoused by the terrorists. In other words, although terrorism backfires, it can lead to state repression that itself backfires by generating greater support for the cause. This sort of process, spelled out in some writing on guerrilla warfare, can be seen in many encounters, for example in British military actions against IRA terrorists and in Israeli military actions against Palestinian terrorists. The military actions are sometimes so excessive that many civilians are humiliated, injured, or killed, leading to greater support for the anti-government cause.<sup>10</sup> After all, state terror is sometimes motivated by revenge rather than a calculated assessment of benefits and costs.

Thus, sometimes, non-state terrorism, by provoking an even greater state terror, has the result that more people oppose the government. But a full assessment of terrorism in this scenario should look at its costs — lives, property damage, loss of civil liberties — as well as its benefits, and should also look at alternative routes to the same ends, as discussed later.

Fifth, terrorism can be part of a cycle of violence that cements the role of leaders at the expense of the success of the struggle. A viable struggle using conventional, legal, and/or nonviolent means can be derailed by a terrorist campaign that gives greater power to

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6. Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (New York: Ecco, 2004), 7, 282.

7. Thomas J. Scheff, *Bloody Revenge: Emotions, Nationalism, and War* (Boulder, CO: Westview, 1994), highlights the role of unacknowledged shame in protracted conflict, especially war.

8. Robin Morgan, *The Demon Lover: On the Sexuality of Terrorism* (New York: Norton, 1989).

9. Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove Press, 1963), 94: “At the level of individuals, violence is a cleansing force. It frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect.”

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10. According to Alan Cullison, “Inside Al-Qaeda’s Hard Drive,” *Atlantic Monthly* 294 (September 2004), 55–70, internal communications of al Qaeda revealed that, “its aim was to tempt the powers to strike back in a way that would create sympathy for the terrorists” (58).

the terrorist leaders, most commonly when violence provokes counter-violence. For example, in Kosovo, there was a decade-long nonviolent struggle for independence. But after the Kosovo Liberation Army adopted terrorist tactics, leading to counter-violence by the Serbian rulers and then NATO intervention, the KLA gained leadership of the independence struggle.<sup>11</sup>

The other side of this dynamic is the value to some government leaders when opponents resort to violence. Every Palestinian suicide bombing cements the position and policies of Israeli leaders who take a punitive stance towards Palestinian aspirations. In this context, nonviolent struggle is a threat, which many people believe is why the Israeli government deported Palestinian nonviolence advocate Mubarak Awad.

Some governments — operating either in a calculating or an instinctive fashion — may provoke or fail to prevent terrorism by their opponents to both discredit the opponents and cement the government's own position. This is a version of the process of using agents provocateurs to instigate or provoke violence in protest movements in order to discredit them and justify the use of state force against them. More generally, conventional government anti-terrorism policies, by killing, subjugating, and humiliating members of oppressed groups, seem ideally designed to foster the terrorism they ostensibly seek to oppose. Violence on both sides serves to polarize the population, giving more power to leaders, whereas peaceful measures have a greater capacity to build bridges between erstwhile opponents.

There are thus many possible reasons for adopting terrorism, most of which have nothing to do with being effective in bringing about social change.

### State Terrorism

This analysis so far applies only to non-state terrorists, the ones receiving the bulk of

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11. Howard Clark, *Civil Resistance in Kosovo* (London: Pluto, 2000).

attention by governments and the media. States that exercise terror, in contrast, have a much greater capacity to inhibit outrage: they routinely cover up their actions, for example by hiding the use of torture and by using death squads and proxy armies<sup>12</sup>; they smear their targets as criminals or terrorists; they say they are protecting borders, dealing with crime, or countering subversion, and claim that abuses are aberrations; they often establish legal processes for their actions to give the appearance of justice; and they can intimidate or bribe those who might challenge or expose their actions. So it is not surprising that state terror, though it leads to vastly more deaths and suffering than non-state terror, seldom generates much public concern.

Consider for example the killings carried out by the military in Indonesia in 1965–1966.<sup>13</sup> The trigger for the launching of terror was an alleged Communist Party coup attempt against the left-wing Sukarno government, though this explanation has been disputed. In any case, the military action was justified as necessary to defend the country against a communist takeover. Western governments largely supported this interpretation, and raised little protest against the scale of killing. Those targeted were labeled communists — some, certainly, were members of the very large Communist Party, but many were not — and maligned as such. The killings thus constituted what Chomsky and Herman call “constructive terror,” namely for a “good cause” and against a suitably stigmatized enemy.<sup>14</sup>

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12. Bruce B. Campbell and Arthur D. Brenner, eds., *Death Squads in Global Perspective: Murder with Deniability* (New York: St. Martin's Press, 2000).

13. Robert Cribb, ed., *The Indonesian Killings 1965–1966* (Melbourne: Centre for Southeast Asian Studies, Monash University, 1990).

14. Noam Chomsky and Edward S. Herman, *The Political Economy of Human Rights, Volume 1: The Washington Connection and Third World Fascism* (Montréal: Black Rose Books, 1979), 205–17.

Although the slaughter was not secret, there was no systematic documentation of what happened. Considering the vast scale of killing — many hundreds of thousands of people died — the events received relatively little international attention. This was a sort of de facto cover-up. Legal processes were not deployed against perpetrators of the slaughter, but instead used to impose lengthy prison sentences on thousands of targets whose lives were spared. It is hard to obtain evidence of intimidation and bribery used to prevent opposition, but it is reasonable to presume Indonesians who protested against the killing would have themselves become targets, whereas those who cooperated might be rewarded. Of course killing is likely to intimidate those who observe or hear about it.

Another example of state terror is Stalinism, in which many millions died in purges and prison camps and as a result of forced relocation and starvation. The scale of the terror was hidden by pervasive censorship and by disinformation, for example guiding visitors through carefully staged tours that gave the impression of a successful socialist state.<sup>15</sup> The victims of Stalinism were vilified as reactionaries, members of the bourgeoisie, traitors, criminals, mentally ill, and enemies of the revolution. The whole process was portrayed as one of building a socialist society. Legal processes were established to give the appearance of justice; show trials, in which dissidents were induced to confess to anti-Soviet crimes, were the visible face of false justice.<sup>16</sup> Internal opponents of the terror could themselves become targets, whereas support-

ers stood to gain. Fellow travelers from other countries, who whitewashed the terror, could expect to be received favorably by the Stalinist regime. Thus, the Stalinist state was able to use, with good effect, every one of the five methods for reducing outrage from injustice. On the other hand, these methods had little effect on the most vocal opponents of Stalinism, anticommunists in the West, who were unconvinced or unaffected by vilification of victims, by Stalinist justifications, by show trials, and by the potential for intimidation or bribery.

The success of states in minimizing public disgust and fury from their terrorist activities is revealed in the great discrepancy between the massive media coverage of non-state terrorism and the scant attention to state terrorism. Usually governments only condemn state terrorism when perpetrated by certain enemy states, as when the U.S. government applies the label “rogue state.” The research literature on terrorism follows the agenda set by governments and the mass media, concentrating on non-state terrorism, with relatively few treatments of state terrorism.<sup>17</sup>

15. Paul Hollander, *Political Pilgrims: Travels of Western Intellectuals to the Soviet Union, China, and Cuba 1928–1978* (New York: Oxford University Press, 1981).

16. Show trials were public and thus went against the tendency to cover up terror. A possible interpretation is that, for the state, the benefit of formal legitimacy outweighed the benefits of secrecy. Of course, in the show trials the political motivation of the charges was covered up.

17. This observation is documented in Edna O. F. Reid, “Evolution of a Body of Knowledge: An Analysis of Terrorism Research,” *Information Processing and Management*, 33 (1997): 91–106. I thank Steve Wright for informing me of this reference. Treatments of state terrorism include Chomsky and Herman, *Political Economy of Human Rights*; Frederick H. Gareau, *State Terrorism and the United States: From Counterinsurgency to the War on Terrorism* (Atlanta, GA: Clarity Press, 2004); Alexander George, ed., *Western State Terrorism* (Cambridge: Polity Press, 1991); Jeffrey Ian Ross, ed., *Controlling State Crime*, 2d ed. (New Brunswick, NJ: Transaction Publishers, 2000); Jeffrey Ian Ross, ed., *Varieties of State Crime and Its Control* (Monsey, NY: Criminal Justice Press, 2000); Michael Stohl and George A. Lopez, eds., *The State as Terrorist: The Dynamics of Governmental Violence and Repression* (Westport, CT: Greenwood, 1984); Michael Stohl and George A. Lopez, eds., *Terrible Beyond Endurance? The Foreign*

Even the conventional definition of terrorism, as violence exercised by non-government groups against civilians for political ends, reflects the interests of states.<sup>18</sup> A less one-sided definition of terrorism, as violence against civilians used for political ends, would immediately identify states as the world's leading terrorists, through torture, warfare, and the usual range of repressive tactics.<sup>19</sup> The very words "terror," "terrorism," and "terrorist" thus are political labels, typically directed at opponents rather than used in a precise and consistent fashion.<sup>20</sup>

### **Nonviolent Action as an Alternative to Terrorism**

Nonviolent action — including methods such as rallies, vigils, strikes, boycotts, and sit-ins — is usually far more effective than violence in generating support and bringing about desirable change. Consider for example a peaceful protest against government policies. If police beat or kill protesters, this can backfire against the government, as at Sharpeville, Dili, and Dharasana. Consider each of the five methods for inhibiting backfire.

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*Policy of State Terrorism* (Westport, CT: Greenwood, 1988).

18. This point is made emphatically by Edward S. Herman, *The Real Terror Network: Terrorism in Fact and Propaganda* (Boston: South End Press, 1982).

19. Eric Markusen and David Kopf, *The Holocaust and Strategic Bombing: Genocide and Total War in the Twentieth Century* (Boulder, CO: Westview, 1995), point to similarities between genocide and strategic bombing. Similar parallels exist between terrorism and warfare.

20. Conor Gearty, *The Future of Terrorism* (London: Phoenix, 1997), gives a cogent critique of the content of the term "terrorism" as evolving from its origins as state terror to an incoherent expression of condemnation.

- Many nonviolent actions are carried out in public, so covering up attacks is not easy.

- When protesters dress conventionally and behave moderately and respectfully — rather than dressing unconventionally and behaving aggressively — then it is difficult for the government to devalue them.

- When protesters explicitly commit themselves to nonviolence and are open about their goals and methods, it is more difficult for governments to be convincing with alternative interpretations.

- If, when activists come under attack, they appeal directly to the public — including allies, opponents, and third parties — they are more likely to obtain support than by relying on official channels such as making complaints about police misconduct.

- Nonviolent action is itself a stand in the face of potential intimidation.

Contrasting each of these with the corresponding method when violence is used, it is apparent that nonviolent action is far more likely to build support.

One of the keys to backfire is that people perceive violent attacks on peaceful protesters, or against uninvolved civilians, as unjust. This is the reason nonviolence proponents continually stress the importance of maintaining nonviolent discipline.<sup>21</sup> A breakdown in discipline — even a brief scuffle or some verbal abuse — changes the nature of the interaction and alters the perception of injustice when police use violence. In contrast, bombings and assassinations completely undercut this dynamic.

Nonviolent action has a good track record in liberation struggles.<sup>22</sup> The Palestinian

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21. Gene Sharp, *The Politics of Nonviolent Action* (Boston: Porter Sargent, 1973), 573–655, includes "solidarity and discipline to fight repression" as one of the stages in his "dynamics of nonviolent action," just before political jiu-jitsu.

22. Adrian Karatnycky and Peter Ackerman, *How Freedom is Won: From Civic Struggle to*

Liberation Organization used terrorism for years but with limited success. The spontaneous development of the first intifada in 1987 — an unarmed struggle rather than a purely nonviolent struggle — was far more effective in mobilizing support among Palestinians, winning international sympathy, and splitting Israeli public opinion. Arguably, a completely nonviolent struggle would have been even more effective.<sup>23</sup> Instead, in the second intifada, from 2000, suicide bombings have weakened support for the Palestinian cause.

In apartheid South Africa, armed resistance was fairly easily crushed by the state. Liberation occurred only after nonviolent action became the main mode of struggle.<sup>24</sup> Similarly, the East Timorese struggle for independence achieved success after the armed struggle was subordinated to peaceful protest.<sup>25</sup>

The failures of armed struggle are legion. Not only do many armed struggles completely fail, but in many of those that led to independence — such as in Vietnam and Algeria — the death toll was horrific.<sup>26</sup> Furthermore, successful armed struggle is more likely to lead to a centralization of power in the subsequent government. Armed struggle is especially ineffective against systems of representative government: there is not a single successful

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*Durable Democracy* (New York: Freedom House, 2005).

23. Souad R. Dajani, *Eyes Without Country: Searching for a Palestinian Strategy of Liberation* (Philadelphia: Temple University Press, 1994); Andrew Rigby, *Living the Intifada* (London: Zed Books, 1991).

24. Stephen Zunes, “The Role of Non-violent Action in the Downfall of Apartheid,” *Journal of Modern African Studies*, 37 (1999): 137–69.

25. Chisako M. Fukuda, “Peace through Nonviolent Action: The East Timorese Resistance Movement’s Strategy for Engagement,” *Pacifica Review* 12 (February 2000): 17–31.

26. Two or three million Vietnamese died in the wars for independence and up to a million Algerians.

case of a revolutionary overthrow. This can be understood in terms of backfire. Armed struggle has far greater legitimacy when used against repressive and corrupt regimes. Against a system based on the rule of law and majority rule, violent opposition has far less legitimacy. Indeed, it can be argued that a potent way to reduce non-state terrorism is to ensure realistic opportunities exist to work through the system (including using nonviolent action) for progressive social change.<sup>27</sup>

Despite nonviolent action’s success record, terrorism is still attractive to many for various reasons, including those outlined earlier.

### Nonviolence against Terrorism

I have argued that nonviolent methods are usually far more effective than violent methods in promoting beneficial social change, because violence commonly leads to reduced support and lower legitimacy. Therefore, one of the ways to reduce terrorism is to convince those who are considering violence as an option that nonviolent alternatives are superior. This line of argument is most relevant to reducing non-state terrorism, in other words terrorism of the weak.

Opposing state terrorism is another matter, because states have a vastly greater capacity to reduce abhorrence from their own injustices. The challenge is to make state terrorism backfire by countering each of the five standard methods of inhibiting outrage. Countering cover-up involves exposing state violence and cruelty, for example through whistleblowing, investigative reporting, courage of editors, and alternative media. Countering devaluation can

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27. Richard E. Rubenstein, *Alchemists of Revolution: Terrorism in the Modern World* (New York: Basic Books, 1987), in a well-informed assessment of the driving forces behind terrorism — especially terrorism associated with social revolution and national liberation — supports an anti-terrorism policy that permits “young intellectuals to be reunited through collective action with their people” (236).

be done through humanizing of targets, for example through personal contact, speaking tours, and human-interest stories. Countering government interpretations — sometimes sincere, sometimes spin and lies — requires ongoing efforts to communicate understandings from the point of view of victims and critics. Countering the pacifying effect of official channels — such as investigations that whitewash what is happening — requires trusting official procedures less and exposing and discrediting processes that give a false appearance of justice. Countering intimidation and bribery involves refusing to be cowed or co-opted and exposing attempts to intimidate and bribe.

In the 1980s, the U.S. government was involved in state terrorism in Central America by assisting governments and paramilitary groups that imprisoned, assaulted, tortured, and killed opponents. The U.S. government disguised its role by use of proxy armies — notably the Contras in Nicaragua — and client governments. It stigmatized opponents as communists and terrorists and claimed all its actions were in the interests of democracy. Opponents in the United States came under surveillance and were subject to disruptive interventions by government agencies.

In opposition to this U.S. state terrorism in Central America, many U.S. citizens joined peace groups, which together became a powerful movement.<sup>28</sup> One of the movement's most potent challenges to the government was support for refugees from Central America, often undertaken through church networks. The stories told by these refugees to groups of church people avoided government censorship and media spin. When church people met refugees face to face, the refugees became flesh-and-blood humans rather than anonymous victims, thereby countering attempts at devaluation. The refugees' stories were a direct challenge to the government's interpretations of its policy. Seeing the way the law

was used against refugees helped to discredit formal channels for justice in the eyes of movement participants. Finally, the church and associated personal networks provided support for resisting government intimidation. The Central America solidarity movement thus was effective in countering each of the five methods for inhibiting outrage from injustice.

## Conclusion

Terrorism, as a tool for bringing about a better world, has remarkably poor prospects, even when the cause being supported is a worthy one. Examining the dynamics of outrage from injustice leads to the conclusion that nonviolent action is usually far more effective than violence in challenging repression and oppression. In spite of this, violence has a continuing appeal to some challengers, for various reasons including cultural assumptions, the way violence serves to polarize populations and cement the role of group leaders, and the way violence by non-state groups serves to justify state violence.

State terrorism also has a continuing appeal to state elites, because it often achieves its immediate ends, though seldom are these supportive of values such as peace and freedom. Because terrorism so often serves the interests of powerholders in state and non-state groups — almost always male dominated, hierarchical, and secretive — it is unlikely violence will be renounced any time soon.

Nonviolent action is a continuing challenge to violent options, both as an exemplary alternative to non-state violence and as a method of opposing state violence. Examining the five main methods for inhibiting outrage over injustice can offer guidance for nonviolent campaigns, as shown by the example of the Central America peace movement. It is also possible to use this same approach to suggest ways of highlighting how nonviolence is superior to violence. This leads to the following five suggestions.

- Reveal the value of nonviolence by further studies of historical and contemporary use of nonviolent action.

28. Christian Smith, *Resisting Reagan: The U.S. Central America Peace Movement* (Chicago: University of Chicago Press, 1996).

