

Classical and Contemporary  
Social Theory



# The Puritan Culture of America's Military

## U.S. Army War Crimes in Iraq and Afghanistan



**Ronald Lorenzo**

THE PURITAN CULTURE OF  
AMERICA'S MILITARY

# Classical and Contemporary Social Theory

Series Editor: Stjepan G. Mestrovic, Texas A&M University, USA

Classical and Contemporary Social Theory publishes rigorous scholarly work that re-discovers the relevance of social theory for contemporary times, demonstrating the enduring importance of theory for modern social issues. The series covers social theory in a broad sense, inviting contributions on both 'classical' and modern theory, thus encompassing sociology, without being confined to a single discipline. As such, work from across the social sciences is welcome, provided that volumes address the social context of particular issues, subjects, or figures and offer new understandings of social reality and the contribution of a theorist or school to our understanding of it. The series considers significant new appraisals of established thinkers or schools, comparative works or contributions that discuss a particular social issue or phenomenon in relation to the work of specific theorists or theoretical approaches. Contributions are welcome that assess broad strands of thought within certain schools or across the work of a number of thinkers, but always with an eye toward contributing to contemporary understandings of social issues and contexts.

*Also in the series*

A Genealogy of Social Violence

Founding Murder, Rawlsian Fairness, and the Future of the Family

*Clint Jones*

ISBN 978-1-4724-1722-0

Liquid Sociology

Metaphor in Zygmunt Bauman's Analysis of Modernity

*Edited by Mark Davis*

ISBN 978-1-4094-3887-8

Violence, Society and Radical Theory

Bataille, Baudrillard and Contemporary Society

*William Pawlett*

ISBN 978-1-4094-5542-4

# The Puritan Culture of America's Military

U.S. Army War Crimes in Iraq and Afghanistan

RONALD LORENZO  
*Blinn College, USA*

ASHGATE

© Ronald Lorenzo 2014

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publisher.

Ronald Lorenzo has asserted his right under the Copyright, Designs and Patents Act, 1988, to be identified as the author of this work.

Published by  
Ashgate Publishing Limited  
Wey Court East  
Union Road  
Farnham  
Surrey, GU9 7PT  
England

Ashgate Publishing Company  
110 Cherry Street  
Suite 3-1  
Burlington, VT 05401-3818  
USA

[www.ashgate.com](http://www.ashgate.com)

### **British Library Cataloguing in Publication Data**

A catalogue record for this book is available from the British Library

### **The Library of Congress has cataloged the printed edition as follows:**

Lorenzo, Ronald.

The Puritan culture of America's military : U.S. Army war crimes in Iraq and Afghanistan / by Ronald Lorenzo.

pages cm.—(Classical and contemporary social theory)

Includes bibliographical references and index.

ISBN 978-1-4724-1982-8 (hardback)—ISBN 978-1-4724-1983-5 (ebook)—

ISBN 978-1-4724-1984-2 (epub) 1. Sociology, Military—United States. 2. Courts-martial and courts of inquiry—United States. 3. Puritans—Influence. 4. Iraq War, 2003-2011—Atrocities. 5. Afghan War, 2001—Atrocities. 6. Military offenses—United States. 7. War crimes—Case studies. I. Title. II. Title: US Army war crimes in Iraq and Afghanistan.

U21.5.L65 2013

306.2'70973—dc23

2013020858

ISBN 9781472419828 (hbk)

ISBN 9781472419835 (ebk – PDF)

ISBN 9781472419842 (ebk – ePUB)

# Contents

<i>List of Figures and Tables</i>	vii
<i>Preface</i>	ix
<i>Series Editor's Preface</i>	xi
<i>Acknowledgements</i>	xiii
<i>Nomenclature</i>	xv
1 An Excerpt from <i>The Protestant Ethic and the Spirit of Capitalism</i>	1
1 Introduction	3
2 "A Prayer Against Our Enemies"	11
2 An Overview of American Military Justice	13
3 Excerpts from <i>The Swedish Articles of War</i>	25
3 Puritan Military Justice	27
4 Excerpts from One Letter and Two Speeches	53
4 Puritanism and Responsibility	55
5 Two Stories of Hunting Witches	79
5 Puritanism and Revenge	81
6 An Excerpt on Military Superstitions of World War II	113
6 Puritanism and Superstition	115
7 An Excerpt from Sam Vaknin's <i>Malignant Self Love</i>	149
7 Puritanism and Narcissism	151
8 A Definition from <i>The Devil's Dictionary</i> by Ambrose Bierce	171
8 Conclusion and Discussion	173
<i>References</i>	185
<i>Index</i>	207

*This page has been left blank intentionally*

# List of Figures and Tables

## Figures

7.1	PowerPoint Slide “Afghanistan Stability/COIN Dynamics”	167
-----	--	-----

## Tables

3.1	Military Justice System Statistics for the United States Army, Fiscal Years 1995-2012	29
3.2	Military Justice System Statistics for the United States Navy and Marine Corps, Fiscal Years 1995-2012	31
3.3	Military Justice System Statistics for the United States Air Force, Fiscal Years 1995-2012	33
3.4	Military Justice System Statistics for the United States Coast Guard, Fiscal Years 1995-2012	35



*To my parents, Mary and Roger Lorenzo,  
and in memory of my best friend,  
Jason Charles Crawford (July 19, 1971–January 2, 2009).*

# Preface

Exploring Puritanical cultural habits in the 21<sup>st</sup> century American military, the following study focuses on U.S. Army courts-martial in the Global War on Terror. The study uses Emile Durkheim's original sociological interpretation of crime and deviance. That interpretation is linked with responsibility as described by Durkheim's follower Paul Fauconnet in *Responsibility: A Study in Sociology* ([1928] 1978) and with a new cultural reading of Max Weber's *The Protestant Ethic and the Spirit of Capitalism* ([1905] 1976). The study is an inductive, descriptive examination of the Puritanical aspects of American military culture based on its treatment of acts labeled as deviant and criminal in the Global War on Terror. Four sets of war crimes are examined: Abu Ghraib (which occurred in Iraq in 2004), Operation Iron Triangle (which occurred in Iraq in 2006), the Baghdad canal killings (which occurred in Iraq in 2007), and another set of killings which occurred in Afghanistan. My data include primary data collected through participation and observation for one court-martial related to the Baghdad canal killings as well as secondary data sources from the other cases including records of trial, investigation reports, charge sheets, sworn statements, and other documentation.

The study illuminates how unconscious, Puritan cultural habits color and shape both military actions and their perceptions. I explore Puritanism and its influence on military law, responsibility, revenge, "magic" (in its sociological sense), and narcissism. The study concludes with observations and recommendations for changes in U.S. military law.

With regard to legal issues regarding my use of court documents, the reader should be aware of the following: all material pertaining to the records of trial from which I quote are regarded by law as public documents. The records of trial (ROT) include the transcripts of Article 32 hearings, other pre-trial hearings, investigative reports, sworn statements, transcripts of testimony at courts-martial, and other documents. The only exception to this rule is the AR 15-6 report case in Afghanistan, which was not included in Corporal Jeremy Morlock's ROT. However, I obtained the Maywand case AR 15-6 report from a news source, and various news sources have already quoted extensively from this report in numerous news reports. Because that specific AR 15-6 report was obtained from a news source, it is also a public document. In summary, all my usage of government documents in this study is lawful, and the government of the United States does not own any copyright to any of this public information.

I wish to make it unequivocally clear that I do not assert or imply any criminal wrongdoing by any officer or soldier whom I mention or quote in this book. I present many instances of wrongdoing and questionable actions neutrally, and as a sociologist, not as a criminal investigator.

## Series Editor's Preface

Max Weber has been interpreted and applied in seemingly countless scholarly articles and books. The overwhelming majority of this intellectual output focuses on the theme of “rationality.” The most notable and best-selling example is George Ritzer’s *McDonaldization of Society* wherein he links the Weberian tradition to present-day, Western, cultural obsessions with rationality, efficiency, predictability, and control. Ronald Lorenzo’s book examines lacunae in this Weberian tradition of scholarship. First, he connects Weber’s insights less to “rationality” and more to the obvious theme of Puritanism, and how shades of Puritanism as a cultural phenomenon persist. Second, he connects what I would call “postemotional” Puritanism (because it no longer carries the same authentic, emotional energy today as it did in the days of Oliver Cromwell and John Winthrop) to war and the military justice system. Third, the new areas for analysis that Lorenzo uncovers in applying his reading of Weber in this manner include the themes of revenge, magic and superstition, ritualism, and the treatment of “the enemy” as well as soldiers who are convicted in the court-martial system as if they were the Puritan “damned” (as opposed to the “Elect”). Lorenzo brings to the forefront of analysis much of what is irrational, inefficient, unpredictable, and seemingly out of control in Puritan-based cultures in general, and more specifically with regard to war and justice.

The other major theoretical tradition that Lorenzo invokes in his analysis is that of Emile Durkheim. Again, the novelty of Lorenzo’s approach is that Weber and Durkheim are rarely treated in scholarship with regard to their similarities. This is an odd oversight given that both major figures are best known for their works on religion, *The Protestant Ethic and the Spirit of Capitalism* and *The Elementary Forms of the Religious Life*. In the current obsession with “rationality” and the complete eradication of anything traditional, this obvious connection has been mostly missed. In fact, modern scholars seem to have overlooked that these two classics are, in fact, about the role of religion in modernity. There can be no doubt that Weber and Durkheim help to explain the religious and magical dimensions of both war and criminal justice, and Lorenzo gives numerous examples of this. Isn’t “our” side (whosever side it is) always “sacred” and “their” side always “profane” – to borrow from Durkheim? This Durkheimian formulation is not so different from Weber’s insight that “our” side is composed of “the Elect” while “their” side is composed of “the damned” – and this duality is invoked in non-Puritan cultures too. Lorenzo also connects Durkheim’s concept of anomie (whose original meaning is that of sin) to Weber’s concept of the Iron Cage. Anomie and the Iron Cage are two concepts from sociology that betray the irrational, sinful, and disorganized aspects of social life that are present in varying degrees in all cultures.

Finally, Lorenzo quotes extensively from various records of trial of many different soldiers who were convicted of war crimes in the current war on terror. In letting the soldiers, attorneys, and judges speak through these public records, Lorenzo humanizes the various actors. What emerges is a confirmation of Kai Erikson's insight that these convicted soldiers are part of a larger, pre-ordained cultural code that still operates on the basis of the original formula established by the Puritans. The Durkheimian tradition enables one to appreciate the traditional code which pre-dates the Puritans. The ideas of responsibility, transgression, and justice are ancient. This obvious fact is easily forgotten in McDonaldized societies that worship rationality.

Lorenzo's book is a thoughtful and thought-provoking treatise in social theory as applied to the themes of war and justice.

Stjepan G. Mestrovic  
*Professor of Sociology, Texas A&M University*

# Acknowledgements

This work could not have been completed without the support and help of many people. I am thankful for my family for their support: my parents Mary and Roger Lorenzo, my sister-in-law and brother Heather and Mark Lorenzo, and my nieces Delilah and Isabella Lorenzo.

My best friend since high school, Jason Crawford, passed away from his life-long struggle with kidney disease before my book was complete. Jason was always supportive of my work. I owe my thanks also to Jason's family, Susanne and James Daves-Peterson and Edward Crawford for their friendship and encouragement.

I wish to thank Dr. Stjepan Mestrovic for his mentorship and for the opportunities to assist in the courts-martial where he has testified as an expert witness. My gratitude also is due to the editors at Ashgate and their reviewer whose suggestions improved this book.

My thanks are due to Mr. Frank Spinner and the military lawyers involved in the contemporary courts-martial discussed in this book. My special thanks are due to the estate of William Jeffrey Jr., the University of Cincinnati law library, and Dr. Kenneth Hirsh for permission to access Mr. William Jeffrey's translation of Paul Fauconnet's *Responsibility* ([1928] 1978). Of course, my thanks are also due to the late William Jeffrey, Jr.

*This page has been left blank intentionally*

# Nomenclature

372 <sup>nd</sup>	372 <sup>nd</sup> Military Police Company
AO	Area of Operation
AR 15-6	A formal or informal investigation in the U.S. Army
Article 32	A military hearing roughly equivalent to a civilian grand jury
BDE	Brigade; an army unit consisting of several battalions
BN	Battalion; an army unit consisting of several hundred soldiers
CIC or CID	United States Army Criminal Investigation Command, still known by the acronym for the Criminal Investigation Division
COIN	Counter Insurgency
Company	An army unit consisting of several platoons; several companies together compose a battalion
COP	Combat Outpost
DHA	Detainee Holding Area
E-1 or PV1	Private; lowest U.S. Army enlisted rank; rank for recruits and soldier-prisoners
E-2 or PV2	Private
E-3 or PFC	Private First Class
E-4 or CPL	Corporal; lowest rank for non-commissioned officers
E-4 or SPC	Specialist; not a non-commissioned officer rank
E-5 or SGT	Sergeant
E-6 or SSG	Staff Sergeant
E-7 or SFC	Sergeant First Class
E-8 or 1SG	First Sergeant; Highest ranking sergeant in a company of soldiers
E-8 or MSG	Master Sergeant
E-9 or CSM	Command Sergeant Major
E-9 or SGM	Sergeant Major
EFP	Explosively Formed Projectile or Explosively Formed Penetrator; a type of IED (see below) used in Iraq and Afghanistan against the U.S. military and capable of penetrating or destroying heavily armored vehicles
FM	Field Manual
FOB	Forward Operating Base
GTMO	Also Gitmo. Guantanamo Bay Naval Base, also used in reference to various detention facilities at the base since 2003
HMMWV	High Mobility Multipurpose Wheeled Vehicle or Humvee



IED	Improvised Explosive Device; a homemade bomb usually planted roadside and used in Iraq and Afghanistan against U.S. military personnel and vehicles
INP	Iraqi National Police
IO	Investigating Officer
IP	Iraqi Police
IRA	Irish Republican Army; a name used by various insurgent groups in Ireland throughout the 20 <sup>th</sup> century and into the present
JAG	Judge Advocate General's Corps; The military's legal branch
LCDR	Lieutenant Commander; Navy rank (O-4) equal to Army Major
MG	Major General
MI	Military Intelligence
MJ	Military Judge
MP	Military Police
MRE	Meal, Ready-to-Eat; U.S. military rations
mTBI	Mild Traumatic Brain Injury
O-1 or 2LT	Second Lieutenant; lowest U.S. Army commissioned officer rank
O-2 or 1LT	First Lieutenant
O-3 or CPT	Captain
O-4 or MAJ	Major
O-5 or LTC	Lieutenant Colonel
O-6 or COL	Colonel
O-7 or BG	Brigadier General
OEF	Operation Enduring Freedom; the U.S. led war in Afghanistan
OIF	Operation Iraqi Freedom; the U.S. led war in Iraq
Panel	The rough equivalent of a civilian jury in a court-martial
Platoon	An army unit numbering about 20 soldiers; several platoons together compose a company
PN Space	Pathological Narcissistic Space
PNAC	Project for the New American Century
PTSD	Post Traumatic Stress Disorder
Regiment	An army unit consisting of several battalions
ROT	Record of trial
S2	On a military staff, the officer in charge of operations
S3	On a military staff, the officer in charge of intelligence, security, and information
TC	Trial counsel; the prosecutors in a court-martial
TDS	U.S. Army Trial Defense Services; military defense lawyers within JAG
UCMJ	Uniform Code of Military Justice
UNPROFOR	United Nations Protection Force; a United Nations peacekeeping force in Croatia and Bosnia-Herzegovina during the Yugoslav wars
USMC	United States Marine Corps

## An Excerpt from *The Protestant Ethic and the Spirit of Capitalism*

The Puritan wanted to work in a calling; we are forced to do so. For when asceticism was carried out of monastic cells into everyday life, and began to dominate worldly morality, it did its part in building the tremendous cosmos of the modern economic order. This order is now bound to the technical and economic conditions of machine production which to-day determine the lives of all the individuals who are born into this mechanism, not only those directly concerned with economic acquisition with irresistible force. Perhaps it will so determine them until the last ton of fossilized coal is burnt. In Baxter's view the care for external goods should only lie on the shoulders of the 'saint like a light cloak, which can be thrown aside at any moment.' But fate decreed that the cloak should become an Iron Cage...

No one knows who will live in this cage in the future, or whether at the end of this tremendous development entirely new prophets will arise, or there will be a great rebirth of old ideas and ideals, or, if neither, mechanized petrification, embellished with a sort of convulsive self-importance. For the last stage of this cultural development, it might well be truly said: 'Specialists without spirit, sensualists without heart; this nullity imagines that it has attained a level of civilization never before achieved.'

From *The Protestant Ethic and the Spirit of Capitalism* (Weber [1905] 1976:181–2).

*This page has been left blank intentionally*

# Chapter 1

## Introduction

Puritanical cultural habits persist in the twenty first century American military as well as American society in general. This study will explore the different Puritanical habits. In *Wayward Puritans: A Study in the Sociology of Deviance* ([1966] 2005), Kai Erikson explores the influence of Puritan culture in contemporary times. Building upon Erikson's approach, I focus on courts-martial in the current Global War on Terror, specifically to courts-martial in American wars fought in Iraq and Afghanistan.

Tocqueville's *Democracy in America* ([1835] 2003) and Bellah's *Habits of the Heart* ([1985] 1996) similarly connect the influence of Puritanism on contemporary American society. I will follow a similar cultural approach, and will examine persistent patterns of Puritan culture evident through the legal process in the American military justice system for a select group of trials. The courts-martial included in the study will be specific to events that have been uniquely singled out as contemporary war crimes by the U.S. Army.

Unlike the study conducted by Erikson, the current study will focus on a different set of data and time period and use additional theoretical perspectives. Instead of focusing on three crime waves affecting Puritan settlers in New England, the current study looks at courts-martial related to war crimes in the Global War on Terror. Erikson focused on seventeenth century Massachusetts, but this study will focus on contemporary wars in Iraq and Afghanistan. I will build on Erikson's earlier research and use additional theorists beyond Durkheim in the study of deviance.

The focus of the study will be on Durkheim's (1893) original sociological interpretations of crime and deviance which are not always identical with the structural-functionalist interpretation of the law. Puritan cultural habits persist in contemporary American society, even if the habits have been transformed from their original configurations. I will elaborate on David Riesman's ([1950] 2001) book *The Lonely Crowd* and its characterization of contemporary American society. The trial as Puritan ritual by which the community coerces forgiveness from the accused, as Erikson described of the Massachusetts Puritans, is still present in American culture. Additionally, the study will link these Puritanical habits to Durkheim's writings on vengeance, justice, punishment, and responsibility. Even in present American society, the study will show continuity with Durkheim's observations of American society centering itself on Old Testament values characteristic of societies held together by mechanical solidarity and of Weber's observations of Calvinist interpretations of the Old Testament in influencing habits.

Some background and context on courts-martial may be instructive, especially in the context of the U.S. military in relation to its members. During the Second World War, there were about 16 million people who served in the American military and 2 million courts-martial (Lurie 1992:128). That averages to one court-martial for every eight service members and about 40 to 50 trials beginning on any given day. In total, during World War II, there were at least 12 million Americans subject to military justice (Lurie 1992:128). There is a gap in the literature, as there is no general sociology or history of these courts-martial during that time period. Speculating, this gap is created by divergent goals and backgrounds of potentially interested professions: lawyers are generally not writers of sociologies or histories, and historians and sociologists may find the subject of military courts-martial to be esoteric to their interests or knowledge. There is also the problem that records of trial for military courts-martial are not readily available to researchers. Regardless, after World War II there was a public outcry over the incredibly high number of courts-martial, which mobilized the Congress to enact reforms in 1950 to the court-martial system. Since 1950, the U.S. military justice system has remained virtually unchanged.

Another fact about the military justice system is its exclusive place in the American constitutional system. One might expect that the military justice system would function under the executive branch as the military is itself located within that branch, but that is not the case. Also, one might expect that the military justice system, being a system of courts might otherwise be within the sphere of the judiciary branch of the federal government, which is not the case either. The military court system exists as part of the legislative branch as stated in the Necessary and Proper Clause of Article 1 in the Constitution, which grants Congress the right to establish tribunals inferior to the Supreme Court (U.S. Constitution, art. 1, sec. 8, cl. 18). Congress has not made major changes to the U.S. military justice system since institution of the *Uniform Code of Military Justice* shortly after the end of the Second World War. The fact that the U.S. military justice system operates as if the world had not changed since 1951 seems to point to the fact that it is an orphaned justice system, abandoned by its parent institution of the Congress. American military personnel do not have the same constitutional rights secured by civilian American citizens.

The U.S. Army and its military justice system exist in outposts of American society throughout the world. These outposts and bases are reminiscent of the early settlements of British Puritan society that existed in Massachusetts. Just as those early Puritan outposts were isolated in the wilderness, the military justice system is also isolated in a wilderness of neglect and oblivion by the U.S. Congress. The U.S. military justice system operates under conditions not too different from those of the Puritans that Erikson studied. In fact, on going onto a U.S. Army base for the first time has the sensation that one is entering a foreign country: the gates have the look and ambience of border control crossings such as the ones between the United States and Mexico or the United States and Canada.

For isolated communities undergoing collective identity crises, Erikson directly addresses what a possible function of trials including courts-martial take in communities under such conditions. Erikson states:

Whether these confrontations [between members of a group] take the form of criminal trials, excommunication hearings, courts-martial, or even psychiatric case conferences, they act as boundary-maintaining devices in the sense that they demonstrate to whatever audience is concerned where the line is drawn between behavior that belongs in the special universe of the group and behavior that does not ([1966] 2005:11).

Trials, including courts-martial, according to Erikson act as ways for communities to identify boundaries that communities occupy in social space (p. 10). Erikson builds on the Parsonian interpretation of Durkheim that deviance is not the result of a poor social system but a condition for preserving the stability of social life (p. 13).

American military law is explicitly religious and Puritanical in nature. Two facts become evident immediately. First, American military law is descended directly from Swedish military law of the seventeenth century. Swedish military law served as a Protestant template for British military law, which was explicit in its Puritanical character. American military law emerged from Puritanism. Second, military law is not geared towards justice but discipline.

As described by Tocqueville and Weber, Puritanism places the burden of responsibility on the individual. In all courts-martial, there is an inability by the U.S. military legal system to properly recognize and address the problem of collective responsibility for military war crimes, an observation that theoretically bases itself on earlier observations made by Durkheim's student Paul Fauconnet in *Responsibility* ([1928] 1978). Instead of finding the origin of war crimes in social conditions that the military creates through its own policies and errors, military courts find the origins of war crimes entirely in individual soldiers. Ultimately, institutions such as religion and legal systems are supposed to create and maintain social integration. When social integration starts to weaken within an institution, such as the U.S. Army, individuals search out alternative means to meet individual needs. Although the U.S. military retains its ceremonies and rituals, their emotional meanings and functions have started to atrophy. When the beliefs of an institution are weak and cannot provide for the emotional needs of its members, social integration will also be weak, and the members will turn to idiosyncratic, unorthodox beliefs and practices which Durkheim terms magic.

Puritanism seeks to suppress idiosyncrasy and spontaneity in its many forms through systematic action. How Puritanism within the U.S. military and its courts deals with revenge serves as an example. Puritanism is unable to suppress the impulse for revenge which instead of taking a tradition-based and authentic course, takes a different, mutated form. In Puritanical revenge, violence persists but it is detached from the emotions driving it. Puritanical vengeance is postemotional (Mestrovic 1997), characterized by the use of dead, abstracted emotions which

are taken out of their historical and social context. This type of imperfect revenge is even more anomic and dysfunctional than traditional forms of blood revenge: where traditional revenge had a limit on deaths socially imposed by the community and regulated through anger, there is an apparently indefinite desire for revenge – and deaths – in the wars waged in Iraq and Afghanistan. Postemotional revenge is not regulated or tempered by anger, but rather institutionalized and prolonged through modern techniques.

Dysfunction within the military justice system may be considered as a part of a wider culture of what Christopher Lasch has called the culture of narcissism within American society (Lasch, [1979] 1991). Anomie and narcissism do not occur in isolation. The U.S. military has its own localized culture of narcissism that shares many of the features with other areas of American life. The patterns of American narcissism, which are shaped and directed by American Puritanism, take similar forms throughout society: what appears narcissistic and anomic in a military setting will have similarities with other narcissistic and anomic practices in areas such as business or academia.

### **Deviance from a Weberian Perspective**

Let us undertake a new reading of Max Weber's *The Protestant Ethic and the Spirit of Capitalism* (1905) and its central argument that religion as a social force colors the characteristics of a culture in a multitude of ways.<sup>1</sup> Building from this cultural reading of Weber's argument, one may argue that societies with a Calvinist or Puritan cultural foundation, such as the United States, not only conduct their economic activities in a Puritanical way, but carry out all other activities, from the production of art to the conduct of war, in a Puritan way.<sup>2</sup> This perspective, that Puritan societies wage war in a different manner from non-Puritan cultures has not been examined extensively, and the motivations and manners in which Puritan militaries regulate themselves as Puritan entities also has not been examined extensively. What is perceived as deviant or criminal behavior, and who is perceived as a deviant or criminal (namely the sanctionee) within a military context also follows a distinct Puritanical pattern.<sup>3</sup>

---

1 Weber's argument is not limited to *The Protestant Ethic and the Spirit of Capitalism* (1905) but may be found in his other, more neglected works such as *The Religion of China: Confucianism and Taoism* (1915), *The Religion of India: The Sociology of Hinduism and Buddhism* (1915), and *Sociology of Religion* (1922).

2 Talcott Parsons (1937), in *The Structure of Social Action*, draws on Weber and Durkheim, among others, in concluding that society is an inter-related social system where parts affect one another.

3 The term 'sanctionee' is used by translator William Jefferey in Fauconnet's *Responsibility* to mean the person who is selected as the recipient of a sanction (Fauconnet [1928] 1978: Introduction-9).

Kai Erikson ([1966] 2005) addresses Puritanism in its relationship to the control of deviance in *Wayward Puritans*, and builds on his reading of Emile Durkheim's concepts on deviance and its role in maintaining social stability. Erikson details how Puritan courts coerced confessions out of the accused in order to relieve the community of its responsibility. Erikson also stated that Puritan courts actually aided in the creation of deviance to meet the community needs of confirming normal or saintly identity.

I address the concepts of Puritanism and courts-martial and their relationship to each other. Instead of examining deviance entirely from a Durkheimian perspective, I will extend and combine Durkheim's framework for understanding deviant behavior with Weber's perspective on Puritanism. Puritanism as a subject matter is grounded in classical and contemporary sociological theory. However, the subject of courts-martial is a relatively new one within sociology specifically and in academia generally. A new subfield which could be called forensic sociology, is still in its infancy.