- Counter devaluation of nonviolence practitioners by emphasizing their courage and suffering and their unwillingness to harm others.

- Counter interpretations of nonviolence as passive and ineffective by documenting its successes and documenting the failures of violence.

- Avoid relying on government support for promotion of nonviolent alternatives, and avoid assuming that government initiatives — sanctions, peacekeeping, peace plans, disarmament negotiations, treaties, laws — are going to solve problems or, indeed, are intrinsically nonviolent.

- Refuse to be intimidated by critics of nonviolence and refuse to be bought off by opportunities within the mainstream.

The backfire framework offers a way of analyzing tactics against injustice. In doing so, it reveals the shortcomings of terrorism and the strengths of nonviolent action. Nonviolent action is both an alternative to non-state terrorism, a method of challenging the social conditions that can breed non-state terrorism, and a method of challenging state terrorism. It is thus a potent but neglected anti-terrorist tool.<sup>29</sup>

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29. See, generally, Tom H. Hastings, *Nonviolent Response to Terrorism* (Jefferson, NC: McFarland, 2004). There are other ways that nonviolent approaches can be mobilized against terrorism. One is to replace large, potentially dangerous technological systems, such as large power plants, dams, and refineries, with small-scale decentralized systems, such as energy efficiency and renewable energy systems, thereby reducing the vulnerability of societies to terrorists. See Brian Martin, *Technology for Nonviolent Struggle* (London: War Resisters' International, 2001). Another is to replace the present intelligence services, based on secrecy and centralized control, with agencies that openly publish their findings, thereby becoming more accountable as well as more reliable. See Brian Martin, "Nonviolence Versus Terrorism," *Social Alternatives* 21 (Autumn 2002): 6–9.

### Acknowledgements

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## 13

### Theory and backfire

In the previous chapters, the phenomenon of backfire has been presented through case studies, from massacres to dismissals. These many examples reveal a remarkable regularity: perpetrators of injustice use the same five methods of inhibiting outrage. The details vary from case to case: devaluation of protesters at Sharpeville is different from denigration of a whistleblower and in turn is different from demonization of Iraq's ruler Saddam Hussein. Furthermore, each of the case studies gives additional insights, as discussed in the next chapter. But, despite differences, the commonalities are striking.

My approach to backfire has been to closely examine case studies and develop a framework that fits the data. This is an example of what is called "grounded theory": the theory is built up from observations.<sup>1</sup> Observations alone cannot dictate how they are explained: in developing grounded theory, the researcher draws on a repertoire of concepts, relationships, and ways of thinking drawn from personal experience, reading, and interactions with others. That is what I have done. I started with Gene Sharp's concept of political jiu-jitsu — discussed later in this chapter — and examined techniques that could inhibit or enhance the jiu-jitsu effect. Then I tested these ideas on a range of case studies, using them to extend and refine the framework.

The backfire model highlights tactics used in situations involving perceived injustice or norm violations. Tactics can be thought of as options for action. For example, employees who are treated unfairly respond in various

ways — for example by acquiescing, quitting their jobs, requesting explanations, counter-attacking, seeking union support, and making complaints through internal grievance procedures — each of which can be considered a tactic. Activists know a lot about tactics in practice, including how to carry them out and whether they are likely to be effective. Surprisingly, though, researchers seem not to have devoted much attention to classifying and analyzing tactics. The reasons for this are not obvious.

In this chapter, I look at how the backfire model relates to various bodies of social theory. Exploring these connections can offer insight into both backfire dynamics and the phenomena that are the focus of the other theories. A theory is just a framework for thinking about the world, and each framework has strengths and weaknesses. By exploring a range of theories for a particular issue, it is possible to gain greater insight, though at the risk of confusion from a proliferation of perspectives. It is important to keep one's purpose in mind, so examination of theory does not become an end in itself, separate from the real issues we must deal with in the world.

Some theories are clear, precise, and limited in domain; others are ambiguous, complex, and sprawling, which for some purposes can be an advantage. When it comes to comparing theories about social dynamics, some messiness is to be expected. Concepts seldom line up in regular ways, and, given that theories contain numerous concepts, relating two theories can be challenging. Because of these difficulties, the way I've arranged topics in this chapter is somewhat arbitrary: there is no ideal way to traverse diverse bodies of theory, some of which relate to backfire as an outcome, some of which relate to the essential conditions for backfire, and some of which

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1. Barney G. Glaser and Anselm L. Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Chicago : Aldine-Atherton, 1967).

relate to methods of inhibition and amplification.

I start with the antecedents of backfire in theories of nonviolent action as developed by Mohandas Gandhi, Richard Gregg, and Gene Sharp. Then I look at the two key requirements for backfire, a perception of injustice and communication to receptive audiences. For dealing with injustice, I start with the ideas of Barrington Moore, Jr. and then introduce Albert Bandura's model of moral disengagement and Stanley Cohen's study of denial by individuals and governments. For dealing with communication, I look at communication technology and the role of the media. Next, I compare the backfire model to a number of bodies of theory, on unanticipated consequences, agenda management, social problems, and social movements. Then I mention theories relating to each of the methods of inhibiting and amplifying outrage. Finally, I comment briefly on studying backfire.

To begin, it is useful to return to the classic cases of Sharpeville, Dili, and Dharasana, in which one side had an overwhelming superiority in the means of violence and used it against opponents who were largely unarmed and peaceful. Many people believe violence is the definitive means of getting one's way and that the only way to stop a violent person or an aggressive military force is to threaten or use violence. Yet at Sharpeville, Dili, and Dharasana, the attacks turned out to be seriously counterproductive, leading to increased support for those who were attacked. These cases are a challenge to conventional wisdom about violence. They suggest that being peaceful, indeed refusing to use violence, can be a powerful tool against attackers in the right circumstances. How can this paradoxical effect be explained?

## Gandhi

In answering this question, the first port of call is Mohandas Gandhi, the pioneer of strategic nonviolent action. To explain Gandhi's contribution, a bit of context is useful.

For centuries before Gandhi, numerous social struggles throughout the world had been

waged using nonviolent methods such as rallies, strikes, boycotts, and various other forms of protest and noncooperation. For example, from about 1850 to 1867, Hungarians used nonviolent methods — setting up their own political, economic, cultural, and educational institutions — to build autonomy within the Austrian empire.<sup>2</sup> From 1898 to 1905, Finns used nonviolent methods to oppose domination by the Russian empire.<sup>3</sup> Through these and other campaigns, there was quite a bit of practical experience in using nonviolent action.

These early nonviolent struggles were carried out on an ad hoc basis, without a well-developed set of ideas to guide action. Gandhi's contribution was to conceptualize nonviolence as a method of struggle. He opposed violence as a matter of principle, but he was also acutely aware that nonviolent action, to be effective, needed to be used in specific ways. Before taking action, it was necessary to mobilize popular concern about injustice. Committed individuals had to be convinced about the need to take action, but not just any action. To be effective, solidarity was required, especially in the face of repression. Participants had to be highly principled and self-controlled, because any use of violence on their side could discredit the cause.

Gandhi was a master of strategic planning.<sup>4</sup> As described in chapter 4, the salt march, by focusing on a potent symbol of British oppression, mobilized millions of Indians. The drama of the lengthy march heightened expectations.

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2. Tamás Csapody and Thomas Weber, "Hungarian Passive Resistance against Austria and its Place in the History of Nonviolence," *Peace & Change*, in press.

3. Steven Duncan Huxley, *Constitutionalist Insurgency in Finland: Finnish "Passive Resistance" against Russification as a Case of Nonmilitary Struggle in the European Resistance Tradition* (Helsinki: Finnish Historical Society, 1990).

4. Gene Sharp, *Gandhi as a Political Strategist* (Boston: Porter Sargent, 1979).

The British were placed in a bind: either capitulate to Gandhi's polite but assertive demands, or respond with force and risk causing widespread outrage, as well as violating their own reputation for fair play. In earlier campaigns, such as in Hungary and Finland, nonviolent action had been used in an instinctive way; Gandhi turned nonviolence into a strategy, namely a systematic, calculated way of using available resources to move towards a desired goal.

Gandhi was not the first person to conceptualize nonviolent action. Well before the salt march, some prominent individuals had advocated nonviolent methods. The famous nineteenth century author Leo Tolstoy was a pacifist and urged rejection of all violence. During World War I, prominent philosopher Bertrand Russell advocated nonviolent resistance as an alternative to military defense.<sup>5</sup> So Gandhi was not new in his advocacy of nonviolence. His great contribution was combining advocacy with the practice of nonviolent action. He was a leader as well as a thinker and strategist.

A note on terminology: I have been using the expressions "nonviolence," "nonviolent action," and "nonviolent struggle." This is standard language today for referring to methods of action such as rallies, strikes, boycotts, sit-ins, and fasts. These are methods that both go beyond conventional political action (voting, lobbying, writing, speaking) and avoid physical violence against opponents. A century ago, these terms were not in use. What today is called nonviolent action was then often called "nonresistance" or "passive resistance." Gandhi thought these terms were misleading. The methods he supported involved resistance, but they were active. So he sponsored a competition for a new expression, a process that led to the word "satyagraha," literally "truth force" but also translated as

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5. Leo Tolstoy, *Tolstoy's Writings on Civil Disobedience and Non-violence* (New York: Bergman, 1967); Bertrand Russell, "War and Non-resistance," *Atlantic Monthly* 116 (August 1915): 266–74.

nonviolent action. For ease of understanding, I usually use contemporary expressions such as "nonviolent action" when describing earlier campaigns, even though people at that time used different language.<sup>6</sup>

Although Gandhi was the pioneer of strategic nonviolence and was a prolific writer, he was not a highly organized thinker. His vast corpus of writings contains many insights, but nowhere did he systematically spell out the basic principles and dynamics of nonviolent action. The best way to understand his methods is to look at his practice, especially at his most effective campaigns. Fortunately there are some writers and researchers who have perceptively extracted Gandhi's insights about nonviolence.<sup>7</sup> These writers might be called interpreters of Gandhi, remembering that in the process of explaining someone else's ideas, some aspects are emphasized, others neglected, and new insights added.

### Gregg

Richard Gregg, from the United States, was one of the earliest and most perceptive interpreters of Gandhi. A supporter of organized labor, Gregg watched the failure of massive strike campaigns in the early 1920s, seeing the failure of both violence and government action to solve industrial problems. After reading about Gandhi and becoming inspired, in 1925 Gregg set off for India in search of a better alternative. He spent four years in India, including seven months at Gandhi's ashram. On the basis of his observations, he wrote several books explaining Indian ideas for Western audiences.

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6. On early terminology, see Huxley, *Constitutionalist Insurgency in Finland*.

7. As well as Richard Gregg, these include Joan V. Bondurant, *Conquest of Violence: the Gandhian Philosophy of Conflict* (Princeton: Princeton University Press, 1958); Krishnalal Shridharani, *War Without Violence: A Study of Gandhi's Method and its Accomplishments* (London: Victor Gollancz, 1939).

Gregg's most influential piece of writing was a book titled *The Power of Nonviolence*.<sup>8</sup> First published in 1934, it was widely read in pacifist circles and beyond, and in the 1950s was influential in the U.S. civil rights movement, being cited by Martin Luther King, Jr. as one of the five books most important in shaping his ideas.<sup>9</sup> The book is a classic work that can offer insights to readers today.

*The Power of Nonviolence* discusses examples of nonviolent action, how mass nonviolent action can be effective, nonviolence as a substitute for war, and training for nonviolence. Each of these topics is worthy of attention, but here I focus on a particular contribution by Gregg: his concept of "moral jiu-jitsu." Though Gregg's approach has weaknesses — discussed later — I present his views here because they laid the foundation for later developments.

Gregg noted that when a person uses violence against someone else, if the other person responds with violence, this gives "reassurance and moral support" to the original attacker. That's because the attacker's moral values are not challenged. However, if the target of violence does not use violence, then the "attacker loses his moral balance" while the defender maintains moral balance. Gregg called this process moral jiu-jitsu, an analogy with the martial art of jiu-jitsu in which the opponents' strength and energy are used against them.

Gregg gave several reasons why moral jiu-jitsu works. The first is surprise: when faced with nonviolence, the attacker is caught unawares. The second is that nonviolence stimulates kindness in the attacker, which conflicts with the attacker's anger. The third is that an audience, if present, sees the attacker's

loss of prestige due to a resort to violence, leading the attacker to lose self-respect and self-assurance. The fourth is that the attackers become more suggestible to new ideas, in particular to the views of the resister. In summary, moral jiu-jitsu succeeds by taking the moral initiative, not being surprised, conserving energy (by not requiring anger), and not being suggestible.

Note that all of these effects are psychological. Yet Gregg provided no direct evidence of any such effect. He did not do psychological experiments with attackers, nor did he systematically examine their behavior using psychological models. Gregg *assumed*, rather than demonstrated, that nonviolence succeeds by affecting the attacker's emotions.

Gandhi was the inspiration for Gregg's analysis. Gandhi treated satyagraha as a moral process, which worked by converting the opponent to the view of the satyagrahi, or nonviolent activist. In essence, Gregg brilliantly repackaged Gandhi's views in terms of western ideas about psychology, thus making them understandable by and more plausible to western readers.

The weaknesses of Gregg's — and Gandhi's — assumptions about how nonviolence operates were pinpointed by Gandhian scholar Thomas Weber, who carried out a detailed analysis of the salt march, more than half a century after the event.<sup>10</sup> Weber pointed out that when the police, armed with lathis, brutally assaulted nonresisting satyagrahis at Dharasana, the police did not become converted by the satyagrahis' nonviolence. For these police, moral jiu-jitsu did not seem to apply. There is no evidence that they were surprised, were stimulated to feel kindly emotions, lost self-respect, or became more suggestible. Some of the police were appar-

8. Richard B. Gregg, *The Power of Nonviolence*, 2d ed. (New York: Schocken Books, 1966).

9. Joseph Kip Kosek, "Richard Gregg, Mohandas Gandhi, and the Strategy of Nonviolence," *Journal of American History* 91 (March 2005): 1318–48, is an excellent examination of Gregg's work and influence.

10. Thomas Weber, *On the Salt March: The Historiography of Gandhi's March to Dandi* (New Delhi: HarperCollins, 1997). See also Thomas Weber, "'The Marchers Simply Walked Forward until Struck Down': Nonviolent Suffering and Conversion," *Peace & Change* 18 (July 1993): 267–89.

ently provoked by the nonresistance of the satyagrahis and became even more frenzied in their beatings. This is compatible with increased anger, not what Gregg had presumed.

Weber decided that, in the case of the salt march, nonviolence worked primarily through a different means: by winning over observers, including those who heard about the events second-hand. These third parties were the key to the potency of the salt march campaign.

Gregg was actually quite aware that on-lookers could be won over by nonviolence. But he treated this as a secondary means by which nonviolence could produce positive emotions in the attacker. Weber, in contrast, pointed to the reaction of the audience as central to the jiu-jitsu effect of nonviolence.

In summary, Gregg's *The Power of Nonviolence* was a pioneering book, especially by explaining and reconceptualizing Gandhi's ideas for a western audience. For understanding the core dynamics of nonviolent action, Gregg made two crucial contributions. First, he developed the concept of moral jiu-jitsu, highlighting the possibility that violence could rebound against the attacker. Second, he noted the potential role of the audience: nonviolent action could be seen as a performance. Though Gregg's analysis has important limitations, these two contributions have continuing relevance.

## Sharp

Gandhi has remained a pivotal influence on nonviolence research and action. One of the many people influenced by Gandhi was Gene Sharp. Born in the United States in 1928, Sharp became a pacifist and in 1953 spent nine months in prison for refusing military service. As he studied nonviolence in more depth and began a career as a researcher, Sharp gradually moved away from his Gandhian roots and developed a distinctively different conception of nonviolent action.<sup>11</sup>

11. Thomas Weber, "Nonviolence is Who? Gene Sharp and Gandhi," *Peace & Change* 28, (April 2003): 250–70.

Gandhi's conception of satyagraha was deeply moral. For him, violence was a violation of basic humanity, whereas nonviolence was an expression of the highest principles, part of an entire way of life. Accordingly, Gandhi's approach is often called *principled* nonviolence.

Sharp developed an alternative approach that can be called *pragmatic* nonviolence.<sup>12</sup> Rather than being a moral imperative, for Sharp nonviolent action should be used because it is effective. Whereas for Gandhi, nonviolence was a way of life, for Sharp, nonviolent action is a practical tool for waging struggle. Sharp argues for nonviolence on the grounds that it is more effective than violence. The moral superiority of nonviolence is shunted to the background.

Sharp's pragmatic conception can and should be assessed on its own merits, but it is worth noting its affinities with western sentiments. In western secular society, it may be argued, principled stances have long been in the decline, replaced with a practical orientation. Doing what's necessary to get the job done is seen as acceptable, even admirable, even though principles may be compromised or jettisoned. Especially in English-speaking countries, theory is commonly subordinated to practical action. Whatever works is given priority. Even widely supported principles, such as freedom and democracy, become rhetoric rather than principles, and are mouthed tactically to achieve results. This contrast between principles and pragmatism is easily overdrawn, but is useful for pointing out how Sharp's ideas diverge from Gandhi's.

Today, Sharp is widely regarded as the world's leading nonviolence researcher. His crowning achievement was the book *The Politics of Nonviolent Action*, published in 1973.<sup>13</sup> In it, he expounded a theory of power

12. The distinction between principled and pragmatic nonviolence was ably expounded by Judith Stiehm, "Nonviolence is Two," *Sociological Inquiry* 38 (Winter 1968): 23–30.

13. Gene Sharp, *The Politics of Nonviolent Action* (Boston: Porter Sargent, 1973). See

that explains the effectiveness of nonviolent action. He presented 198 different methods of nonviolent action, such as mock awards, symbolic sounds, excommunication, collective disappearance, producers' boycott, peasant strike, working-to-rule strike, blocking of lines of command and information, nonviolent air raids, guerrilla theatre, and overloading of administrative systems. Reading through the methods listed by Sharp, along with the historical examples he uses to illustrate them, helps dispel the idea that nonviolent action means just rallies or sit-ins.

Also covered in the book is what Sharp calls the "dynamics of nonviolent action." Sharp looked at a wide range of nonviolent campaigns and distilled their common elements, ending up with a set of stages or features that constitute the dynamics of nonviolent action. First is laying the groundwork, followed by a challenge that leads to repression. To be successful, activists must maintain solidarity and nonviolent discipline. If they do, then attacks on them can result in what Sharp calls "political jiu-jitsu." Successful nonviolent action results in a redistribution of power, including empowerment of activists themselves. Sharp's dynamics of nonviolent action, emerging from a close examination of nonviolent campaigns, can be treated as a form of grounded theory.

My attention here is on the process of political jiu-jitsu. Sharp describes it this way:

By combining nonviolent discipline with solidarity and persistence in struggle, the nonviolent actionists cause the violence of the opponent's repression to be exposed in the worst possible light. This, in turn, may lead to shifts in opinion and then to shifts in power relationships favorable to the nonviolent group. These shifts result from withdrawal of support for the opponent and

the grant of support to the nonviolent actionists.<sup>14</sup>

Sharp says political jiu-jitsu affects three groups: third parties not directly involved in the conflict; the attacker's supporters; and the "general grievance group," namely those who support the goals of the nonviolent actionists. In the case of the Sharpeville massacre, third parties included foreign governments and non-government organizations plus groups within South Africa not implicated in the struggle for or against black equality; the attacker's supporters included the South African government, the police, and much of the white population; and the general grievance group was the oppressed black population.

Most of Sharp's treatment of political jiu-jitsu consists of examples of how repression of nonviolent resisters can affect various groups. He does not delve into why political jiu-jitsu occurs: the quote above is pretty much the extent of his analysis. In a footnote, he distinguishes political jiu-jitsu from Gregg's moral jiu-jitsu. Gregg focused on psychological effects of nonviolence on the attacker. Sharp accepts these may occur, but says these are "part of a much broader process" involving social and political processes.<sup>15</sup> According to Sharp, Gregg "emphasizes the mechanism of conversion and gives very little consideration to the wider social, economic, and political pressures, often coercive, which may be involved in nonviolent action."<sup>16</sup> Sharp agrees with Gregg that a jiu-jitsu process can occur, but says it operates not just at the individual level, through conversion of individual attackers, but also through social, economic, and political processes. These processes are collective as well as individual.

Sharp makes the point that not all nonviolent struggles involve political jiu-jitsu. Nonviolent action can be effective by persuading or discouraging oppressors, who

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also Gene Sharp, *Waging Nonviolent Struggle: 20th Century Practice and 21st Century Potential* (Boston: Porter Sargent, 2005).

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14. Sharp, *Politics of Nonviolent Action*, 657.

15. *Ibid.*, 698.

16. *Ibid.*, 703.

may decide attacking is counterproductive or futile. In Eastern Europe in 1989, governments held an overwhelming superiority in the ability to exercise force, but in the face of mass protests, most leaders decided to capitulate rather than attack.

By adopting a new label, “political jiu-jitsu,” Sharp emphasizes how his conception differs from Gregg’s. Through many examples, he illustrates the wide range of social, political, and economic processes potentially involved. For Sharp, political jiu-jitsu is embedded in a wider dynamic of nonviolent action that he sees as a pragmatic process for waging struggles more effectively than using violence. However, Sharp does not give much attention to the essential conditions for political jiu-jitsu, nor to its relevance to situations outside the framework of nonviolent action.

### **Injustice**

What is required for political jiu-jitsu to occur? One crucial factor is a feeling of outrage, shock, or disgust. Sharp simply assumes, without comment, that people will be upset by violent attacks on nonviolent protesters.

However, not all people react in the same way to an event. Consider an event such as the Dili massacre. Some who witnessed it or found out about it became so passionately aroused that they felt driven to take an open stand against the perpetrators. Others were highly disturbed and receptive to initiatives by others. Yet others were not concerned enough to do anything, but nevertheless revised their opinions of the perpetrators. Then there were those who tried to ignore information about the massacre or who just didn’t care. On the other hand, some thought the shootings were an unfortunate mistake or that they were fully justified, and perhaps a few thought the soldiers should have killed even more people.

It is important to remember that even apparently cold-blooded murder can seem acceptable to many of the killers and some observers. Nazi death camp guards were willing to witness and perpetrate horrendous atrocities without any apparent revulsion, although in

the rest of their lives these same individuals behaved much like family and friends in conventional roles and occupations. A small percentage of soldiers are or become hardened to killing, some of them enjoying it. Only a few centuries ago in Europe, public executions and torture were routine. History reveals a human capacity for cruelty and barbarity, and complacently witnessing them, found in few other species.

Fortunately, though, only some individuals become indifferent to or enamored with violence, at least so far as personal participation is concerned. Evidence exists that most soldiers prefer to avoid harming their enemies. Many soldiers would rather be killed than kill. For example, in World War II, only a quarter of U.S. soldiers on the front line in Western Europe actually fired their rifles, and many of those who did fire did not aim at the enemy. Training in the U.S. Army since then has used psychological techniques to increase the firing rate.<sup>17</sup>

If many soldiers are reluctant to kill enemy troops who are trying to kill them, then they are likely to be even more reluctant to kill peaceful protesters. The history of nonviolent action provides many examples of this. In 1986 in the Philippines, there was a nonviolent uprising against the dictatorship of Ferdinand Marcos. Hundreds of thousands of people filled the streets of Manila: ironically, the peaceful demonstrators defended military defectors from armed attack by the regime’s main forces. Because of the crowd, pilots refused to attack the defectors.<sup>18</sup>

In 1991, opponents of a coup in the Soviet Union congregated around the Russian parliament building, which became the centre of resistance. A special assault team was instructed to take over the building, but the team refused

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17. Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston: Little, Brown, 1995).

18. Monina Allarye Mercado, ed., *People Power: An Eyewitness History: The Philippine Revolution of 1986* (Philadelphia: Library Company of Philadelphia, 1987).

to act because it would have meant large numbers of civilian deaths.<sup>19</sup>

These examples testify to a widespread reluctance to harm others, especially when the others are not causing harm themselves. Society could hardly operate otherwise. Human cooperation is necessary for production of necessities, rearing children, and learning, among many other activities. If every second person was prone to use violence without provocation or restraint, society as we know it would not be possible. Therefore it is not surprising unprovoked attacks are widely condemned.

Social historian Barrington Moore, Jr. in his book *Injustice* examines the ways people in different societies respond to certain things as unjust.<sup>20</sup> From his observations, he draws some important conclusions. Moore starts with an example: a man hits another man in the face, without any justification. (It's not a boxing match, for example.) The victim will feel moral outrage because the attack was unjustified. The feeling would be much the same if it was a man striking a woman, or a woman striking a man or another woman. The anger felt by the victim is due to the violation of a moral code, namely that a person should not assault another without justification. It's also possible to feel anger about an inappropriate moral code. Workers might well feel angry about a rule that allowed bosses to kick them in the shins at any time.

Moore argues that the sense of injustice is shaped by human biology, which sets limits on and influences the direction of moral codes. For example, no moral code exists that requires people to kill other humans on sight, because any group with such a code would never survive. Moore thinks it is plausible that some situations may generate a sense of social injustice in every society. He gives criteria for

determining if a situation does this: it generates outrage in western society and in some nonwestern societies (including nonliterate ones), and, in cases where no outrage is observed, there are "social and psychological mechanisms" present to inhibit it. (Note that Moore's argument assumes only a biological influence on moral codes, not genetic determination. In any case, a biological foundation is not needed for the analysis in this book.)

According to Moore, in societies in which there are rulers — hereditary, dictatorial, or elected — these rulers are expected to provide security against attacks, whether physical attacks or threats to food and other vital necessities. A feeling of injustice can be created by certain violations of an implicit and variable social contract, including when rulers do not provide security, when rulers take advantage of their position, and — most relevant to political jiu-jitsu — when rulers exercise excessive cruelty. Moore says, "every culture seems to have *some* definition of arbitrary cruelty on the part of those in authority."<sup>21</sup>

It is worth expanding on this point. Moore says most if not all societies have definitions of what it means to be human. These definitions set limits on the severity of punishment and how it should be carried out. Exceeding these limits leads to "moral outrage and a sense of injustice." In summary, "An unjust punishment we can define as one that arouses revulsion either because it is undeserved or because it is excessively severe or cruel, or some combination of these two reasons."<sup>22</sup>

21. *Ibid.*, 26 (emphasis in the original). Another way to look at this is to say that people adopt an "injustice frame" — a frame is a way of looking at the world — when they believe that authorities, or the authority system, are linked to injustice. See William A. Gamson, Bruce Fireman, and Steven Rytina, *Encounters with Unjust Authority* (Homewood, IL: Dorsey Press, 1982), 14; William A. Gamson, *Talking Politics* (Cambridge: Cambridge University Press, 1991), 31–58.

22. Moore, *Injustice*, 30, 28.

19. Vladimir Pozner, *Eyewitness: A Personal Account of the Unraveling of the Soviet Union* (New York: Random House, 1992), 175.

20. Barrington Moore, Jr., *Injustice: The Social Bases of Obedience and Revolt* (London: Macmillan, 1978).

The Sharpeville massacre, the Dili massacre, and the Dharasana and King beatings all fit this picture. Indeed, they were *both* undeserved and excessively severe. This helps to explain the massive reaction against the attackers in each case. It also explains the revulsion against torture.

I have elaborated on Moore's examination of injustice because I find it especially relevant to understanding social struggles, but there are many others who have studied justice and injustice. There is a great deal of philosophical writing, though much of it is conceptual; its relevance to practical struggles requires further investigation. A huge body of legal writing about justice exists; however, much of it is about rules and formal procedures — the sorts of matters dealt with by courts — often quite divorced from the powerful human emotions experienced by plaintiffs and defendants. When I speak of “justice,” I'm referring to people's sense of right and wrong, in other words to “moral justice.”<sup>23</sup> Even so, legal conceptions of justice overlap with moral justice, and these can influence each other. Finally, there is a large amount of research in social psychology about justice. These and other bodies of theory undoubtedly contain insights that can be used for better understanding backfire dynamics.

### **From Political Jiu-Jitsu to Backfire**

Backfire, in a general sense, is the recoiling of an action against its originator. My focus is on backfires due to actions taken by powerful individuals or groups against those less powerful. Typically, this occurs because information about the action is communicated to people who perceive it as unjust, disproportionate, disgusting, or otherwise inappropriate.<sup>24</sup>

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23. Thane Rosenbaum, *The Myth of Moral Justice: Why Our Legal System Fails to Do What's Right* (New York: HarperCollins, 2004), 17–18.

24. David Hess and I, in “Backfire, Repression, and the Theory of Transformative Events,” *Mobilization* 11 (June 2006): 249–67,

This concept of backfire is an extension of Sharp's concept of political jiu-jitsu, in two ways. First, whereas political jiu-jitsu deals with violations of the norm condemning violence against nonviolent protesters, backfire deals with violations of a variety of norms, such as those relating to free speech, fair treatment in the workplace, and appropriate behavior in international affairs. Second, backfire examines tactics used in struggles over injustice, specifically perpetrators' tactics of cover-up, devaluation, reinterpretation, official channels, and intimidation and bribery and their opponents' tactics of exposure, validation, interpretation, mobilization, and resistance. The case studies in this book, from Sharpeville to Abu Ghraib, reveal a rich variety of tactics that nevertheless can be conveniently classified into five categories.

The need to look at tactics is motivated by the observation that injustices often do not backfire. The case studies in this book are atypical in that they involve massive public outrage. For every publicized police beating, such as Rodney King's, there are thousands that receive little or no public attention. For every counterproductive massacre, such as the one in Dili, there are numerous others that do not generate such a massive reaction, such as the massacre of hundreds of thousands of Indonesians in 1965-1966.<sup>25</sup> So there is a need to explain the relative lack of reaction in these other cases. Moore gives a clue when he notes

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came up with a definition of backfire relevant to social movements: “a public reaction of outrage to an event that is publicized and perceived as unjust.” Here, I give a more general description. A single definition that covers all possible circumstances is likely to be too abstract to be all that useful in specific applications, so it makes sense to use somewhat different definitions for different purposes.

25. Brian Martin, Wendy Varney, and Adrian Vickers, “Political Jiu-Jitsu against Indonesian Repression: Studying Lower-profile Nonviolent Resistance,” *Pacifica Review* 13 (2001): 143–56.

that certain types of situations universally generate a sense of social injustice except when “social and psychological mechanisms” exist that inhibit it.<sup>26</sup> The five methods of inhibition resulted from my search for what discourages outrage.

My concern is primarily with norm violations by powerful groups, such as Moore’s “rulers.” Among the possibilities are police beating protesters, governments jailing opponents, corporations dismissing whistleblowers, and bosses harassing employees.

Norm violations by the less powerful, the opposite situation, seldom generate outrage. When a person steals a car and is caught and ordered to pay a fine or do some community service — whatever is the normal penalty in that society — most people perceive that justice has been done, so there is no need to be concerned. If the penalty is nonexistent or too light, some people will be upset. Likewise if the law is regarded as unjust or the penalty is seen as excessive, some people will be upset. Jean Valjean, the protagonist of Victor Hugo’s novel *Les Misérables*, stole some bread to feed his starving family and was sent to prison for 19 years. The social injustice of desperate poverty and the legal injustice of an excessive sentence provide the motive force for this powerful and influential story.

### The Psychology of Outrage

Moral outrage is a matter of individual psychology. It can be thought of as anger directed outwards, against social injustice, literally “out-rage.”<sup>27</sup> For a given event, some people become outraged but others do not, perhaps because they are susceptible to the methods of devaluation, reinterpretation, and official channels.

Most people are concerned about justice and many are willing to take action to promote

it. Psychologists call this the “justice motive” and have analyzed how it arises and is expressed.<sup>28</sup>

Related to the justice motive is belief in a just world: many people want to believe the world is just and people get what they deserve. This belief can have divergent consequences. If it is possible to help someone suffering injustice, many people will take action. On the other hand, some people — especially when they are powerless to have an impact — will maintain their belief in a just world by blaming the victims for their plight.<sup>29</sup>

Rather than becoming outraged at the injustice, an alternative is “moral disengagement.” Albert Bandura, a leading psychologist who developed an entire framework for understanding human thought and action, examined “mechanisms of moral disengagement,” which are the ways a person who is responsible for something can psychologically minimize or eliminate moral concern about it. He identified various mechanisms that apply to reprehensible conduct, to the detrimental effects of the conduct, or to the victim.<sup>30</sup>

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28. Claudia Dalbert, *The Justice Motive as a Personal Resource: Dealing with Challenges and Critical Life Events* (New York: Kluwer Academic/Plenum, 2001); Michael Ross and Dale T. Miller, eds., *The Justice Motive in Everyday Life* (Cambridge: Cambridge University Press, 2002). I thank Truda Gray for suggesting these references.

29. Melvin J. Lerner, *The Belief in a Just World: A Fundamental Delusion* (New York: Plenum, 1980); Leo Montada and Melvin J. Lerner, eds., *Responses to Victimizations and Belief in a Just World* (New York: Plenum, 1998).

30. Albert Bandura, “Mechanisms of Moral Disengagement,” in *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind*, ed. Walter Reich (Cambridge: Cambridge University Press, 1990), 161–91. This chapter is based on Albert Bandura, *Social Foundations of Thought and Action: A Social Cognitive Theory* (Englewood Cliffs, NJ: Prentice Hall, 1986), 375–89. I thank

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26. Moore, *Injustice*, 14.

27. Carol Tavris, “A Rage for Justice,” in *Anger: The Misunderstood Emotion*, rev. ed. (New York: Simon and Schuster, 1989), 251–85.

- Moral justification, for example religious permission to kill in certain circumstances.

- Euphemistic labeling, such as describing civilians killed in a bombing raid as “collateral damage.” This sort of labeling serves to shape the way perpetrators think about matters, minimizing the sense of guilt.

- Advantageous comparisons, such as noting that the other side has committed horrendous atrocities. This serves to make one’s own transgressions seem insignificant by contrast.

- Displacement of responsibility, for example by saying one was only following orders. This serves to put psychological distance between the perpetrator and responsibility. Authorities can use this mechanism by finding ways to encourage action by others — the agents of the authorities — while minimizing the sense of responsibility felt by the agents. For example, state terrorists use proxies to carry out atrocities, and then, should anyone complain, blame the proxies. Bandura notes that agents are most efficient when they take responsibility for executing duties but do not feel personally responsible for consequences.

- Diffusion of responsibility, for example through the division of labor. A cook or accountant in the military may feel little responsibility for atrocities carried out by troops. A scientist who develops a mathematical model for bullet design may feel little responsibility for the people killed and maimed by the bullets actually used.

- Disregarding or misconstruing consequences, such as not enquiring into the effects of an assault. This process is easiest when the consequences are remote, as when missiles are fired at a great distance from the target. If the suffering caused by one’s actions is immediate and vivid, it is more difficult to disregard.

- Dehumanization, as when targets are portrayed as mindless, ferocious, or subhuman. A crime against a devalued object does not seem so bad.

- Attribution of blame, as when victims are blamed for their plight. If protesters use even a

little violence, then heavy-handed brutality is easier to justify. This highlights the importance of maintaining a principled stand in the face of injustice, refusing to adopt the reprehensible techniques used by the perpetrator. As soon as the victims make a misstep, attackers will have a pretext for blaming them.