## Methodology

This analysis is an inductive, descriptive examination of the Puritanical aspects of American military culture based on its treatment of acts labeled as deviant and criminal during the Global War on Terror, a war which is ongoing in Afghanistan and elsewhere at the time of writing.<sup>4</sup> Erikson's *Wayward Puritans* informs my analysis as a template of sorts. I will examine how the U.S. Army as a military institution approaches the making of war in regard to what it considers normative behavior, and what becomes labeled as deviant or aberrant ways of making war. Erikson's study focuses on three "crime waves" that took place in colonial New England, and the ways in which the Puritans dealt with deviance among their own. The parallels to my study are the following: instead of three crime waves occurring in colonial Massachusetts, this study examines four sets of war crimes labeled and treated as criminal with which the U.S. Army has had to contend. These war crimes, namely, the abuse of prisoners by U.S. Army military personnel as well as civilian contractors and various intelligence agencies at Abu Ghraib beginning in 2004, the killing of prisoners during the U.S. Army Operation Iron Triangle in 2006, and the killing of prisoners by U.S. Army soldiers in a Baghdad canal in 2007 (when the United States army implemented the surge according to a new implementation of counterinsurgency doctrine). All these events have been labeled and characterized by the U.S. Army as war crimes.

I am not concerned with testing a hypothesis but in illuminating patterns of culture evident from primary and secondary data to show patterns specific to American military culture and from there to make conclusions about American

---

4 Walter Wallace in *The Logic of Science in Sociology* (1971) demonstrates that both inductive and deductive approaches in sociology are important.



culture. I am not concerned with testing a theory, only in interpreting and illuminating observations from a novel perspective, as well as from my direct experiences as a participant-observer in one court-martial, as well as assisting in preparation for other courts-martial related with the events examined here.

I participated and observed a court-martial in Vilseck, Germany in 2009 at the U.S. Army Rose Barracks, part of the much larger Grafenwöhr Training Area, a NATO base in Germany. The data from that court-martial source this study. Constitutional law extends first amendment free speech rights to those who write about their work experiences, and this naturally extends to academics who write about work experiences of their own. Furthermore, court-martial records of trial are considered to be public data. Before and during the trial, the attorneys for Sergeant Leahy sought out the opinions of their consultants in analyzing sworn statements, records of proceedings from article 32 hearings (a military justice procedure analogous to a grand jury hearing), United States Army Criminal Investigation Command crime reports, and videos of Sergeant Leahy's interrogation by United States Army Criminal Investigation Command. As a sociologist, I participated in giving an opinion on the selection of panel, or jury, members, as well as interpreting the ebbs and flows of the proceeding. The work provided an opportunity for interaction with the accused – SGT Michael Leahy, his defense attorneys, his family, other U.S. Army Trial Defense Service attorneys, and defense expert witnesses. Attendance at the trial also offered an opportunity to observe the reactions from the panel (the jury) during the trial, as well as that of the spectators including soldiers from SGT Leahy's U.S. Army unit and journalists.

I also participated in the preparation of the defense teams for the courts-martial of PFC Corey Clagget (one of the companion cases in the Operation Iron Triangle courts-martial). As an assistant to the defense teams, I helped to read and analyze sworn statements, records of proceedings from article 32 hearings, and United States Army Criminal Investigation Command crime reports. I augmented the sociological and historical background of the trials through research in medical, legal, and organizational aspects of the cases. This included background research on medical literature pertaining to Post Traumatic Stress Disorder and Mild Traumatic Brain Injuries, background research in legal cases pertaining to self-incrimination and mental competency, and organizational research on dysfunctional work environments and narcissistic leadership.

I also conducted a content analysis of the legal documentation associated with individual courts-martial and article 32s connected to the various events. Most of this secondary data is in the form of unclassified legal documents produced by United States Army Criminal Investigation Command. At the risk of being repetitive, it is important to recapitulate that legal documents pertaining to courts-martial are considered to be public documents. All material pertaining to the records of trial from which I quote are regarded by the law as public documents. The records of trial (ROT) include the transcripts of Article 32 hearings, other pre-trial hearings, investigative reports, sworn statements, transcripts of testimony

at courts-martial, and other documents. However, I obtained the Twitty report from a news source, and various news sources have already quoted extensively from this report in numerous media reports.<sup>5</sup> Because the Twitty report was obtained from a news source, it is also a public document. In summary, all my usage of government documents in this study is lawful, and the government does not own any copyright to any of this public information. The records of trial (ROT) included documentation pertaining to different events in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom: the Abu Ghraib Detainee Abuse in 2004, Operation Iron Triangle in 2006, the killing of prisoners by U.S. Army soldiers in Baghdad in 2007.

I wish to make it unequivocally clear that I do not assert or imply any criminal wrongdoing by any officer or soldier whom I mention or quote in this book. I present many instances of wrongdoing and questionable actions neutrally, and as a sociologist, not as a criminal investigator.

---

5 The reader may refer to the following articles by Hal Bernton: "Soldier reaches plea deal, gets reduced sentence in war-crimes-related case," *Seattle Times* January 5, 2011, "Key defendant in war-crimes case offers plea deal," *Seattle Times* January 26, 2011, "War changed soldier accused in Afghan killings, mother says," *Seattle Times* March 20, 2011, "Army report criticizes leaders in brigade involved in alleged war crimes," *Seattle Times* April 4, 2011, "Star witness in war-crimes trial no longer in isolation cell," June 19, 2011, "Stryker soldiers allegedly plotted to kill Afghan civilians," *Seattle Times* August 24, 2010, "Stryker soldier Jeremy Morlock faces court-martial in Afghan killings," *Seattle Times* October 15 2010, "Fast-paced probe laid foundation for murder charges against Lewis-McChord soldiers," *Seattle Times* October 26, 2010, "Hearing set for soldier in war-crimes case," *Seattle Times* November 5, 2010, "Army outlines war-crimes case at Lewis-McChord; most witnesses mum," *Seattle Times* November 9, 2010, "Lewis-McChord soldier found guilty of 3 murders in war-crimes case," *Seattle Times* November 10, 2011, and "War-crimes case against soldiers who served in Afghanistan has vulnerabilities," *Seattle Times* December 26, 2010. The reader can also refer to the following articles by Adam Ashton: "Army looks at officers who oversaw group of alleged war criminals," *The News Tribune* November 23, 2010, "Army review of Stryker deployment stays under wraps," *The News Tribune* March 7, 2011, "Misconduct ignored in Afghan killings?" *The News Tribune* April 10, 2011, "5th Brigade dysfunctional, report says," *The News Tribune* March 24, 2011, "Lewis-McChord GI gets 24 years for killing Afghans," *The News Tribune* March 24, 2011, "A commander out of step," *The News Tribune* October 16, 2011, "Platoon lost to lack of discipline," *The News Tribune* October 16, 2011, "The lost platoon," *The News Tribune* October 16, 2011, "Lost platoon's 'leader of trust' had dark side," *The News Tribune* October 16, 2011, "Platoon leader had a dark side," *The News Tribune* October 17, 2011, and "'Leader of trust' had dark side," *The News Tribune* October 17, 2011. The reader may further refer to Michelle Tan's article "Report blames lapses on Stryker commander," *The Army Times* November 27, 2011. The reader may also read Jon Anderson's article "Allegations swirl around Lewis-McChord platoon," *The Army Times* September 11, 2010. The reader may finally refer to Sean Naylor's article "Stryker soldiers say commanders failed them," *The Army Times* December 21, 2009.

*This page has been left blank intentionally*

## “A Prayer Against Our Enemies”

O Lord Jesus Christ, Son of the living God; thou only art the true Soldier and Captain, the Lord mighty in Battle: Behold thine enemies rage mightily, and those that hate thee rise up against us: they take subtle counsel together against thy people, and lay their heads together against thy secret ones. For we put not our trust in our own strength; for we know, that there is no King that can be saved by the multitude of a Host; neither is any mighty man delivered by much strength. A horse is counted but a vain thing to save a man; neither shall he deliver any man by his great strength: but our trust is in thee, that art our refuge, and a Tower of defense against our enemies. Thou being our Captain, we shall discomfit a Host of men; and with the help of our God, we shall leap over the wall. Thou being our aid, we shall do famous exploits; thou art able to beat our enemies to dust: they compass us about; but in thy name we will destroy them... Amen.

“A Prayer Against Our Enemies,” an excerpt from *The Svvedish Discipline, Religious, Civile, and Military*, 1632, with some spelling modernized for readers by the author.

*This page has been left blank intentionally*

## Chapter 2

# An Overview of American Military Justice

There are few studies specifically of courts-martial in American history. The history of Puritans and courts-martial go back to Oliver Cromwell's New Model Army and the prosecution and execution of Leveller Puritans for mutinies at Corkbush, Bishopsgate, and Banbury during the English Civil Wars. While general histories of the English Civil Wars and specialized histories of the New Model Army and Oliver Cromwell mention Corkbush and Bishopsgate, there is no specific study of those courts-martial.

### Courts-martial

Given the large number of courts-martial during the Second World War, there are few historical studies of courts-martial from 1941 onwards. The execution of the only soldier to be thus punished for desertion since the Civil War is chronicled in William Bradford Huie's *The Execution of Private Slovik* ([1954] 2004). Slovik's execution was again described in *Rudder: From Leader to Legend* (2011) by Thomas M. Hatfield in relation to COL James Earl Rudder, a former president of Texas A&M University; Rudder was responsible for organizing the firing squad which executed Slovik. Histories of discrimination against African-American soldiers and sailors account for several history books including *The Interpreter* (2005) by Alice Kaplan, which describes how 55 of the 70 U.S. soldiers executed in Europe were African-Americans. The mutiny of African-American sailors for unsafe working conditions at Port Chicago, California during World War II and the resulting courts-martial are chronicled in *The Port Chicago Mutiny* ([1989] 1993) by Robert Allen. The mutiny of African-American sailors for mistreatment while serving in Seattle during this same period is covered in *On American Soil: How Justice Became a Casualty of World War II* (2005) by Jack Hamann. *Black Soldiers in Jim Crow Texas, 1899-1917* (1995), by Garna Christian, chronicles courts-martial against African-American soldiers during World War I and concludes that the courts-martial were discriminatory.

Still within the subject of military justice and closely related to courts-martial is the imprisonment of American soldiers, including a book on the U.S. Army prison facility in the United Kingdom. *Lichfield (The U.S. Army on Trial)* (1997) by Jack Gieck, is a history of a U.S. Army prison described by *Stars and Stripes* newspaper towards the end of World War II as "a concentration camp for

American soldiers run by American soldiers.” *Mutiny at Salerno: An Injustice Exposed* (1995) by Saul David also chronicles courts-martial related to the Second World War. James Weingartner’s articles on the Biscari and Voerde massacres are historical studies of U.S. Army war crimes and courts-martial during the Second World War.

Memoirs about courts-martial are another genre. *Vietnam Stories: A Judge’s Memoir* (1997) by Crouchet is a memoir of Vietnam War courts-martial by a military judge. *Tortured* by Winckler (2009) is a biography of Lynndie England, one of the soldiers convicted for the Abu Ghraib abuses. *Those Gallant Men: On Trial in Vietnam* by John Stevens Berry (1984) and *Honor Restored* by Denzil D. Garrison (2006) are other memoirs of Vietnam War courts-martial.

A novel on American courts-martial from the point of view of an outsider is *OK, Joe* ([1976] 2003) by Louis Guilloux. Guilloux was a novelist before and after the Second World War who worked as an interpreter for the U.S. Army after the D-Day landings in 1944. Guilloux writes about racial discrimination in sentencing of African-American soldiers in Europe, and this book is the basis for the non-fiction work *The Interpreter* (2005) by Alice Kaplan. Although Guilloux’s book is a novelization, it is still based on facts and is meant to be a serious social commentary about American culture and its perception by Europeans.

In addition to histories, memoirs, and novelizations, journalists have written about courts-martial. The most significant account of courts-martial, and specifically related to U.S. Army war crimes, is *My Lai 4* (1970) by Seymour Hersh. Another more obscure account of Vietnam War courts-martial, though not related to war crimes, is *Kangaroo Court Martial* (1969) by Jolls and Aponte, which chronicles race biases in the trials of two African-American marines during the Vietnam War.

The expert legal analysis and study of courts-martial is another approach to the subject. Gary Solis, a former military prosecutor and judge, chronicles the Vietnam War era war crime in *Son Thang: An American War Crime* (1997), which compares and contrasts that war crime with the My Lai massacre. An expert legal analysis of the U.S. military justice system and war crimes is *Atrocity and American Military Justice in Southeast Asia* (2010) by Barnett. *The Vietnam War on Trial* (2002) by Michal Belknap is a legal history of My Lai. A history of courts-martial for a wide variety of charges (including currency manipulation) during the Vietnam War is *Military Justice in Vietnam* (2007) by William Allison.

One would expect to find psychological studies of courts-martial. However, psychological studies related to war crimes tend to focus on the war crime event separated from the war crime trial. Examples of psychological studies include *The Lucifer Effect* (2007) by Philip Zimbardo and *Fixing Hell* (2008) by Larry James. Zimbardo served as an expert witness in psychology for the court-martial of Ivan Frederick, one of the accused soldiers in the Abu Ghraib cases.

The sociological study of courts-martial was pioneered by Stjepan Mestrovic. The four sociological studies related to courts-martial and military justice are *The Trials of Abu Ghraib* (2007), *Rules of Engagement?: A Social Anatomy of*

an American War Crime - Operation Iron Triangle, Iraq (2008), and *The "Good Soldier" on Trial: A Sociological Study of Misconduct by the US Military Pertaining to Operation Iron Triangle, Iraq* (2009). Mestrovic's books focus on the role of reference groups and social character in war crimes. Additionally *Fallgirls: Gender and the Framing of Torture at Abu Ghraib* (2012) by Ryan Caldwell is a sociological analysis of the courts-martial related to Abu Ghraib.<sup>1</sup> The works by Mestrovic and Caldwell do not examine the Puritan elements of the military justice system in the treatment of war crimes and conduct of courts-martial.

## Puritans and Puritanism

There is a vast library of fiction and non-fiction books on the Puritans and Puritanism. Within sociology, three books which relate closest to this subject are *The Protestant Ethic and the Spirit of Capitalism* (1905) by Max Weber, *Wayward Puritans: A Study in the Sociology of Deviance* ([1966] 2005) by Kai T. Erikson and *Democracy in America* ([1835] 2003) by Alexis de Tocqueville. Despite Weber's book enjoying secure placement in the firmament of sociological classics, this work is rich with insights which remain to be investigated fully. The concept of the Iron Cage in relation to the making of war by Protestant or Puritan cultures such as the United States and Great Britain is an unexplored area. Erikson's book is an interpretation of Durkheim's social theory which argues that social deviance is useful for communities in maintaining moral boundaries. *Democracy in America* is a book which anticipates Freud by making the observation that to understand a nation, as one would understand a person, it is necessary to return to the moment when that person was in his or her mother's arms. This proto-Freudian framework (Tocqueville died in 1859 just three years after Freud's birth in 1856) was written before the age of psychoanalysis but still examines how the Puritan character of the colonies influences American social life.

*The Puritan Mind* ([1930] 1961) by Herbert W. Schneider makes the argument that Puritanism as a political philosophy and way of life is still relevant for understanding contemporary American society. Schneider writes that "though the cause of Puritanism is certainly dead, the issues and motives which dominated the struggle are still alive" (p. 208). Schneider's observations on Puritanism have parallels with later observations by David Riesman in *The Lonely Crowd* ([1950]

---

1 See also "Torture, What is it Good For? Absolutely Nothing! An Analysis of the Response to Abuse at Abu Ghraib" (2008) by Caldwell and Mestrovic, "The Role of Gender in 'Expressive' Abuse at Abu Ghraib" (2008) by Caldwell and Mestrovic, "Durkheim's concept of *dérèglement* retranslated, Parsons's reading of Durkheim re-parsed: an examination of post-emotional displacement, scapegoating and responsibility at Abu Ghraib" (2006) by Mestrovic and Caldwell, and "Durkheim's Concept of Anomie as 'Derangement' Applied to the Abuse at Abu Ghraib: An Examination of Post-Emotional Displacement, Scapegoating and Responsibility" (2010) by Mestrovic and Caldwell.



2001). Schneider ([1930] 1961), for example, wrote of the “loss of the sense of sin” wherein:

...the sense of sin became a genteel tradition, cherished in the imagination long after it had been surrendered in practice (p. 98).

Riesman noted that Puritanism had become attenuated, just as Schneider had observed. Riesman's observation that inner-directed societies lose the sense of guilt as the cardinal emotion organizing social habits as those societies gradually become other-directed. That Puritanism continues in whatever attenuated form, deracinated from its theological, philosophical, and emotional groundings, makes present-day Puritanism postemotional (Mestrovic 1991).

In my research, I used other history books on Puritans and Puritanism as background reading. Among these books were *Law and Society in Puritan Massachusetts: Essex County, 1629-1692* by David Thomas Konig (1981). Konig devotes a chapter on magic and Puritan law, though it deals with civic law. Several books on Witchcraft trials informed my reading of Erikson's *Wayward Puritans* ([1966] 2005). *Entertaining Satan: Witchcraft and the Culture of Early New England* by John Putnam Demos (1982), *The Devil in the Shape of a Woman: Witchcraft in Colonial New England* by Carol F. Karlsen ([1987] 1989), and *In the Devil's Snare: the Salem Witchcraft Crisis of 1692* by Mary Beth Norton (2003) are all respected works on this phenomenon. *Entertaining Satan* by Demos (1982) looks at the Witchcraft trials through a psychosocial perspective, while *The Devil in the Shape of a Woman* by Karlsen ([1987] 1989) examines the economic and demographic bases of the witchcraft panic, and *In the Devil's Snare*, Norton (2003) examines the witchcraft crisis as a scapegoating phenomenon in relation to Puritan defeats against the Wabanaki people in the recently fought First and Second Indian Wars (better known today as King Phillips' War and King Williams' War).

Puritans writings inform many of the events that are analyzed in this study. During Operation Iron Triangle, soldiers from an infantry regiment were addressed by their commander who gave a speech modeled after the speech delivered by Patton in the eponymous movie (*Patton*, directed by Franklin J. Schaffner, 20<sup>th</sup> Century Fox, [1970] 2006). In real life, Patton consciously modeled his own speeches after those given by Oliver Cromwell, which led me to consult *Speeches of Oliver Cromwell* edited by Ivan Roots (1989) and *Oliver Cromwell's Letters and Speeches: With Elucidations* edited by Thomas Carlyle (1845) (Weingartner 1989:37).

*History of the Rebellion and Civil Wars in England: Begun in the Year 1641* by Edward Hyde, 1st Earl of Clarendon ([1717] 1807) is another account of Puritans during that period. *The Svvedish Discipline, Religious, Civile, and Military [The Swedish Discipline]* published in 1632 by John Dawson was primary source material for the *Swedish Articles of War* adopted by Cromwell's New Model Army. *The Swedish Articles of War* are also found as an appendix to Winthrop's ([1886] 1920) *Military Law and Precedents*. Another primary source book was

*The Discovery of Witches* by the infamous Witchfinder General Matthew Hopkins (1647). The techniques described by Hopkins for interrogating suspected witches parallel contemporary techniques in Army Field Manuals FM 2-22.3 *Human Intelligence Collector Operations* (Headquarters, Department of the Army 2006), FM 3-19.3 *Law Enforcement Investigations* (Headquarters, Department of the Army 2005), and FM 34-52 *Intelligence Interrogation* (Headquarters, Department of the Army 1992). *The Pilgrim's Progress* by John Bunyan ([1678] 1962) and *The House of the Seven Gables* by Nathaniel Hawthorne ([1851] 1981) both illustrate the persistence of Puritan cultural habits across many generations.

## Sociology and Cultural Perspectives

As indicated above, *Wayward Puritans: A Study in the Sociology of Deviance* by Kai Erikson ([1966] 2005), *The Protestant Ethic and the Spirit of Capitalism* by Max Weber ([1905] 1976), and *Democracy in America* by Alexis de Tocqueville ([1835] 2003) immediately and directly address Puritanism within a sociological framework. *The McDonaldization of Society* by George Ritzer ([1993] 2004) is a sociological examination of the Iron Cage as it exists in contemporary times.

*The Lonely Crowd* by David Riesman ([1950] 2001) informs the study by contributing the concepts of tradition-directed, inner-directed, and other-directed social character to different societies. Tradition-directed social character pertains to the drives and motivations that are socially organized within individuals in ancient societies. Tradition-directed individuals and societies organize social habits primarily around the emotion of shame. Inner-directed social character pertains to the drives and motivations that are socially organized within individuals in societies marked by transitional growth (decreasing death rates and higher birth rates), mobility, rapid accumulation of capital, expansion in the production of goods and people, expansion in exploration, colonization, and imperialism (Riesman [1950] 2001:14). Inner-directed individuals and societies organize social habits primarily, but not exclusively, around the emotion of guilt. Puritan societies in Britain and North America in the seventeenth century would be examples of societies in transition from tradition-directed social character towards inner-directed social character or of inner-directed societies with persisting elements of tradition-directed social character. Other-directed social character pertains to the drives and motivations that are socially organized within individuals in societies marked by an incipient decline in population in a post-agricultural, post-industrial economy (Riesman [1950] 2001:18). Other-directedness is marked by wasteful consumption, surplus or mass production, and a service-oriented economy (Riesman [1950] 2001:18). Other-directed individuals and societies organize social habits primarily around the emotion of anxiety – in particular anxiety regarding the opinions of their peers – and are not as affected by the emotions of guilt or shame. Other-directed social character is defined by manipulation, faked sincerity, recycled but rapid outpouring of sentiments, shallowness, and superficiality. Contemporary American

society in the latter half of the twentieth century to the present is an other-directed or even post-other-directed society.

*Understanding Media: The Extensions of Man* by Marshall McLuhan ([1964] 1996) extends many of the ideas established by Riesman into an analysis of media. McLuhan develops his own terminology such that inner-directed social character is homologous to the concept of typographic man and woman, and other-directed social character is homologous to the concept of graphic man and woman. McLuhan's insights into media illuminate some of the practices by the contemporary, other-directed, and "graphical" U.S. Military.

Different aspects of contemporary, other-directed, and graphical society is further described in contemporary society. My examination of narcissistic elements of contemporary society and its institutions relies on an interpretation of Thorstein Veblen made in *Thorstein Veblen on Culture and Society* by Stjepan Mestrovic (2003). The interpretation of Veblen's perspective and my analysis differs from that made in *The Culture of Narcissism* by Christopher Lasch ([1979] 1991), but still references Lasch. Additionally, I interpret elements of contemporary society and its institutions relying on *Postemotional Society* by Mestrovic (1997), *Post-Modernism and the Social Sciences: Insights, Inroads, and Intrusions* by Pauline Rosenau (1992), and *Malignant Self Love: Narcissism Revisted* by Sam Vaknin (2007). In extending the understanding of narcissism in its relation to Puritanism, I rely on insights into American exceptionalism made by Seymour Martin Lipset (1996) in *American Exceptionalism: A Double-Edged Sword*. Another book by Lipset (1990) that addresses American exceptionalism is *Continental Divide: The Values and Institutions of the United States and Canada*.

I will examine the concepts of responsibility and revenge in a Puritan context. Emile Durkheim's ([1893] 1997) *The Division of Labor in Society* establishes a groundwork for understanding revenge within societies held together by mechanical solidarity. Paul Fauconnet ([1928] 1978), a disciple of Durkheim, wrote *Responsibility*, a study of responsibility and revenge that extended Durkheim's ([1893] 1997) social theory on crime in *The Division of Labor in Society*. *Personality and Culture in Easter European Politics* by Dinko Tomasic (1948) and *Blood Revenge: The Enactment and Management of Conflict in Montenegro and other Tribal Societies* by Christopher Boehm ([1984] 1991) discuss revenge and responsibility in tradition-directed societies using the Balkans as a point of departure into the subject, which is then generalized towards other tradition-directed societies. The ways in which revenge and responsibility are carried out in tradition-directed societies serve as a point of comparison and contrast for revenge and responsibility in Puritan institutions and societies. I refer to *The Moral Judgment of the Child* by Jean Piaget ([1932] 1997) to explore issues related to the assignment of subjective and objective responsibility in contemporary military courts-martial. This is because Piaget links subjective morality with Durkheim's concept of organic solidarity and objective morality with mechanical solidarity. To extend Fauconnet's insight into responsibility and the making of scapegoats, I refer to *The Redneck Manifesto: How Hillbillies, Hicks, and White Trash Became*

*America's Scapegoats* by Jim Goad (1997). *The Redneck Manifesto* is a book which explores the way that poverty and whiteness interact in making poor and working-class white people targets for scapegoating. In the courts-martial that I examine, I use Goad's framework in identifying that the accused soldiers were all members of minority groups vulnerable to scapegoating, including white Americans from rural areas, who Goad refers to as "rednecks, hillbillies, and white trash."

As background for understanding contemporary military institutions and groups, the reader may refer to classics such as *Men Against Fire: The Problem of Battle Command* by S.L.A. Marshall ([1947] 2000). Marshall's book is a cultural study of the inner-directed American army during World War II, and studies the behavior of American soldiers from a cultural perspective. Similarly, the first two volumes of *The American Soldier* by Samuel Stouffer, et al., (1949) form a highly-acclaimed study of behavior and attitudes of American soldiers during the Second World War.<sup>2</sup> There are no comparable studies of contemporary, other-directed American soldiers. However, both of the books by Marshall and Stouffer serve as starting points for understanding contemporary American soldiers, their reference groups, and their military. *On Killing* by LTC Dave Grossman ([1995] 1996) is a psychological study which manipulates some of the findings made by Marshall and Stouffer concerning the natural psychological and social barriers that normal people have to killing, including the barriers soldiers have to killing on the battlefield.

I also use history books and memoirs in studying war crimes in the Global War on Terror. However, I am not engaged in historiography or use history as historians do. Historians study events. I refer to these history books and memoirs in order to provide social context. I use *Lynching to Belong: Claiming Whiteness Through Racial Violence* by Cynthia Skove Nevels (2007) to examine issues relating to retributive justice in central Texas. *Lone Star Stalag: German Prisoners of War at Camp Hearne* by Michael R. Waters ([2004] 2006) looks at the history of a prisoner of war camp for captured German soldiers in central Texas. The humane and lawful treatment of prisoners of war at Camp Hearne is a stark contrast to official policies and cultural attitudes towards prisoners of war or "detainees" in the Global War on Terror.

I examine the English civil wars as wars in which English-speaking Puritans applied their Puritan army discipline and laws. There are many books on Oliver Cromwell, the New Model Army, and the English Civil Wars. I selected *Civil War: The Wars of the Three Kingdoms 1638-1660* by Trevor Royle (2004), *The Civil Wars 1637-1653* by Martyn Bennett (1998), and *Cromwell's War Machine*:

---

2 See *The American Soldier: Adjustment During Army Life, Volume I* by Samuel A. Stouffer, Edward A. Suchman, Leland C. DeVinney, Shirley A. Star, and Robin M. Williams, Jr. (1949) and *The American Soldier: Combat and Its Aftermath, Volume II* by Samuel A. Stouffer, Arthur A. Lumsdaine, Marion Harper Lumsdaine, Robin M. Williams, Jr., M. Brewster Smith, Irving L. Janis, Shirley A. Star, and Leonard S. Cottrell, Jr. (1949) both by Princeton University Press.

*The New Model Army, 1645-1660* by Keith Roberts (2005). *Cromwell's War Machine* provided insights into daily life in the New Model Army, including surprising information about rations, the use of printed material, and the use of uniforms by that army.

In the course of preparing my study, I was asked by lawyers to give social and historical context to the taking of human remains as trophies of war. Two books which deal with the subject are *Wartime: Understanding and Behavior in the Second World War* by Paul Fussell (1989) and *The Faraway War* by Richard J. Aldrich (2005). Both books describe the taking of Japanese soldiers' human remains as war trophies by American servicemen, literally a taboo phenomenon that was widespread in the Pacific theater of World War II.