Bandura’s mechanisms of moral disengagement offer a psychological framework for outrage-inhibition techniques of reinterpretation and devaluation. Bandura focuses on the psychology of the perpetrator, but the same analysis can be applied to bystanders and perhaps even to some victims.

Several of the psychological methods discussed by Bandura are exact counterparts of the methods used by perpetrators to inhibit the injustice response. Avoiding thinking about an atrocity can be thought of as psychological cover-up. Blaming the events on the victims is a form of devaluation. Believing one of the alternative accounts of what happened is a form of reinterpretation. Trusting that official bodies will ensure justice will be done is the psychological foundation for the tactic of official channels.

The backfire model, as I have presented it, focuses on actions, such as hiding information, making public statements, and setting up formal investigations, and gives little overt attention to psychology. There are striking parallels between these actions and Bandura’s psychological processes for moral disengagement. Bandura’s framework offers one way for backfire analysis to be extended to the psychological domain and for studying the psychological foundations for the generation and inhibition of outrage.<sup>31</sup>

### *States of Denial*

For linking psychology, politics, and injustice, the outstanding treatment is Stanley Cohen’s book *States of Denial*, which examines the ways people and governments respond to

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Samantha Reis for helpful discussions about Bandura’s work.

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31. Samantha Reis and I are investigating psychological theories that provide a useful underpinning of backfire analysis.

information about atrocities such as torture, massacres, and genocide.<sup>32</sup> In many cases they prefer to ignore or deny what is happening. Individuals commonly use psychological techniques to deny the existence or significance of atrocities; governments use a variety of procedural and rhetorical techniques. Cohen also examines and assesses strategies of human rights groups, especially Amnesty International, to overcome denial. In his analysis, Cohen acknowledges that denial is inevitable to some extent, at the same time seeking ways to understand and expose it.

Cohen focuses on five key techniques of denial:

- Deny responsibility;
- Deny injury;
- Deny the victim appropriate status;
- Condemn the condemners;
- Appeal to higher loyalties.

He looks at how these techniques are deployed by perpetrators (such as torturers and killers), officials, bystander individuals, and bystander states.<sup>33</sup>

Cohen's five techniques of denial can be readily related to the methods of inhibiting outrage from injustice. Denying responsibility for the injustice and denying injury — namely, saying the harm is nonexistent or less than claimed — are two key methods of reinterpretation. Denying the victim appropriate status is much the same as devaluing the victim. Condemning the condemners — namely, criticizing those who raise the alarm about human rights violations — is also a

method of devaluation, though of witnesses and concerned citizens rather than the victims themselves.

Cohen's category "appeal to higher loyalties" — in which the loyalty could be to a peer group, a nation, or an ideology — could be taken as a psychological form of an official channel, but it also affects the other methods of inhibition. Cover-up is easier to justify when it is demanded by law, government policy, or commanding officials. Devaluation of victims is a natural counterpart to the glorification of peers, nations, or ideologies. Reinterpretations are easier to accept when one is loyal to those making them. Finally, intimidation and bribery, like cover-up, are easier to justify when promoted by those in authority. Cohen's model overall is quite compatible with the backfire model.

There are a number of differences in emphasis between the two models. Cohen focuses on denial at the psychological and government levels, whereas the backfire model looks at tactics used by perpetrators, with less immediate attention to psychological dimensions. Cohen focuses on atrocities, whereas the backfire model can be applied to anything perceived as an injustice or norm violation. Cohen focuses on denial and how to challenge it, whereas the backfire model looks at actions by perpetrators and targets as a strategic engagement.

Cohen also looks at many important issues that are not central to the backfire model. One is the process of turning outrage into action, something the backfire framework simply assumes to happen for a portion of the population. Cohen probes this process by examining appeals by Amnesty International, looking at what sorts of images and texts attract attention, whether simplicity or complexity is more effective, how resistance to appeals can be overcome, and how people become involved. Cohen also examines ways of acknowledging past crimes, such as truth commissions.

*States of Denial* thus both overlaps with and complements backfire analysis. The book is an essential study for anyone concerned about human rights.

32. Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity Press, 2001).

33. Cohen adapts these techniques from Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review* 22 (1957): 664–70. Sykes and Matza's techniques of neutralization are psychological mechanisms used by delinquents to justify their deviant behavior. Cohen shows how these techniques are used by both individuals and deviant authorities.

## Communication

As well as a perception of injustice, a second requirement for backfire is that information about the event or situation is communicated to receptive audiences. Sharp simply assumes that relevant audiences, notably third parties, are aware of what has happened. Yet in many cases they are not. If photojournalists had not been present in Sharpeville, if Max Stahl's video had been confiscated by Indonesian troops, or if Webb Miller had not filed reports from Dharasana, outrage about these events would have been reduced.

The case studies reveal the changing role of communication technology. In rapidly communicating the events at Dharasana in 1930 to an international audience, the principal means was text, namely Webb Miller's eloquent prose, sent by cable to press outlets worldwide. (Photos were taken, but could not be distributed electronically.) Thirty years later, at Sharpeville, text was supplemented by photographs, which helped turn the massacre into a front-page story outside South Africa. Another three decades later, at Dili in 1991, video footage supplemented photographs and text, and it was the video images that had the greatest impact. That same year, in Los Angeles, the videocamera also played a key role, in recording the beating of Rodney King; furthermore, a portion of the King-beating video was ideal for television, which turned the incident into a giant scandal. In 2004, at Abu Ghraib, the key technology was the digital camera: quick and easy to use, its images can be stored and sent electronically.

As information and communication technologies evolve, their contribution to making injustices backfire is subject to divergent influences. Most obviously, devices for cheap, convenient, and high-quality recording and communication make it possible to obtain ever better documentation of abuses. This trend towards lower cost, smaller size, higher quality, and easier communication seems likely to continue, making it ever easier to acquire and distribute evidence of all sorts of injustice.

On the other hand, many audiences now have a higher expectation of documentation, especially visual documentation. With a diet of graphic images in television news, it is plausible that viewers are saturated with stories about wars, atrocities, and starvation, suffering "compassion fatigue." Only something even more spectacular and horrific than usual can disturb the equanimity of the viewer habituated to atrocities — or so the argument goes. Would eloquent prose alone be sufficient today to arouse passions about an unseen event, as did Webb Miller's stories about the salt march in 1930? Arguments can be made either way; further study is needed to assess the matter.

Communication certainly involves more than facts: it is also about meaning. Miller's reports were vivid personal accounts, undoubtedly generating more concern than a dry recital of the number of people injured in the salt raids. Photos and film add another dimension to communication. A picture can dramatize a situation in a way virtually impossible to achieve in words.

Another reason why pictures can communicate effectively is they seem to be more direct. A verbal description has to be composed by someone, and the credibility of the author influences the response by readers. Photos, though, seem to portray reality without mediation.<sup>34</sup>

Of course, often this is an illusion: photos are taken by photographers, and their choices of what to include and exclude influence the meanings inferred by audiences. Every story and every camera shot frames an event and excludes or downplays some perspectives. A photograph can suggest the point of view of the victim or the perpetrator. Details of angle, shade, focus, and distance shape the message conveyed. Similarly, subtle changes in the use

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34. Perceptive accounts of the influence of images of suffering include Cohen, *States of Denial*, 168–95, and Matthew Ericson, "The Public Epiphany: Photography, Censorship and Public Policy," *Australian Journalism Review* 27 (July 2005): 123–38.

of words can make a big difference in the impression conveyed by a text. Some manipulation of images and texts is more obvious, as in blatant propaganda; subtle manipulation, intended or not, is ubiquitous.

With digital editing technology, available to anyone with a computer, it is ever easier to lie with pictures. To the extent viewers know about this potential, they may be more skeptical about what they see. Furthermore, exposure of faked images — such as of a British soldier allegedly urinating on an Iraqi prisoner — serves to create wariness about genuine ones.

The mass media often play a key role in communication about injustice. The attitudes and practices of journalists, editors, and owners are crucial in determining what issues are reported and how they are portrayed. Western news practices are guided by what are called “news values,” which are implicit criteria journalists and editors use to decide what counts as news. News values include prominence, proximity, conflict, timeliness, action, human interest, and perceived consequences. Events satisfying these criteria are more likely to be perceived as newsworthy.<sup>35</sup>

For example, no prominent people were involved in the Sharpeville massacre as either perpetrators or victims; proximity was greatest in South Africa and then in countries, such as Britain, with historical links to South Africa; conflict was obviously a central feature; timeliness was high, as the shootings had just occurred; the action was dramatic; the victims provided limited human interest, because they were unknown as individuals; and perceived consequences were large because of the implications for foreign policy as well as citizen reaction. The Sharpeville massacre did not fit all these news values, but it easily fulfilled enough of them to be worthy of feature coverage, and this was crucial in

causing the shootings to backfire on the South African government.

As described in chapter 5 on the King beating, the mass media normally adopt framings by dominant groups, particularly governments. Official assessments are often presented without critical comment, even when journalists know politicians are being misleading or attempting to set the agenda in their own interests.<sup>36</sup> For example, in the run-up to the 2003 invasion of Iraq, U.S. mass media reported government claims about weapons of mass destruction and the danger posed by Saddam Hussein, seldom mentioning double standards such as lack of government concern about Israeli or Pakistani nuclear weapons or about ruthless dictators in other countries. As noted by Regina Lawrence concerning police use of force, sometimes an event breaks through the usual elite framing of news, creating an alternative event-driven framing.<sup>37</sup> The King beating and many other backfires fit this model.

Media coverage is central to many backfires, such as Sharpeville, the King beating, Chernobyl, Exxon Valdez, and Abu Ghraib. So it is reasonable to ask, is media coverage *essential* to backfire? The answer has to be no: the key is communication to receptive audiences; the mass media are just one way for this to occur, though an exceedingly powerful way. In the dismissal of Ted Steele, there was some mass media coverage, but much of the news traveled by e-mail and word of mouth. News of the beatings at Dharasana were initially reported through newspapers, but much of the subsequent publicity resulted from the efforts of groups supporting the Indian independence struggle, for example by distributing reprints of Webb Miller’s articles. Social movement groups can operate as information disseminators.

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35. On news values and practices, see for example W. Lance Bennett, *News: The Politics of Illusion*, 2d ed. (New York: Longman, 1988) and Rodney Tiffen, *News and Power* (Sydney: Allen and Unwin, 1989).

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36. Paul H. Weaver, *News and the Culture of Lying* (New York: Free Press, 1994).

37. Regina G. Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (Berkeley: University of California Press, 2000).

The Chernobyl and Exxon Valdez accidents received saturation coverage by the mass media. But other accidents were initially unknown to or ignored by the media, but publicized by environmental groups. Well before the 1979 nuclear accident at Three Mile Island in Pennsylvania, anti-nuclear-power groups had circulated information about an incident at Brown's Ferry, Alabama, in 1975, among others. Collections of stories about accidents and near misses were a staple of anti-nuclear brochures and talks, and served to sensitize activists, supporters, journalists, and much of the wider public to the possibility and consequences of a nuclear disaster. This helps explain why the mass media were so ready to cover Three Mile Island in 1979 and Chernobyl in 1986. It might be said that some early accidents backfired, to a limited extent, as a result of awareness fostered by anti-nuclear groups, whose efforts laid the foundation for media-driven backfires of Three Mile Island and Chernobyl.

It is also possible for personal attacks to backfire in local situations, without any media involvement. If the actions of an adult who sexually exploits a child are exposed to parents or peers, there may be serious repercussions, including loss of friends, reputation, or job, even when police and courts are never involved and there is no media coverage.

The prominent role of the media in the cases described in this book is, in part, an artifact of the process by which these cases were selected. The easiest cases to analyze, at a distance, are ones in which there is ample information publicly available, and this often means media coverage. For cases without extensive media coverage, it is an advantage to be close to the events or to talk to people involved; that is how I gained a perspective on the dismissal of Ted Steele.

The two essential requirements for backfire, a perception of injustice and communication to receptive audiences, are sometimes hard to separate. Communication is not a neutral process of information transfer, but shapes meanings through the forms by which information is packaged. Nevertheless, it is useful to mention both requirements as a reminder

that injustice alone is not enough to cause outrage: people need to know about it.

### Unanticipated Consequences

The idea of backfire has similarities with the idea that when someone takes action, the consequences may be unexpected. In 1936 Robert Merton, in the early stages of his career as an eminent sociologist, published a pioneering article on "The Unanticipated Consequences of Purposive Social Action."<sup>38</sup> He enumerated, in abstract terms, reasons for the occurrence of unanticipated consequences, namely ignorance, error, a focus on immediate consequences that neglects concern with other consequences, basic values that prevent consideration of consequences, and self-defeating prophecy (namely, predictions of consequences that lead to a changed dynamic).

There is indeed a connection to backfire, but not as close as might first appear. In most cases, perpetrators are aware of what is likely to backfire and take precautionary steps, but the situation sometimes doesn't work out as they hoped. In other words, the possible consequences are actually anticipated and actions are taken to prevent them. For example, police realize brutal beatings can cause outrage, so they usually hide their actions from wider audiences, use intimidation, and so forth. Merton's factors are relevant to backfire in a general sense, most commonly in relation to the scale of consequences.

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38. Robert K. Merton, "The Unanticipated Consequences of Purposive Social Action," *American Sociological Review* 1 (December 1936): 894–904. Later, Merton related unanticipated consequences to the concepts of manifest functions (consequences that are recognized) and latent functions (consequences that are neither intended nor recognized): Robert K. Merton, "Manifest and Latent Functions," in *Social Theory and Social Structure*, enl. ed. (New York: Free Press, 1968), 73–138. I thank Sue Curry Jansen for referring me to Merton's work in relation to backfire.

Raymond Boudon later developed and expanded Merton's idea by looking at "perverse effects" in which the combined actions of many people produce effects unintended by any individual. These effects may or may not be foreseen and may be positive or negative. For example, many people obtain university degrees to improve their status and job prospects, but when lots of people obtain degrees the result is credential inflation, with a reduction in benefits to individuals.<sup>39</sup> Backfire is a type of perverse effect, at least in most cases. However, neither Merton nor Boudon systematically examined tactics used by perpetrators or targets to inhibit or promote consequences of social action.

### Blowback

Blowback is a term for the adverse unanticipated consequences of foreign covert operations by government agencies. It was originally used in the early 1950s by personnel in the Central Intelligence Agency to refer to unwelcome side effects of agency operations such as undermining governments or funding guerrilla forces. Merton's analysis of unanticipated consequences fits blowback perfectly.

Christopher Simpson in his book *Blowback* tells of secret U.S. operations after World War II employing former Nazis or collaborators, many of whom were guilty of war crimes. Some scientists who were Nazi collaborators were brought to the United States to work on research projects. Other ex-Nazis were recruited by the CIA to spy against the Soviet Union or to participate in armed anti-Communist movements in countries in the Soviet sphere. Simpson describes a range of negative consequences from these covert programs. They created distrust between the governments of the United States and the Soviet Union, which had been allies during World War II, just a short time before. Operations by Nazi collaborators in Eastern

Europe tainted the anti-Communist cause. The recruitment of criminals and torturers, such as Gestapo officer Klaus Barbie, had a corrupting influence on the CIA, which tried to hide its links with such agents, and obstructed efforts by U.S. courts to prosecute war criminals.<sup>40</sup>

Chalmers Johnson, in his book also titled *Blowback*, tells of numerous disastrous outcomes from U.S. covert operations. In 1953, the CIA helped to overthrow Prime Minister Mossadegh of Iran and then supported the ruthless regime led by the Shah for the next 25 years. This caused enormous antagonism and contributed to anti-U.S. sentiment and actions by the theocratic Iranian regime that came to power following the revolution of 1978-79. In the early 1970s during the Indochina war, the U.S. military carried out massive covert bombing of Cambodia, killing hundreds of thousands of people. This helped the rise to power of the Khmer Rouge, who carried out genocidal killings from 1975 to 1979. The most famous case of blowback involves the Taliban in Afghanistan, supported in the 1980s in their war against Soviet occupiers by CIA funding. Among those receiving CIA support was Osama bin Laden, who later turned on his backers and launched attacks against U.S. targets, most notoriously the 9/11 attack.<sup>41</sup>

In theoretical terms, blowback is one type of backfire, namely a backfire from foreign covert operations. Most of the studies of blowback have focused on the consequences

39. Raymond Boudon, *The Unintended Consequences of Social Action* (London: Macmillan, 1982).

40. Christopher Simpson, *Blowback: America's Recruitment of Nazis and its Effects on the Cold War* (New York: Weidenfeld and Nicolson, 1988).

41. Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire* (New York: Henry Holt, 2004). See also Jonathan Kwitny, *Endless Enemies: The Making of an Unfriendly World* (New York: Penguin, 1986); Mark Zepezauer, *Boomerang! How Our Covert Wars Have Created Enemies across the Middle East and Brought Terror to America* (Monroe, ME: Common Courage Press, 2003).

of covert operations, but it is straightforward to note the role of the five methods of inhibiting outrage, most obviously cover-up.

### **Agenda Management**

Governments have to deal with lots of policy issues, some of which are difficult to handle, with the potential to cause loss of popular support and possibly loss of office. Therefore it is predictable that governments will try to manage the issues already on the policy agenda, to move some issues off the agenda, and to prevent some issues from emerging in the first place. Government leaders prefer to deal with the issues they decide are significant rather than being put in the position of handling issues raised by other groups, whether business, professions, community groups, or the media.

In political science, this topic is called “agenda management.” Here is a list of agenda management techniques.<sup>42</sup> I have grouped them under the five methods of inhibiting outrage.

#### *Cover-up*

- Stop collection of data, for example on people discouraged from seeking work or civilians killed in Iraq.
- Lie about what action the government is taking.

#### *Devaluation*

- Discredit groups and spokespeople critical of the government.

#### *Reinterpretation*

- Make symbolic gestures concerning the issue.
- Say the issue can’t be solved by government, or can’t be solved at all.
- Say the issue shouldn’t be dealt with by government.
- Redefine the issue.
- Shift attention to a different issue.
- Redefine data that is being collected.

#### *Official channels*

- Set up consultations, committees, or inquiries in order to postpone taking action.
- Establish a new organization to deal with a problem.

#### *Intimidation and bribery*

- Threaten or punish critics, for example through withdrawal of government funding.
- Co-opt critics by inviting them onto official committees.

This list shows it is quite easy to find correspondences between agenda management techniques and methods of inhibiting outrage from injustice. Indeed, it might be said that agenda management is a process for governments to prevent or minimize backfire. This makes sense because a prime reason for agenda management is to prevent or manage public outrage over government policies or lack of government action.

There are a few agenda management techniques that do not fit easily into any of the five categories, such as taking tokenistic actions on an issue and offering concessions in one area in exchange for reduced opposition in another. These are closer to the process of institutionalizing change. But most agenda management techniques fit into backfire categories.

There are some differences between the two frameworks. Agenda management treats a host of techniques under one general category; the backfire model classifies methods into five main categories. Agenda management has been studied as a tool used by governments; backfire dynamics apply to all sorts of issues, not just ones in which the government is seen

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42. Items on this list are drawn from Ann Harding, “Unemployment Policy: A Case Study in Agenda Management,” *Australian Journal of Public Administration* 44 (September 1985): 224–46, at 225. See also Robert Eyestone, *From Social Issues to Public Policy* (New York: Wiley, 1978); Eric A. Nordlinger, *On the Autonomy of the Democratic State* (Cambridge, MA: Harvard University Press, 1981). I thank Marian Sawyer for referring me to agenda management and Harding’s article.

as the “perpetrator.” Agenda management studies look mainly at government actions; in the backfire model, equal attention is given to responses by targets. But these are differences in scope and focus. The backfire framework can be seen as an elaboration and generalization of agenda management to other arenas.

### Social Problems

When lots of people believe something is a social problem — such as abortion, crime, police beatings, climate change, tax avoidance, or war — this seldom happens spontaneously. Individuals and groups take a variety of actions to convince others something should be conceived of as a problem. Environmentalists and others have argued global warming is a serious problem; peace movements have pushed to have war recognized as a problem that needs to be addressed. Others take a contrary position: some industry leaders argue global warming is not a big problem; some government leaders argue war is sometimes the solution to a more urgent problem, namely a dangerous enemy. In short, defining something as a social problem can be thought of as a social struggle.<sup>43</sup>

The making of claims, which is the key process used in encouraging people to see something as a social problem, is much the same as the struggles over interpretation in backfire dynamics. The backfire over the King beating fed into the ongoing construction of police brutality as a social problem. Prior to the beating, police brutality was already recognized, in some circles, as a significant social problem. The beating was an opportunity for commentators and activists, both those who had previously been active and new ones, to make powerful claims about the significance of police brutality.

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43. Joel Best, ed., *Images of Issues: Typifying Contemporary Social Problems* (New York: Aldine de Gruyter, 1989); Malcolm Spector and John I. Kitsuse, *Constructing Social Problems* (Menlo Park, CA: Cummings, 1977).

Backfire analysis differs from the usual analysis of social problem construction by directing attention to a diverse range of tactics, including but going beyond claims-making, used in struggles around particular events. To put it another way, backfire can be conceived as part of an ongoing construction of a social problem, and backfire analysis as an examination of a diverse array of tactics within the general framework of social problem construction.

### Social Movements

Social movements are alliances of groups and individuals with a common vision for society. Familiar social movements include the feminist, anti-racist, peace, and environmental movements. Movements can be defined by what they are for — for example, peace, pro-life, globalization from below — or what they are against — anti-war, anti-abortion, anti-corporate globalization. Sometimes the name itself is contentious.

Movements are typically made up of a core of activists (sometimes paid, sometimes not), a set of organizations, members, occasional participants, and sympathizers. Movements are usually thought of as challengers to dominant groups or viewpoints, because powerholders don’t need to agitate to get what they want.

There is an enormous body of writing about social movements, with several well-developed theories for explaining their dynamics, including resource mobilization theory, new social movement theory, political process theory, and framing theory. This theory can be related to backfire in various ways.

Members of social movements are often motivated by outrage over perceived injustices.<sup>44</sup> The movement for gay and lesbian

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44. For a psychological perspective, see Tom R. Tyler and Heather J. Smith, “Social Justice and Social Movements,” in *The Handbook of Social Psychology, Volume II*, 4th ed., ed. Daniel T. Gilbert, Susan T. Fiske, and Gardner Lindzey (Boston, MA: McGraw-Hill, 1998), 595–629. I thank Truda Gray for this reference.

rights was and continues to be motivated by concern over discrimination, persecution, and violence against gays and lesbians. This is fertile ground for backfire: a movement can be thought of as an audience that is highly receptive to information about injustice, including injustices concerning the core issues that concern the movement and attacks on the movement itself. Furthermore, movements have the capacity to mobilize outrage, by conceptualizing events in their frameworks, communicating with members and supporters, and taking coordinated action.

Studies of the movement against nuclear power, the anti-abortion movement, and the movement for animal rights shows that they gain many recruits because of “moral shocks,” namely shock at violations of one’s expectations of what is fair. The 1979 nuclear reactor accident at Three Mile Island was a key moral shock for recruiting people into the U.S. anti-nuclear power movement. Some people decide to join the anti-abortion movement after seeing pictures of aborted fetuses; likewise, seeing pictures of animal experimentation can stimulate people to join the animal rights movement.<sup>45</sup> Amnesty International uses images of

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45. Social scientists have examined various cases and ways in which injustice can stimulate social action. Edward J. Walsh, “Resource Mobilization and Citizen Protest in Communities around Three Mile Island,” *Social Problems* 29 (October 1981): 1–21, found that “suddenly imposed major grievances,” including the Three Mile Island nuclear accident and major oil spills, could promote mobilization of citizens. The idea of “moral shocks” as means of recruitment into social movements is analyzed by James M. Jasper and Jane D. Poulsen, “Recruiting Strangers and Friends: Moral Shocks and Social Networks in Animal Rights and Anti-nuclear Protests,” *Social Problems* 42 (November 1995): 493–512; James M. Jasper, *The Art of Moral Protest: Culture, Biography, and Creativity in Social Movements* (Chicago: University of Chicago Press, 1997); James M. Jasper, “The Emotions of Protest: Affective and Reactive Emotions in and around Social

suffering in its appeals to recruit members and contributors.<sup>46</sup>

Christian Smith, in his study of the U.S. Central American peace movement, found that what he calls “moral outrage” was a key factor in recruitment into the movement, which had strong religious roots. Smith found a number of factors were important in producing outrage, including religious murders (such as the assassination of Archbishop Oscar Romero in 1980), refugee stories, and visits to Central America.<sup>47</sup>

A person’s perception of injustice is an individual matter, but often it is linked to prevailing moral codes. Social movements seek both to reveal things already perceived as unjust and to change people’s beliefs about what is just and unjust. For example, the animal rights movement seeks to expose overt cruelty to animals and encourages people to see practices such as animal experimentation and factory farming as injustices that should be opposed.

When a movement exists, therefore, events seen as unjust are more likely to backfire. Cover-up is more difficult because movement sympathizers with inside information know there is a receptive audience should they decide to leak information or blow the whistle. When respected figures join a movement, it is

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Movements,” *Sociological Forum* 13 (1998): 397–424. On the role of emotions in social movements more generally, see Jeff Goodwin, James M. Jasper, and Francesca Polletta, eds., *Passionate Politics: Emotions and Social Movements* (Chicago: University of Chicago Press, 2001).

46. Cohen, *States of Denial*, 196–221.

47. Christian Smith, *Resisting Reagan: The U.S. Central America Peace Movement* (Chicago: University of Chicago Press, 1996). Smith describes two factors important for creating moral outrage, “subjective engageability” and “cognitive accessibility.” These are similar to what I call perception of injustice and communication to receptive audiences.

harder to devalue it. The movement's networks provide ready means for communication, and the movement may have access to skilled communicators. Even when the mass media are unsympathetic, a movement may have sufficient communication capacity to circulate its message widely.

In social movement theory, an event that makes a dramatic difference to the success or failure of a movement is called a "transformative event." A major backfire can be a transformative event.<sup>48</sup> Examples include the Sharpeville massacre for the international anti-apartheid movement, the Dili massacre for the East Timor independence movement, and the salt march for the Indian independence movement. In some cases, campaigning can turn a seemingly minor event into a major issue. For example, the arrest of U.S. alternative cancer therapist John Richardson in 1972 became the basis for a massive expansion of support for alternative therapies; rather than suppressing alternative therapies, the arrest served as a tool for campaigners to promote them.<sup>49</sup>

Not every backfire involves a social movement, at least not centrally: few whistle-blowers are involved with a movement and neither Rodney King nor Ted Steele was a movement activist. Even so, prominent cases can link in with and stimulate movements. The King beating gave an enormous boost to activism against police abuses and the Steele

dismissal stimulated concern about academic freedom.

Given the important role of social movements in raising awareness of issues that members believe are important — in effect turning them into social problems<sup>50</sup> — there is much to be learned by further study of backfire in connection with social movement theory. Further insight into backfire dynamics will come from activists using the backfire framework to help choose their tactics.<sup>51</sup>

### The Methods of Inhibition and Amplification

Each of the five methods of inhibiting outrage, and corresponding methods of amplifying outrage, can be related to bodies of research. Addressing all of these would be a mammoth task, so all I can do is indicate some directions. If the methods of inhibition and amplification are thought of as tactics, then from a practical viewpoint the main thing is to be able to recognize what tactics are being used and, if desired, know how to counter them. For this purpose, the primary purpose of delving into theories is to gain insights into varieties of tactics. Of course, there is much more to theories; in particular, they can throw light onto why things are the way they are. Suffice it to say that relating bodies of theory to the methods of inhibition and amplification is a task waiting to be done.

#### *Cover-up and Exposure*

Cover-up can be achieved in various ways, one of which is censorship. There is a long history of censorship by churches and governments, but any group can practice it. Censorship assumes one group has information and exercises its power to ensure others cannot

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48. Hess and Martin, "Backfire, Repression, and the Theory of Transformative Events." See especially Bill Moyer, with JoAnn McAllister, Mary Lou Finley, and Steven Soifer, *Doing Democracy: The MAP Model for Organizing Social Movements* (Gabriola Island, BC, Canada: New Society Publishers, 2001), a grounded theory of social movements in which, after laying the groundwork, a "trigger point" can stimulate mobilization. There are commonalities between Sharp's dynamics of nonviolent action and Moyer's MAP model.

49. Hess and Martin, "Backfire, Repression, and the Theory of Transformative Events."

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50. Armand L. Mauss, *Social Problems as Social Movements* (Philadelphia: Lippincott, 1975).

51. Brian Martin and Iain Murray, "The Parkin Backfire," *Social Alternatives* 24 (Third Quarter 2005): 46–49.

access it.<sup>52</sup> Hence, an analysis of censorship follows naturally from an analysis of power: each system of power — state, capitalism, bureaucracy, patriarchy, and other others — will have its own characteristic modes of censorship.

Another way to achieve cover-up is to swamp important information in a deluge of trivial or distracting information. Sometimes a corporation, required by a government or court to disclose documents, delivers boxes or truckloads of material; the sheer volume makes juicy secrets harder to find. In a less deliberate fashion, the news media offer a kaleidoscope of short items, including on crimes, celebrities, and human interest, so important stories, requiring understanding of history and context, are lost on most of the audience.

To make sense of the world, information is not enough: it needs to be put together in a meaningful way. Often, there are various ways to understand important events; powerful groups would like to discourage attention to ones that highlight their own nefarious roles. In this context, “conspiracy theories” — unorthodox explanations for important events, usually relying on self-interested actions by powerful groups — can serve as a form of de facto cover-up. There are so many bizarre theories for events such as 9/11 and the assassination of President John F. Kennedy that it is easy to dismiss alternative explanations that are better documented: every challenge to the dominant view is classified as a conspiracy theory and dismissed.

To challenge cover-up, the basic idea is exposure: getting information to audiences that can make sense of it. For analyzing this process, theories of free speech are relevant, but they do not focus on tactics of overcoming cover-up. More relevant are studies of investigative journalism and free speech campaigns. Using theory in these areas to help understand backfire is a project waiting to be carried out.

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52. Sue Curry Jansen, *Censorship: The Knot that Binds Power and Knowledge* (New York: Oxford University Press, 1988).

### *Devaluation*

Devaluation is the subject of a large amount of theory in social psychology, anthropology, and other fields. One explanation of devaluation is built around the creation of stereotypes, the construction of in-groups and out-groups, and the perception of out-groups as inferior. One psychological basis for this process is projection, in which despised, unrecognized aspects of a person’s personality are projected onto — in other words, attributed to — some other person or group. This other person or group is then despised and, in more serious cases, attacked.<sup>53</sup> One example is a man who denies his feminine side and projects it onto women, who he treats as inferior. A similar process can help explain homophobia. At wider levels, projection helps to explain racism and militarism. It could be said that U.S. government officials, in planning an attack on Iraq, denied their own aggression and instead attributed it to the Iraqi regime, which was seen as so dangerous it had to be attacked, and encouraged others to use the same process of projection.

Sam Keen, in his book *Faces of the Enemy*, a provocative analysis of the psychology of war, reproduces war posters and other images of the enemy in various degraded or hostile forms, including stranger, aggressor, faceless being, enemy of god, barbarian, greedy person, criminal, torturer, rapist, beast, and agent of death. In Keen’s catalogue, there is only a single positive image of the enemy, the worthy opponent of heroic warfare. Then there is the modern technological view of the enemy as an abstraction, as a set of coordinates to be bombed. This is less personal but is certainly a potent form of devaluation.<sup>54</sup>

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53. Philip Lichtenberg, *Community and Confluence: Undoing the Clinch of Oppression*, 2d ed. (Cleveland, OH: Gestalt Institute of Cleveland Press, 1994).

54. Sam Keen, *Faces of the Enemy: Reflections of the Hostile Imagination* (San Francisco: Harper & Row, 1986). See also Robert W. Rieber, ed., *The Psychology of War and Peace: The Image of the Enemy* (New

For challenging devaluation, Wolf Wolfensberger offers a theory called social role valorization. It is specifically designed for severely devalued people, such as people with intellectual disabilities.<sup>55</sup> The two basic approaches are to increase the competencies of the devalued person, so they obtain more respect through their appearance and performance in everyday life, and to put them in socially valued roles — such as friend, employee, and family member — so they acquire status through the roles. If you meet a well-groomed person working in a lawyer's office who greets you pleasantly, you are likely to think more highly of them than meeting the same person who is slovenly, unfriendly, and living on the street or in an institution. Therefore, abuses frequently perpetrated against street people or people in institutions would very likely backfire if done to the same person in a lawyer's office. Social role valorization is a systematic approach to challenging devaluation and can readily be applied to a range of circumstances.

### *Interpretation Struggles*

Interpretation often overlaps with cover-up. To distinguish them, it is convenient to say that cover-up, in relation to a particular audience, occurs when this audience does not know anything has happened. When the audience knows something has happened, but is encouraged to believe particular things about the facts involved, the significance of the action,

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York: Plenum, 1991). On the stereotyping of political resisters, see Austin T. Turk, *Political Criminality: The Defiance and Defense of Authority* (Beverly Hills, CA: Sage, 1982), 71–81.

55. Wolf Wolfensberger, *A Brief Introduction to Social Role Valorization: A High-Level Concept for Addressing the Plight of Societally Devalued People, and for Structuring Human Services*, 3d ed. (Syracuse, NY: Training Institute for Human Service Planning, Leadership & Change Agency (Syracuse University), 1998).

or responsibility for it, this can be called interpretation.

Sometimes, due to secrecy or inherent uncertainty, even well informed observers cannot agree about what happened. Therefore, it may be impossible to decide whether an event is being covered up or reinterpreted, neither, or both. This type of situation can operate as a type of cover-up itself.

Interpretation can be based on genuine belief or on lies. Lying occurs when there is an intent to deceive, and can be either by stating falsehoods, not stating truths, or giving misleading accounts. There is a fascinating body of writing about lying that is relevant to both cover-up and reinterpretation.<sup>56</sup>

The field of semiotics deals with systems of signs and how they create meaning. It offers a wealth of insight into the ways people understand the world, and has influenced studies in many fields, but seems seldom to have been packaged specifically for activists.<sup>57</sup> Closely related to semiotics is the study of rhetoric, and on this Ellen W. Gorsevski's book *Peaceful Persuasion: The Geopolitics of Nonviolent Rhetoric* is essential reading. She shows how rhetoric can be used to prevent and

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56. J. A. Barnes, *A Pack of Lies: Towards a Sociology of Lying* (Cambridge: Cambridge University Press, 1994); Paul Ekman, *Telling Lies: Clues to Deceit in the Marketplace, Politics, and Marriage* (New York: Norton, 1985); Charles V. Ford, *Lies! Lies!! Lies!!! The Psychology of Deceit* (Washington, DC: American Psychiatric Press, 1996); David Nyberg, *The Varnished Truth: Truth Telling and Deceiving in Ordinary Life* (Chicago: University of Chicago Press, 1993); W. Peter Robinson, *Deceit, Delusion and Detection* (London: Sage, 1996).