In order to broaden the context of this study, I refer to accounts of "The Troubles" or the paramilitary war in Northern Ireland beginning with Bloody Sunday in 1972, the massacre of Irish Catholic civilians by British paratroopers. The British Army is another contemporary, Puritan army, and studying it serves as a comparison to the U.S. Army. I should note that the British Army and British society in general are not as other-directed as American society. The elements of inner-directedness and even tradition-directedness are stronger among the British than among Americans. *Belfast Diary: War as a Way of Life* by American journalist John Conroy (1987) is a memoir of life in a war zone. *Cage Eleven* by Gerry Adams ([1990] 1993) and *Bobby Sands: Writings from Prison* by Bobby Sands (1998) discuss the treatment of prisoners of war by the British, and stand as a point of comparison and contrast for the treatment of prisoners by American soldiers at Abu Ghraib and Camp Hearne. *Falls Memories: A Belfast Life* by Gerry Adams ([1984] 1993) gives an Irish Catholic perspective of life in Northern Ireland, and it highlights the more tradition-directed elements among Irish Catholics during that conflict.

In order to understand the social context of the war in Iraq, *The Old Social Classes and the Revolutionary Movements of Iraq* by Hanna Batatu ([1978] 2004) is an indispensable work. Batatu's book is considered a contemporary version of *Democracy in America*, only it focuses on contemporary Iraqi society. *The Old Social Classes and the Revolutionary Movements of Iraq* is a book similar to *Democracy in America* by Tocqueville ([1835] 2003) or *Black Falcon and Grey Lamb* by Rebecca West ([1941] 1994) in that it is a seminal work on a region's history. *Imperial Life in the Emerald City* by Ravij Chandrasekaran (2006) described American behavior and attitudes in Iraq after Saddam Hussein's defeat. The book *Imperial Life in the Emerald City* is a non-fiction version of *The Ugly American* by William J. Lederer and Eugene Burdick (1958), brought into the Internet age and set in Southwest Asia as compared to *The Ugly American* which was set in Southeast Asia. *Beyond the Green Zone: Dispatches from an Unembedded Journalist in Occupied Iraq* by independent journalist Dahr Jamail (2007), is another book in a similar vein to *Imperial Life in the Emerald City*. *Riley and His Story: Me and My Outrage, You and Us* by Monica Haller and Riley Sharbonno (2011) is a photo-memoir of everyday life in Abu Ghraib during the

same time that the abuses were taking place. In 2007, the U.S. Army officially changed its doctrine to counterinsurgency, the war crimes which occurred at Abu Ghraib and Operation Iron Triangle occurred before the transition to the new doctrine, and the Baghdad canal killings took place after the change to a counterinsurgency doctrine.

It is a remarkable fact that contemporary American soldiers resort to superstition and magical thinking in warfare. In order to understand the role of magic, one can refer to *The Broken Circle: A True Story of Murder and Magic in Indian Country* by Rodney Barker (1992). Barker writes of Navajo self-help use of magic in settling feuds in a contemporary setting. *The World of the Witches* is by anthropologist Julio Caro Baroja ([1961] 2001), who writes of witchcraft and village life in historical and contemporary Spain. I use both works to better understand and extend observations by Durkheim ([1915] 1995) and Fauconnet ([1928] 1978) on the use of magic in its relation to religion and vice versa.

In order to establish a rough familiarity of military law *Court-Martial of Apache Kid: Renegade of Renegades* by Clare V. McKanna, Jr. (2009), serves as an outstanding primer. The book describes the trials of Apache Kid under tribal, civilian, and military law. McKanna offers an excellent introduction into the history of military law. *Military Law and Precedents, Second ed. Revised and Enlarged, 1920* by William Winthrop ([1886] 1920) is an indispensable book on the subject. The book has been referred to extensively in cases relating to military commission trials in Guantanamo appearing before the Supreme Court such as *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006). Other books on military that I used were *Arming Military Justice Vol. I: The Origins of the United States Court of Military Appeals, 1775-1950* by Jonathan Lurie (1992), *Pursuing Military Justice Vol. II: The History of the United States Court of Appeals for the Armed Forces, 1951-1980* by Jonathan Lurie (1998), *Military Justice in America: The U.S. Court of Appeals for the Armed Forces, 1775-1980* by Jonathan Lurie (2001), and *Swords and Scales: The Development of the Uniform Code of Military Justice* by William T. Generous, Jr. (1973).

## Iraq and Afghanistan

The documents that are included in this work regarding the abuse at Abu Ghraib comprise official investigation reports and records of trial. Two investigation reports widely available are *The Final Report of the Independent Panel to Review Department of Defense Detention Operations* (James Schlesinger in Strasser 2004) and *Investigation of the Abu Ghraib Detention Facility and 205<sup>th</sup> Military Intelligence Brigade* (MG George Fay in Strasser 2004).

The documents pertaining to Operation Iron Triangle, Iraq included sworn statements and records of trial. The records of trial available for examination were those for SSG Raymond L. Girouard, SPC Juston R. Graber, SPC William B. Hunsaker, and PFC Corey R. Claggett.



The documents available for the Baghdad canal killing cases included sworn statements and records of trial. The other documents relevant to the Baghdad canal killing cases include Article 32 proceedings (the equivalent of a grand jury in the military justice system) for SGT Michael P. Leahy, Jr., SFC Joseph P. Mayo, SPC Steven A. Ribordy, SSG Cunningham, SGT Charles Quigley, SPC Belmor G. Ramos, and MSG John E. Hatley.

Mild traumatic brain injuries (mTBI) and Post Traumatic Stress Disorder (PTSD) formed part of the overall social context in the various cases. A good introduction to the subject of mTBI is *Head Games: Football's Concussion Crisis from the NFL to Youth Leagues* by Christopher Nowinski (2006), a former football player for Harvard University and former professional wrestler in the World Wrestling Entertainment (WWE). *Invisible Wounds of War Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery* edited by Terri Tanielian and Lisa Jaycox and published by the Rand Corporation (2008) examines the treatment of soldiers and veterans of the wars in Iraq and Afghanistan. The Rand Corporation publication states that 300,000 soldiers are estimated to have suffered from permanent traumatic brain injuries, a number that is disputed by "The Care of War Veterans with Mild Traumatic Brain Injury – Flawed Perspectives" by COL Charles Hoge, Herb Goldberg, and Carl Castro (2009) published in *The New England Journal of Medicine*.

Medicine and the law intersect. Many of the cases of mTBI and PTSD in a legal setting bring up questions of the legality and validity of confessions and responsibility. Also in my role as part of the defense team I analyzed cases where brain injuries or PTSD was used as a defense for excluding confessions or testimony in both military and civilian trials. "Know Your Ground: The Military Justice Terrain of Afghanistan" by CPT Eric Hanson (2009) published in the *The Army Lawyer* describes the challenges of practicing military law in Afghanistan, where the U.S. Army is sprawled across "two hundred camps, forward operating bases, combat outposts, firebases, and observation posts" (Hanson 2009:36). Another article relevant to these cases is "Solving the Mystery of Insanity Law: Zealous Representation of Mentally Ill Servicemembers" by MAJ Jeremy Ball (2005) published in the *The Army Lawyer*.

To orient oneself to the issues of mental competency and self-incrimination, there is a wide range of legal sources. One such source is the Texas Code of Criminal Procedure Title 1 Chapter 46b: *Incompetency to Stand Trial*. Articles relevant to self-incrimination in the military justice system can be found in various volumes of *The Army Lawyer* including "'I Really Didn't Say Everything I Said': Recent Developments in Self-Incrimination Law" by MAJ Christopher Frederickson, et al., (2006) "Self-Incrimination: Big Changes in the Wind" by LTC Robertson et al. (2004), "What's Done is Done: Recent Developments in Self-Incrimination Law," "2008 New Developments in Self-Incrimination" by LTC James Varley (2008), "The Miranda Paradox, and Recent Developments in the Law of Self-Incrimination" by MAJ Timothy C. MacDonnell (2001), "Bless Me Father For I Have Sinned: A Year in Self-Incrimination Law" by

LTC David Robertson et al. (2003), and “The Armor: Recent Developments in Self-Incrimination Law” by MAJ Martin H. Sitler, et al. (2000). I referred to *Miranda v. Arizona*, 384 U.S. 436 (1966), and cases that dealt with active military personnel or veterans in cases citing a brain injury as a mitigating factor in limiting confessions or culpability.<sup>3</sup>

Military units ultimately are workplaces. Studies of socially toxic workplaces are relevant, including studies particular to workplaces where the leadership or management are narcissistic and produce toxic work environments. Vaknin’s (2007) *Malignant Self Love: Narcissism Revisted* discusses narcissistic personality disorders in the workplace. Vaknin writes that narcissists treat other workers as objects to be exploited, and that narcissists make impulsive decisions. A similar article includes “It’s All about Me: Narcissistic Chief Executive Officers and Their Effects on Company Strategy and Performance,” by Arijit Chatterjee and Donald C. Hambrick (2007) published in *Administrative Science Quarterly*. “CEO Charismatic Leadership: Levels-of-Management and Levels-of-Analysis Effects” by David Waldman and Francis Yammarino (1999) published by the *Academy of Management Review* looks at the effects of charismatic leadership including the practice of circulating (or not circulating) among employees and projecting leadership from a distance, as is common in military settings.

Narcissistic leaders produce toxic workplaces, and different articles examine the effect of narcissists on their employees. *The Impact of Managerial Leadership on Stress and Health Among Employees*, a dissertation of the Karolinska Institute in Sweden by Anna Nyberg (2009) presents evidence that leadership with Narcissistic characteristics has adverse effects on the stress and health of workers in a workplace. The effects of toxic workplaces are further explored in “Toxic Work Environments: What Helps and What Hurts” by Lindsey Chamberlain and Randy Hodson (2010) published in *Sociological Perspectives* and in “Job Stress, Incivility, and Counterproductive Work Behavior (CWB): The Moderating Role of Negative Affectivity” by Lisa Penney and Paul Spector (2005) published in the *Journal of Organizational Behavior*. “Toxic Decision Processes: A Study of Emotion and Organizational Decision Making” by Sally Maitlis and Hakan Ozcelik

---

3 *United States v. Timothy J. Ellis* (57 M.J. 375; 2002 CAAF Lexis 1247), *State of Louisiana v. Henry Joseph Anderson* (996 So. 2d 973; 2008 La. Lexis 1744), *United States v. Andrew P. Ober* (66 M.J. 393; 2008 CAAF Lexis 768), *United States v. Ashontia K. Harrow* (65 M.J. 190; 2007 CAAF Lexis 831), *United States v. Ronald D. Cole* (54 M.J. 572; 2000 CCA Lexis 254), *United States v. Trent D. Thomas* (2009 CCA Lexis 276), *United States v. Timothy Oldani* (2009 U.S. Dist. Lexis 50538), *Danny L. Montgomery v. Eric K. Shinseki, Secretary of Veterans Affairs* (2010 U.S. App. Vet. Claims Lexis 1680), *John Patrick McDonald v. State of Minnesota* (1998 Minn. App. Lexis 253), *State of Louisiana v. Steven Michael Presson* (2008 La. App. Lexis 837), *Jonathan Stewart v. Bryan Kapustinski* (2008 Conn. Super. Lexis 591), *United States v. Richard C. Breshnahan* (62 M.J. 137; 2005 CAAF Lexis 1105), *Richard C. Nagell v. United States Court of Claims* (1982 U.S. Cl. Ct. Lexis 2377), and *United States v. Justin Inabinette* (66 M.J. 320; 2008 CAAF Lexis 664).



(2004) published in *Organization Science* examine how negative emotions, such as fear and anger, experience by a single worker do not dissipate with the experience of a single worker. The emotions of fear and anger in a toxic work environment become amplified as if in an echo chamber. “Regulation and the Sociopathic Firm” published by Gregory A. Daneke (1985) in *The Academy of Management Review* examines how sociopathic firms resist government regulation, and in fact, exaggerate sociopathic behaviors as a result of regulatory pressure.

# Excerpts from *The Swedish Articles of War*

1

Seeing therefore that all our welfare and prosperity, proceedeth from Almighty God; and that it is all mens duty to fear and serve him above all: We streightly hereby charge all manner of Persons whatsoever, that they by no means use any kind of Idolatry, Witch-craft, or Enchanting of Arms, by Devils enchantment any manner of way whatsoever. And if any herein be found faulty he shall be proceeded against according to Gods law and the Swedens: And so much as the law in that case enjoineth, shall be put in execution against them. And it is further provided, that such manner of Malefactors shall by no means be suffered to come in Company with any soldiers whatsoever.

2

If any shall blaspheme the name of God, either drunk or sober; and the thing be by 2. or 3. witnesses proved against him, he shall be put to death without all mercy.

Excerpts from *The Svvedish Discipline, Religious, Civile, and Military*, 1632, with some spelling modernized for readers by the author.

*This page has been left blank intentionally*

## Chapter 3

# Puritan Military Justice

The concept of the Iron Cage is well known in sociology, but may be understood in a new way in relation to criminal justice systems, in particular the military justice system. The term has been interpreted to mean that in societies influenced by the Protestant ethic, there is an increased rationalization in social life (Ritzer [1993] 2004). This description is one of social life becoming ever more mechanical and disenchanting. The Iron Cage may be understood in a new way through a reading of Mestrovic's concept of postemotionalism (Mestrovic 1999), and by Weber's observations consistent with his other works. The emotional component of the Iron Cage should always complement the observation that society is becoming increasingly rationalized: social life is not only becoming more mechanical, but also more inhumane. The passages dealing with the Iron Cage in *The Protestant Ethic and the Spirit of Capitalism* are:

*The Puritan wanted to work in a calling; we are forced to do so.* For when asceticism was carried out of monastic cells into everyday life, and began to dominate worldly morality, it did its part in building the tremendous cosmos of the modern economic order. This order is now bound to the technical and economic conditions of *machine production* which to-day determine the lives of all the individuals who are born into this mechanism, not only those directly concerned with economic acquisition with *irresistible force*. Perhaps it will so determine them until the last ton of fossilized coal is burnt. In Baxter's view the care for external goods should only lie on the shoulders of the 'saint like a light cloak, which can be thrown aside at any moment.' But fate decreed that the cloak should become an Iron Cage.

Since asceticism undertook to remodel the world and to work out its ideals in the world, material goods have gained an increasing and finally an *inexorable power* over the lives of men as at no previous period in history. To-day the spirit of religious asceticism – whether finally, who knows? – has escaped from the cage. But victorious capitalism, since it rests on *mechanical foundations*, needs its support no longer. *The rosy blush* of its laughing heir, *the Enlightenment*, seems also to be *irretrievably fading*, and the idea of duty in one's calling prowls about in our lives like the *ghost of dead religious beliefs* (Weber [1905] 1976:181–2). [emphasis added]

The concept of the Iron Cage can be applied to the military justice system in particular, and all of the American justice system in general. The justice system

in the military can be understood as a McDonaldized factory where the unit of output is the conviction. In the 1987 film *Robocop* (directed by Paul Verhoeven, Orion Pictures), a cyborg policeman follows a narrow set of protocols in enforcing the law in the dystopian, futuristic city of Detroit. People believe that *Robocop* is only a movie, but closed-circuit television surveillance of American cities, internet surveillance through software – which allows for government surveillance of communications based on “criminal” or “terroristic” keywords – and unfettered, back-door access by the government to search engines and social media websites have brought America into Robocop’s world. The process by which military personnel are investigated, charged, tried, convicted, and imprisoned follows this mechanical, McDonaldized, and inhumane pattern of the Iron Cage. The system demands that soldiers are investigated by Robocops, tried by Roboprosecutors, stand trial before a Robojury, and are sentenced by Robojudges: the human elements of the individuals involved are expected to be suppressed.

Each year, the United States Court of Appeals for the Armed Forces publishes its Annual Report of the Code Committee on Military Justice. As an example, an examination of the reports published between 1995 and 2012 show a consistent and stable pattern of “efficiency” in the production of convictions in courts-martial. Despite the armed service branch or its size (the U.S. Army and U.S. Navy are the largest branches, the U.S. Coast Guard is the smallest), the pattern and “efficiency” of convictions are high – above 90 per cent (see Tables 3.1, 3.2, 3.3, and 3.4 below).<sup>1</sup>

Weber addressed the emotional and irrational component of the Iron Cage. In particular, Weber addressed how there is a nullity or absence of genuine emotions. The passage which addresses the irrational, emotional side of the Iron Cage is:

No one knows who will live in this cage in the future, or whether at the end of this tremendous development entirely new prophets will arise, or there will be a great rebirth of old ideas and ideals, or, if neither, *mechanized petrification*, embellished with a sort of *convulsive self-importance*. For the last stage of this cultural development, it might well be truly said: ‘*Specialists without spirit, sensualists without heart; this nullity imagines that it has achieved a level of civilization never before achieved*’ (Weber [1905] 1976:182). [emphasis added]

Weber prefigures various contemporary sociologists in identifying the dysfunctions and dangers of a society trapped within the Iron Cage. The convulsive self-importance that Weber refers, as well as the prediction that a

---

1 The three kinds of courts-martial vary according to the severity of the charges and possible sentences. Summary courts-martial are convened for relatively minor offenses. Special courts-martial are the intermediate level in the court-martial hierarchy. General courts-martial are convened for capital cases and can pass the most severe sentences including death, dishonorable discharge, dismissal, and confinement of more than a year (United States Department of Defense 2012:A2-6).

**Table 3.1 Military Justice System Statistics for the United States Army, Fiscal Years 1995-2012**

US Army, Military Justice Statistics	1995	1996	1997	1998	1999	2000	2001	2002	2003
<b>Number of General Courts-martial</b>	825	789	741	685	737	731	770	788	689
Convictions	767	738	701	639	692	653	739	757	657
Convictions – Percentage	92.97%	93.54%	94.60%	93.28%	93.89%	89.33%	95.97%	96.07%	95.36%
<b>Number of BCD* Special Courts-martial</b>	333	329	312	273	422	386	354	592	644
Convictions	291	287	271	250	401	314	331	574	631
Convictions – Percentage	87.39%	87.23%	86.86%	91.58%	95.02%	81.35%	93.50%	96.96%	97.98%
<b>Number of Summary Courts-martial</b>	304	238	396	489	487	666	672	858	858
Convictions	283	214	381	464	459	638	645	793	812
Convictions – Percentage	93.1%	89.9%	96.2%	94.9%	94.3%	95.8%	96.0%	92.4%	94.6%
US Army Average Active Duty Strength	523,500	493,700	486,668	484,054	473,809	482,176	480,783	516,599	493,563

\*BCD, Bad Conduct Discharge

**Table 3.1      Continued**

US Army, Military Justice Statistics	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average
<b>Number of General Courts-martial</b>	647	825	749	809	674	638	610	617	725	724.94
Convictions	628	777	723	772	631	584	572	580	656	681.44
Convictions – Percentage	97.06%	94.18%	96.53%	95.43%	93.62%	91.54%	93.77%	94.00%	90.48%	93.98%
<b>Number of BCD* Special Courts-martial</b>	677	700	573	625	484	518	446	464	465	477.61
Convictions	663	680	556	610	469	491	425	442	444	451.67
Convictions – Percentage	97.93%	97.14%	97.03%	97.60%	96.90%	94.79%	95.29%	95.26%	95.48%	93.63%
<b>Number of Summary Courts-martial</b>	755	1,252	1,140	1,223	1,252	946	819	632	473	747.78
Convictions	711	1,170	1,074	1,128	1,153	NA	NA	619	463	687.94
Convictions – Percentage	94.2%	93.5%	94.2%	92.2%	92.1%	NA	NA	97.9%	97.9%	94.32%
US Army Average Active Duty Strength	494,291	492,728	574,456	636,778	655,378	584,685	566,045	569,139	550,064	531,023

\*BCD, Bad Conduct Discharge

*Source:* Annual Report of the Code Committee on Military Justice for FY 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012

**Table 3.2      Military Justice System Statistics for the United States Navy and Marine Corps, Fiscal Years 1995-2012**

US Navy/USMC Military Justice Statistics	1995	1996	1997	1998	1999	2000	2001	2002	2003
<b>Number of General Courts-martial</b>	503	529	548	470	349	428	481	499	315
Convictions	464	494	511	459	317	398	454	481	291
Convictions – Percentage	92.25%	93.38%	93.25%	97.66%	90.83%	92.99%	94.39%	96.39%	92.38%
<b>Number of BCD* Special Courts-martial</b>	1,661	2,787	2,698	2,322	2,102	2,381	2,264	2,188	1,854
Convictions	1,661	2,698	2,586	2,309	2,009	2,298	2,222	2,144	1,815
Convictions – Percentage	100.00%	96.81%	95.85%	99.44%	95.58%	96.51%	98.14%	97.99%	97.90%
<b>Number of Summary Courts-martial</b>	1,433	1,569	1,631	1,783	1,565	1,883	2,103	2,098	1,990
Convictions	1,414	1,547	1,589	1,762	1,529	1,802	2,074	2,078	1,955
Convictions – Percentage	98.7%	98.6%	97.4%	98.8%	97.7%	95.7%	98.6%	99.0%	98.2%
USN and USMC Average Active Duty Strength	645,727	596,864	556,559	550,287	544,896	546,514	553,430	557,210	557,716

\*BCD, Bad Conduct Discharge



**Table 3.2      Continued**

US Navy/USMC Military Justice Statistics	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average
<b>Number of General Courts-martial</b>	313	359	278	297	269	234	321	294	262	374.94
Convictions	282	339	250	256	236	205	286	259	230	345.11
Convictions – Percentage	90.10%	94.43%	89.93%	86.20%	87.73%	87.61%	89.10%	88.10%	87.79%	91.36%
<b>Number of BCD* Special Courts-martial</b>	1,872	1,610	1,299	1,049	984	878	804	604	460	1,656.50
Convictions	1,807	1,549	1,240	931	898	834	756	546	412	1,595.28
Convictions – Percentage	96.53%	96.21%	95.46%	88.75%	91.26%	94.99%	94.03%	90.40%	89.57%	95.30%
<b>Number of Summary Courts-martial</b>	1,954	1,980	1,789	1,505	1,713	1,871	1,850	1,422	716	1,714.17
Convictions	1,924	1,968	1,774	1,498	1,672	1,851	1,832	1,391	714	1,687.44
Convictions – Percentage	98.5%	99.4%	99.2%	99.5%	97.6%	98.9%	99.0%	97.8%	99.7%	98.47%
USN and USMC Average Active Duty Strength	550,677	542,970	530,613	517,963	530,733	532,621	532,135	530,800	527,800	550,306

\*BCD, Bad Conduct Discharge

*Source:* Annual Report of the Code Committee on Military Justice for FY 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012

**Table 3.3      Military Justice System Statistics for the United States Air Force, Fiscal Years 1995-2012**

US Air Force Military Justice Statistics	1995	1996	1997	1998	1999	2000	2001	2002	2003
<b>Number of General Courts-martial</b>	610	517	527	442	421	438	490	564	351
Convictions	547	482	489	411	396	404	463	534	329
Convictions – Percentage	89.67%	93.23%	92.79%	92.99%	94.06%	92.24%	94.49%	94.68%	93.73%
<b>Number of BCD* Special Courts-martial</b>	140	180	178	304	333	320	340	384	471
Convictions	140	180	178	288	313	306	318	351	441
Convictions – Percentage	100.00%	100.00%	100.00%	94.74%	93.99%	95.63%	93.53%	91.41%	93.63%
<b>Number of Summary Courts-martial</b>	35	45	70	76	91	139	126	119	101
Convictions	33	42	69	73	90	135	125	118	100
Convictions – Percentage	94.3%	93.3%	98.6%	96.1%	98.9%	97.1%	99.2%	99.2%	99.0%
US Air Force Average Active Duty Strength	398,098	385,268	370,732	378,981	358,353	351,448	348,921	357,537	367,855

\*BCD, Bad Conduct Discharge

**Table 3.3 Continued**

US Air Force Military Justice Statistics	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average
<b>Number of General Courts-martial</b>	356	422	341	239	203	222	215	262	182	377.89
Convictions	316	388	297	207	174	187	180	233	166	344.61
Convictions – Percentage	88.76%	91.94%	87.10%	86.61%	85.71%	84.23%	83.72%	88.93%	91.21%	90.29%
<b>Number of BCD* Special Courts-martial</b>	514	517	455	472	360	419	380	402	389	358.06
Convictions	468	478	426	444	338	386	348	355	353	333.53
Convictions – Percentage	91.05%	92.46%	93.63%	94.07%	93.89%	92.12%	91.58%	88.31%	90.75%	94.12%
<b>Number of Summary Courts-martial</b>	157	144	140	148	105	114	164	144	140	115.12
Convictions	154	144	139	145	103	114	162	143	137	113.29
Convictions – Percentage	98.1%	100.0%	99.3%	98.0%	98.1%	100.0%	98.8%	99.3%	97.9%	98.07%
US Air Force Average Active Duty Strength	376,044	362,593	349,732	349,732	327,848	328,164	333,494	333,321	327,285	355,856

\*BCD, Bad Conduct Discharge

*Source:* Annual Report of the Code Committee on Military Justice for FY 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012

**Table 3.4      Military Justice System Statistics for the United States Coast Guard, Fiscal Years 1995-2012**

US Coast Guard Military Justice Statistics	1995	1996	1997	1998	1999	2000	2001	2002	2003
<b>Number of General Courts-martial</b>	11	22	6	18	6	10	15	4	8
Convictions	11	22	6	17	6	9	15	4	8
Convictions – Percentage	100.00%	100.00%	100.00%	94.44%	100.00%	90.00%	100.00%	100.00%	100.00%
<b>Number of BCD* Special Courts-martial</b>	8	16	9	21	17	23	17	23	18
Convictions	7	13	9	20	17	23	17	23	18
Convictions – Percentage	87.50%	81.25%	100.00%	95.24%	100.00%	100.00%	100.00%	100.00%	100.00%
<b>Number of Summary Courts-martial</b>	14	14	10	8	3	11	18	11	20
Convictions	14	13	10	8	3	10	18	11	20
Convictions – Percentage	100.0%	92.9%	100.0%	100.0%	100.0%	90.9%	100.0%	100.0%	100.0%
US Coast Guard Average Active Duty Strength	36,731	34,190	34,341	35,293	35,534	35,754	35,647	36,773	39,619

\*BCD, Bad Conduct Discharge

**Table 3.4      Continued**

US Coast Guard Military Justice Statistics	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average
<b>Number of General Courts-martial</b>	12	7	16	16	13	12	12	6	14	11.56
Convictions	12	5	16	13	12	9	10	6	13	10.78
Convictions – Percentage	100.00%	71.43%	100.00%	81.25%	92.31%	75.00%	83.33%	100.00%	92.86%	93.37%
<b>Number of BCD* Special Courts-martial</b>	27	45	32	24	19	19	20	12	14	20.22
Convictions	25	45	31	23	19	19	20	12	14	19.72
Convictions – Percentage	92.59%	100.00%	96.88%	95.83%	100.00%	100.00%	100.00%	100.00%	100.00%	97.18%
<b>Number of Summary Courts-martial</b>	12	21	31	31	28	14	9	19	17	16.17
Convictions	12	21	31	31	28	14	9	19	17	16.06
Convictions – Percentage	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	99.10%
US Coast Guard Average Active Duty Strength	40,226	40,908	40,867	41,498	42,603	43,042	43,288	43,139	42,932	39,021

\*BCD, Bad Conduct Discharge

*Source:* Annual Report of the Code Committee on Military Justice for FY 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012

mechanically petrified society imagines itself as the pinnacle of civilization, prefigures the observations of cultural narcissism before Lasch (1991), who does not credit Weber. That there is a mechanical petrification of old ideas and ideals prefigures the mechanical production of emotion in contemporary American society described as postemotional in the work of Mestrovic (1999). The idea that specialists without heart are a fixture in narcissistic societies is an element in postemotional societies. For example, in both military and civilian justice systems the majority of cases are settled through plea-bargains with only a small minority going to court (Mestrovic 2009:262). In fact, guilt and innocence are therefore left unresolved through a trial process, which is the constitutional right of the accused (Mestrovic 2009:262). An awareness exists that an individual adhering to his or her innocence and claiming the individual right to a trial faces penalties for doing so: prosecutors in a form of official vindictiveness raise the severity of charges and potential prison sentences for individuals who refuse to accept plea bargains (Oppel 2001). There is a nascent awareness in Europe that the American justice system forms a larger pattern of barbarity and injustice in American society, along with other elements such as police brutality or an almost dogmatic belief in the death penalty (Pilkington 2011c). Both lawyers for the prosecution and defense live with these daily facts, and whatever outrage or discomfort exists as a result of it seldom comes to the surface.

## The Two Winthrops

The administration of Puritan justice, described historically by Erikson, shows both the mechanized and emotion-less nature in the prosecution of crimes. Erikson refers to the prosecution of crimes in Puritan Massachusetts as being motivated by “a relentless kind of certainty,” corresponding to the mechanized nature of rationalization, and with a character of “cold righteousness,” corresponding to the postemotional aspect of the Iron Cage (Erikson [1966] 2005:189). The struggle within the Iron Cage between “the great rebirth of old ideas and ideals, or, if neither, mechanized petrification” is evident in the earliest history of Puritan Massachusetts. In Puritan jurisprudence, these two impulses are in constant antagonism with each other. These philosophies are evident in both the establishment and administration of law in early Massachusetts as they were with the establishment and administration of law among the American armed forces. At the core of both arguments was the need to establish the principal reason for the law, whether the law fulfilled a need for justice or whether it fulfilled a need for discipline. Siding with justice versus discipline would have a profound impact on the character of punishment and on the fates of individuals.

Erikson in *Wayward Puritans: A Study in the Sociology of Deviance* ([1966] 2005) demonstrates that in 1636 a debate proceeded which pitted the two most prominent men of the Massachusetts Puritan colony in conflict with each other (p. 185). John Winthrop and Thomas Dudley disagreed on the nature and character

of discipline among the colonists, with Winthrop advocating leniency in actions brought to court and Dudley being “committed to a policy of harsh Biblical justice” (Erikson [1966] 2005:185). Erikson remarks that Puritans react to crises with meetings, and in typical Puritan fashion, the prominent men of Massachusetts met to dispute the issue (Erikson [1966] 2005:186). A prominent man in the community siding with Thomas Dudley accused John Winthrop as acting “too remissly in point of justice,” and that Winthrop did not prosecute offenders with “the vigor expected of a Puritan magistrate” (Erikson [1966] 2005:186). Erikson notes Winthrop’s response to this point:

[I]t was his [Winthrop’s] judgment, that in the infancy of a plantation, justice should be administered with more lenity than in a settled state, because people were then more apt to transgress, partly of ignorance of new laws and orders, partly through oppression of business and other straits; but, if it might be made clear to him [Winthrop], that it was an error, he would be ready to take up a stricter course ([1966] 2005:186).

Winthrop argued against the hard-line position that gravitated towards law serving as a tool primarily for discipline. Erikson notes that on the following day, the conference reconvened and made their decision that “strict discipline, both in criminal and martial affairs, were more needful in plantations than in a settled state, as tending to the honor and safety of the gospel” ([1966] 2005:186). Winthrop lost his case, and the earliest impulse in the administration of the courts in the Puritan colony would be that of discipline, not justice.

The argument between these two impulses, justice or discipline, take a similar parallel in the development of military law. As clearly stated by the conference’s decision of Winthrop’s time, the Puritan colony would give preference to the impulse of discipline in the administration of military law. McKanna’s overview of American military legal history in *Court-Martial of Apache Kid: Renegade of Renegades* [2009] also notes the primacy of discipline in the administration of American military law. As stated earlier, American law has an odd pedigree: George Washington during the American Revolutionary War adopted the 1762 British Articles of War, themselves derived from Swedish Articles of War adopted by the British military in 1639 (McKanna 2009:65). Medieval military law fulfilled the need of kings or generals in the field to wield unlimited powers of discipline over their soldiers (McKanna 2009:65). Discipline, not justice, was the literal order of the day when it came to military law. American military law, which has resisted change, is basically at its core medieval law. In fact, the British Articles of War adopted by the Continental Congress became even more medieval and severe: George Washington increased the maximum number of lashes that could be meted as punishment from thirty-nine to one hundred (Lurie 1992:5; Winthrop [1886] 1920:968).

Erikson makes the same observation that the nature and character of colonial, Puritan law in the Massachusetts colony was medieval in nature. Winthrop urged

leniency in the application of law with discipline “scaled according to the nature of the situation” (Erikson [1966] 2005:187). In other words, Winthrop advocated what Piaget would describe as subjective morality in relation to the unique circumstances of cases being argued before civil and military courts. The clergy which opposed Winthrop were arguing in favor of “the language of sheer religious absolutism” that “discipline cannot be molded to fit the shifting circumstances of the time but must remain fixed and ultimate to protect the universal law of morality, the honor and safety of the gospel.” In Piaget’s term, the argument that carried the day was framed in terms of objective morality. Erikson encapsulates the ideas behind the clergy’s reasoning in the sentence:

Crook not God’s rules to the experience of men, but bring them unto the rule, and try men’s estates herein by that ([1966] 2005:187).

The idea that was the foundation for American law was thus based on objective morality, which denied the unique circumstances of every individual case, and which placed the origin of law and order not in the evolving experience of the courts, but in a divine origin (Erikson [1966] 2005:187). Erikson concludes:

Thus, at the very moment England was learning to regard the law as a product of human experience, Massachusetts reaffirmed the old medieval conviction that law is a permanent set of standards written into the design of the universe and wholly unmoved by changes in the human condition ([1966] 2005:187).

Erikson notes that Puritan attitudes toward deviance and punishment began with an understanding that crimes against the public order were crimes against the very symmetry and orderliness of nature itself, and not against an understanding of justice that fluctuated and developed with the experiences of a community ([1966] 2005:187).

John Winthrop may have lost the argument that law should primarily serve the impulse of justice rather than discipline in the early days of the Massachusetts colony (Erikson [1966] 2005:186). Erikson even notes that Winthrop accepted the ruling of the conference “with his usual courtesy,” and that the meeting ended “with ‘a renewal of love amongst them’” ([1966] 2005:186). However, the minority argument, still rooted in Puritan thought and sentiment, that laws serve the needs of justice continued in American jurisprudence not just in a juridical sense, but even in a genealogical sense. McKanna notes that in the nineteenth century, it was another Winthrop, COL William Winthrop, who would become the foremost critic of American military law, making arguments for leniency and urging that courts accede to the impulse of justice. COL William Winthrop was in fact, a descendant of John Winthrop, early colonial governor of Massachusetts (Morgan 1965:iii).

COL Winthrop served in the Bureau of Military Justice during the Civil War beginning in 1863, where he served in the capacity of deputy judge advocate



general for nineteen years (McKanna 2009:66; Morgan 1965:iii). COL Winthrop's book on the origin and history of military law, *Military Law and Precedents*, the seminal work in the study of American military law, was published in 1886 (McKanna 2009:66; Morgan 1965:iv; Lurie 1992:28). William Winthrop's book has remained a standard reference in the military beginning in the nineteenth century and into the present moment (McKanna 2009:66). In fact, *Military Law and Precedents* is cited in Supreme Court decisions regarding the imprisonment and trials of suspected terrorists in Guantanamo, including *Hamdan v. Rumsfeld, Secretary of Defense, et al.* (McKanna 2009:79). Based on his expertise and as his tenure teaching military law at the U.S. Military Academy, William Winthrop was assigned to rewrite the Articles of War in the early 1870s (McKanna 2009:66). McKanna characterizes William Winthrop's recommendations as liberal when compared to the adversarial points of view in the U.S. Army; though in the end, the changes were moderate (2009:66–7).

For example, the "liberal philosophy" that guided William Winthrop's proposed changes increased the number of amendments in the Articles of War from 101 to 128 (McKanna 2009:66). However, basing his reforms on the experience of the U.S. Army during the American Civil War (experience being a key point in the administration of law as justice and not as discipline), William Winthrop made changes to accommodate the large size of industrial-era armies and in maintaining discipline (McKanna 2009:67). McKanna states that despite the focus on discipline, William Winthrop added two articles that provided modest protection for soldiers' rights: article 70 that required a soldier be brought to trial within eight days and article 93 which allowed defense counsel or the judge advocate to ask for a continuance in the court-martial proceedings (2009:67). Although these proposals were modest, they were influenced by civilian law and the guarantee to defendants of a speedy trial (McKanna 2009:67). As judge advocate general, William Winthrop advocated even more liberalizing reforms based on changes in the federal and state systems (McKanna 2009:68). These changes that William Winthrop advocated included statute of limitations for desertion, and the right to an attorney for the accused (McKanna 2009:68). The statute of limitations for desertion, defection, or avoiding the draft does not exist to this day. For example, in 1965, an American Sergeant by the name of Charles Robert Jenkins defected to North Korea while stationed in South Korea (McCurry 2004). Jenkins eventually left North Korea for personal reasons in 2004, and turned himself in to U.S. military authorities in Japan (McCurry 2004). Jenkins was given a token sentence of 30 days at Fort Leavenworth's United States Disciplinary Barracks, the military's maximum security prison, and he was given a dishonorable discharge for a crime he committed nearly four decades previously (McCurry 2004). The images of Jenkins at his court-martial in Japan, as shown in a documentary film (*Crossing the Line*, directed by Daniel Gordon and Nicholas Bonner, Kino International, [2006] 2008), are disconcerting and bizarre. They are those of an elderly, frail man wearing a U.S. Army uniform with sergeant's stripes walking into a military court room.

The long arm of military justice, and its ability to maintain official, rational grudges through limited statutes of limitations was an endearing quality to William Winthrop's chief rival in reforming the Articles of War, General William T. Sherman (Generous 1973:48; McKanna 2009:68). Sherman resisted and rejected civilian influence on military law; he stated:

It will be a grave error if by negligence we permit the military law to become emasculated by allowing lawyers to interject into it the principles derived from their practice in the civil courts (Generous 1973:48; McKanna 2009:68).

McKanna states that the legal establishment and the majority in the officer corps, as represented by Sherman, regarded William Winthrop's views as heretical (2009:69). McKanna's description of the nonconformist view espoused by William Winthrop as heretical is not an exaggeration. Piaget's description of objective morality in societies held together by mechanical solidarity (i.e., societies ruled by tradition and shunning innovation) regard laws and rules as divine in inspiration and origin. In sociological terms, the views of William Winthrop were heretical to the establishment. Despite the established credential as an expert in the field and his experience as a military judge, William Winthrop's views were fiercely resisted by the military establishment which above all deferred to the impulse of discipline over the impulse of justice. Like his ancestor John Winthrop, William Winthrop's views would be publicly known and publicly repudiated. However, as stated above, just as William Winthrop would serve as a voice for his ancestor's point of view in a new time and place, so too does William Winthrop's work, *Military Law and Precedents*, serve as his voice for justice, albeit moderate, within the military legal system. For example, Winthrop's description of four preconditions for the exercise of jurisdiction over civilians was cited extensively in *Hamdan v. Rumsfeld, Secretary of Defense, et. al* (McKanna 2009:79).

The voices of the two Winthrops were in the minority, and the voices that sanctioned severe discipline in the colonial legal system of the Massachusetts Puritans and the legal system of the American military prevailed. Puritan theology and ideology (in practice, one and the same) characterized the attitudes towards the legal process and punishment (Erikson [1966] 2005:190). Erikson notes that the character of Puritan justice was its prosecution of crimes with "cold righteousness" (Erikson [1966] 2005:189). Whereas the prosecution of criminals or deviants in other parts of the world might be enthused with feelings of rage and revenge, the prosecution of criminals in Massachusetts was motivated by "a relentless kind of certainty" (Erikson [1966] 2005:189). This is in line with Weber's characterization of Puritanism as being the enemy of spontaneity, that Puritanism is characterized by "the strict avoidance of all spontaneous enjoyment of life" ([1905] 1976:53). The prosecution of the accused in Puritan Massachusetts had a "flat, mechanical tone" (Erikson [1966] 2005:189).

## **The Objective Morality of Puritanism**

The “cold righteousness” and “mechanical tone” of Puritan justice correspond directly to contemporary courts-martial. The mechanical and cold application of punishments in Puritan courts of colonial Massachusetts, with little to no serious regard for mitigating factors or social context, are similar to the objective application of responsibility in the courts-martial studied. Piaget’s ([1932] 1997) understanding of moral development in children from objective to subjective assessments of morality can illuminate the mechanical, emotionless, and Puritanical character in war crimes courts-martial of the Global War on Terror.

Piaget is better known for his theory of cognitive development in children, which is crudely recapitulated in sociology and psychology textbooks. His theory on the moral judgment of children is virtually unknown in sociology. However, Piaget uses Durkheim’s sociology in tandem with psychology to explain the moral development in children. Explicitly, Piaget draws comparisons to the development of morality in children as being “parallel rather than contradictory to Durkheim’s doctrine of the social genesis of respect and morality” (p. 53). Children between the ages of three and seven are aware of rules, but attribute their origin and character as being divine and obligatory (Piaget [1932] 1997:91). At the age of eight and older, children are autonomous and their autonomy connects them in cooperation with each other (Piaget [1932] 1997:93).

The two stages of development have direct parallels with Durkheim’s characterization of societies held together by mechanical solidarity and societies held together by organic solidarity. In societies held together by mechanical solidarity, penal law is essentially religious in nature (Durkheim [1893] 1997:49). Penal law and punishments with a repressive character are the defining features of morality and law in mechanical solidarity societies.

Children below the age of eight and mechanical solidarity societies apply standards of objective responsibility to individual infractions. Under the criteria for objective responsibility, the motivations behind an action are not given the same weight in assessing responsibility as the immediate results of an action, that is, if motivations are even considered. In Piaget’s study, children were presented with a pair of stories in which the results of characters’ actions through different intentions break a rule. For example, in one story a child is called to dinner and accidentally breaks fifteen cups in responding to his parents’ orders to come, while in another story a disobedient child is trying to take jam he is not supposed to eat and accidentally breaks one cup. Younger children with an objective understanding of responsibility may or may not notice the mitigating details of the two stories (such as the motivation which lead to the infraction), but ultimately focus on results and ignore motivation in assessing guilt and punishment. One child’s answer is typical: the character that breaks fifteen cups should get two slaps, while the character that broke one cup should get one slap (Piaget [1932] 1997:125).

The repressive features of a society held together by mechanical solidarity become starkly apparent in the court-martial of Jeremy Sivits, a private in the U.S. Army who did not design or order the abuses at Abu Ghraib but nonetheless was swept up into its vortex. In his court-martial, Sivits was prosecuted for his part in the scandal, which was the taking of a single, solitary photograph of abuse during his single, solitary visit to the site within the prison where abuse was taking place. Sivits, like the other low-ranking soldiers swept up into the scandal, was charged with conspiracy, maltreatment, and dereliction of duty – offenses under the UCMJ (Uniform Code of Military Justice).

As Piaget states, children with an objective view of morality focus on the results of one's actions rather than the motivation or mental state under which one has during the commission of an act. This quality of disregarding motivation and focusing on the end results can be seen in the explanation of a conspiracy charge, as said to Sivits by the military judge in his court-martial:

Now, in a conspiracy the agreement does not have to be in any particular form or expressed in formal words. It is sufficient if the minds of the parties reach a common understanding to accomplish the object of the conspiracy, and *this may be proved by the conduct of the parties*. The agreement does not have to express the manner in which the conspiracy is to be carried out or what part each conspirator is to play. *The overt act required* for this offense does not have to be a criminal act, but it must be a clear indication that the conspiracy is being carried out. *The overt act* may be done either at the time of or following the agreement. *The overt act* must clearly be independent of the agreement itself, that is, it must be more than merely the act of entering into the agreement of an act necessary to reach the agreement [emphasis added] (Sivits Record of Trial).

In order to prove conspiracy, it is not necessary for the government to prove the state of mind or motivation by the individual, the act itself is proof of a conspiracy. More importantly, the overt act does not have to be criminal in nature. In theory, and in practice, individuals are found guilty of conspiracy charges for which the smallest detail – a nod, the phrase “let's go,” or nothing at all – is sufficient to prove a conspiracy based on an act that occurs later in time.

In the case of SPC Sivits he was working at night and had just completed his assigned duties, which were to refill generators with fuel so that they would run through the night. A staff sergeant by the name of Ivan Frederick was in Jeremy Sivits's work area. SSGT Frederick asked Sivits if he would like to come to the “hard site,” or the area of the prison that holds high valued inmates, or tier-1 “detainees” in the Army jargon. Sivits testified:

Staff Sergeant Frederick, he'd come down, he had to print some paperwork on our computer, on the company TOC [Tactical Operations Command] computer. After he was done, he asked me if I wanted to walk down to the hard site with him, and I said, ‘Yes’ (Sivits Record of Trial).

Sivits testified that SSGT Frederick was the NCOIC during the shift, or the noncommissioned officer in charge.

The equivalent that can be drawn between Sivits, a soldier with a rank of E-3, being asked to accompany Frederick, a noncommissioned officer with a rank of E-6, to a part of the prison is like that of the child responding to a parent's request to come to the dining room. Sivits had no knowledge that he was walking into trouble, just as a child in Piaget's story has no idea that by entering a room he will knock over fifteen cups. Sivits was asked by the Military Judge, "Did you know what he wanted to bring you over for?" (Sivits Record of Trial). Sivits replied:

He just wanted me to come down and talk with him because we started a conversation there, and we were talking and there wasn't much for me to be doing in the company TOC [Tactical Operations Command] as long as I had a radio (Sivits Record of Trial).

When Sivits and Frederick arrived at the hard site, Sivits described the following:

And like I said, there were seven detainees and there were maybe three, maybe four guards there. And I asked Sergeant Frederick if he wanted me to escort one of the detainees down to the tier. He said, 'Yes, go ahead.' So, I took the detainee by the arm and took him down to the hard site – or down to the 1-Alpha tier, sir (Sivits Record of Trial).

The military judge then asked Sivits if at that point Sivits thought that "something was going to happen to the detainee when they got to the other end, something inappropriate or illegal," and Sivits responded not at that time. Sivits walked into a situation where guards were stomping on prisoners' feet and toes, but after turning his prisoner or detainee over to the guards "just kind of stood back after that." Again, this would be like a child walking into a room where other children are breaking cups.

Sivits took one photo of the prisoner abuse, and it was not a photo he took out of his own initiative. Another soldier, CPL Graner, had drawn back his fist as if to punch a detainee and asked Sivits to take the photo. The military judge asked Sivits why he took the photo, and Sivits responded "because he asked me to take it, Your Honor."

The military judge asked Sivits about his motivation for engaging in the conspiracy, so-called, to abuse detainees.

MJ [Military judge]: Now, before you walked in there, did you ever discuss doing this with them or anything like that?

ACC [Accused, Specialist Sivits]: Negative, Your Honor.

MJ: But once you go in there, by your actions and their actions, do you believe and admit that you formed an agreement to maltreatment of these detainees?

ACC: Yes, I do, Your Honor (Sivits Record of Trial).

Again, the assessment of responsibility objectively by children below the age of eight is to ignore the motivation or mitigating circumstances of the action and judge culpability commensurate with the resulting action. So a child in the story who innocently breaks fifteen cups, according to one subject of Piaget's interviews, would assign two slaps as a punishment, or one slap more than the child in the story who broke a single cup in the commission of a deliberate naughty action (stealing jam) ([1932] 1997:125).

### A Game of Marbles

The application of objective responsibility as a machine-like response to perceived deviant behavior is one aspect of the military justice system as an Iron Cage; another aspect is in the mechanical execution of rituals. In *The Moral Judgment of the Child* Piaget ([1932] 1997) states that in children's play of games, there is ritual consecration to actions in order to make them legitimate in the eyes of their peers. Children engaging in a game of marbles that Piaget observed would use the power of the spoken word in order to validate or delegitimize actions such as the order of play or how many marbles the winner can take at the game of the game. In the record of trial for United States against SGT Michael P. Leahy, Jr., there was a similar ritual of consecration which unfolded at the beginning of the trial in which the government's lawyers and the defense lawyers tried to outmaneuver each other.

Piaget states that in the game of marbles he observed played in Switzerland, a child playing the game would use expressions in order to announce a play that would give that child a particular advantage (such as starting from an advantageous distance, starting in an advantageous position in the order of players, being able to take a large share of winning marbles, etc.). By verbalizing the intention of a certain play, the player was consecrating the act and the opponents would be powerless against that player's decision.

Players could also anticipate certain consecrations and prevent them by means of interdictions. Piaget gives the example that a player may try to get an advantage over other players by uttering "prems" (for premier or first), or a geographic variation thereof, in order to start first. However, an opponent might anticipate a certain consecration to a play and preemptively utter an interdiction. For example, in Neuchâtel, a play could be preemptively nullified by pronouncing the term of the operation preceded by a prefix (in that location it was "fan," a corruption of "defendu"). "*Fan-du-prems*" as an interdiction would nullify another player's attempt to call "prems."

Of course, in a modern court room, the term of interdiction that can potentially nullify an adversary is "objection." Just as in the game of marbles there may be interdictions of "*fan-du-mien*," "*fan-du-tien*," or "*fan-du-prems*," attorneys in a courtroom setting also will use objections to preempt moves. An outsider could almost update and transpose the terms from French to English to describe courtroom maneuvers, such as fan-du-juror, fan-du-witness, or fan-du-evidence where an attorney might try to include or exclude a certain juror, witness, or piece of evidence. In a court-room, though, a judge sits as a supposed impartial party who acts as an arbiter between the players' disputes.

From observations made at SGT Leahy's court-martial and from reviewing the Record of Trial, it is obvious that before the trial even begins, the lawyers involved in the case try to gain advantages through actions which they must consecrate first, with either written words in documents filed with the court, or with spoken words in the courtroom. For example, in SGT Leahy's trial, several of the soldiers in his platoon had pleaded guilty in order to receive reduced sentences for testifying on the behalf of the prosecutor. One such witness was SSG Cunningham, who had previously been punished for fist-fighting with SGT Leahy. Before the trial began, the attorneys for Leahy tried to prevent Cunningham from testifying through a motion to "impeach" Cunningham as a witness. Before the trial began, the defense had filed "a motion to exclude the testimony" of Cunningham. Under the rules of the game, the appeal was filed in written form, which the judge declared to be "Appellate Exhibit XXVII."

The act of including Cunningham at the last moment, of which the prosecutors announced to the judge and to the defense attorneys, can be seen to be analogous to the act of consecrating a future play by a child in Piaget's study. The defense attorneys' appeal, filed as "Appellate Exhibit XXVII" can be seen as an interdiction, and the government's attorneys' response, "Appellate Exhibit XXVIII" can be seen as a counter-interdiction. In Leahy's trial, Cunningham was allowed to testify despite Leahy's attorneys' written and verbal explanations in court explaining their reasoning, and adding to their interdiction by citing previous successful interdictions (*United States versus Pomarleau*, 57 M.J. at 351, 2002 Court of Appeals and *Taylor versus United States*, 484 U.S. 400 ).

The military judge in the trial would have to decide whether the bolster interdictions (the citation of previous cases) or the counter-interdiction of the prosecutors would stand. In his ruling, the judge decided that the prosecutors had not shown bad faith nor had they delayed in order to gain an advantage. The reality constructed in court was that the prosecutors had done neither of these things, and the judge's ruling allowed the attorneys to make their next moves and counter-moves.

The prosecutors' move to include the testimony of Cunningham, and the defense attorneys' countermoves to exclude the testimony was not the only example of one-up-manship in the trial. In the beginning of the trial, there were several other maneuvers that laid the groundwork for the remainder of the trial. The prosecution successfully included a late witness (Cunningham) before the



trial, and in labeling one incident “the wounded detainee murder” during opening arguments. The defense attorneys for Leahy succeeded in preventing their expert witness in PTSD, COL Hoge, from not being allowed to testify, and in excluding several jury members it found unfavorable.

Both the court-martial as an action committed in a U.S. Army courtroom and a game of marbles played by Swiss children in the 1920s have in common the fact that they are social games. The court-martial, as is any trial, is a high stake social game for the parties involved directly, such as the accused in a court-martial, and a game for the reputations of the lawyers involved. The juridical complexity seen in a game of marbles among children is seen in a court-martial, only more so. Piaget’s thesis centers on the “rules of the game” and leaves the task of studying the psychology of consecration and interdiction, as well as the psychology of social games to others. That route is open for others to explore.

The consciousness of the rules extends beyond the similarities in vocalizing consecration and interdictions, but also in the way that both children and lawyers understand the origin of the rules of their perspective games. Piaget, in interviewing a five year old child, FAL, inquires into the origins of the rules. The child states that “Grown-up gentlemen” discovered the rules, including his father, grandfather, and older people in Neuchâtel, including God (!) (p. 55). Similarly, only among legal experts are the origins of the *Uniform Code of Military Justice* known. The rules to that game, for example, were attributed to “the British” by military attorneys, though earlier codifications from Swedish articles of war served as a basis for British military law in 1621 and for other countries’ military legal systems during the seventeenth century.

The power of vocalizing consecrations and interdictions extends beyond the actions the lawyers in court describe of themselves towards the actions alleged to have been carried out by the accused. An action, once labeled by a lawyer, can become a consecrated act exonerating the accused individual or an interdicted act damning him or her. One example out of many in the courts-martial was the act of trial counsel (the prosecuting attorneys) in labeling the actions of the accused soldier as constituting assault. In order to prosecute and convict SGT Javal Davis for his part in the Abu Ghraib prison scandal, it was the strategy of trial counsel, the Army’s prosecutors, to depict Javal Davis as a soldier disregarding rules and engaging in abuse. In particular, the prosecutor’s strategy was to depict the actions of SGT Davis as “assaulting” individual prisoners at Abu Ghraib. Sociologists study the social construction of reality, and the court-martial of Javal Davis serves as an example of how reality is socially constructed among different parties with different agendas.

The ultimate goal of the prosecution was to construct the social reality that Javal Davis was culpable of breaking the law, and more specifically of willingly assaulting detainees at Abu Ghraib. Therefore, any of the actions that SGT Davis undertook in his duties as a guard at Abu Ghraib were construed by the prosecutor as being acts of “assault” of which SGT Davis committed out of his free will or more specifically out of a personal “choice.”