57. One activist-oriented study using discourse analysis is Mary Richardson, Joan Sherman, and Michael Gismondi, *Winning Back the Words: Confronting Experts in an Environmental Public Hearing* (Toronto: Garamond, 1993). I thank Nicky Evans for a helpful discussion about semiotics.

manage conflicts; it is a short step to apply her approach to interpretation struggles.<sup>58</sup>

The study of propaganda offers many relevant insights,<sup>59</sup> as does work on advertising, public relations, and spin doctoring. Psychological research on influencing people is also relevant.<sup>60</sup> A lot of this is about manipulating people; the reverse process, countering manipulation, is not as well developed, but there are nevertheless numerous insights in these bodies of research. Studies of debating techniques are another fruitful source of ideas.

Karen Cerulo in her book *Deciphering Violence* says accounts of violence in the media can be classified into four sequences: the performer sequence, from the perspective of the perpetrator; a victim sequence; a contextual sequence, giving priority to the context of the violence; and a doublecasting sequence, in which the victim is also presented as a perpetrator. “The police beat Rodney King” is a performer sequence. “Rodney King was beaten by police” is a victim sequence. “Just after midnight, under the spotlight from a hovering helicopter, a confrontation occurred between Rodney King and the Los Angeles police” is a contextual sequence. “Rodney King, after resisting arrest and lunging at an officer, was beaten by police” is a doublecasting sequence. Cerulo found performer sequences were most commonly used when violence was portrayed as legitimate, with victim sequences used for violence presented

as illegitimate. The ways audiences reacted to sequences were more complex.<sup>61</sup> Cerulo’s analysis reveals something few people notice — the semantic structure of headlines and key sentences about violence reported in the media — can both reflect and influence attitudes about that violence. This has obvious relevance to struggles over the meaning of violent incidents.<sup>62</sup>

Harry Murray studied the introduction of fingerprinting for welfare recipients in the state of New York. The government’s rationale was to prevent multiple claims for benefits, but in practice the fingerprinting served to degrade a stigmatized group. Murray calls this “deniable degradation” because the degradation was justified by a cover story: the government could deny degradation was intended. Murray lists four different deniability strategies: deny the action; deny knowledge of the action; deny the meaning of the action; and deny any intention for the action.<sup>63</sup> Each of these four strategies can be treated as a technique of reinterpretation, except that denying the action might be cover-up.

Thomas Mathiesen in his essays titled *Silently Silenced* gives a highly insightful analysis of methods of silencing opposition, many of which could be classified as forms of reinterpretation. For example, he lists the following methods of “silent silencing”:

- individualization, in which an action is treated in isolation;
- normalization, in which an action is considered normal;
- cooption, in which criticism is accepted;

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58. Ellen W. Gorsevski, *Peaceful Persuasion: The Geopolitics of Nonviolent Rhetoric* (Albany, NY: State University of New York Press, 2004).

59. Garth Jowett and Victoria O’Donnell, *Propaganda and Persuasion*, 4th ed. (Thousand Oaks, CA: Sage, 2006).

60. Robert B. Cialdini, *Influence: How and Why People Agree to Things* (New York: Morrow, 1984); Anthony R. Pratkanis and Elliot Aronson, *Age of Propaganda: The Everyday Use and Abuse of Persuasion* (New York: Freeman, 1992).

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61. Karen A. Cerulo, *Deciphering Violence: The Cognitive Structure of Right and Wrong* (New York: Routledge, 1998).

62. Grammar can also influence understandings: see Annabelle Lukin, “Information Warfare: The Grammar of Talking War,” *Social Alternatives* 24 (First Quarter 2005): 5–9.

63. Harry Murray, “Deniable Degradation: the Finger-Imaging of Welfare Recipients,” *Sociological Forum* 15 (2000): 39–63, at 42.

- superficial endorsement;
- displacement of responsibility, namely blaming someone or something else.<sup>64</sup>

Each of these could be considered a technique of interpretation, though some go beyond. Mathiesen is concerned with ways that systems — such as bureaucratic structures — promote silencing, something deeper than the active techniques deployed in struggles over outrage.

I have commented on a few studies that throw light on interpretation struggles. There is a huge body of research relating to interpretation, both theoretical and practical material, which waits to be mined for insights relevant to backfire dynamics.

### *Official Channels*

Official channels in practice serve as powerful tools to dampen outrage from injustice. For example, when a government sets up a commission to investigate an issue, it is often apparent this is a tactic to delay taking action while the commission deliberates over a period of months or years. Sometimes the government, by setting narrow terms of reference and carefully picking the chair of the commission, obtains exactly the recommendations it wanted; if not, the government may just ignore them.<sup>65</sup>

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64. Thomas Mathiesen, *Silently Silenced: Essays on the Creation of Acquiescence in Modern Society* (Winchester, UK: Waterside Press, 2004).

65. This is a popular conception of investigatory commissions, according to Frank Burton and Pat Carlen, *Official Discourse: On Discourse Analysis, Government Publications, Ideology and the State* (London: Routledge & Kegan Paul, 1979), 7–8; their book, though, does not explore commissions as tactics but rather analyzes the discourse of their reports. See also Adam Ashforth, “Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge Forms,” *Journal of Historical Sociology* 3 (March 1990): 1–22.

My initial assessment of official channels drew heavily on my experience with whistleblowers, as described in chapter 6, but on examining other sorts of cases it became apparent official channels play a similar role. But I have been unable to find much theory to say why this should be the case. To be sure, there are plenty of studies showing the failure of official channels in particular cases.<sup>66</sup> There are some excellent critiques covering specific areas, for example the legal system<sup>67</sup> and disarmament negotiations.<sup>68</sup> But there is little on the general phenomenon. This is not surprising, because the usual assumption is that courts, formal inquiries, ombudsmen, and experts are routes to justice: they are “proper channels.” To argue that they provide only an illusion of justice, for those making a challenge from below, is a form of heresy, highly threatening especially to those who believe the world is fundamentally just.

The explanation for the failure of official channels is quite simple: if agencies were able to dispense justice, then powerful elites could be convicted of crimes and unequal social structures would be in danger of collapse. A single whistleblower would be able to bring down top managers; a single victim of discrimination would be able to undermine systems of racism; a single victim of economic exploitation could overturn global trading rules; a single victim of state terrorism would

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66. In June 2005, the *Sydney Morning Herald* ran a series of articles exposing the Australian government’s pattern of ignoring the recommendations of parliamentary inquiries. The government “has not replied on time to a single public inquiry out of the 62 it has ordered in the House of Representatives since December 1998. It has given no reply at all to almost half of them.” Gerard Ryle and Lisa Pryor, “Democracy Denied,” *Sydney Morning Herald*, 20 June 2005, p. 1.

67. Rosenbaum, *Myth of Moral Justice*.

68. Alva Myrdal, *The Game of Disarmament: How the United States and Russia Run the Arms Race* (New York: Pantheon, 1976).

be able to thwart wars. Agencies that are supposed to dispense justice in practice have to operate in contexts shot through with inequality, unfairness, exploitation, and domination. That means there are serious limits on what they can do. When those with less power are in the wrong, agencies can dispense a semblance of justice, but when powerholders are perpetrators, little can be done.

### *Intimidation and Bribery*

There is a vast amount of writing about intimidation, especially at the violent end of the spectrum, including studies of torture, warfare, counterinsurgency, prisons, police powers, rape, and domestic violence. For milder forms of intimidation (though often just as effective), there are studies of peer pressure, bureaucratic power, and social control. For examining bribery as a tactic, there are psychological and economic studies of incentives, among others.

There is not nearly as much material on tactics of resistance to intimidation and bribery. Militaries have studied how to resist torture and brainwashing. Jeff Schmidt in his book *Disciplined Minds* gives an excellent analysis of how military advice on resisting indoctrination — commonly called brainwashing — can be used by students and professionals who want to stand up against pressures for ideological conformity.<sup>69</sup>

James C. Scott has studied ways that subjugated groups — such as slaves and peasants — use a range of subtle methods to resist domination.<sup>70</sup> Studies of resistance in repressive

states — such as Nazi-occupied Europe — are highly relevant.<sup>71</sup>

Studies of nonviolent action are a fruitful source of ideas for resisting repression. One of the stages in Gene Sharp's dynamics of nonviolent action is "solidarity and discipline to fight repression."<sup>72</sup> One of the later stages is political jiu-jitsu, discussed earlier as the precursor to the concept of backfire. Intimidation, used to prevent the expression of outrage, can itself backfire, so increasing the risk of backfire is one of the ways to counter intimidation. This is a recursive use of backfire dynamics.

### **Studying Backfire**

For studying backfire dynamics, how should case studies be chosen? Norm violations occur every day. A few of them backfire but most of them don't. Which ones are worth studying? In principle, just about any event can be used, but in practice a crucial requirement is documentation. In many cases in which police use excessive force, there are no independent witnesses; cover-up and reinterpretation are successful in containing the story. A prominent case like the King beating generates enormous interest, stimulates participants to tell their stories, and raises the stakes for everyone, so there is active use of processes of devaluation, reinterpretation, official adjudication, and intimidation. The struggle becomes more public: the mass media seek all sorts of stories, including investigative probes into backstage behaviors. Partisans on each side have increased access to the media and are encouraged to challenge their opponents publicly. All this helps to expose some of the techniques that are usually hidden, especially intimidation and cover-up. Prominent cases

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69. Jeff Schmidt, *Disciplined Minds: A Critical Look at Salaried Professionals and the Soul-Battering System that Shapes their Lives* (Lanham, MD: Rowman & Littlefield, 2000).

70. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press, 1990).

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71. Jacques Semelin, *Unarmed Against Hitler: Civilian Resistance in Europe 1939–1943* (Westport, CT: Praeger, 1993).

72. Sharp, *Politics of Nonviolent Action*, 573–655. See also Sharp, *Waging Nonviolent Struggle*, 387–95.

thus offer a tremendous opportunity to study the dynamics of backfire.

But prominent cases of backfire aren't ideal for every purpose. One shortcoming is that backfire did occur, often spectacularly. Therefore, it is harder to see how backfire can be prevented. So it can be useful to study cases where backfire did not occur, for example due to cover-up. But when cover-up is totally effective, then other methods of inhibiting backfire become redundant and often aren't used. Sometimes, therefore, learning about backfire dynamics in a particular arena is best done by using a variety of case studies, each illustrating a different feature. That is the approach I've taken in this book.

### **Acknowledgements**

I thank Truda Gray, Jeff Ross, Greg Scott, Tom Weber, and Kevin Wehr for valuable comments on drafts of this chapter.

## 14

### Conclusion

Sometimes attacks backfire: they end up being counterproductive for the attacker. A backfire commonly involves a public reaction of outrage.

There are two essential conditions for a backfire. First, something occurs that some people think is unjust, unfair, disproportionate, disgusting, disquieting, or upsetting — or any number of other words indicating they are concerned about it. Possibilities include massacres, beatings, dismissals, censorship, torture, and wars. For convenience, the words “unjust” or “unfair” can stand in for a full list of reactions.

To be seen as unjust, an event or situation has to be seen as violating normal expectations. If two people voluntarily fight each other and one is badly hurt, that may well be thought unfortunate but not unfair. But if a person attacks and seriously injures someone who is not fighting and who is trying to avoid a fight, that is cause for outrage. If there is a qualitative difference between the two sides — for example, one is violent and the other peaceful — then outrage is more likely. Similarly, a large quantitative difference can lead to a perception of unfairness. The more the victim is perceived as innocent and incapable of resistance, the greater the outrage. An attack on a child or a person with a disability is seen as more reprehensible than one on an able-bodied adult.

If the difference between the two sides is reduced or muddied, then fewer people will perceive an action as unfair. If, in a peaceful protest, even a few protesters throw stones, then violence by the police will seem less upsetting, even when it is much greater. Therefore, backfire is far more likely when those subject to injustice avoid any suggestion of being perpetrators themselves.

The second essential condition for backfire is communication to receptive audiences. This can be by direct witnessing of the event or via reports, photos, and the like. “Receptive audiences” means those who will be aroused by the information. They could be people already concerned about an issue, such as human rights advocates who are campaigning against torture. They could be third parties, not involved with the issue, such as people watching news about torture. Or they could be people linked with the perpetrators, such as soldiers who are disgusted by actions taken by others in their squad.

#### **Two Essential Conditions for Backfire**

1. Perception of something as unjust, unfair, disproportionate, or otherwise in violation of a social norm.
2. Communication to receptive audiences.

Backfires do not occur automatically. Perpetrators can take actions that reduce the likelihood or scale of backfire. These actions can be conveniently classified into five methods<sup>1</sup> that inhibit outrage, disgust, and other negative reactions to an event or situation.

#### **Five Methods to Inhibit Outrage**

1. Cover up the action or situation.
2. Devalue the target.
3. Reinterpret what happened.
4. Use official channels that give the appearance of justice.
5. Intimidate or bribe people involved.

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1. Strictly speaking, these are five *types* of methods, but for convenience I refer to them as five methods.

From the case studies in previous chapters, these methods should be quite familiar. In the appendix, numerous specific techniques are listed for each of the five methods.

In principle, these methods can be used by anyone, but in practice only powerful groups have significant capacity to inhibit outrage from their actions. A customer who openly assaults an employee has little prospect of inhibiting outrage, whereas senior police who brutalize a suspect can use all five methods. Backfire analysis thus becomes most revealing when analyzing injustices perpetrated by those much more powerful than their victims.

Strictly speaking, only the first four methods actually reduce outrage. Method 5, intimidation and bribery, is about inhibiting the *expression* of outrage. But the distinction is not a big one, especially because people often change their beliefs to accord with their actions. Therefore, intimidation and bribery can actually cause people to feel less outrage as well as prevent its expression.

Those who think outrage is the appropriate response to perceived injustices need to counter the methods of inhibition. There are many ways of doing this; five general ways neatly mirror the methods of inhibition.

#### **Some Ways to Counter Inhibition of Outrage**

1. Expose the action or situation.
2. Validate the target.
3. Emphasize the injustice involved.
4. Mobilize public support and avoid or discredit official channels.
5. Resist and expose intimidation and bribery.

Methods of countering inhibition can be conveniently summed up in five Rs: revealing, redeeming, reframing, redirecting, and resisting.<sup>2</sup> But it is important to remember there are many possible ways to respond to each of the methods of inhibition. The appendix lists various possibilities.

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2. Steve Wright had the idea of alliterative labels and we brainstormed them together.

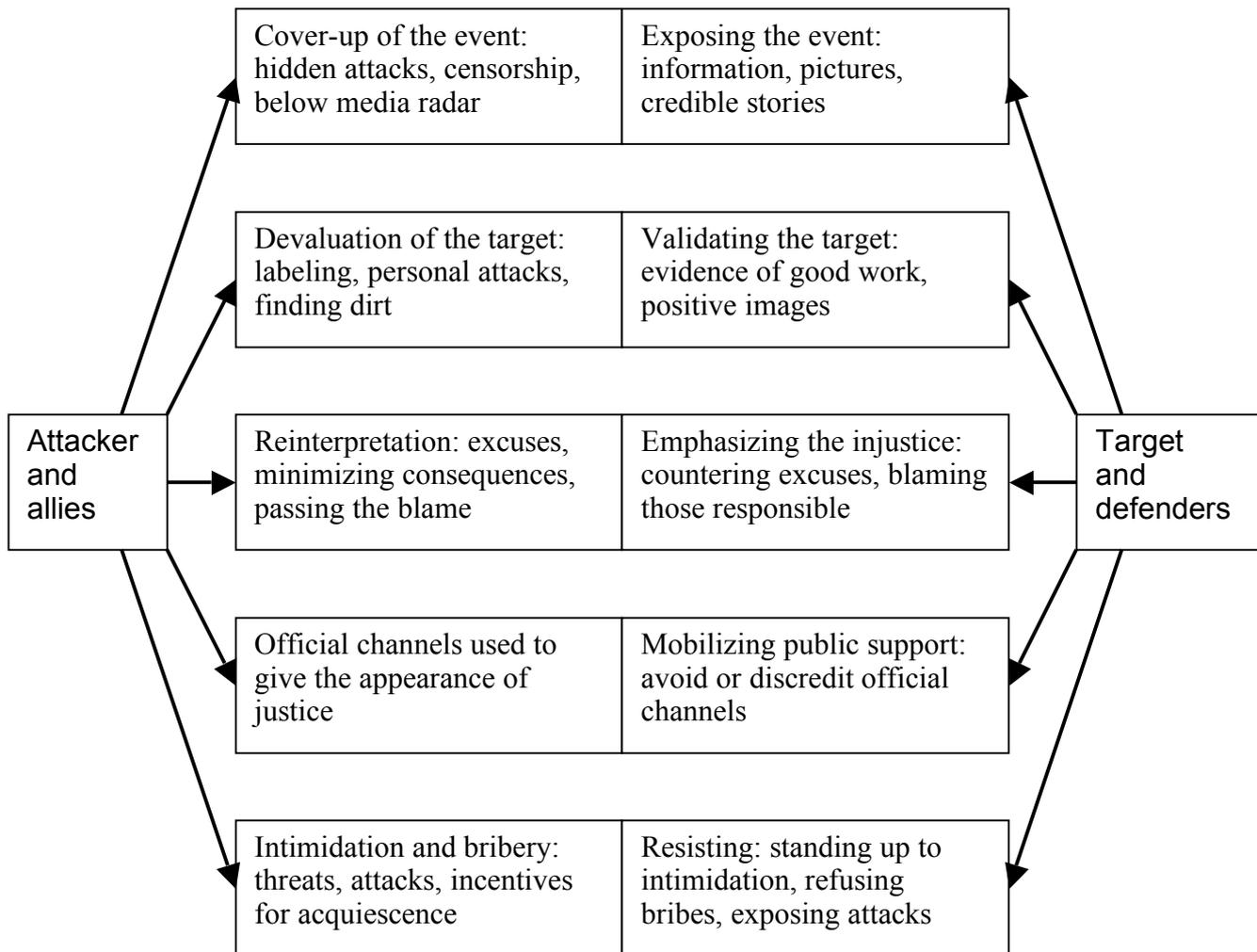
The struggle between inhibiting and amplifying outrage is summarized in Figure 14.1 (next page).