The competing narrative to the one the prosecution ultimately constructed, and which was not reported by the national media, was that Abu Ghraib was unlike any “normal” prison. The prison guards were not trained for their work, and “personal choices” at Abu Ghraib were not entirely personal but suspended in an area between personal constraints, such as morality and character, and a dysfunctional social environment (Mestrovic 2007:37).

In an attempt to preempt the counter-narrative by the defense, the prosecutor used a double-bind question to plant the idea that “assaults” had taken place. The prosecutor asked “did he have a choice to assault those men that night?” The question implies that whatever action Davis took, by choice or not, constituted “assault.” In a prison environment, prison guards attempt to control prison inmates who may or may not cooperate. When prisoners do not cooperate, prison guards take action along a continuum of responses in order to ensure that the prisoners ultimately comply. At the extreme end of the spectrum, guards may resort to physical force in order to ensure a prisoner’s obedience towards some end, such as leaving a prison cell from which a prisoner refuses to emerge. If a prison guard applies physical force outside of what is standardized and codified that act constitutes “assault.” Sometimes the distinction of what constitutes justified physical force and assault is a very fine one. In fact, in some cases it can be both.

Although it is against the Geneva Conventions and the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* for United States military personnel to use chemical weapons, the United States observes no such restrictions when it comes to interactions between its law enforcement agencies and its own civilian population. In Texas prisons, the guards are armed primarily with personal chemical weapons which they can use on individuals. In a riot or hostage situation, Texas prison guards use lachrymatory (tear gas) grenades to subdue prisoners.

In his testimony during the court-martial for Javal Davis, the defense witness argued the point that training was necessary in order for a prison guard to know not to assault a prisoner. The prosecutor derided the observation that the 372<sup>nd</sup> MP company had not been trained for the mission, bringing in a tangential point that “a number” of the 372<sup>nd</sup> soldiers were correctional officers in the civilian world. A battalion is typically made up of about 800 soldiers, two soldiers of which in the 372<sup>nd</sup>, according to news reports, were correctional officers in their civilian roles. The implicit assumptions are that civilian prisons in different states operate under the same guidelines, but also that civilian prisons are run like U.S. military prisons. While civilian prisons incorporate elements of the military in their operations (e.g. corrections officers have ranks similar to the ones in the military), civilian prisons are an imitation and not an exact duplicate of the U.S. military prison system.

When it comes to what constitutes “assault,” the definitions vary among the different state prison systems, the federal prison system, and the immigration prison system. The Utah and South Dakota state prison systems allow for the use of unmuzzled dogs as an authorized use of force to extract uncooperative prisoners

from their cells, though only Utah makes a common practice of it (Fellner and Reiter 2009).<sup>2</sup> The use of an unmuzzled dog to subdue a prisoner in Utah is not considered assault while the similar use of dogs in other prison systems, such as the other five states which allow muzzled dogs within their prisons, would constitute “assault” (Fellner and Reiter 2009). An unmuzzled dog present within a military prison, such as Abu Ghraib, is problematic from the perspective of norms for American corrections officers. Even if MPs had experience as corrections officers in their civilian lives, the presence of unmuzzled dogs used as weapons on prisoners would have been far outside the norm. In addition, controversy arose between military prosecutors and defense attorneys as to the legality and use of dogs at Abu Ghraib. Other weapons available to corrections officers, such as tasers, are likewise permitted in some states and restricted in other states, so for the prosecutor to assume that even civilian corrections officers share a consensus about what constitutes “assault” by a corrections officer on an inmate within a prison environment is disputable.

Physical acts in the civilian world outside of prisons can be construed as “assaults” given the status of the individual committing the act. Within a state prison system, one’s status determined if one’s actions were considered “assault.” Prisoners are at the bottom of the status hierarchy of state prisons, with outside contractors not too far above them. Outside a prison environment in the civilian “free world,” there is a similar dynamic. A police officer may touch a person he or she stops, but should a civilian touch a police officer by tapping him or her on the shoulder, shaking hands, or patting him or her on the back, such touching would readily be interpreted as assault.

Although the conditions were vastly different at Abu Ghraib, there was a similar element in that status did determine if one’s actions were construed as “assault” or not. Military intelligence, CIA, FBI, and private military contractors present at Abu Ghraib were privileged: their actions were never challenged by a U.S. military court as being “assault.” On the contrary, it was taboo at the Abu Ghraib trials to even mention the initials “CIA” or even utter “CIA agents” (who strangely had to be referred to as “person number one” and “person number two,” even after the initials “CIA” had already been uttered in court). In order to avoid mentioning the CIA and FBI, prosecutors at the Abu Ghraib trials referred to them as OGA (other government agencies). The soldiers who were tagged as “criminals” committing acts of “assault” suffered from having low statuses: having membership as military police rather than military intelligence, having minority status as women, Black, coming from rural states (most were from West Virginia with the exception of Javal Davis) or small towns, all were enlisted personnel (i.e. they were not commissioned officers), and all were reservists. In sum, the killing of Iraqi General Manadel Al-Jamadi and assaults committed by OGA at Abu Ghraib were treated as invisible.

---

2 Human Rights Watch reports that only one dog is retained by the South Dakota state prison system for this purpose, which the South Dakota prison system denies ever using.

## **Cold Righteousness**

The mechanized and inhumane character of the Puritanical justice system is described by Erikson:

Perhaps the most terrifying thing about punishment in Massachusetts Bay, after all, was not its fierceness but its cold righteousness. Even the most merciless persecutions in other parts of the world were characterized by a degree of human sentimentality, if only because the participants were moved by feelings like rage, pity, revenge, or fear, but in Massachusetts Bay, justice was governed by a relentless kind of certainty. Little attention was paid to the motive of the offender, the grief of the victim, the anger of the community, or any other human emotion: the whole process had a flat, mechanical tone because it dealt with the laws of nature rather than with the decisions of humans (Erikson [1966] 2005:188–9).

Every word that Erikson wrote of trials in Massachusetts apply to the court-martial of the Baghdad canal cases. In the court-martial of Sergeant Michael Leahy, the members of the insurgent sniper team that Leahy and his fellow soldiers were accused of killing were never identified by name – they were always referred to as male detainees of Middle Eastern descent. No evidence was submitted in any way concerning the anger of the insurgent sniper team's community: no written documents were provided, and no Iraqi witnesses took the stand to testify how the death of the Iraqi insurgents had angered or saddened their families and neighbors. The trial indeed had a "flat, mechanical tone." For example, when reading instructions to the trial panel (the equivalent of a jury), the trial judge presiding over Michael Leahy's court-martial detailed down to the last penny how much pay he would be forfeiting:

**FORFEITURES:** This court may sentence the accused to forfeit all pay and allowances. A forfeiture is a financial penalty which deprives an accused of military pay as it accrues. In determining the amount of forfeiture, if any, the court should consider the implications to the accused and his family of such a loss of income. Unless a total forfeiture is adjudged, a sentence to a forfeiture should include an express statement of a whole dollar amount to be forfeited each month and the number of months the forfeiture is to continue. The accused is in pay grade E5 with over 5 years of service, the total basic pay being \$2,334.90 per month. If reduced to the grade of E-4, the accused's total basic pay would be \$2,127.60. If reduced to the grade of E-3, the accused's total basic pay would be \$1,859.70. If reduced to the grade of E-2, the accused's total basic pay would be \$1,568.70. If reduced to the grade of E-1, the accused's total basic pay would be \$1,399.50.

This court may adjudge any forfeiture up to and including forfeiture of all pay and allowances.

The mandatory minimum sentence in this case will require the accused, by operation of law, to forfeit all pay and allowances during the period of confinement. However, if the court wishes to adjudge any forfeitures of pay, or pay and allowances, the court should explicitly state the forfeiture as a separate element of the sentence (Leahy Record of Trial).

This flat, mechanical aspect of the procedure was read with the enthusiasm most people reserve for unpleasant household tasks, and it was characteristic of the manner in which the judge issued instructions during the trial. Smokers among the spectators at the trial would use these long moments when instructions were read to exit the court-room and smoke outside.

The mechanical and flat feature of Puritan justice has a connection to the Puritan doctrines of predestination and confessions according to Erikson:

On the one hand, deviants are doing little more than following a [predestined] script which absolutely requires them to perform whatever delinquencies they are later punished for, and thus they cannot really be ‘blamed’ for their misconduct – at least in the way we have since learned to use the term. In this respect, punishment in Massachusetts had an almost sacrificial quality: culprits were asked to accept punishment not because they could have ‘helped’ it in any reasonable sense but because the logic of the universe simply required it of them.

On the other hand, offenders who came before the bench did so as free persons, entirely responsible for their own actions ([1966] 2005:192).

Confessions in seventeenth century Massachusetts and confessions in twenty first century U.S. Army court-rooms played the role of lifting responsibility off of the shoulders of the wider community and placing it entirely onto the accused individuals.

Erikson notes that a curious feature of Puritan justice is the “extraordinary efforts” made by judges and judicial officials to extract formal expressions of repentance from convicted felons ([1966] 2005:194). The manifest purpose of public repentance was partly to purge the felons’ souls and to give a chance to the accused to appeal for the community’s sympathy or pity (Erikson [1966] 2005:194). In fact, among the Puritans there are many occasions in which a court reduced its original sentence after hearing an accused person’s confession and promise of reform (Erikson [1966] 2005:194). Erikson states that the role of confessions was even more complex because they did more than give a chance for clemency on behalf of the accused; the courts still found it of utmost importance to extract repentance from members of the community condemned to the gallows ([1966] 2005:194–5). Erikson notes:

It is important to remember, however, that repentance is a public ceremony of admission as well as a private act of contrition. To repent is to agree that

the moral standards of the community are right and that the sentence of the court is just. To repent is to say (a phrase the Puritans loved to repeat) that one has ‘sinned against his own conscience’ and entirely understands why the community has to punish or even kill him ([1966] 2005:195).

Here it is important to note that in every trial for soldiers accused of war crimes, the soldiers made a public admission of their remorse, and issued apologies for their actions.

The role of these public acts of contrition, according to Erikson, is to allow the individuals, even when they are condemned, to “move back into the community as a witness to their own execution” ([1966] 2005:195). He further states:

If the whole affair sounds a little like ritual sacrifice, we may all the more easily understand another element which may have been present in the Puritan attitude toward repentance – that the people of the community, vaguely aware of the contradictions of their own doctrine, were somehow anxious for the condemned person to forgive *them* [emphasis in the original] (Erikson [1966] 2005:195).

Erikson says that in the Massachusetts Puritan colony, identifying people as deviants revealed circularities of Puritan theory:

Deviants plunge into a life of sin, impelled by forces beyond their control; yet in the final moment they are able to make a certain sense out of this inexorable process when they *consent* [emphasis in the original] to the destiny which spells their destruction and when they stand on the scaffold and testify that the laws about to destroy them are altogether reasonable and fair ([1966] 2005:195).

The victims of Puritan justice, according to Erikson, were asked to endorse the action of the court and to share in the judgment against themselves.

In the Baghdad canal killings specifically, as well as in the various war crimes of the American war in Iraq and Afghanistan, the soldiers involved were thrashed about by social forces outside of their personal control. These social forces included a poisoned, anomic command climate in which the moral and legal clarity of orders and missions had become entirely occluded. Soldiers suffered from personal wounds – both physical and psychological in nature – which impaired their judgment. Soldiers were underequipped, poorly fed and housed, overworked, and deprived of sleep. The soldiers belonged to groups which were shuffled back and forth between brigades and regiments that left them without a sense of being socially integrated. The conditions under which the soldiers committed actions labeled as “war crimes” were not conditions that the soldiers created for themselves. Just as the Puritans demanded that the condemned forgive Massachusetts, it is evident that the U.S. Army through its military court system was asking its soldiers to forgive it for sending them into battle beyond the limits of endurance, injured in spirit and body, underequipped, confused, and poorly led.

# Excerpts from One Letter and Two Speeches

The enemy retreated, divers [various] of them, into the Mill-Mount; a place very strong and of difficult access, being exceedingly high, having a good graft, and strongly palisadoed. The Governor, Sir Arthur Ashton, and diverse considerable Officers being there, our men getting up to them, were ordered by me to put them all to the sword. And indeed, being in the heat of action, I forbade them to spare any that were in arms in the town, and, I think, that night they put to the sword about 2,000 men, divers of the officers and soldiers being fled over the Bridge into the other part of the Town, were about one hundred of them possessed St. Peter's church-steeple, some the west gate, and others a strong round tower next the gate called St. Sunday's. These being summoned to yield to mercy, refused, whereupon I ordered the steeple of St. Peter's Church to be fired, where one of them was heard to say in the midst of the flames: 'God damn me, God confound me; I burn, I burn.'

An excerpt from Oliver Cromwell's Letter to William Lenthall,  
Speaker of the Parliament of England, 17<sup>th</sup> September 1649,  
on the capture and massacre of Drogheda,  
a city in Ireland (Carlyle, Vol 2:150–54).

When we land against the enemy, don't forget to hit him and hit him hard. We will bring the fight home to him. When we meet the enemy, we will kill him. We will show him no mercy. He has killed thousands of your comrades, and he must die. If you company officers in leading your men against the enemy find him shoot at you and, when you get within two hundred yards of him and he wishes to surrender, oh no! That bastard will die! You will kill him. Stick him between the third and fourth ribs. You will tell your men that. They must have the killer instinct. Tell them to stick him. He can do no good then. Stick them (sic) in the liver. We will get the name of killers and killers are immortal. When word reaches him that he is being faced by a killer battalion, a killer outfit, he will fight less. Particularly, we must build up that name as killers and you will get that down to your troops in time for the invasion.

Excerpts from General Patton's speech to the 45<sup>th</sup> Division, 180<sup>th</sup> Regiment prior to the invasion of Italy on July 9, 1943 (Weingartner 1989:30). American soldiers failing to allow enemies to surrender, as instructed in this speech, during World War II were in violation of the 92<sup>nd</sup> U.S. Article of War (Weingartner 1989:29). Soldiers under Patton's command were convicted for the war crimes of executing prisoners of war in Biscari, Italy and civilians in Voerde, Germany (Weingartner 1992, 2008).

Here are the things I want you to know. Number One, anytime you fight, anytime you fight, you always kill the other son-of-a-bitch. Always. Do not let them live today, so he will fight you tomorrow. Kill him today. They'll make more of them, they're out there damn everywhere, there's plenty of them. Kill him today. Don't let him live...Do not feel bad and think that you should have brought him back because I didn't want to talk to him. Then when you walk out that gate, fly out that gate, drive out that gate, I expect you to look like a killer. I have been in more third world countries than anybody in this room, and I tell you most of them do not speak English. They all speak food chain...Man it's time to go hunting. And that's exactly the attitude I expect you to have. Every time you walk out that gate, you are hunting. You are the hunter, you are the predator, you are looking for the prey, and that's all.

Excerpts from an American commander's speech to his Army regiment in Iraq (Mestrovic 2009:20-21). Soldiers under that officer's command were convicted for premeditated murder and conspiracy to commit premeditated murder for their actions during Operation Iron Triangle.

## Chapter 4

# Puritanism and Responsibility

U.S. military justice is Puritanical in its origin as well as in its character, and is apparent in the way that it assigns responsibility and punishment. Rather than being a system of laws in which the ultimate goal is restorative justice, as would be characteristic of a society held together by organic solidarity, U.S. military justice is a system of laws in which the ultimate goal is to impose retribution as a means of discipline. Despite the superficial characteristics of being held together by organic solidarity, the American military at its core is an institution more akin to one bound by mechanical solidarity. In essence and in practice, American military justice is traditional. Actions are not judged by the internal motivations of the accused, but judged at face value as delictual. Another point concerns itself to the hypocritical value of individualism in Puritanism and its practice of collectively punishing groups. In the various trials soldiers are routinely punished collectively. Beyond collective punishment, the military also violates its purported Puritan value of individualism by making scapegoats of representative soldiers as a way of punishing larger groups of soldiers.

Alexis de Tocqueville ([1835] 2003) made the early observation that Puritans were “sectarian fanatics” who passed “strange and despotic laws” (p. 51). Most people mistakenly believe that *Democracy in America* is a “hymn of praise” to the American republic, its government, its people, and its way of life. Tocqueville himself disabuses the reader from this notion early in his text:

It would be a bizarre mistake to think that I intended to write a hymn of praise; whoever reads this volume will be fully convinced that such was never my plan, any more than it has been my aim to advocate any form of government in particular; for I belong to those who believe that absolute perfection is almost never a feature of a system of laws (p. 23).

On the contrary, Tocqueville examines the uniquely Puritan foundations of the American republic and finds that the religious character of the Puritans was intertwined with their politics:

The founders of New England were both *sectarian fanatics* and noble innovators. Although held together by the most restricting ties of certain religious beliefs, they were free of every political prejudice.

From that arose two inclinations which, though different, were not in opposition and we can easily discern their traces in the morals as well as the laws of the country (p. 55). [emphasis added]



Morality and laws in American, and the notion of punishment, had its origins in America's Puritan roots.

Tocqueville wrote in an age before Durkheim and before Freud. Yet, Tocqueville is a proto-Durkheimian in seeing that the character and institutions of American society emerge out of a religious womb. Just as Freud would state that childhood is the psychological origin of the adult, Tocqueville, as a proto-Freudian, stated that the character of a nation is found in its origins and early struggles:

Step back in time; look closely at the child in the very arms of his mother; see the external world reflected for the very first time in the yet unclear mirror of his understanding; study the first examples which strike his eyes; listen to the first words which arouse within him the slumbering power of thought; watch the first struggles which he has to undergo; only then will you comprehend the source of his prejudices, the habits, and the passions which are to rule his life. The entire man, so to speak, comes fully formed in the wrappings of his cradle.

Something similar happens in the case of nations; they always carry the marks of their beginnings. The circumstances which accompanied their birth and contributed to their development affect the remainder of their existence.

Were it possible to return to the very elements of social groupings and to examine the first monuments of its history, doubtless we could discover the source of the prejudices, habits, and ruling passions, in fact of every ingredient of what we call the national character (p. 37).

Tocqueville noted that two distinct branches, one northern and one southern, of the Anglo-American family developed, but that the social theory of the nation comes from its northern, i.e. Puritan, branch:

It is in these English colonies of the North, better known as the New England states, that were brought together the two or three main ideas which today constitute the social theory of the United States (p. 42).

Tocqueville remarks that the Puritans were unique. Unlike the settlers of other colonies in the Americas, Tocqueville notes that the Puritans were not greedy speculators nor adventurers (p. 42). Neither were the Puritans driven out of their country because of poverty or wrongdoing:

They were not forced to abandon their native land by necessity; they left behind a social position they might well have regretted and an assured livelihood. Nor did they move to the New World in order to better their lives or to increase their wealth. They tore themselves away from the comforts of their native land to obey a purely intellectual need; by suffering the inevitable deprivations of exile, their object was the triumph of an idea.

The immigrants, or, as they so aptly styled themselves, the Pilgrims, belonged to that English sect given the name of Puritan by the austerity of their principles. Puritanism was not only a religious doctrine; it linked itself in several respects to the most prominent democratic and republican theories (Tocqueville [1835] 2003:43).

Although Tocqueville is generous in describing the Puritan motivation as an idea, others might describe it as a delusion: America in the early 1600s was a wild frontier that others avoided, full of wild beasts and wild men, sharp and violent winters, and cruel and fierce storms (p. 45). Britain's colonies in America during the 1600s can be thought of as being the "Siberia" of the seventeenth century. In *The Redneck Manifesto*, Goad remarks that banishment to the Americas was a punishment in seventeenth and eighteenth century Britain, with many people convicted (usually of petty theft) begging for alternate punishments:

British convicts began arriving here in large lumps – an estimated fifty thousand during the 1700s [a similar sized population to New York City in that era] – after Parliament's passage of the Transportation Act in 1718. The law provided that convicted felons could be 'transported' overseas as slave laborers. Convict-slaves were frequently referred to as 'transports.' Transportation was viewed second only to the death penalty in severity. According to one historian, convict deportation became 'Britain's foremost punishment after 1718.' It was considered preferable to hanging, but far worse than being whipped or branded. A British judge in 1741 concluded that a thief whom he'd convicted didn't qualify as 'an Object of mercy and therefore ordered him, instead of being burnt on the hand, to be Transported for Seven Years.' Convicted felons often begged for whipping or burning instead. A thief named Mary Stanford requested to be hanged rather than be banished overseas. To the average British subject of the day, America represented a savage, frightening wilderness, more Siberia than Disneyland (Goad 1997:69).

The Puritans were the ones who voluntarily wanted to live in that savage, frightening wilderness of North America.

Tocqueville remarked on the laws that the Puritans passed, which he describes as "unusual," "bizarre," "harsh," "crude," "despotic," and "aberrations." Many of these same words still apply to military justice, which is the closest living descendant to Puritan colonial law. Tocqueville remarks:

There is nothing more unusual or at the same time more enlightening than the laws passed during this period [of Puritan colonization in New England]; it is there that the key to the great social mystery which the United States now presents to the world is to be found (pp. 48–9).

The Puritans, according to Tocqueville, despite having enlightened minds implemented legislation that was barbaric:

Among these significant records, we shall particularly mark as one of the most characteristic, the code of laws which the small state of Connecticut enacted in 1650.

The lawmakers of Connecticut turned their attention initially to penal legislation for the composition of which they had the bizarre idea of using biblical texts.

‘Whosoever shall worship a God other than the Lord shall be put to death.’ *This was their opening statement.* After that, ten or twelve similar measures taken verbatim from Deuteronomy, Exodus, and Leviticus.

Blasphemy, witchcraft, adultery, rape were punished by death; grave offenses perpetrated by a son upon his parents were dealt the same penalty. Thus legislation belonging to a crude and half-civilized nation were transferred to the heart of a society endowed with enlightened minds and gentle ways. Never was the death penalty more frequently prescribed and never more rarely enforced (p. 49).

The laws of Connecticut have many similarities to the original Articles of War of Gustavus Adolphus. Article 1 of the *Swedish Articles of War* prescribed death for witchcraft, idolatry, and enchanting weapons. Article 2 concerned blasphemy, whether committed under the influence of alcohol or not, and mandated that a blasphemer “shall be put to death without all mercy.” Sometimes the punishments were less severe: punishment for anyone drawing a sword in the presence of a general “with the purpose to do mischief with it” would “lose his hand for it” (*Swedish Articles of War* 35).

Tocqueville ([1835] 2003) remarks that the Puritans were concerned with the moral order of their society, which implies responsibility for actions by its members:

The overriding concern of these legislators [who enacted the 1650 Connecticut code of laws] is the preservation of moral order and good practices in their society; thus they proceed continually to penetrate to the heart of man’s conscience and not a single wrongdoing escapes the condemnation of the magistrate. The reader may have noticed the harshness of the law against adultery and rape. The simplest relations between unmarried people were strictly repressed. The judge was empowered to inflict one of the following three penalties upon the guilty: a fine, a lashing, or marriage, and, if the records of the old courts of New Haven are to be believed, prosecutions of this kind were common enough. On 1 May 1660, we discover the decision to fine and punish a girl accused of having uttered a few immodest words and of having allowed herself to be kissed (p. 50).

The Puritanical repression of “the simplest relations between unmarried people” still exists in the military justice system. An attorney in Vilseck, Germany informed me that even if a married couple serves in the same unit, it is against Army law for them to have sexual intercourse without the explicit permission of their commanding officer. Military law also forbids public displays of affection, such as kissing and holding hands, between married people if one of them is wearing a uniform in public, though some leeway is given at homecomings and departures. Tocqueville remarks how the law is replete with warnings and punishments of mundane actions:

The *Code of 1650* is peppered with warning measures. Laziness and drunkenness are harshly punished. Innkeepers cannot serve more than a certain quantity of wine to each customer. Fines or a lashing are used to repress any lying considered harmful. In other places the legislator, utterly oblivious of the great principles of religious freedom that he himself demanded in Europe, used the fear of fines to force attendance at church, going so far as to inflict harsh punishments and often death on Christians wishing to worship God in ways other than his own. In fact, he is obsessed with such a zeal for rules that he is preoccupied with considerations quite unworthy of him. Thus we find, in this same code, a law forbidding the use of tobacco. Yet we must not lose sight of the fact that there was no imposition of these *strange and despotic laws*. They were freely voted in by all the interested parties, whose customs were even more austere and puritanical than the laws. In 1649, a solemn association was formed in Boston to issue warnings concerning the worldly indulgence of long hair.

Such *aberrations* no doubt bring discredit to human reason. They witness to the inferiority of our nature which has a poor grip on what is true and fair and more often than not simply chooses between two excesses (p. 51). [emphasis added]

While Tocqueville commends the democratic, egalitarian nature of the Puritans, he remarks that American law does not always reflect that nature (pp. 55–8). In fact, American civilian law, like its military counterpart, is like a Frankenstein monster made with different, mismatched, and disproportioned parts:

The social condition, religion, and customs of the first immigrants have surely exercised a huge influence upon the fate of the new country. However, they did not found an entirely new society from their own totally original ideas because no one can possibly release himself from the past. They succeeded in mixing, either intentionally or unwittingly, their own ideas and practices with other practices and ideas derived from the education or traditions of their native country. (Tocqueville [1835] 2003:57).

Tocqueville in particular denounces American criminal and civil law that combines on the one hand English, aristocratic elements that favor the wealthy and leave

the business sphere of life unfettered, and on the other hand, Puritan elements of austerity, severity, and discipline:<sup>1</sup>

American civil and criminal law recognizes only two courses of action: prison or bail. The first step in this procedure is to obtain bail money from the defendant or, on his refusal, to imprison him. After that, they examine the validity of the accusation and the seriousness of the charges.

Clearly such a legislative procedure disadvantages the poor and favors only the wealthy.

The poor man cannot always find the money for bail, even in a civil matter. If he is obliged to await justice from prison, his enforced constraint soon reduces him to a wretched state.

By contrast, the wealthy man always evades prison in civil matters. Furthermore, if he has committed an offense, he has no difficulty wriggling out of the punishment which should come his way. After providing bail money, he vanishes. Therefore, it can be stated that the only penalty inflicted upon him by the law boils down to a fine. Could there be any legislation more aristocratic than that (p. 57).

Tocqueville's observations hold true even in 2013. As of the date of writing, only one executive and three other senior officials of Taylor, Bean & Whitaker, a mortgage banking firm, have been convicted of fraud by the U.S. Department of Justice for their role in the housing bubble and subsequent "Great Recession" (Black 2011).

## **Individual and Collective Responsibility**

In *Responsibility*, Fauconnet notes that the Puritan innovation in law was to assign individual responsibility over collective responsibility to large groups of people or even to all of society. Fauconnet, being a follower of Durkheim, notes the religious character of law:

---

<sup>1</sup> Adultery is illegal in 23 American states (Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, South Carolina, Utah, Virginia, W. Virginia, and Wisconsin) (Murphy 2011). Blasphemy is illegal in six states (Massachusetts, Michigan, Oklahoma, Pennsylvania, South Carolina, and Wyoming) (Freedman 2009). Six state constitutions (those of Arkansas, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Texas) prohibit atheists from holding office (Bulger 2012).

It is remarkable that laws, secular in their inspirations and subjectivist in their tendency, derogate from their principles to prescribe ritual sanction for accidents or to incriminate penally certain involuntary sacrileges. But here again it is necessary to go beyond the penal system of the State to achieve in its full expansion the objective responsibility that criminal law admits only exceptionally, and that it tends to eliminate. Its proper domain is religion, as we shall see ([1928] 1978:II 44).

Moreover, Fauconnet noted that laws in societies develop towards ideals of individualized responsibility (p. VIII 1). Despite this development towards individualized responsibility, the notion of collective responsibility does not disappear (Fauconnet [1928] 1978:VIII 1). Instead, Fauconnet observes that new forms reminiscent of collective responsibility appear:

If we can be satisfied with an approximate formulation, we may say that in the course of its evolution responsibility has become individualized. Collective and communicable in primitive societies, responsibility is, in principle, strictly personal in the most civilized societies. How has a responsibility communicable in its nature become rigorously individual?

This phenomenon depends upon multiple causes which do not act in the same manner or at the same time on vendetta, or on religious sanctions or on punishment. The preponderant cause is the influence exerted by the sanctionnee [translator William Jeffries' term for someone who incurs a sanction], and its effect is restrictive, diminishing the field of extension of responsibility. Still, there are counter-currents. In our individualistic societies, some new forms of responsibility have appeared which remind us of collective responsibility. We shall attempt to show, by some examples, what underlies the complex equilibrium we label as individual responsibility (pp. VII 8–9).

These newer forms of collective responsibility are partially embodied in organs of the legal system such as courts of appeal, as well as clemency and parole boards. However, the major new form reminiscent of collective responsibility is the court of public opinion. Fauconnet, for example, writes of First World War veterans in France tried for minor crimes, and whose valor and service provoked the sympathy of juries presiding over their cases:

The same individual may be, simultaneously, the object of two opposed judgments of responsibility, where he has lost merit on the one hand and has gained merit on the other. Our conceptualized image of such an individual is then found at the confluence of two contrary currents, and remuneratory responsibility can check penal responsibility. The jury often acquit an accused, even though they are convinced he has committed the incriminated act, because in his domestic, professional, or civic life he has performed acts surpassing the common standards

of morality. During the First World War, the French legislature regulated a reaction of this kind, by the law of July 5, 1918, 'tending to extinguish public action against those authors of delicts or minor infractions who have distinguished themselves by their brilliant feats in the army' ([1928] 1978:VIII 8–9).

The court of public opinion, which is not an institution, sometimes finds its expression within the legal system by animating legal organs towards its own ends. In the United States this is better understood as jury nullification. The action of the French legislature noted above is almost like a public exorcism by one institution in society of the spirit of public opinion which had taken possession of another institution in society. In the American military justice system, the court of public opinion can animate the organs within the military justice system. In *The Good Soldier on Trial*, Mestrovic (2009) notes:

Undaunted, Mr. Nathan said he was seeking Congressional involvement and eventually, Congressional hearings on the Iron Triangle cases. He felt that the clemency and parole board would not act favorable toward his clients unless Congress got involved (p. 34).

The lawyer Geoffrey Nathan, represented William Hunsacker in clemency proceedings (Mestrovic 2009:31).

Nathan's belief that public opinion can influence courts of appeals or clemency boards is rooted in historical precedence. William Calley's conviction of 22 counts of premeditated murder, and his sentence of life imprisonment and hard labor, provoked an outpouring of public sympathy. The governors of Alabama, Georgia, Indiana, Mississippi, and Utah publicly disagreed with the court-martial's decision and sentence, and the legislatures of five other states (Arkansas, Kansas, Texas, New Jersey, and South Carolina) passed resolutions formally asking the U.S. Army for clemency ("1971 Year in Review: Calley Trial, Foreign Affairs" 1971; Frum 2000). In a day when people could still send telegrams, the White House received over 5,000 in support of Calley (Cookman 2007). In a public opinion poll, 69 per cent of Americans believed that Calley was made a scapegoat for larger policies and strategies put in place by political and military leaders (Cookman 2007). As a result of public opinion animating legal and political institutions, Calley's sentence was changed to house arrest, which he served for three and a half years.

The strand running through these contemporary cases and even My Lai, is the inadequacy of legal systems in their ability to place responsibility for social conditions that lead to crime. Puritanical courts focus on specific acts committed by individuals, but they are unable to assign collective or even individual responsibility for the social climates which make specific criminal acts possible. In their innovation towards individual responsibility, Puritans made a trade-off for being able to assign responsibility for social climates which produce widespread abuses and crimes. One can detect attempts by courts-martial to attach responsibility for the social climate to the soldiers, but these can be dismissed as failed or counterfeit attempts.

One example (out of many) of a failed attempt to transfer responsibility for a social climate unto an individual can be found in the trial of Jeremy Sivits. SPC Jeremy Sivits was a mechanic serving with the 372<sup>nd</sup> Military Police Company in Abu Ghraib; he had not been trained to serve as a prison guard, nor was he. Sivits took one photograph out of which the U.S. Army pulled three charges: conspiracy to maltreat detainees, maltreatment of detainees, and dereliction of duty for negligently failing to protect detainees from abuse, cruelty and maltreatment. In the movie *Apocalypse Now* (directed by Francis Ford Coppola, United Artists, [1979] 2006), the main character and narrator of the movie, Captain Benjamin L. Willard (played by Martin Sheen), utters the line that charging someone for murder in Vietnam was like handing out speeding tickets at the Indy 500. Charging Jeremy Sivits for taking one photo at Abu Ghraib is similarly like handing out tickets at the Indy 500. Another soldier, Riley Sharbonno, compiled photographs he took at Abu Ghraib into a 470 page book titled *Riley and His Story* (Turse 2011). In a review for Truthdig, Nick Turse writes and then quotes Sharbonno of the drive behind nearly everyone at Abu Ghraib taking photos of the mundane and the spectacular:

About to go into its second printing, 'Riley and his story' offers readers something unique and haunting: a look through the eyes of a veteran who served at perhaps the most notorious locale of the Iraq War, one that historians will catalog alongside My Lai, No Gun Ri, Samar and Sand Creek – notable sites of past American atrocities. Sharbonno, a nurse at the infamous Abu Ghraib prison in 2004 and 2005, offers us a tour of his tour of duty through some of the 1,000 photographs he took. But these aren't the photos of Abu Ghraib that we've seen before. There are no detainees on leashes or nude human pyramids or unmuzzled dogs menacing naked defenseless men. Still, this young veteran's pictures offer a clear vision of the awfulness that is war.

'Many events during my time in Iraq were too complex, too horrific, or beyond my understanding. There were simply too many things I witnessed there on a given day to process, so I stored them as photos to figure out later,' writes Sharbonno, who provides snippets of text – taken from conversations with Haller [the co-author] over a period of three years – that narrate his photos throughout the book (Turse 2011).

Riley explains that in the midst of confusing situations, soldiers took photographs to reassure themselves that what they were seeing was real, and that the photographs would serve to understand events at some future point:

A large part of the book consists of pictures from one mass-casualty situation. Bloody shots. Gory shots. Shots of medical professionals moving with rapidity. "Holy shit. Is this really happening?" So I just snapped pictures,' he writes in the midst of the morbid montage. Picture after picture. Pictures of parts of



humans turned into chop meat. Unidentifiable bits of bodies torn open. Why is a nurse taking pictures through all of this? we're left to wonder. Why, at one point, does Sharbonno even pick up someone else's camera and start taking pictures with it? Why isn't he doing something medical? If the emergency room tent is filled to capacity with staff, why is he there potentially getting in the way? And if he isn't in the way, why isn't he lending a hand? But then, if we look closely, we notice Sharbonno is apparently in some of the photos. (We can tell by his name tape on the back pocket of his pants.) So he was apparently lending a hand. Then who took these photos? Maybe someday Sharbonno will sort all of this out for us, but in this book he doesn't (Turse 2011).

Sivits wasn't unique in the fact that he was taking photographs for other people with their cameras of unique situations. At the time of the scandal the photos of abuse and torture at Abu Ghraib were characterized as souvenirs and compared to the photographs taken of lynchings in the American South (Sontag 2004). Susan Sontag for *The New York Times Magazine* wrote:

If there is something comparable to what these pictures show it would be some of the photographs of black victims of lynching taken between the 1880's and 1930's, which show Americans grinning beneath the naked mutilated body of a black man or woman hanging behind them from a tree. The lynching photographs were souvenirs of a collective action whose participants felt perfectly justified in what they had done. So are the pictures from Abu Ghraib (2004).

One should note that the soldiers who stood trial for the abuses at Abu Ghraib were from the American South, and Sontag's comment seems to extend the collective and unresolved guilt of lynching unto those soldiers. Writing for *the New Yorker*, Philip Gourevitch (2011) offers a different perspective that the photographs taken at Abu Ghraib were "unofficial documents of an official policy that was supposed to be kept secret."

Out of that singular photo, the United States Army tried to put the responsibility on Sivits for the social climate at Abu Ghraib. The prosecutor in his arguments for sentencing stated that Sivits "knew these [acts] were improper, against Army values, against human values, against the law" (Sivits Record of Trial). The prosecutor even tried to pin on him the failure of the U.S. Army in the ongoing war in Iraq for the one photograph that Sivits took. Trial counsel unsuccessfully tried to enter an article from *Time* magazine with the title "How the Prison Scandal Sabotages the U.S. in Iraq" as an exhibit during the court-martial. It should be noted that the defense attorney for Sivits did not object, inexplicably, to the prosecution's attempt to submit the *Time* magazine article, and that the military judge intervened on behalf of Sivits:

MJ [Military Judge]: Prosecution Exhibit 2 for identification is admitted. Prosecution Exhibit 3 for identification is being offered?

TC [Trial Counsel]: Yes, sir, we have an Article from Time.com that is titled “How the Prison Scandal Sabotages the U.S. in Iraq.”

MJ: Any objection to Prosecution Exhibit 3 for identification?

DC [Defense Counsel]: No, Your Honor.

MJ: One moment. [Pause.] Despite the lack of objection, government, the court’s not going to admit Prosecution Exhibit 3 for identification. There are opinions in here that would never be admissible at a trial and a lot of this has nothing to do with this case or this particular accused. Accordingly, the court finds it to be irrelevant on sentencing in this case (Sivits Record of Trial).

To understand how extreme it is to hold a photographer or a cinematographer responsible for recording an infamous image, one needs to imagine Abraham Zapruder being prosecuted for filming President Kennedy’s assassination or to imagine George Holliday being prosecuted for filming the beating of Rodney King at the hands of Los Angeles Police officers. In essence, Jeremy Sivits was court-martialled for filming – with still photography – what was perceived in the Arab and Muslim world as the U.S. Army’s equivalent of the Rodney King beating.

The social condition present in Abu Ghraib indeed was improper, against Army values, against human values, and against international, military, Iraqi, and American law. Sivits had no hand in drafting the orders or policies that established these social conditions at Abu Ghraib, and if his hand was anywhere (save for the one time it pressed a camera button) it was under the hood of a vehicle making repairs. The United States is still plagued with guilt for Abu Ghraib because world public opinion refuses to believe that the U.S. Army punishing low-ranking soldiers for the crimes committed at that Iraqi prison have exiated the United States military or its government.

On the other hand, the type of public outrage that accompanied the punishment of William Calley for his part in the role of My Lai is wholly absent from contemporary war crimes trials. There is no outpouring of support for the soldiers accused of war crimes committed at Abu Ghraib and elsewhere in Iraq and Afghanistan. Worse still, the public has been duped by the government and their accomplices in the media into believing that soldiers spontaneously, without orders or extreme extenuating circumstances, came up with ideas on their own to torture and kill prisoners and civilians. To believe that soldiers independently would behave in a manner contrary to their psychological and sociological predispositions is similar to believing in the discredited and ridiculous notion of spontaneous human combustion. Yet the government and the media very skillfully have pawned the fallacious notion of spontaneous war crimes to the American public. In the case of William Calley in an earlier war, the American public at different levels of society would have none of it. Calley’s support came from ordinary citizens, governors, and legislatures. In

the contemporary cases resulting from the wars in Iraq and Afghanistan, high profile support for accused soldiers is absent. As Nathan and Mestrovic have noted, powerful law firms, which represent accused terrorists in Guantanamo have no interest in representing accused American soldiers. Even civil liberty advocacy organizations who normally campaign for rights in light of gross judicial injustices avert their gaze.

Americans during the Vietnam War era refused to blame My Lai entirely on William Calley because there was a feeling of collective responsibility for his actions. The prosecutor in Calley's trial aptly noted so:

President Nixon immediately ordered Calley released to house arrest, just three and a half years of which he would serve before being freed entirely by a federal judge. Aubrey Daniel, the Army lawyer who prosecuted Calley, and who wrote a letter of protest rebuking Nixon for his involvement, would later say of the reaction: 'It was a country that wanted this war to end and a country that didn't want to believe that this had happened. But if it did, it wanted to say that it's our fault collectively, and not his fault.'

Such a sense of collective responsibility does not seem to be shared by the generation that has grown up with the wars in Iraq and Afghanistan, and that has read about such wartime atrocities as the gang rape, murder and immolation of a 14-year-old girl near al-Mahmudiyah, Iraq; the killing of women and children in Haditha; the abuse of prisoners at Abu Ghraib; and the executions of Iraqis in a Baghdad canal and of the three men in the Iron Triangle. Indeed, it's hard to imagine any significant mobilization of support for the American soldiers and marines charged with these crimes, much less a public outcry that would persuade elected officials to intervene on their behalf (Mogelson 2011).

Fauconnet notes that in societies held together by mechanical solidarity, society is collective and communicable, and not personal, as in societies held together by organic solidarity (Fauconnet [1928] 1978:VIII 1). Stated otherwise, the history of responsibility is one of responsibility becoming personal rather than collective or communicable (Fauconnet [1928] 1978:VIII 1). However, even as societies become more "civilized" (in Fauconnet's terms), there are counter-currents to the assignment of personal responsibility (Fauconnet [1928] 1978:VIII 1). Fauconnet, like his teacher Durkheim, recognized that though society makes the transition from one held together by mechanical solidarity to one held together by organic solidarity, the characteristics of mechanical solidarity (e.g. the notion of collective responsibility) never wholly disappear and are actually transformed.

In fact, every crime committed in "civilized societies" first arouses a feeling of collective responsibility (Fauconnet [1928] 1978:VIII 1). However, responsibility is like a very hot potato: one never wants to be left holding it for very long with bare hands. Even if a collective feeling of responsibility is felt in every criminal act, the response by society is to pass the feeling of responsibility to those most

vulnerable to punishment, whom Fauconnet characterizes as the least socially significant persons in a society. This is the rule, but Fauconnet notes:

We have said that the emotion aroused by a crime is propagated in waves. The entire society, then – people and things – should always be responsible for all crimes. However strange this may seem, the truth remains that society tends to regard itself as wholly responsible for each crime, and one of the functions of punishment is precisely to discharge society from that responsibility. Nevertheless, the obvious fact is that the number of a society's members to whom punishment for crime is applied is always relatively small, compared with the number of those whom punishment does not reach. In other words, irresponsibility is the rule, and responsibility is the exception. We all believe that men and things are protected against responsibility which threatens them. The positive and permanent sentiments felt for men and things interpose a check to the destructive and transient sentiments born of a crime. A compromise is established. Wherever the moral barrier protecting any member of the society is strong enough to halt the propagation of anger and horror, there is irresponsibility. Even in the societies where responsibility communicates itself, its propagation is always counteracted. Irresponsibility has merely the appearance of a purely negative notion; actually, irresponsibility results from the opposed resistance of positive forces (Fauconnet [1928] 1978:VIII-1).

Interestingly, Fauconnet seems to metaphorically compare responsibility to flooding; crime arouses “waves” of emotion, and society can choose to place moral “barriers” to restrict the waves of emotion from touching any of its members. A parallel can be seen between the ordinary crime taking place in society and the normal flow of a river. In both cases, barriers keep an acceptable sense of normality. Occasionally, an unexpected or large crime may take place in society, just as an unexpected or large flow of water may cause the river to flood. In the past and in both the metaphorical and actual river, society could throw up barriers in extreme cases to protect members who normally would not be affected. In present times, the moral and physical barriers protecting ordinary members of society during extreme moments seem to be weak or absent. In the Mississippi river flooding in 2011, the U.S. Army Corps of Engineers opened levees and dams normally meant to protect Cajuns in Louisiana in order to prevent flooding elsewhere; in the war crimes trials, public outrage, which should act as a moral barrier to individual responsibility for social conditions, is absent (Sainz and Sedensky 2011). As a clear example of how society chooses who can and cannot be protected by barriers, moral or otherwise, was the story reported in the media on flooding in Memphis, home to much of America's folk and popular musical heritage:

The Mississippi River rose Monday to levels not seen in Memphis since the 1930s, swamping homes in low-lying neighborhoods and driving hundreds of people from their homes. But officials were confident the levees would

protect the city's world-famous musical landmarks, including Graceland and Beale Street, and that no new areas would have any serious flooding (Sainz and Sedensky 2011).

Graceland and Beale Street were protected by levees, and the NBA playoff game at the FedExForum between the Memphis Grizzlies and Oklahoma City Thunder was scheduled to continue despite the flooding of hundreds of homes in Memphis (Sainz and Sedensky 2011).

The same pattern seen in the flooding of the Memphis or other natural disasters in the United States is seen in these trials: the military and the media place moral barriers to protect the privileged while the "small people" are left without protection. The phrase "small people" is a quote from BP Chairman Carl-Henric Svanberg to refer to the residents along the Gulf of Mexico coastline during the Gulf of Mexico disaster, the worst environmental disaster in United States history (Gerhart 2010). In relation to the flooding metaphor, the way "big people" were protected from responsibility for Abu Ghraib was by lifting the moral barriers protecting the "small people," the soldiers, who carried out orders. This was done through the fallacious narrative of rotten apples acting independently, which was successful because of widespread collaboration among the mainstream media, which serves as an echo chamber for the powerful. The false narrative, of spontaneous rotten apples, perpetrated by the military and their collaborators in the media is a form of sabotage perpetrated on the public. Sabotage, as defined by Thorstein Veblen, is the purposeful withdrawal of efficiency from a system. There is an emotional end to the military-media sabotage of the full narrative: it is meant to keep the public indifferent, and if not indifferent, to redirect public anger towards the officially sanctioned end. The same *New York Times Magazine* article explaining Aubrey's explanation of Nixon's pardon of William Calley, addresses the issue of collective responsibility:

If we lack a sense of collective responsibility for these more recent war crimes, Mestrovic blames this on our readiness to believe that such occasional iniquities are aberrations perpetrated by a derelict few, rather than the inevitable result of institutional failures and, more generally, the nature of the conflicts in which we are engaged. It is much easier to accept the assessment of the officer who... [reported] that the Fifth Brigade had 'absolutely the worst command climate I have ever operated under' but that nonetheless 'nothing about the unit climate led to the killings...that was simply the work of a sociopath.'

## **Historical Examples of Redeploying Soldiers: Ireland and the American West**

The *New York Times Magazine* article raised an important issue: what is the impact of multiple deployments to troops not just when they return home, but when they are redeployed to other wars? This is an element of the social climate in which

soldiers operated under in all the cases where prisoners or civilians were killed. To what extent can soldiers be held personally responsible for operating in a social climate or command climate of revenge? Soldiers additionally are under the strain of having served under multiple deployments. The impact of multiple deployments on the behavior of soldiers and the groups to which they belong has not been formally studied:

Stephen N. Xenakis, a retired brigadier general and a former senior adviser to the Defense Department, told me that while extensive research has been done on the psychological effects of deployments for veterans trying to reintegrate into society, the Army has so far failed to examine how those same effects influence soldiers when they return to war. ‘What’s it like for the guy who’s now on his fourth combat tour, and how effective is he?’ Xenakis asked me. ‘And does he have other problems? I don’t know that the system, either from the leadership standpoint – the combat-effectiveness standpoint – or the medical side, is asking that’ (Mogelson 2011).

Although the psychological and social effect of multiple deployments to different war zones has not been studied extensively in the social sciences, similar events have been recorded by historians.

Following the First World War, many veterans of the British army found work as temporary constables in the Royal Irish Constabulary. The RIC, or known better as the Black and Tans because of their uniforms, were technically a police force or constabulary, but they were effectively a British army of occupation to suppress Ireland.

Although the task of the Black and Tans was to suppress the Irish uprising by targeting IRA and other Irish insurgents, the Black and Tans distinguished themselves by notorious attacks on Irish civilians. One can see parallels between British veterans of the Western Front being sent to Ireland early in the twentieth century and American veterans of the war in Iraq being sent to Afghanistan in the twenty first century; of British veteran-soldiers sent to fight the IRA but instead massacring civilians and of American veteran-soldiers sent to fight the Taliban but instead killing regular Afghani people. If the British experience can reveal America’s fate in Afghanistan it is that to this day, nearly one hundred years after the 1921 Irish uprising, the Black and Tans are despised and the term “Black and Tan” is a pejorative one in Ireland for Britons. A song condemning the Black and Tans, “*Come Out Ye Black and Tans*” written by Dominic Behan in the 1920s, is still publicly performed in Ireland and by Celtic F.C. soccer fans in Scotland, with lyrics such as:

Oh, come out you Black and Tans;  
Come out and fight me like a man;  
Show your wife how you won medals down in Flanders;  
Tell her how the I.R.A. made you run like hell away

From the green and lovely lanes in Killeshandra.  
 Come, tell us how you slew  
 Them ol' Arabs two by two;  
 Like the Zulus, they had spears and bows and arrows;  
 How you bravely faced each one,  
 With your sixteen pounder gun,  
 And you frightened them poor natives to their marrow.

Sent to pacify Ireland, the Black and Tans instead inflamed its people even further.<sup>2</sup>

What makes the parallel between Ireland 1921 and Afghanistan 2011 stranger still is that the British veterans in Ireland, like their American counterparts in present day Afghanistan, were sometimes under a command climate of revenge, and this usually resulted in the deaths of unarmed and innocent civilians. George C. Marshall, Chief of Staff for the Army during the Second World War noted:

Once an army is involved in war, there is a beast in every fighting man which begins tugging at its chains. And a good officer must learn early on how to keep the beast under control, both in his men and himself (Mogelson 2011).

Officers have a duty to protect soldiers from the repercussions of illegal acts through the use of discipline. In Ireland of the 1920s, the beasts in the hearts of British veterans broke their chains. The Black and Tans carried out reprisals against insurgent attacks on civilians through such acts as cutting off the town of Tralee from food supplies for a week, through kidnapping and killing a Catholic priest in Galway, and burning and ransacking many towns and villages throughout Ireland, including the city center of Cork. Smyth, a veteran British officer of the Western Front, and the Divisional Police Commissioner for Munster, issued aggressive rules of engagement to shoot dead civilians who failed to surrender:

Now, men, Sinn Fein have had all the sport up to the present, and we are going to have the sport now. The police are not in sufficient strength to do anything to hold their barracks. This is not enough for as long as we remain on the defensive, so long will Sinn Fein have the whip hand. We must take the offensive and beat Sinn Fein at its own tactics...If a police barracks is burned or if the barracks already occupied is not suitable, then the best house in the locality is to be commandeered, the occupants thrown into the gutter. Let them die there – the more the merrier. Should the order (“Hands Up”) not be immediately obeyed, shoot and shoot with effect. If the persons approaching (a patrol) carry their hands in their pockets, or are in any way suspicious-looking, shoot them down. You may make mistakes occasionally and innocent persons may be shot, but that cannot be helped, and you are bound to get the right parties some time. The more

---

2 Coincidentally, the Arabs referred to in the lyrics were the Iraqis whose nationalist struggle for independence was also suppressed by the British Army.



you shoot, the better I will like you, and I assure you no policeman will get into trouble for shooting any man (Wilson 211).

As reprisal for Smyth's order, a six man IRA squad shot him in the head as he smoked a cigar at the Cork and County Club (Dwyer 2005:149–50). The actions of unofficial reprisals by the Black and Tans ultimately earned the condemnation of members of parliament, Anglican Archbishops, and the British King, although it is noted that the British government had a policy of "official reprisals" beginning in December 1920 (Ainsworth 2001:8).

The two elements of the narratives that 1) war crimes are perpetrated solely by "rotten apples" acting on their own, and that 2) reprisal attacks are permissible when they are officially sanctioned is slowly working its way into the American collective conscience. A comedic video by the *Onion News Network*, a satirical newspaper and website, featured a fictitious court-martial of a drone airplane for firing missiles into an Afghan wedding party ("US Predator Drone TR425 on Trial for Killing Innocent Afghan Civilians"). *The Onion* (whose motto is "Report first, ask questions later") used many of the clichés used for Abu Ghraib and the other trials in their fictitious report by using phrases such as "these atrocities were the work of one drone acting alone" and condemning the drone as "just one bad robotic apple" ("US Predator Drone TR425 on Trial for Killing Innocent Afghan Civilians"). A screen grab of a fake newspaper headline even reads "Atrocity in Afghanistan: Who is Responsible?" The prosecutor in the video says in court to the drone, "You seem to relish the destruction of innocent people. You even videotaped your actions" ("US Predator Drone TR425 on Trial for Killing Innocent Afghan Civilians"). Of course, the line is meant to be humorous because the drone is not a person, is not responsible for its actions but acts under commands of a pilot thousands of miles away, and because videotaping is a necessary function of carrying out its mission. The photographs, rather than being characterized as the photographic evidence of encounters and their aftermath were portrayed in news media as sadistic war trophies. The soldiers were under orders that whenever an Afghani was killed, they were to photograph the face of the person in order to document the death. The photograph widely circulated of Jeremy Morlock moving the head of a body so the face is visible to the camera was characterized by *Rolling Stone* in the following manner:

In a break with protocol, the soldiers also took photographs of themselves celebrating their kill. In the photos, Morlock grins and gives a thumbs-up sign as he poses with Mudin's body. Note that the boy's right pinky finger appears to have been severed. Staff Sgt. Calvin Gibbs reportedly used a pair of razor-sharp medic's shears to cut off the finger, which he presented to Holmes as a trophy for killing his first Afghan (Boal 2011).

From the photograph, it is not clear if Morlock is in fact giving a thumbs up hand signal. Rather than being portrayed accurately as Puritanical, systematic,



and functional photo-documents, the photographs were mischaracterized as nonpuritanical, idiosyncratic, and sadistic.

In both Abu Ghraib and the Maywand District killings cases, there are soldiers photographed smiling while standing or crouching over dead bodies. Although this was portrayed as sadism on the part of the soldiers, Sabrina Harman in Abu Ghraib and Jeremy Morlock in Afghanistan, there are simple explanations for their behavior. Americans as a peculiar, cultural habit smile in all of their photos (Mestrovic 2007). The smile does not necessarily mean anything (Baudrillard [1986] 1989). An additional explanation is that workers in general try to liven up the atmosphere when they carry out dull, unpleasant, and dirty work. Workers in kitchens, for example, will try to break up the monotony of work by bringing in a radio or by horsing around. Rather than being inhuman, gallows humor surrounding death is a normal defense reaction. In the case of Sabrina Harman, Abu Ghraib was a place of death and danger: the prison was isolated in the middle of the Sunni Triangle, the most violent part of Iraq during the insurgency phase of the war. The prison was under daily attack, and the American soldiers were fully cognizant of being understaffed to both operate the prison and to defend against outside attackers.