There are many factors affecting the way a message is received. Some of these are particularly important for understanding the dynamics of backfire. Sometimes a lot of groundwork has to be done to convince people that an issue is of concern. The movement against nuclear power spent years alerting people to the dangers of the technology. Before this, nuclear accidents received little attention; afterwards, they caused enormous concern. Another factor is the “information environment,” such as what else is happening at the same time. If corruption in an organization is publicized during a slow news period, it may receive extensive coverage, but if revealed during a war or disaster, it may pass without much notice. A third key factor is whether there are opportunities for taking action. News stories of foreign atrocities often generate concern but most individuals have no idea how they might make a difference. But if there is a well known organization or avenue for protest, people are far more likely to join or take action themselves.

#### **Three Factors, Relevant to Backfire, that Affect Reception of a Message**

1. Audience receptivity: understanding of things as unjust.
2. Information environment: visibility of stories and the salience of an issue compared with other issues.
3. Actionability: the existence of social movements and opportunities for action.

These factors are all linked to timing: *when* an action is taken affects the response. If an atrocity is covered up, it may cause outrage when revealed decades later, but not as much as if it had been exposed when it occurred. Official channels often take such a long time that outrage has died down when a finding is declared.



**Figure 14.1**

These are the bare bones of the backfire model. It is quite easy to formulate a more complex model, with lots of factors, inter-connections, exceptions, and special cases. But caution is warranted, because often a complex model is not as useful as a simple one: the complexities can be confusing and divert attention from the key factors.

### Lessons from the Case Studies

There are many things to be learned by applying a model to case studies, including how it can be extended to new domains and what its limits are. Models are always simplifications and therefore cannot be expected to fit or explain every detail of any given case study.

Nevertheless, it can be fruitful to try to extend a model based on features of one case study and then see how well the extensions apply to another. In this way, the model can be turned into a more useful tool. For example, if a case study reveals a new method of inhibition, it is worth exploring whether this same method is observed in other case studies.

The *Sharpeville*, *Dili*, and *Dharasana* cases show that using violence against peaceful protesters can backfire against the perpetrators. This is the phenomenon Richard Gregg called moral jiu-jitsu and Gene Sharp called political jiu-jitsu. These cases also reveal the struggle over the consequences of the events, namely the use by the perpetrators of each of the five methods for inhibiting outrage and the use by

their opponents of five corresponding methods to encourage expression of outrage. In other words, political jiu-jitsu has a fine texture, namely the methods for waging a struggle over outrage. The outcome of such struggles determines whether backfire occurs.

The *Rodney King beating* shows clearly that backfire can occur from violent attacks even when the victim resists and when the victim is neither protesting nor taking a principled stand. The key factor is a perceived injustice, in this case a disproportionality between what King appeared to do and what the police were perceived to be doing. Violent attacks on peaceful protesters are just one form of injustice, though a particularly vivid one; there are many others.

The King beating also reveals the importance of routine media practices in de facto cover-up: the mass media generally deal with police use of force from the point of view of police, which, for most consumers of the media, does little to arouse concern about police behaviors. Only occasionally do incidents such as the King beating break through the usual police-media framing of matters.

The King beating also shows how a backfire can lead those labeled as responsible to fall out with each other: Los Angeles police chief Daryl Gates blamed the officers involved in the beating; Stacey Koon, in charge of King's arrest, blamed Gates and the police hierarchy. Predictably, they both blamed King, but this was not sufficient. From the public's point of view, justice required that blame be apportioned to police, whether it be the officers directly involved, the entire force, or top officials.

The examination of *whistleblowing* as a backfire process reveals a twofold injustice: first, the issue the whistleblower speaks out about, such as corruption or hazards to the public; second, reprisals against the whistleblower. In essence, a whistleblower is a person who attempts to expose a problem, challenging cover-up and reinterpretation, and who is then dealt with through intimidation. By speaking out and suffering reprisals as a result, the whistleblower becomes part of a wider injustice.

A second key feature of many whistleblowing cases is that the whistleblower may act instinctively in ways that reduce outrage. Most whistleblowers avoid publicity, at least in the beginning. Instead, they put their trust in formal processes at their place of work or in official bodies outside of it. Many whistleblowers also accept settlements that muzzle them. Thus whistleblowers are often parties to cover-up, are initially enthusiasts for official channels (only becoming disillusioned after experiencing them), and acquiesce in cover-up through forms of bribery at the end. Whistleblowers are far from unique in doing things that minimize outrage, nor should they be blamed for this; in some instances it is foolhardy to go public. The lesson, though, is that whistleblowers have other options besides the official-channel road. In particular, a campaigning approach gives a much better prospect for channeling outrage and confronting the original problem.

The *Ted Steele dismissal* highlights the existence of multiple backfire processes in an academic situation. Steele's dismissal backfired on the university administration, but prior to this Steele's own provocative behavior had alienated many people on campus, especially his immediate colleagues. The important lesson is that the personal behavior of a dissident is important in gaining support. But, as in the King beating, a person without much credibility can be turned into a martyr if attacked in a way seen as unfair.

The Steele case also shows that only some parties to a dispute may be able to use backfire dynamics to their advantage. Steele's colleagues in Biological Sciences felt the department's reputation had been unfairly tarnished but, caught between Steele's allegations and the administration's dismissal of Steele, there seemed to be little they could do to redress the problem.

The study of *environmental disasters* shows that backfires can occur even when the party held responsible had no intention of creating a problem and took no active steps to do so. Many observers of the Chernobyl nuclear accident held the Soviet government responsible; likewise, many observers of the *Exxon*

*Valdez* oil spill held Exxon responsible. These disasters were widely recognized to be accidents, not intentional acts, yet most members of the public felt someone should be blamed. These disasters show the usual methods of inhibiting outrage. They also reveal attempts to shift blame, with the Soviet government blaming the Chernobyl plant operators and Exxon blaming the ship captain.

*The invasion of Iraq* illustrates that outrage can be generated even before an attack is launched. Furthermore, the struggle over the meaning of the Iraq invasion continues years afterward. This illustrates that backfire struggles may be unbounded in time: every one of the methods of inhibition, and methods of countering inhibition, can be used over a period of years or decades. There is no single point at which someone can say conclusively that an event has or hasn't backfired, because new developments may change the assessment. This reflects the dynamic nature of backfire as a process.

The Iraq case also illustrates that activists may be unnecessarily pessimistic about the impact of their efforts. Although protests did not stop the invasion, they greatly increased its negative consequences for the U.S. government, thereby reducing support for further invasions, such as of Iran or Syria, and reducing support for the Bush administration's domestic agendas. Bill Moyer in his book *Doing Democracy*, which presents an eight-stage model of social movement campaigns, repeatedly emphasizes that activists commonly become discouraged just when they are beginning to succeed.<sup>3</sup> Arguably, this is what happened with campaigning against the Iraq invasion.

The *Abu Ghraib* story is an example of how a specific backfire, over torture at Abu Ghraib prison in Iraq, can occur within and contribute to a larger backfire process, over the invasion

and occupation of Iraq. The huge opposition to the invasion of Iraq created an international audience receptive to news critical of the U.S. role. The Abu Ghraib revelations therefore had an exceptional impact, augmenting hostility and resistance to the occupation of Iraq. The Abu Ghraib case suggests that backfires can open the door for further backfires, challenging the usual process by which a successful cover-up lays the basis for further cover-ups, devaluation lays the groundwork for further devaluation, and so on through the other methods of inhibiting outrage.

The use of *electroshock weapons* for torture is a case in which the initiative for resistance must be taken by non-victims. While people are being tortured, they have little capacity for effective resistance; if and when they become safe from their torturers, they often need all their energies purely to survive and recover. Therefore the task of opposing torture falls largely on others, such as human rights groups.

Torture by electroshock weapons is only possible if scientists and engineers conceive and design the weapons, companies produce and sell them, governments allow sales, and governments do not pass or enforce laws against them. The injustice of electroshock torture thus has a long path of responsibility, with a corresponding array of points for intervention. Outrage can be directed at torturers as individuals, at technologists designing weaponry easily usable for torture, at corporations manufacturing the equipment, at governments that allow torture, and at governments that make no protest about torture in other countries.

The case of electroshock weapons also offers a somewhat different perspective on official channels. On the one hand, endless negotiation of treaties and regulations concerning torture gives the appearance of action while dozens of countries support or tolerate torture. On the other hand, existing treaties can offer a campaigning platform for human rights groups, for example when a new technology violates international law. Although official channels are regularly used to give the appearance of justice without the substance, nevertheless this is not automatic: there is an

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3. Bill Moyer, with JoAnn McAllister, Mary Lou Finley, and Steven Soifer, *Doing Democracy: The MAP Model for Organizing Social Movements* (Gabriola Island, BC, Canada: New Society Publishers, 2001).

ongoing struggle over the content and uses of official channels. Furthermore, rulings by official bodies can affect the baseline for what is perceived as unjust. Shifts in the baseline can make it easier or harder to arouse indignation about a new or existing weapon.

*Terrorism* is an act almost guaranteed to backfire, according to the criteria used here. When non-state groups make violent attacks on civilians, this inevitably causes outrage. There are various explanations for why groups undertake these apparently counterproductive activities, including the desire for revenge (regardless of the consequences), the intention to provoke a counterattack that itself backfires, and the concentration of power in leaders of violent struggle by alienation of those supporting more moderate positions.

Actually, terrorism is just one of many examples of how attacks reliably backfire when launched by those with little power and authority. For example, the same process occurs when an employee grossly insults a decent boss. On the other hand, terrorism is far less likely to backfire when undertaken by governments. The very fact that terrorism, to most people, means terrorism by non-state groups (or by so-called rogue states) is a striking illustration of the way powerful states have diverted attention from their own activities. The very expression “state terrorism” is little known outside the ranks of terrorism scholars.

Each of these case studies could be mined for further insights. Another way to develop further insights is to study additional case studies, such as other police beatings and other wars such as the Vietnam war. Some other possible areas of application are bullying, censorship, corporate disasters, defamation, genocide, labor struggles, lying, protests, refugees, sexual harassment, and social movements.<sup>4</sup>

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4. Work has been done on several of these topics.

Censorship: Sue Curry Jansen and Brian Martin, “Making Censorship Backfire,” *Counterpoise* 7 (July 2003): 5–15; Sue Curry

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Jansen and Brian Martin, “Exposing and Opposing Censorship: Backfire Dynamics in Freedom-of-Speech Struggles,” *Pacific Journalism Review* 10 (April 2004): 29–45.

Corporate disasters: Susan Engel and I have examined the Bhopal disaster and the James Hardie asbestos tragedy in “Union Carbide and James Hardie: Lessons in Politics and Power,” *Global Society*, in press.

Defamation: Truda Gray and I have analyzed defamation threats and actions as attacks on free speech in “How to Make Defamation Threats and Actions Backfire,” *Australian Journalism Review* 27 (July 2005): 157–66; “Defamation and the Art of Backfire,” *Deakin Law Review*, in press.

Deportation: Iain Murray and I wrote about government and activist tactics used in the 2005 deportation of U.S. peace activist Scott Parkin from Australia, in “The Parkin Backfire,” *Social Alternatives* 24 (Third Quarter 2005): 46–49.

Labor struggles: Kylie Smith and I examined this topic, with special attention to the confrontation between the stevedoring firm Patrick and the Maritime Union of Australia, in “Tactics of labor struggles,” *Employee Responsibilities and Rights Journal*, in press.

Refugees: Andrew Herd, “Official Channels or Public Action: Refugees in Australia,” *Flinders Journal of History and Politics*, in press; “Amplifying Outrage over Children Overboard,” *Social Alternatives*, in press.

Sexual harassment: Greg Scott and I analyzed the Anita Hill–Clarence Thomas case in “Tactics against Sexual Harassment: The Role of Backfire,” *Journal of International Women’s Studies*, in press.

Social movements: David Hess and I have studied backfire as a type of transformative event for social movements in “Backfire, Repression, and the Theory of Transformative Events,” *Mobilization* 11 (June 2006): 249–67.

## Other Directions

I have focused on backfire analysis as a way of understanding tactics and as a guide for formulating strategies against injustice. Another way to use the approach is to measure the extent of backfire. Following the beating of Rodney King, public opinion about the Los Angeles police became less favorable. Likewise, following the invasion of Iraq, public attitudes towards the United States became less favorable in many countries. The extent of backfire might also be judged by levels of activism in support of a cause, by comments on blogs and e-mail discussion groups, by petitions, and by open dissent within and defections from the dominant group.

Another way to assess the extent of backfire is by looking at the tactics used by the other side. If cover-up and reinterpretation are effective, there may be little open opposition to an injustice. But if these methods fail, the perpetrators may resort to devaluation, intimidation, or referring the matter to official bodies. This can signify a greater level of backfire.

A different issue is the evolution of tactics: in an ongoing struggle, each side can learn from the other side's behavior. For example, police who are caught on camera beating protesters might decide, next time, to arrest anyone with a camera, or to smash the cameras. Protesters, if they suspect this might occur, could be prepared with hidden cameras or ones at a safe distance. Police might then find ways to assault protesters that do not look so bad even if photographed. And so on. Any group that keeps repeating its tactics is at risk of losing its edge.<sup>5</sup>

Backfire is based on outrage from perceived injustice. The word "perceived" is important, because perceptions can be wrong, at least as judged from a different perspective. Contrasting perceptions are at the core of struggles over interpretation. It is possible to

distinguish several types of backfire according to the perpetrator's role.

- *White backfire*. This is the usual case: an attack backfires against the perpetrator. An example is the Dili massacre.

- *Gray backfire*. A perpetrator uses a convenient event, portrayed and widely perceived as unjust, as a pretext for launching an attack. Imagine that prior to the Dili massacre, the Indonesian parliament building in Jakarta had been bombed. The Indonesian government could have blamed the bombing on the East Timorese and used this to undercut concern about use of violence in Dili.

An actual example is the Tonkin Gulf incident of 1964, in which North Vietnamese PT boats were alleged to have attacked U.S. ships in international waters. This incident provoked the outrage necessary for Congress to pass a resolution allowing expansion of the U.S. military role in the Vietnam war. Yet, at the time, the evidence for a North Vietnamese attack was far from conclusive.

- *Black backfire*. A perpetrator sets out to create an injustice that will be blamed on someone else, such as the perpetrator's victim. Imagine that Indonesian troops, in carrying out the Dili massacre, dressed themselves as a dissident faction of the East Timorese resistance: they would have been aiming to make the killings backfire against the resistance. Black backfire is the aim of the agent provocateur who pretends to be a protester, uses or encourages violence, and thus serves to discredit the protesters.

Deciding what is black, gray, or white can be difficult, because cover-up often makes it hard to know who or what is responsible. The principal message is that things may not be what they appear to be on the surface.<sup>6</sup>

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5. I thank Steve Wright for valuable discussions on this point.

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6. These terms are inspired by the existing language of black, gray, and white propaganda. Truda Gray and I are working on a study of black, gray, and white backfire in the Vietnam war and elsewhere. I thank her for useful discussions on this topic.

## The Bigger Picture

Backfire analysis can be a convenient tool for understanding tactics in struggles against injustice. It is not a guarantee of success. It's quite possible to have an excellent understanding of what is happening but lack the power to do much to change the situation. There are many situations in which powerful groups do terrible things and opponents are too weak, divided, or discredited to stop them.

There are many things not covered in backfire theory. Among them are skills, morale, organization, discipline, and courage, each of which deserves great attention. Understanding tactics is certainly valuable but is not much use unless there are skilled and committed individuals and groups ready and able to take action.

In the previous chapter, I described Gene Sharp's concept of political jiu-jitsu, by which a violent attack on peaceful protesters can increase support for the protesters and thus be counterproductive for the attacker. The concept of backfire is a generalization and extension of political jiu-jitsu. Sharp's bigger picture is his "dynamics of nonviolent action," a set of stages through which nonviolent campaigns often proceed, in which political jiu-jitsu is just one stage. Here are Sharp's stages.<sup>7</sup>

- Laying the groundwork, including leadership, preparation, and strategy.
- Challenge brings repression, including challenge, repression, persistence, suffering, and facing brutality.
- Solidarity and discipline, including maintaining support and promoting nonviolent discipline.
- Political jiu-jitsu.
- Methods of success: conversion, accommodation, and nonviolent coercion.

- Redistribution of power, including empowering effects on the nonviolent group and decentralization of power.

The backfire model is built from political jiu-jitsu, by examining methods of inhibiting or amplifying outrage and applying the dynamic well beyond the violence-versus-nonviolence template. It is possible to apply this same generalization process to other stages presented by Sharp. For example, consider Sharp's first stage, laying the groundwork, which is when a nascent social movement builds its knowledge, resources, and organization, constructing a foundation from which it might eventually be able to mount credible actions. A repressive government might seek to inhibit this process of development, for example by killing, discrediting, or co-opting potential leaders, infiltrating and subverting developing organizations, and encouraging the proto-movement to adopt misleading analyses and counterproductive tactics. In effect, there is an ongoing struggle over a proto-movement's attempt to build its capacity to act and the government's attempt to inhibit this development.