A second historical case in addition to the above example of British First World War veterans serving in Ireland, which should be pursued later in more detail as a case in comparative genocide studies, is that of American Civil War veteran soldiers and officers being used to wage America's Indian Wars of the latter half of the nineteenth century. The court-martial of Michael Leahy took place at Rose Barracks in Germany outside of the town of Vilseck even though Rose Barracks was not his home base. Rose Barracks, however, is the home base for the 2<sup>nd</sup> Stryker Cavalry Regiment, which is known as the 2<sup>nd</sup> Dragoons and is one of the oldest continuous regiments in the U.S. Army. In an event named the Baker Massacre (also the Marias Massacre, after the nearby Maria River), the 2<sup>nd</sup> Dragoons under Colonel Baker in 1870 attacked a friendly Blackfoot Indian village in reprisal for attacks by a tribe of Piegan Indians. The death toll of the Blackfoot village was almost entirely women, children, and elderly as most of the men were hunting. The number killed in the historical record varies: a Blackfoot scout in the 2<sup>nd</sup> Dragoons counted 217 dead bodies, which differed from the count of 173 dead bodies reported by drunken white soldiers. The 2<sup>nd</sup> Dragoons in 1870 were under the command of General Philip Sheridan, who as a Union Army officer of the Civil War distinguished himself by practicing the first use of scorched earth tactics in military history, an event known as "The Burning" by survivors and witnesses of Shenandoah. After the Civil War, President Grant appointed Sheridan with the task of pacifying the Indians of the Great Plains. Sheridan blocked an official investigation of the Marias Massacre, and Blackfoot Indians through generations have kept the Marias Massacre alive through oral tradition. In the Internet age, the Blackfoot tribe posts videos of its members retelling family stories of the massacre.

In the case of the 2<sup>nd</sup> Dragoons and the Baker Massacre, the moral barrier protecting the soldiers was present in society at large. *The New York Times*, in an

1870 article commented on the need for an investigation into the massacre without impugning the individual officers and enlisted soldiers:

If Col. Baker's report is the best showing that can be made for his scout, we decidedly do not subscribe to the declaration that 'too much credit cannot be given to the officers and men of the command for their conduct during the whole expedition.' That they exhibited great fortitude in the march, and that they attacked with courage what they supposed a powerful foe, is clear, and indeed the bravery and endurance of the troops was never questioned; but that such slaughter of women and children was necessary to discover that all the [Blackfoot] men were dead or had fled, is of course preposterous to suppose. The affair demands investigation ("The Montana Massacre – Col. Baker's Report").

A similar voice coming from the contemporary media, that "bravery and endurance of the troops" should not be questioned, but that all these cases demand investigation, is the exception and not the rule. The country's reaction to Calley's conviction and sentence expresses a similar notion that the individual soldier not be made the scapegoat for an entire affair. As detailed above, the citizens of the nation collectively took responsibility for the massacre, placing it back on themselves after they had it seen placed unjustly entirely on Calley.

### **The Buck Stops There: Scapegoating Individuals in Postemotional Society**

In the current wars in Afghanistan and Iraq, there is no similar reaction or feeling that soldiers are unjustly burdened with the entire responsibility for the various war crimes. Qualitatively the wars in Iraq and Afghanistan have been different from American wars in more inner-directed eras. During the Second World War, American citizens and businesses participated in a ration and price-control program which controlled the consumption of such goods as gasoline, meat, shoes, butter, margarine, and coffee (Blum 1976:227). Memory and popular culture have romanticized rationing, removing the historical realities of black markets and widespread discontent with ration boards and the federal agency, the OPA (Office of Price Administration), under which they operated (Blum 1976:97). However, despite Americans being unhappy with rationing, and finding ways around it through black markets, they nevertheless took part in it as a shared national sacrifice. The inner-directed presentation of war was of a national project in which every member of the society had a small role. That is markedly different from the other-directed presentation of war as a consumer product that is to be passively consumed, even enjoyed, like a sporting event. In September 2002, Andrew Card, President Bush's chief of staff was quoted as saying, "from a marketing point of view, you don't introduce new products in August" in explaining why the White House waited until September to press for public support for an invasion of Iraq ("Quotation of the Day"). A year before in December 2001, the Bush

Administration outsourced marketing of the war to the Rendon Group, a public-relations firm that specializes in “perception management” (Bamford 2005). John Rendon, the head of the Rendon Group, was given the moniker “The Man Who Sold The War” by Rolling Stone Magazine, a play on words referencing the David Bowie song “*The Man Who Sold the World*” (Bamford 2005). Americans have not been asked to make meaningful sacrifices by their government. The only Americans using a ration card system are those military families and individuals who are subjected to rationing at on-base commissaries.

In the absence of the country assuming final, collective responsibility for war crimes committed in Iraq and Afghanistan, that transient, collective responsibility has been transformed: soldiers themselves have been made to assume responsibility beyond that of their own individual and immediate actions. As stated above, the soldiers are forced to be responsible for social conditions. One example that brings the issue into focus is the photograph, again, of Jeremy Morlock crouching over the body of a dead Afghani teenager, Gul Mudin. The picture, even when taken in context, is horrible: Mudin is obviously dead having been shot, he is facing the dirt, his clothes are stripped, and a soldier crouches above his corpse, smiling and tilting Mudin’s lifeless face towards the camera. The cliché is that a photograph is worth a thousand words, but sometimes photographs leave out the important ones. Morlock and his fellow soldiers were under orders, as has been described, to photograph the dead. Mudin’s body is naked because their orders included directions to disrobe Afghans killed in action in order to examine the bodies for any possible tattoos. The photograph was taken as part of Morlock’s work and duty as a soldier, not as a sadistic war trophy as has been portrayed by military prosecutors and their collaborators in the media. The military, through their prosecutors and with the help of collaborators in the media, has marketed these false narratives in order to advance their own “perception management” of the wars.

In these public but artificial narratives, soldiers are held responsible for each others’ actions even when they have no knowledge of what has transpired. This is true if a soldier, such as Ramos, who was inside an armored personnel carrier with its loud engine running as his fellow soldiers shot prisoners outside, out of sight and out of earshot, at a canal in Baghdad. This is also true of Megan Ambuhl who was one floor above the beating that Jeremy Sivits was photographing in the floor below, entirely oblivious to what was taking place in another part of Abu Ghraib Prison. In selling the narrative of spontaneous rotten apples, the military and their collaborators in the media engage in an act of magical thinking: that the acts of the soldiers are self-contained and isolated (even when the soldiers act in groups) from policy and strategy.

The collective responsibility that should finally rest with society becomes transformed in two ways: first, soldiers are collectively punished on behalf of those who established the social conditions leading up to war crimes and secondly, the world attributes responsibility to the United States and its military for the crimes committed at Abu Ghraib and elsewhere.

A common feature in all the war crimes cases connected with America's wars in Iraq and Afghanistan is the charge of conspiracy. In court a conspiracy charge is explained to the panel (jury of military officers) by the military judge as follows:

The agreement in a conspiracy does not have to be in any particular form or expressed in formal words. It is sufficient if the minds of the parties reach a common understanding to accomplish the object of the conspiracy, and this may be proved by the conduct of the parties. The agreement does not have to express the manner in which the conspiracy is to be carried out or what part each conspirator is to play. The overt act may be done either at the time of or following the agreement. You are advised that there is no requirement that all co-conspirators be named in the specification or that all co-conspirators be subject to military law (Leahy Record of Trial).

Ambrose Bierce defined patriotism as the last refuge of a scoundrel; the charge of conspiracy can similarly be described as the last refuge of a desperate and vindictive prosecution. Defense lawyers have noted that conspiracy can be whatever the government wants it to be (Mestrovic 2009:223). Mestrovic in analyzing conspiracy described it:

I have often heard military judges read this same speech on conspiracy, and each time I find it perplexing. In plain English, and with regard to the reference group of 'the people,' the legal definition of conspiracy states that one does *not* have to conspire in the ordinary sense of the term (use words, have a plan, delegate responsibility, act in secret, and so on) in order to be guilty of conspiracy in the legal sense. Note that the conspiracy does not even 'have to be in any particular form.' Lawyers, judges, and to some extent juries supposedly determine what is in 'the minds of the parties' who are accused of conspiracy, even if their overt behavior does not correspond to what is allegedly in their minds. I have heard exasperated defense attorneys state that conspiracy is whatever the government wants it to be. And government prosecutors frequently charge suspects with conspiracy in order to obtain more severe sentences and also to convict other alleged co-conspirators of more serious crimes. As the judge informed Hunsacker, a co-conspirator need not be convicted of the overt crime in question – being a co-conspirator automatically makes one guilty of what someone else did (p. 223).

What complicates matters even more regarding the charge of conspiracy in a military setting, is that every mission is essentially a conspiracy to engage in pre-meditated legal killing of sorts (Mestrovic 2009:164). As Mestrovic describes:

In sum, under contemporary civilian conspiracy laws that are used in military contexts, any soldier who was a member of a platoon in which a crime was committed is potentially guilty of conspiracy simply for being a part of that platoon. Much is 'lost in translation' in this switching of reference groups

(military versus civilian) for judging the meaning of killing, conspiracy, pre-meditation, aiding, and other legal terms. It is not at all clear that a killing in civilian society has the same meaning as a killing on a military combat mission, even if both killings result in the legal charge of murder (2009:164).

The charge of conspiracy in criminal law, even more so in military law, is like a funhouse mirror image of a contract in civil law. In a criminal conspiracy, an agreement to take part in a crime can be interpreted in an infinite number of ways: a gesture, a glance, the nod of a head, a tone of voice, an action, etc. To prove a conspiracy has taken place, the government is practically without the burden of providing proof that a contract of any kind exists outlining the alleged criminal act and detailing the delegation of activities among the conspirators. Compare this to a contract in civil law where agreements must conform to established norms or else be subject to challenge. The smallest deviations from established norms in contracts are sufficient to make that contract unenforceable or void. Contracts can be voided if it is proven that one of the parties did not consent willingly because of incapacity, undue influence or duress. Yet in all these cases, the soldiers appear to enter into conspiracies under conditions that would be deemed highly unusual under contract law: PTSD, mild traumatic brain injuries, sleep deprivation, legal and illegal use of drugs, or operating under the influence of an anomic social climate. In criminal law, ambiguity is allowed to exist in determining that a conspiracy exists. In civil law, no ambiguity is allowed to exist in the determination that a contract exists.

When there is a failure in assuming collective responsibility, unwarranted responsibility falls on scapegoats. Outside of the war crimes trials, other examples exist in society. One such example is the current scapegoating of teachers in the media and by political and business figures. Just as Abu Ghraib was blamed on “a few bad apples,” problems in schools and among students are blamed on “a few bad teachers” who fail to “engage” their students. Rather than assume the responsibility of creating and maintaining poor social conditions for students and children, American society is slandering teachers. Gabor Maté, a best-selling Canadian psychologist who is virtually unknown in the United States, analyses the problem in the United States this way:

Well, you have to ask, how do children learn? How do children learn? And learning is an attachment dynamic, as well. You learn when you want to be like somebody. So you copy them, so you learn from them. You learn when you're curious. And you learn when you're willing to try something, and if it doesn't work, you try something else.

Now, here's what happens. Caring about something and being curious about something and recognizing that something doesn't work, you have to have a certain degree of emotional security. You have to be able to be open and vulnerable. Children who become peer-oriented – because the peer world is

so dangerous and so fraught with bullying and ostracization and dissing and exclusion and negative talk, how does a child protect himself or herself from all that negativity in the peer world? Because children are not committed to each others' unconditional loving acceptance. Even adults have a hard time giving that. Children can't do it. Those children become very insecure, and emotionally, to protect themselves, they shut down. They become hardened, so they become cool. Nothing matters. Cool is the ethic. You see that in the rock videos. It's all about cool. It's all about aggression and cool and no real emotion. Now, when that happens, curiosity goes, because curiosity is vulnerable, because you care about something and you're admitting that you don't know. You won't try anything, because if you fail, again, your vulnerability is exposed. So, you're not willing to have trial and error.

And in terms of who you're learning from, as long as kids were attaching to adults, they were looking to the adults to be modeling themselves on, to learn from, and to get their cues from. Now, kids are still learning from the people they're attached to, but now it's other kids. So you have whole generations of kids that are looking to other kids now to be their main cue-givers. So teachers have an almost impossible problem on their hands. And unfortunately, in North America again, education is seen as a question of academic pedagogy, hence these terrible standardized tests. And the very teachers who work with the most difficult kids are the ones who are most penalized...The difficult kids are kicked out, and teachers will be afraid to go into neighborhoods where, because of troubled family relationships, the kids are having difficulties, the kids are peer-oriented, the kids are not looking to the teachers. And this is seen as a reflection. So, actually, teachers are being slandered right now. Teachers are being slandered now because of the failure of the American society to produce the right environment for childhood development (Maté 2010).

Teachers are blamed for not being "entertaining enough" in the classroom, and are told to emulate the anomic media environment in which students are immersed, an environment steeped in fast paced, usually inappropriate conversation and dysfunctional behavior. In reality-television and mainstream news programs, ideas are seldom developed beyond a few shallow, superficial banalities, and hardly anyone speaks beyond a few words or even a sentence before being rudely interrupted or insulted. A lecture or seminar environment where people speak calmly, show respect, yet are allowed to disagree is a healthy environment, but tragically, because of its radically different appearance to the anomic environment of nearly everything else established teaching methods have come under attack. The phrase "the lunatics have taken over the asylum" comes to mind when describing the plight of teachers and education in general facing this particular form of American social upheaval and instability. The anomic elements insidiously working their way into American classrooms such as standardized testing, classroom clicker response devices, PowerPoint presentations, are analogous to

anomic elements within the military such as the catch and release program, cross-leveling, and PowerPoint presentations.

By refusing to take on the collective responsibility of these actions, the United States is paying several prices. Although the number of soldiers in these cases is relatively small, the United States is still wasting good soldiers and their futures by sending them to prison, rather than keeping them in the Army where they can continue to perform their duties. The other price the United States pays is that it is on a road to becoming a pariah state for failing to acknowledge its mistakes. When a country fails to assume proper, final collective responsibility for its crimes, other countries will place a stigma on it. For example, this has been the fate for Serbia and its refusal to acknowledge its collective responsibility for war crimes and crimes against humanity throughout the former Yugoslavia. Likewise, Turkey is similarly stigmatized for its refusal to acknowledge its genocide of the Armenians and its ongoing cultural genocide of the Kurds, where it is even illegal to speak the Kurdish language on broadcast media or for parents to give their children Kurdish names on official birth certificates.

Sometimes the world in general fails to hold a nation responsible for its crimes, but the victims and their descendants never forget. In the United States, this is the case for the Blackfoot Indians who pass down their family stories of the Baker Massacre. Though few outsiders know the specific details, the general feeling that the United States Army is responsible for grave injustices against the Native Americans is felt in other countries. Likewise, Italy benefits from a positive image and reputation despite its sordid history in Africa – it is estimated that half of the Libyan people died when Italy invaded and occupied Libya as a colony, and in Abyssinia the Italian military engaged in horrific war crimes such as using chemical weapons or throwing military prisoners from airplanes. In India, it is well accepted there that the United Kingdom through its policies and its military created famines in order to subjugate restive populations. In Ireland, every instance of British injustice seems to have worked itself into folk music to the extent that an entire genre of Irish rebel music exists. The Arab and Muslim world now places a mark of shame on the United States for its actions in Iraq and Afghanistan. The United States can try to cheat its fate by failing to accept responsibility, or it can redeem itself by seeking reconciliation with the Arab and Muslim world.



# Two Stories of Hunting Witches

In order to find out how many witches there are, and who the real witches are, and in order to punish them because they ate a child, that is what they do with the poor women: All the village assemblies, everybody who bears a gun, and the chieftain [*starješina*] of the village says approximately this: ‘You see, my brothers, how our remnants are being exterminated by soulless witches. May God judge them! Tomorrow morning every one of you, the same as I shall do, will bring his wife and mother to the cistern (or river, or lake) to throw her into the water, in order to see who are the witches among them and to stone them to death or to make them swear that they will never again do evil. Shall we do it, brothers?’ All unanimously answer, ‘We will, and what else could we do?’ Tomorrow morning each one brings his own wife or mother...[t]he one who sinks down is quickly pulled out, for she is not a witch. The one who does not sink, but remains sprawled out on the water is a witch.

A non-puritanical witch-hunt in Montenegro, described in *Personality and Culture in Eastern Europe* by Tomasic quoting Bogišić (pp. 82–3).

It is clear that both [Matthew] Hopkins and [John] Stearne recognized the fact that confessions wrung from women by torture are worthless and were by this explanation defending themselves against the charge of having used actual torture... Stearne tells us that the keeping of witches separate [or socially isolated] is ‘also to the end that Godly Divines might discourse with them.’ ...Here, indeed, is a clue to many confessions. Several men arrayed against one solitary and weak woman could break her resolution and get from her very much what they pleased.

...James Howell, writing in 1648, says that ‘within the compass of two years, near upon three hundred Witches were arraign’d and the major part executed in Essex and Suffolk only.’ If these estimates be correct – or even if they approach correctness – a remarkable fact appears. *Hopkins and Stearne, in fourteen months’ time, sent to the gallows more witches than all the other witch-hunters of England can be proved – so far as our present records go – to have hung in the hundred and sixty years during which the persecution flourished in England.* It must occur to the reader that this crusade was extraordinary.

Excerpts from *A History of Witchcraft in England from 1558 to 1718* by Wallace Notestein describing the exploits of Puritan witchfinders, with my emphases (pp. 189–95).

The methods employed by the Puritan witchfinders Matthew Hopkins and John Stearne included methods similar to those employed in the Global War on Terror including forced nudity, stress positions, forced and sustained exercise, hunger, sleep deprivation, social isolation, and solitary confinement.



*This page has been left blank intentionally*

## Chapter 5

# Puritanism and Revenge

In the American military justice system, and the American military in general, the “instinct for revenge,” and the element of collective punishment are present. In a very Puritan mode of operation, what in other cultures is a spontaneous expression of uncontrollable emotion is transformed into sublimated emotion hidden behind systems and techniques. The court-martial system, then, is not the product of an exalted state of being that exists in a purely rational, civilized, or modern mindset, but rather is a ritual of degradation and revenge that has been adapted to fit the Puritan esthetic of action: revenge and retribution must happen, but only in certain ways. In a larger sense, the wars in Iraq and Afghanistan, from the very policies which set them in motion, to the acts of soldiers on the ground, and the courts-martial that deal with certain actions, constitute an entire structure of revenge that follows a Puritan esthetic.

In describing law and punishment, Durkheim describes the conditions of each institution in societies held together by mechanical solidarity (or societies held together by sameness) and higher order societies held together by organic solidarity. In more tradition based societies, Durkheim states the following about punishment:

In the first place, punishment constitutes an emotional reaction. This characteristic is all the more apparent the less cultured societies are. Indeed primitive peoples punish for the sake of punishing, causing the guilty person to suffer solely for the sake of suffering and without expecting any advantage for themselves from the suffering they inflict upon him ([1893] 1997:44).

Punishment in traditional societies aims to fulfill an emotional need for retribution:

When the punishment is applied solely to people, it often extends well beyond the guilty person and strikes the innocent – his wife, children or neighbors, etc. This is because the passionate feeling that lies at the heart of punishment dies down only when it is spent. Thus if, after having destroyed the one who was its most immediate cause, some strength of feeling still remains, quite automatically it reaches further. Even when it is sufficiently moderate in intensity to attack only the guilty person it manifests its presence by its tendency to exceed in seriousness the act against which it is reacting ([1893] 1997:44).

Thus Durkheim establishes that punishment and the law in societies held together by sameness, or mechanical solidarity, were inseparable from the emotion driving punishment. Even when the person who has committed the act has been punished,

and the reason for punishing has been met, ancient societies extend punishment until the emotion driving the vendetta has been spent. In so doing, inanimate objects, family members, and animals share in the punishment (Durkheim ([1893] 1997:44).

American society is not one characterized by mechanical solidarity but primarily by organic solidarity, and arguably its subordinate institutions also are characterized primarily by organic solidarity as well. Durkheim affirms that even when societies reach more developed forms, the nature of punishment does not change with the official, stated purpose for punishment:

Nowadays, however, it is said that punishment has changed in nature. Society no longer punishes to avenge, but to defend itself. In its hands the pain it inflicts is only a systematic instrument for its protection. Society punishes, not because the punishment of itself affords some satisfaction, but in order that the fear of punishment may give pause to the evilly inclined. It is no longer wrath that governs repression, but well premeditated foresight. Thus the preceding remarks cannot be generally applied: they may only concern the primitive form of punishment and cannot be extended to cover its present-day form.

Yet, in order to justify legitimately so radical a distinction between these two sorts of punishments it is not enough to demonstrate that they are employed for different ends. The nature of a practice does not necessarily alter because the conscious intentions of those implementing it are modified. Indeed it could already have fulfilled the same role in former times without this having been perceived. In that case why should it be transformed by the mere fact that we realize more fully the effects that it produces? It adapts itself to the new conditions of existence created for it without thus undergoing any essential changes. This is what happened in the case of punishment ([1893] 1997:44–5).

Explicitly, modern American law states its aversion to punishment as vendetta, and in the ways that vendettas are usually executed, through punishment of families, collective punishment, or punishment of inanimate objects and animals. Though the American justice system may convict criminals and punish them as individuals, often families share in the suffering from lost earnings and the fact of having an absent family member. Durkheim's statement that people in traditional societies sometimes punish for the sake of punishing and cause "the guilty person to suffer solely for the sake of suffering and without expecting any advantage to themselves from the suffering they inflict upon him" applies to elements of the modern American penal system ([1893] 1997:44). In the United States, former prisoners constitute one of the few populations of individuals for which legalized job discrimination still exists. Sociologists have long wondered what the usefulness is of a prison system that creates and promotes the conditions for recidivism, including legalized housing and employment discrimination. This post-sentence punishment that continues long after the imposed court sentence has expired

denies former prisoners of human rights and impedes them from contributing as productive members of society. In a bygone era, the idea might have existed that prisoners paid their debt to society; nowadays, prisoners are treated as if they are perpetual debtors to society.

In modern societies, of which Puritanical societies consider themselves as members, there is a supposed break from the spontaneous emotion driving revenge towards the rational execution of justice. For Weber ([1905] 1976), the Puritan character is characterized by the irrationally driven fear of damnation, and towards a systematic, methodical struggle with life. The word “fear” appears in Weber’s *The Protestant Ethic and the Spirit of Capitalism* in relation to the individual Protestant and his or her fear of damnation:

In spite of the necessity of membership in the true Church for salvation, the Calvinist’s intercourse with his God was carried on in deep spiritual isolation. To see the specific results of this peculiar atmosphere, it is only necessary to read Bunyan’s *Pilgrim’s Progress*, by far the most widely read book of the whole Puritan literature. In the description of Christian’s attitude after he had realized that he was living in the City of Destruction and he had received the call to take up his pilgrimage to the celestial city, wife and children cling to him, but stopping his ears with his fingers and crying, ‘life, eternal life,’ he staggers forth across the fields. No refinement could surpass the naive feeling of the tinker [John Bunyan, a tinsmith] who, writing in his prison cell, earned the applause of a believing world, in expressing the emotions of the faithful Puritan, thinking only of his own salvation. It is expressed in the unctuous conversations which he holds with fellow-seekers on the way, in a manner somewhat reminiscent of Gottfried Keller’s Gerechte Kammacher. Only when he himself is safe does it occur to him that it would be nice to have his family with him. It is the same anxious fear of death and the beyond which we feel so vividly in Alfonso of Liguori, as Döllinger has described him to us. It is worlds removed from that spirit of proud worldliness which Machiavelli expresses in relating the fame of those Florentine citizens who, in their struggle against the Pope and his excommunication, had held ‘Love of their native city higher than the fear for the salvation of their souls.’ And it is of course even farther from the feelings which Richard Wagner puts into the mouth of Siegmund before his fatal combat, ‘Grüsse mir Wotan, grüsse mir Wallhall--Doch von Wallhall’s spröden Wonnen sprich du wahrlich mir nicht.’ But the effects of this fear on Bunyan and Liguori are characteristically different. The same fear which drives the latter to every conceivable self-humiliation spurs the former on to a restless and systematic struggle with life. Whence comes this difference? ([1905] 1976:106–7).<sup>1</sup>

---

1 The word “tinker” in this passage by Weber refers to John Bunyan, a tinker or tinsmith by trade, who wrote *The Pilgrim’s Progress* during his imprisonment for preaching. The word “tinker” is not a typographical error into English by Talcott Parson’s, Weber’s translator, nor a transcription error.

The restless and systematic struggle for life which the Puritan undertakes has two sources, both of which have their origins not in any particular conscious thought or philosophy but in fear and the need to enact vendettas, both of which are irrational.

### **Mechanical Solidarity and Blood Feuds**

In tradition-directed societies, head-hunting among tribal people is a common way to enact feuds, i.e. to carry out acts of revenge:

In the Philippines and among nearly all the Malaysian peoples, vendetta is to a large extent mingled with what is called 'head hunting.' Custom decrees that death, especially the death of a chief or some notable, have for its sanction the murder of one or more persons. Their heads are cut off and placed on his grave (Fauconnet [1928] 1978: IV-15-16).

Fauconnet describes similar forms of head hunting among native Americans, Balkan *zadrugas* (family clans), and Australian aborigines. *Blood Revenge: The Enactment and Management of Conflict in Montenegro and Other Tribal Societies* is a book on the subject of feuding and revenge by anthropologist Christopher Boehm ([1984] 1991). The book is an exploration of feuding in a tribal society, undertaken through field research and interview of subjects along with research in historical documents. Boehm travelled to then-Yugoslavia, in 1963 and 1966, to live in rural, remote areas of Montenegro and study the lingering but fading influences of tribal organization in daily life. The book provides a description of revenge in a non-puritanical society that serves as a comparison for revenge in a Puritanical society such as the United States.

The word "tribe" used to describe the traditional organization of life in non-modern societies has been described incorrectly as racist. Boehm in his book admits that when anthropologists head out into the world to study tribes, that their destinations are, typically South America, New Guinea, or Africa, and the implication that tribes and tribal ways are or were extant in Europe is surprising to many people. Boehm states that Europe's original peoples lost their tribal identities either to conquest by the Romans or by being incorporated into feudal systems in the Middle Ages. The remaining vestiges of tribal life to western Europeans and Euro-Americans, perhaps, are best seen in Scottish and Irish clans and septs.

In Montenegro, Boehm stated that the tribesmen were of a type found all over the world, and that their way of life was typical of tribal members. In short, the tribe in Montenegro had the same function as any other tribe: to defend tribal lands. To this end, tribes in general expend their efforts and energy towards warfare, raiding other territorial lands and peoples, and in headhunting (which even in European history is more prevalent than may be first imagined). The feature that Boehm studies in detail pertains to the act of feuding, in which one clan would enact vengeance on another clan for a perceived transgression.