Consider next an example well outside the violence-nonviolence mold: a boss who bullies selected subordinates by making demeaning comments, assigning tasks that are set up for failure, and spreading rumors. Bullying behavior can backfire if co-workers find out what is happening and react against it, so it is not surprising to find evidence for the usual methods of inhibiting outrage, from cover-up to ineffectual grievance procedures. That is a straightforward application of the backfire model. But it is also possible for the boss to intervene at the stage of laying the groundwork. If a particular employee seeks advice, starts building a support network, collects documentation of abuses, or begins trying out defensive techniques, the boss might transfer the employee, reduce bullying behaviors directed at the employee (while continuing to target others), or conversely increase the attack to break the employee's will to resist.

In this way, Sharp's stage of laying the groundwork can be generalized beyond his

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7. Gene Sharp, *The Politics of Nonviolent Action* (Boston: Porter Sargent, 1973), 447–814. I have changed some of Sharp's wording but maintained his basic structure.

original framework, just as backfire is a generalization of political jiu-jitsu. Similarly, Sharp's other stages can be generalized by examining tactics used by both sides and by applying the analysis to a wide variety of cases. Sharp's model is a good basis for this sort of generalization because it is based on observation of numerous actual cases.<sup>8</sup>

### Self-check

It is natural to assume that the perpetrators of injustice are someone else: bullies, torturers, insensitive aggressive governments, scheming enemies. *They* are bad. *We* are good.

Yet, reflecting on the matter, most people should have to admit that sometimes they are perpetrators, even if only as a child when grabbing a toy from a playmate and then lying about it. Yet it is far more difficult to recognize one's own role in causing injustice than to recognize injustice against oneself, or against someone else. Backfire analysis provides a convenient way to check what is going on: just go through the list of methods of inhibiting outrage and see whether you are using them.

- Am I being completely open, or am I hiding information?
- Am I saying or implying derogatory things about others?
- Am I considering only ways of interpreting things that are most favorable to me and unfavorable to others? Am I lying by omission?
- Do I pass off matters to higher authorities when they should be my responsibility?
- Do I threaten penalties or promise rewards?

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8. As noted in chapter 13, Sharp's framework can be considered to be a form of grounded theory. Bill Moyer's social movement model in *Doing Democracy*, also a product of grounded theory, can also be used in the same way as a foundation for a more generalized theory.

Everyone does some of these things some of the time. Sometimes there are good reasons to hide information, for example to protect people's privacy. Sometimes criticism of others is fully justified. Nevertheless, it can be revealing to look for patterns of behavior and to compare one's actions to the actions of others. If you are spreading nasty rumors but others are not, is this fair? If you are making threats but others aren't, is your attack unfair?

Most importantly, do you have more or less power than the other party? If you have a lot less power, then launching an open attack is likely to be foolish: backfire is almost guaranteed. On the other hand, if you have a lot more power, then there is a risk you may be misusing that power — and this misuse of power may itself backfire against you! Psychological research provides strong support for Lord Acton's adage "Power tends to corrupt": the exercise of power makes a person think less of those who are subject to power.<sup>9</sup> In this sort of situation, a self-check is most important.

The inspiration behind backfire analysis is to aid the effectiveness of those challenging injustice. In principle, the analysis could be used by unscrupulous, scheming attackers who want to be more effective in perpetrating injustices. In one way, this is unlikely, simply because most people who commit evil acts do not think of themselves as evil — they feel they are the victims, or that their actions are justified in the circumstances.<sup>10</sup> On the other

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9. David Kipnis, *The Powerholders* (Chicago: University of Chicago Press, 1976); David Kipnis, *Technology and Power* (New York: Springer-Verlag, 1990).

10. Roy F. Baumeister, *Evil: Inside Human Violence and Cruelty* (New York: Freeman, 1997), makes the case that the usual perceptions of evildoers as malevolent or uncaring are wrong. See also Fred Emil Katz, *Ordinary People and Extraordinary Evil: A Report on the Beguiling of Evil* (Albany, NY: State University of New York Press, 1993); Philip G. Zimbardo, "A Situationist Perspective on the Psychology of Evil: Understanding How

hand, perpetrators seem to instinctively use methods to inhibit outrage. Targets, in many cases, seem to have less awareness of what will be effective in countering attacks, and thus have more to learn from studying backfire dynamics.

There is still much to learn about opposing injustice. What better place to begin than actions that backfire?

Finally, there's another side to opposing injustice — promoting justice, for example by helping those in need. Sometimes this creates a boomerang effect, bringing good fortune to the person doing good deeds.<sup>11</sup> That is a type of backfire well worth promoting.

### **Acknowledgements**

I thank Stan Cohen, Truda Gray, Samantha Reis, and Greg Scott for valuable comments on drafts of this chapter.

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Good People Are Transformed into Perpetrators,” in *The Social Psychology of Good and Evil*, ed. Arthur G. Miller (New York: Guilford Press, 2004), 21–50.

11. Jack Doueck, *The Chesed Boomerang: How Acts of Kindness Enrich Our Lives*, 2d ed. (Deal, NJ: Yagdiyl Torah Publications, 1999).

## Appendix

### Methods of inhibiting and amplifying outrage from injustice

In February 2005, a group of us sat down and considered in turn each of the methods of inhibiting outrage, thinking of key techniques found in the case studies with which we were most familiar: Susan Engel, the corporate disasters of asbestos and Bhopal; Truda Gray, defamation and the Vietnam war; Samantha Reis, psychological techniques; Kylie Smith, labor disputes; Steve Wright, the technology of repression; and myself, the Rodney King beating and whistleblowing.<sup>1</sup> We brainstormed techniques individually and collectively. We then did the same for methods of countering inhibition or, in other words, of amplifying outrage. This is an edited summary of what we came up with. Many more methods could be added.

#### *Some Methods of Inhibiting Outrage*

##### 1. Cover-up

- Denial: false statements, lying by omission, obfuscation.
- Public relations and spin-doctoring: creation and slanting of news.
- Media: news routines (e.g. usually adopting police viewpoints; usually taking corporate perspectives).
- Organizational (e.g. government and corporate secrecy; police code of silence).
- Legal (e.g. official secrets; 30-year rule for release of government documents; sub judice rules).
- Physical: destruction of documents.
- Group dynamics: groupthink (mutually promoted thinking within the box). This is enforced by devaluation and intimidation of those who challenge the dominant line.

- Arena transfer: moving the issue to another arena where it has less visibility (e.g. defamation actions move issues from the public arena to the legal arena).

##### 2. Devaluation

- Dehumanization: treating or referring to people as animals, inanimate objects, statistical abstractions, or side effects (“collateral damage”).
- Labeling: categorization (e.g. reducing victims to a medical category); stereotyping; name-calling.
- Fear-creation: suggesting ideas of what might happen.
- Attributing blame to victims, including via belief in a just world (e.g. rape myths; lifestyle assumptions).
- Rhetoric and selective attention by governments, corporations, think-tanks, and the media (noting the media’s focus on negative behavior).
- Besmirching reputations: finding, publicizing, and manufacturing dirt (e.g. on Rodney King).

##### 3. Reinterpretation

- Perpetrator’s genuine framework or ideology: a system of categories, labels (e.g. “reform”; “they attack, we defend”), language (e.g. removing undesired emotional connotations), etc.
- Rationalizations (e.g. it’s for the good of people; it’s to protect against a feared thing).
- Lying: cover stories (e.g. to explain spying), sometimes using an official group to legitimize the lie. It may be difficult to distinguish between lying (conscious deceit), selective perception, and genuine belief.

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1. Andrew Herd, who is researching backfire and refugees, joined us in one session.

- Minimizing: saying it's an isolated incident, only a few people were involved, the harm wasn't that great, and/or it doesn't matter.
- Doublethink: holding and expressing contradictory images (e.g. equating commercial interest with consumer interests through the rhetoric of choice).
- Doublespeak: euphemisms; jargon; obfuscation; vagueness.<sup>2</sup>
- Unspeak: embedding assumptions in language.<sup>3</sup>
- Blaming others.
- Blaming individuals while denying system failure (e.g. blaming workers, making accusations of corruption).

#### 4. Official Channels

- Systems of laws and regulations designed to keep challenges under control and out of the public eye (e.g. industrial relations).
- Court cases (targeting individuals rather than the system).
- Inquiries, commissions (set up to give credibility, but often not acted upon).
- Expert pronouncements.
- Consultants chosen to give preferred recommendations.
- Consultation processes (e.g. environmental impact assessments with mandated community consultation but no requirement to take any comments into account).

#### *Why Official Channels Inhibit Outrage*

- Belief in a just world, which encourages people to believe that official channels dispense justice.
- Slowness, complexity, dependence on experts, imbalance between resources of dominant groups and challengers (all leading to disempowerment).

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2. On doublethink and doublespeak, see Robert Jackall and Janice M. Hirota, *Image Makers: Advertising, Public Relations, and the Ethos of Advocacy* (Chicago: University of Chicago Press, 2000), 140–44.

3. Steven Poole, *Unspeak*<sup>TM</sup> (London: Little, Brown, 2006).

- Jurisdiction problems (e.g. in relation to globalization and corporate responsibility).
- Distancing of the issue from personal responsibility.

#### 5. Intimidation and Bribery

##### *Intimidation*

- Belief system destabilization: threat to just world belief.
- Arrest: charges, prosecution, frame-up, imprisonment.
- Legal action: risk of loss; court formality and complexity.
- Degradation: intimate attack (too embarrassing to reveal); exposure of damaging information.
- Surveillance.
- Theft, burglary (encouraged by police or not pursued by police).
- Employment attacks: bullying, demotion, relocation, dismissal; loss of customary benefits and opportunities.
- Physical attack, "accidents."
- Torture, assassination, bombings, bloodbaths.
- Threats: of any of the above.

##### *Bribery*

- Conformity: psychological comfort of being part of a group.
- Maintenance of relationships: avoidance of ostracism.
- Promotion.
- Settlements: out-of-court settlements, no convictions of the guilty, "compensation not justice."
- Dropping of threats.
- Escape (e.g., asylum seekers allowed to leave detention if they leave the country).

#### *Some Methods of Countering the Inhibition of Outrage or, in other Words, Amplifying Outrage*

##### 1. Countering Cover-up

- Belief systems: blame others or systems, not oneself.

- Paradigm: describe reality in ways that reveal information and ideas.
- Consciousness raising: put people together to bring out suppressed information and perspectives.
- Information gathering: research the topic, research cover-up, develop the capacity to do research.
- Evidence: have evidence that upsets people (causes outrage).
- Agents: cultivate whistleblowers, leakers, internal sympathizers, investigative journalists.
- Credibility: collect credible evidence, have authoritative sources, independent observers, believable photos.
- Communications medium: have avenues to communicate with an audience, including mass media and alternative media.
- Language: use different language to make the challenge; point out language used in cover-up.
- Arena: move the issue from private to public (e.g. take information about domestic violence beyond the family) or from foreign to domestic.
- Organizational support: have allies (unions, academics, action groups, etc.) to challenge cover-up, put pressure on media, give credibility, plan strategy.
- System change: reduce barriers to perpetrators speaking out (as in truth and reconciliation commissions).

## 2. Countering Devaluation

- Humanization: humanize targets; personalize them; make them seem normal, like others; show they have thoughts, feelings, motivations, families; move the focus from a component of a person (“refugee,” “amputee”) to the whole person (note: this may not work for group injustices).
- Balance theory: promote myriad positives about a person, creating a general positive image, so people will reinterpret specific negatives to be compatible with the overall positive view.
- Support: provide assistance to targets to reduce the impact of attacks.
- Social roles 1: put targets into valued social roles (e.g., family member, worker, group

member), with valued people (e.g. people with intellectual disabilities in valued groups, not with other devalued people).<sup>4</sup>

- Social roles 2: have valued people voluntarily join a devalued role (e.g. non-Jews wearing a yellow star in solidarity).
- Social roles 3: proudly adopt a stigmatizing label, transforming it (e.g. “gay,” “dissident”).
- Imagery: ensure targets are associated with positive images (names, neighbors, logos, etc.).
- Competencies 1: increase the competencies of targets (e.g. competencies of people with intellectual disabilities to dress well, maintain hygiene, participate in conversations).
- Competencies 2: increase the personal capacity of targets to psychologically survive devaluation, humiliation, and direct attacks, rather than succumbing and conforming to negative expectations.<sup>5</sup>
- Competencies 3: establish credibility of witnesses and analysts by well-written materials with high-quality data.
- Double-standard comparisons: point out that valued people fit into the devalued category (e.g. state terrorism).
- Other comparisons: use historical examples of devaluation (e.g. slavery) that are now discredited; make comparisons to other countries and other issues.

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4. Wolf Wolfensberger, *A Brief Introduction to Social Role Valorization: A High-Level Concept for Addressing the Plight of Societally Devalued People, and for Structuring Human Services*, 3d ed. (Syracuse, NY: Training Institute for Human Service Planning, Leadership & Change Agency (Syracuse University), 1998), gives numerous ways to challenge devaluation through putting people in valued social roles and increasing their competencies.

5. For surviving and countering shaming at work, see Judith Wyatt and Chauncey Hare, *Work Abuse: How to Recognize and Survive It* (Rochester, VT: Schenkman, 1997).

- Direct challenge: confront and rebut derogatory statements or images.<sup>6</sup>
- Counterattack: find and expose dirt on perpetrators (but be careful, because this tactic might backfire); reveal histories of oppression or abuse, identifying systemic factors.

### 3. Countering Reinterpretation

- Ideology: expose the assumptions underlying the other point of view; reveal ideology for what it is.
- Evidence 1: present facts, data, pictures, statistics, examples.
- Evidence 2: expose lies; show consequences of other side's actions; talk about who benefits; show interests behind the other side.
- Evidence 3: demand that perpetrators produce evidence for their claims.
- Credibility: use independent experts to support your interpretation.
- Reiteration: present the evidence and return to it in the face of reinterpretation.
- Framework: use your own framework to explain things; critique the other side's framework.<sup>7</sup>
- Fairness arguments: use (1) abstract arguments about rights; (2) historical comparisons to show accepted standards; (3) current examples (e.g. exorbitant pay to senior executives).
- Alternatives: present alternative ideas, actions, and solutions.
- Presence: accompany the message (e.g. give talks).
- Language: use suitable language that supports your framework and evidence; relabel

6. Jackall and Hirota, *Image Makers*, 139, say that removing stigma usually requires "symbolic inversion," a dramatic challenge to conventional images: "A cardinal rule of public relations is that one must respond to charges made against one; to be silent is to consent to the accusations."

7. George Lakoff, *Don't Think of an Elephant: Know Your Values and Frame the Debate* (White River Junction, VT: Chelsea Green, 2004), is a highly accessible and practical approach to framing of conservative and progressive policies in the United States.

others' misleading terms; use revealing terms; coin sound bites or memes (e.g. "state terror," "capital strike").

- Humor: make fun of perpetrators' ideas and presentations (e.g. through cartoons).

### 4. Countering Official Channels (OCs)

- Avoidance: don't use OCs.
- Discrediting OCs 1: reveal limited terms of reference, hypocrisy, bias, corruption, vested interests, failure to deliver justice. (This works better for those with weaker just-world beliefs.)
- Discrediting OCs 2: use humor
- Improved OCs 1: insist on openness, independence, and fair procedures.
- Improved OCs 2: have own evidence, witnesses, and supporters present during hearings (validate victims by peer group presence).
- Improved OCs 3: use OCs cleverly (have good lawyers, use technicalities).
- Improved OCs 4: pick the most suitable OC; change to a more favorable forum.
- Improved OCs 5: develop networks of supporters in different arenas (lawyers, action groups, sympathetic insiders, journalists) to put the squeeze on OCs.
- Improved OCs 6: make the case highly prominent so the wrong verdict/conclusion causes increased outrage.
- Improved OCs 7: pick test cases carefully.
- Dual track: use OCs in tandem with publicity and mobilization.
- Alternative OCs: set up own panels, courts, commissions (e.g. a people's commission into state crime).
- Alternatives 1: propose/use alternative channels entirely different from OCs (e.g. personal negotiation rather than courts).
- Alternatives 2: use direct action (e.g. boycotts) and all sorts of other non-OC actions.
- Counterattack: target individual OC members, giving them a negative personal face.

### 5. Countering Intimidation and Bribery

- Belief systems 1: powerholders are expected to meet higher standards of justice, so for them to be seen to use intimidation and bribery constitutes an admission of guilt.

- Belief systems 2: intimidation can polarize reactions, causing some to keep quiet but others — who see intimidation as a clear injustice — to speak out.
- Time frame: adopt a long term perspective to develop the capacity to survive short term attacks.
- Support: have alternative reference groups to counter ostracism and help victims.
- Rationality: encourage rational responses to intimidation and bribery (take action, join a group, recognize limits of action) rather than irrational responses (denial, blaming, reinterpretation).
- Reinforcement: intimidation and bribery are forms of positive or negative reinforcement or punishment, so positively reinforce speaking out.
- Resilience: develop personal capacities to resist.
- Collective action: organize, use networks, operate in existing or new groups to reduce the threat to individuals (e.g. worker groups, petitions that challenge repressive laws).
- Anonymity: speak out with less risk.
- Exposure: document intimidation and its consequences (e.g. effects of plastic bullets; atrocities), collect multiple cases to show a pattern, and publish the documentation; deter attacks by being prepared to expose them.
- Visibility: develop a high profile so attacks are more public and consequently less likely (e.g. police informants may be in more danger when they take new identities under police protection).
- Refusal to make legal settlements: insist on being able to speak out.
- Speaking out: speak out or continue your behavior even though you've been bribed; take the money and recycle it.
- Reframing: turn attacks into human interest stories; arouse indignation; gain media coverage in advance of attacks.
- Safety: set up refuges from attack (e.g. alternative treatment centers to avoid police entering hospitals).
- Counter-intimidation (e.g. posters of rogue police, countersuits against intimidatory lawsuits) — but be careful not to nullify outrage from the other side's intimidation.