Boehm explains that clans, which in general are subdivisions of tribes, enact feuds to meet two basic goals ([1984] 1991:173). First, feuding in tribal society is an act which signals to outsiders that a clan will not tolerate being dishonored or preyed upon in any way. For example, a clan may enact revenge for a variety of actions, all of which are acts as seen as transgressive upon a sense of honor, from having a clan member insulted by an outsider in a public space, such as a town center, to more extreme and violent actions such as the violation of their women, theft of property, or homicide. The second reason for feuding, according to Boehm, was to act as an alternative to all-out warfare between clans or tribes. Feuding was not “senseless violence” leaving thousands of corpses in its wake, but acts which followed set patterns and rules to keep conflicts between clans and tribes within socially acceptable limits (p. 173). Thus, a single homicide would provoke a feud that would take the lives of a rival clan, but ultimately avert all-out war between people in a community or between people in neighboring communities (p. 173).

Boehm admits that from an ethnocentric, modern point of view, feuding appears barbaric and violent. The alternative to feuding in modern societies is “the rule of law,” which means institutions that operate within society. Modern conflicts are not settled by taking the head of an enemy, but through modern law enforcement, a modern law code, a system of courts, a system of state prisons and jails, legislatures, and other governmental units that make and implement law. The tribal society is an alternative to a society that operates and must support all of these institutions. Taken from the point of view of the tribal society, a tribesman would say, first, that modern society is a place in which “law” exists in place of “honor.” In modern society, people do not go to court to demand restitution of one’s honor, but to seek compensatory damages or criminal sentences against the aggrieving party. Second, a critique of the modern “rule of law” is that it weighs down on society with the weight and burden of all its legal institutions. Feuding, even in Texas, is perceived as barbaric, violent, and unacceptable to society. However, the burden of sustaining not one but two prison systems – Texas operates both a state jail system and a state prison system – within the state is seldom questioned as “unreasonable” by the public and government officials, and if anything there is the pressure to build more prisons. The costs of running prisons compared to the alternatives are seldom discussed, though the difference is great: in 2009 the average cost of imprisonment was \$79 per day per inmate compared to the average cost of probation which is \$3.42 per day per probationer and the average cost of parole which is \$7.47 per day per parolee (“One in 31 U.S. Adults are Behind Bars, on Parole or Probation”).

Boehm raises issues that merit further exploration, as the feuding instinct among people with vestiges of tribal affiliation has driven many historical and political events. In *Personality and Culture in Eastern European Politics*, Dinko Tomasic (1948) writes:

The bellicose and conspirative character of this area did not, however, result exclusively from the power politics of Eastern European states and world

empires. It was also autochthonous inasmuch as the mountainous regions of Eastern Europe have been inhabited by belligerent herdsmen whose origin can be traced to the great medieval invasions of Ural-Altaic warriors from the Asiatic mainland (p. 221).

For example, it is interesting to note that all the children who survived to adulthood in the Ulyanov family became terrorists and revolutionaries after the Czar hanged their brother. The most famous of the Ulyanov children would later change his name to Vladimir Ilyich Lenin and launch a revolution and civil war to kill the Czar (Reed 2005:16). The psychological-social component of the feud between Lenin in cancelling his family's blood debt with the Czar is usually not a central part of explanations why monarchist Russia became a communist society. Boehm and Tomasic are not considered central or mainstream in explanations behind the Russian revolution of 1917. The rational intellectual and theoretical motivations and components of the revolution are widely discussed in academia; the irrational (i.e. emotional) psychological-social motivations and components are not.

Another example of a modern-era conflict with roots in tribal societies is the conflict in Northern Ireland, which always seems to threaten erupting and returning. Prior to being part of a modern state with internationally recognized boundaries and modern administration, the northern part of Ireland and the western part of Scotland were contested areas between two huge clans: the Macdonalds and the Campbells. Clans Macdonald and Campbell feuded for nearly 450 years beginning in 1296 (Thomson 2008:xv). Feuding between the two clans approached all-out war, as both clans were able to raise armies numbering over thousands of warriors (Thomson 2008:24–5). Although the sectarian conflict in Northern Ireland had gone into a state of remission with the Good Friday Agreements of 1998, the conflict threatens to return with the targeted bomb assassination of police and soldiers by various Irish Republican paramilitary groups (McDonald 2011). In seeing Northern Ireland and western Scotland as the traditional battleground for sectarian and clan warfare, a troubling development has been the 2011 attempted assassination of Celtic Football Club coaches by mail bombs (Carrell 2011). Celtic FC is a team associated with Scottish Catholics (Carrell 2011).

There are noteworthy details about Scottish and Irish clans. The word clan comes from the Gaelic word *clann*, which means “children” (Adams 1990:1), paralleling the word *zadruga* in Serbian and Croatian for clan or family. Where the anthropologists uses the word *tribe* to describe tribal people and *clan* to describe a subgroup of those people, the convention in Scotland and Ireland is to refer to the tribe as a clan and a clan as a tribe or sept. In fact Gerry Adams, the former president of Sinn Féin, wrote that it was a rite of passage for the males in his *clann* to serve time at Long Kesh Prison for activities against the British government. In his family it was also considered a rite of passage for the women of his *clann* to visit the men, and this was something that was endured by all the members of his *clann* for a period of over twenty years.

The sectarian conflict in Ireland, as well as wars over the succession of the monarchy is partly explained by the fact that Clan Campbell was mostly protestant and the smaller, weaker Clan Macdonald was mostly Catholic. So, after many decades of being against the monarchy as an institution, clan loyalty may change depending on the succeeding monarch's own religious inclination, as was the case when the Campbells, after many years of hostility to the monarchy, suddenly swore allegiance when a Protestant Elizabeth I succeeded the throne (Thomson 2008:55). While the modern conflict in Northern Ireland is typically portrayed as sectarian in origin or in character, the background could actually be described in tribal or even racial terms.<sup>2</sup> In fact, conversion as a potential "solution" is not possible in terminating the conflict as one's first name or last name identifies an individual as being Protestant or Catholic in Ireland and Scotland. Catholic boys are named Patrick, after the Catholic saint, and Protestant boys are named William, after William of Orange, Oliver, after Oliver Cromwell, and so on.

Boehm's explanation on tribal feuding can be a useful framework in looking at the conflict in Northern Ireland and British history in general. The English Civil Wars had feuding elements and character between the Cromwell family and the family of the executed king, Charles I. Just as in Montenegro, the families took turns in beheading rival members and exhibiting the heads in public. Cromwell infamously tried and executed Charles I for treason; historians are in consensus that the trial and execution had no legal validity.<sup>3</sup> Charles II, upon his return to England, had the body of Oliver Cromwell exhumed from Westminster Abbey and posthumously beheaded (Gaunt 1996:3). Cromwell's body was hanged in chains at Tyburn, and his head was displayed outside Westminster for over 20 years until a storm knocked it down in 1685 (Gaunt 1996:3–4). This occurred during a period in European history known as the Age of Reason.

Relevant to the Global War on Terror is the observation by Hanna Batatu ([1978] 2004) in his landmark study, *The Old Social Classes and the Revolutionary Movements in Iraq*, on social organization within Iraq. Batatu, a Palestinian-American, wrote his study of Iraqi society in 1978, and his book is considered mainstream and central in studies of Iraqi history; Batatu's book is a perspicacious outsider's view of Iraqi society in much the same way that Tocqueville's ([1835] 2003) *Democracy in America* is a perspicacious outsider's view of the United States. In describing the Sunni versus Shiite split in Iraqi society, Batatu ([1978] 2004) cites that during the Ottoman occupation of Iraq, the occupying forces and collaborating government officials were Sunni (p. 42). Although Sunnis are a minority of the population, they have been the locus of power in Iraq since

---

2 Interesting to note is that the Greek word *genos* (as in the word genocide) refers to both race and tribe.

3 In fact, the trial of Charles I for treason would be unconstitutional under American law which forbids any chamber of Congress to issue a bill of attainder, or a legislative act finding someone guilty and depriving that person of a judicial trial (*U.S. Constitution*, Art. I, Sec. 9).



modern times. The tribes outside the cities were “powers unto themselves,” and their intolerance of the government, and their association with government and oppression, facilitated the transition to Shi’ism for many tribes of former Sunnis (Batatu [1978] 2004:42). In Baghdad province alone, Batatu writes that there were over 110 tribes (Batatu [1978] 2004:16).

Batatu notes that the transition from tribalism to urbanization in Iraq was a gradual, transitional change. Instead of people disappearing into cities and being completely deracinated from the religious and tribal origins, people organized themselves into the *mahallah* or city quarter (Batatu [1978] 2004:46). The *mahallah* retains people’s affiliations: the groups that belonged to different faiths, sects, classes, or ethnic and tribal origins lived only in *mahallas* that reflected their origins.<sup>4</sup> Thus, *mahallas* were still organized along tribal lines, and were worlds of their own (Batatu [1978] 2004:19). Like tribes, they established laws along the concept of honor and shame, which called for “rising against an outsider who is not from us, whether the result be to our advantage or to our disadvantage,” set rules about when and how much blood money to accept or pay for murders, and the rules by which a member of the *mahallah* could be exiled for shaming himself by stealing, fornicating, or looting (Batatu 20). Just as Montenegrin tribes resisted a strong centralized government, the Iraqi *mahallahs* made their own, similar rules to pay all legal fees to any member arrested by the national Iraqi government for enacting revenge or breaking the law on behalf of the *mahallah*. Similar to what Tomasic (1948) states of Eastern European politics, Batatu makes the point that national politics did not displace old loyalties or old tribal ways (Batatu [1978] 2004:22). Instead, nationalism in Iraq absorbed some of the psychological elements (Batatu [1978] 2004:22). During the court-martial of SGT Leahy, the soldiers testifying not only knew the word *mahallah* in describing the part of the city they patrolled, but described violence in the *mahallahs* approaching levels of genocide similar to those for other, fragmented and ethnically diverse areas of the world, such as Bosnia in the 1990s or the Brazos Valley of central Texas at the end of the nineteenth century. Specifically, one million people lived in the area of operation for Leahy’s unit in four Baghdad *mahallahs* (Leahy Record of Trial).

Stjepan Mestrovic, who was an expert witness in sociology at Michael Leahy’s trial, compared the situation of Leahy’s group of soldiers to the situation of UNPROFOR in Bosnia during the Yugoslav wars. When asked “what happened here?” by Spinner, Leahy’s civilian attorney, regarding the actions by soldiers from Alpha company, Mestrovic answered:

A: ...what I see in this case, from the testimony and everything I’ve read, is tremendous disorganization, tremendous chaos despite very good intentions. And I would say despite overwhelming obstacles including, as I recall from [an

---

4 The *mahallahs* that Batatu describes in Iraq are not too dissimilar from the *quartieri* (quarters) of some European cities such as Siena in Italy.

intelligence officer's] testimony, being confronted by ethnic cleansing by Shia and Sunni.

Q: And let's stop and talk about that. In terms of the witnesses that you heard testify in this case, what importance do you play, in terms of your analysis, on [the battalion's intelligence officer's] testimony?

A: To me, he's the most sociological because he was talking about large scale rules such as ROEs, detention procedures, circumstances such as ethnic cleansing, the fact that we had a very small unit, Alpha Company, that was confronting a sector with about one million people, I mean, when I think about it compared to my previous work in Bosnia, that's – those are overwhelming odds. It's almost like UNPROFOR, of course –

Q: I'm sorry. It's what?

A: United Nation Protection Force.

Q: Okay.

A: – was dealing with genocide in Bosnia but they had a lot more back up and a lot – many more bodies (Leahy Record of Trial).

The overwhelmingly salient characteristic in Alpha Company's social environment was the tremendous level of violence between Sunni and Shia that surpassed the level of violence in Bosnia during the 1990s. Alpha Company was placed in a sector where there was ongoing genocide. The word "genocide" never appears in the news reports of Leahy's court-martial, nor does the fact that the Iraqi police and the U.S. Army were recovering upwards of 300 civilian bodies daily from the streets. As far as providing or explaining the social environment of the incident, the press displayed a gross deficiency in a sociological imagination.

Alpha Company's role in their Area of Operation was even more difficult than that of UNPROFOR, as noted in Mestrovic's testimony. UNPROFOR, or the United Nations Protection Force, had the role of "peacekeeping" in the midst of what was definitely not peace: ongoing genocide and war (Mestrovic 1994:89). Alpha Company in places like the Baghdad *mahallahs* were expected to perform the role of "peacemaking" in ongoing civil war and genocide between Sunnis and Shias. Mestrovic testified that Alpha Company, in comparison to UNPROFOR, was expected to perform a more difficult mission with fewer soldiers and less support. Even UNPROFOR with its greater resources were helpless in their "easier" mission. Military officers for UNPROFOR conceded, for example, that while they could not control the situation, they could observe and monitor genocide (Mestrovic 1994:89).

## Parallels Between Blood Feuds and Lynchings in Central Texas

A direct parallel to the U.S. Army making peace in a wartime area is found in *Lynching to Belong: Claiming Whiteness Through Racial Violence* written by historian Cynthia Skove Nevels (2007), a book that deals specifically with the history of lynching in the Brazos Valley. *Lynching to Belong* depicts Brazos County as ground zero for racial conflict and even outright racial warfare in Texas of the 1890's. The contemporary residents of the county live without knowing its bloody history, which reads more like that of civil war torn Bosnia or the Sunni triangle, the hotbed of insurgent activity in Iraq. In the 1890's, for example, Texas saw as many as 100 lynchings per year, and of these lynchings up to a quarter took place yearly in Brazos County (p. 73).

In that era, central Texas in general was one of the most violent parts of the west. The historian Richard Maxwell Brown remarked that "no region in the United States has surpassed the acute, long-term violence of central Texas" (Bernstein [2005] 2006:12). There are brutal episodes in Waco's history, and by extension of the region. In 1898, a judge in Waco running for reelection shot dead two men who had assaulted him (Bernstein [2005] 2006:14). In a separate incident, *The Iconoclast* newspaper editor was shot in the back for publishing a series of stories of sex scandals regarding Baylor College, the local Baptist university, and after his burial outraged Wacoans took shots at his headstone (Bernstein [2005] 2006: 15–16). Naturally, all of this paled in comparison to one of the two most infamous events in Waco's history, which was the public lynching in 1916 of a black man named Jessie Washington which attracted a crowd of spectators numbering over 15,000 (Skove Nevels 2007:113). The area comprising Waco and Brazos county has been described as being steeped with "a vicious tradition of mob violence" and of "lying on the fault line where the casual violence of the frontier met the maddog [sic] racism of the Deep South (Bernstein [2005] 2006:16)."

In Brazos county, white farmers had organized themselves into a militia, the KKK, to intimidate and kill black farmers, who themselves had formed their own militia numbering two hundred soldiers (Skove Nevels 2007:20-21). This was a period of nearly open warfare, as the Klan would try to intimidate black churches by marching outside religious services during daylight hours, and the members of the congregation firing shots at the Klan in defense (Skove Nevels 2007:20). The U.S. Army was called into Brazos County on three separate occasions, sometimes remaining for periods of up to a year, in order to suppress insurgencies, feuds, acts of arson, riots, and assassinations (Skove Nevels 2007:21). Soldiers wrote home that Brazos County, and its then county seat of Millican, was "a miserable cut throat hole" where everyone carried knives and revolvers (Skove Nevels 2007:21).

The important thing to note regarding the tension between whites and blacks in Brazos County up to the 1890s, was that the two populations were at a demographic stalemate (Skove Nevels 2007:2, 53). Black residents of Brazos County and German immigrants formed a dominant block of Republican voters that was only broken by a campaign of racial terror by their opposition (Skove

Nevels 2007:46–7). The turning point in this stalemate, then, was the influx of Italian, Irish, and Czech immigrants into the Brazos County slowly beginning in 1880 and in full speed by the 1890s. The newcomers would prove decisive in breaking the deadlock between the two groups.

Lynching in Brazos County in the 1890s was a method for terrorizing a population, much like car bombings, suicide bombings, or more controversially, predator-drone missile strikes, are methods of imposing not only violence but constant fear on a population. Comparing the situation to clan warfare in Scotland, Montenegro, or Iraq, the established population of whites in Brazos County (made up of Anglo-Germans) constituted Clan “A,” the population of black farmers in Brazos County constituted a “Clan B,” and the incoming immigrants from Czechoslovakia, Italy, and Ireland could be seen as minor clans or “Clan C.”

Skoive Nevels describes lynching as one of several tactics, some given legal status, in which Anglo-Germans in Brazos, and whites in general throughout Texas, would exert influence or power over black people. This included rigging elections, moving election polling places, threatening violence on voters, carrying out assassinations through methods other than lynching, Jim Crow cultural practices, and formal segregation. Lynching as a particular method of intimidation came to have its own meanings as a ritual through which a minority not regarded as white could claim whiteness or its privileges.

From a twenty first century, American perspective, it may be difficult to appreciate the fact that people from Bohemia and Moravia in Czechoslovakia, Sicilians from Italy, and Irish immigrants from the western side of Ireland were not automatically accorded white privilege and status in American society. Symbolic-interactionists have posited that what is come to be regarded as common-sense, obvious, and taken-for-granted beliefs and values of everyday life are not natural or innate in people, but are constructed through complex social interactions. Whiteness and its meaning is a socially constructed idea that developed socially and which was only gradually extended to people from Europe in the Brazos Valley whose ancestors were not British or German.

This is a very distinct and clashing description than that provided by race and ethnicity functionalist-theorists such as Milton Gordon (1964), who propose a gradual assimilation model for ethnic and racial groups who enter American societies. Gordon’s theory regarding assimilation on various levels of social activity – recreation, education, economy, politics – breaks down when examining the case of the different racial groups in Brazos County. In fact, the black citizens of Brazos were politically established and even dominant in the political affairs in the county. Like the Anglo-Germans they were Protestants. Millican was an economically prosperous town while the mostly white town of Bryan was described as lacking culture. By contrast, the influx of immigrants from Europe were mostly Catholic, economically were at the bottom of the rung, and not established politically in any way in the county. By Gordon’s assumptions, it would have been the black farmers of Brazos county who would have integrated more quickly than the Czechs, Italians, and Irish. This was not the case.

Instead, a sort of racial leap-frog occurred by which the European immigrants bypassed black residents of Brazos within a very short period of about ten years. Skove Nevels (2007) states that Czechs, Italians, and the Irish became white after carrying out acts of lynching against blacks. They became white only after dipping their hands in the blood of African-Americans. Drawing again on the comparison of the clans, this would be like a minor clan "C" (the Czechs or Italians or Irish immigrants) allying with a stronger clan "A" (the Anglo-Germans) in order to make war or feud with a clan "B" (the blacks in the Brazos). A parallel from Scottish history is that of Clan Fraser being closely allied with Clan Campbell in the centuries-long feud with Clan Macdonald. This allegiance was so close that when Scotland officially became part of the United Kingdom through the Act of Union in 1707, the army of warriors from clans Campbell and Frazer became part of the regular British Army as the Royal Highland Regiment of Foot, better known as the Black Watch, and later given the nickname "The Devil's Own" by their Irish adversaries ("Raising of the Regiment").

The arc of enacting lynchings in the Brazos has its parallels with the arc of enacting blood revenge in tribal societies. In tribal societies, an act that brings shame to a member of one's clan automatically incurs a blood debt that has to be repaid with the death of the offender's clan. In the American South, the justification given for lynching was the notion that a black man or black men had raped a white woman, "imperiling the virtue and purity" of the woman (Skove Nevels 2007:74) or in Boehm's terminology, shaming her.

Among the Anglo-Germans or Anglo-Saxons, this narrative of the "violated and imperiled" white woman has been used a justification for many things. Goad (1997) in *The Redneck Manifesto* writes that Oliver Cromwell and the Puritans used the narrative of violated and imperiled English women in Ireland as reason to raise an army and carry out a collective lynching of Ireland. In the context of the Iraq War, the Jessica Lynch capture and torture narrative became a central news narrative in the early days of the war, despite the fact that other soldiers from Lynch's unit, including a black woman named Shoshana Johnson and a Native American woman named Lori Piestewa, were also taken prisoner in the same ambush (Davidson 2004). Recurring news stories about "missing white females" are a continuation of this racist, lynching narrative. Seldom will American news interrupt and perturb its audiences with narratives of missing black or Hispanic women. For years, Hispanic women have been dying violently and in great number in and around the El Paso-Ciudad Juarez metropolitan area without the media attention of a solitary "missing white woman" like Natalie Holloway, who famously went missing in Aruba in 2008.

The anomic nature of the wars in Iraq and Afghanistan are compounded by, on the one hand, the trajectory of revenge in the tradition-directed societies of those two countries, and on the other hand, the inability to comprehend the trajectories of revenge by the U.S. military. An extreme example of a battle near Najaf, Iraq in 2007 demonstrates a common cycle of U.S. and allied forces reacting with overwhelming military force and consequently instigating an escalating cycle

of tribal or familial vendetta. Although Najaf is an extreme example, it shows a common pattern of McDonalidized warfare (i.e. warfare guided by rules of engagement and various military doctrines) instigating tribal cycles of revenge. Dahr Jamail, an American journalist, reported on the battle of Najaf in 2007 for Inter Press Service:

Conflicting reports had arisen earlier on how and why a huge battle broke out around the small village Zarqa, located just a few kilometres northeast of the Shia holy city Najaf, which is 90 km south of Baghdad.

One thing certain is that when the smoke cleared, more than 200 people lay dead after more than half a day of fighting Sunday Jan. 28. A U.S. helicopter was shot down, killing two soldiers. Twenty-five members of the Iraqi security force were also killed (Jamail and al-Fadhily 2007b).

Various Shiite tribes throughout Iraq make a pilgrimage to Najaf every year as part of their faith (Jamail and al-Fadhily 2007b). As the al-Hatami tribe, who are Shia, approached an Iraqi army checkpoint the Iraqi soldiers opened fire and instantly killed the tribe's chief and his wife (Jamail and al-Fadhily 2007a). Jamail reports that the tribe did not mindlessly open fire, leaving open the possibility that the first gun burst from the Iraqi soldiers might have been accidental:

'We were going to conduct the usual ceremonies that we conduct every year when we were attacked by Iraqi soldiers,' Jabbar al-Hatami, a leader of the al-Hatami Shi'ite Arab tribe told IPS [Inter Press Service News Agency].

'We thought it was one of the usual mistakes of the Iraqi army killing civilians, so we advanced to explain to the soldiers that they killed five of us for no reason. But we were surprised by more gunfire from the soldiers' (Jamail and al-Fadhily 2007b).

In line with Boehm's observation on tribal societies and their reaction to deliberate killings, the reaction of the tribe was entirely predictable:

Abid Ali who witnessed the Najaf fighting told IPS that a procession of roughly 200 pilgrims from the Hawatim tribe had arrived in the Zarqa area near Najaf to celebrate the Ashura festival. Following a confrontation over the procession, Iraqi army soldiers at a checkpoint shot dead Hajj Sa'ad Sa'ad Nayif al-Hatemi, chief of the tribe, as he and his wife sat in their car.

Members of the tribe then attacked the checkpoint to avenge the death of their chief.

'It was after this that the Iraqi army called in the Americans, and the planes began bombing civilians,' Ali said. 'It was a massacre. Now I believe the internal Shia fighting has entered a very dangerous phase' (Jamail and al-Fadhily 2007c).

The conflict quickly escalated when a second tribe, the Al-Khazaali tribe, who were allied with the Hawatim tribe, also reacted to the deaths among the Hawatim:

'Our convoy was close to the Hatami convoy on the way to Najaf when we heard the massive shooting, and so we ran to help them because our tribe and theirs are bound with a strong alliance,' a 45-year-old man who asked to be referred to as Ahmed told IPS (Jamail and al-Fadhily 2007b).

The Iraqi soldiers at the checkpoint, having instigated not one but two tribal vendettas called in their own allies, the U.S. and British armed forces, escalating the level of violence by one more degree:

The fighting took place on the Diwaniya-Najaf road and spread into nearby date-palm plantations after pilgrims sought refuge there.

'American helicopters participated in the slaughter,' Jassim Abbas, a farmer from the area, told IPS. 'They were soon there to kill those pilgrims without hesitation, but they were never there for helping Iraqis in anything they need. We just watched them getting killed group by group while trapped in those plantations.'

Much of the killing was done by US and British warplanes, witnesses said (Jamail and al-Fadhily 2007b).

American and British armed forces reportedly used tanks, AH-64 attack helicopters, and F-16 fighter jets ("US, Iraqi forces kill 250 militants in Najaf"). Among the dead were more than 200 Iraqis, in addition to 25 more Iraqis of the Iraqi security forces, and two American soldiers, crewmen of an AH-64 helicopter shot down during the battle (Jamail and al-Fadhily 2007b; Jamail and al-Fadhily 2007c). The events offended public sensibilities, since the response, which left women and children dead in the military counterattack violated sensibilities as to what were considered legitimate targets; Jamail reported that the event had widespread impact in Iraqi society:

Many Shias in the southern parts of the country and in Baghdad now say they had been fooled earlier by U.S. promises to help them, but that the Najaf massacre has dramatically changed their views.

Significantly, the Association of Muslim Scholars, a group of Sunni Muslims headed by Dr. Harith al-Dhari, issued a statement condemning the Iraqi-U.S. military attack in Najaf against the Hawatim tribe. The statement, which seeks



to bridge a Shia-Sunni divide, denounced the killing of dozens of women and children and added, ‘It was an act of vengeance and political termination’ (Jamail and al-Fadhily 2007c).

Sabotage and incompetent intelligence on the part of the U.S. and its allied forces created this moral disaster for the U.S. occupation of Iraq. Jamail reported on the public perception of the Battle of Najaf (as the pro-American forces and mainstream media – the BBC and the Age of Australia – dubbed it) or the Massacre of Najaf, as common Iraqis and independent journalists described it:

Ali added that most people in the area believe the U.S. military was told by Iraqi security forces loyal to the pro-Iranian government in Baghdad that ‘terrorists’ or the ‘messianic cult’ was attacking Najaf. They say the misinformation was intended to mislead occupation forces into attacking the tribe (Jamail and al-Fadhily 2007c).

What happened at Najaf on January 29, 2007 demonstrates the social misunderstanding between trajectories of revenge and an inappropriate military reaction, and almost serves as a story of Iraq in miniature. The American armed forces or their allies create an incident which incites a socially acceptable, indeed culturally required, act of revenge. The act of revenge provokes an overwhelming reaction by the U.S. military. Regardless of the facts, the mainstream media apes the characterization of those killed or captured as “terrorists,” “insurgents,” and in the case of religious pilgrims to Najaf, as members of a “messianic” or “apocalyptic cult.” Despite a tactical victory (after all, the American military lost two soldiers and a helicopter compared to over 200 dead on the opposing side), the American military suffered a moral defeat in the public opinion of the Iraqi people. This is how the U.S. armed forces can “win” every battle in Afghanistan and Iraq and still lose the wars.

### **Drone Warfare and the Emotional Arc of Revenge**

Even when the United States military restrains itself from using overwhelming force by choosing to opt for “targeted drone strikes,” it activates the same dynamic of provoking tribal revenge. Although the mainstream media repeats the military’s phrase of “targeted killing” in regard to missile attacks by drone airplanes in Pakistan and Afghanistan, the attacks provoke “collateral damage.” In a May 2009 *New York Times* editorial piece critical of the use of drone plane attacks, David Kilcullen, a counterinsurgency expert and advisor to General Petraeus, and former army officer Andrew Exum wrote:

Press reports suggest that over the last three years drone strikes have killed about 14 terrorist leaders. But, according to Pakistani sources, they have also



killed some 700 civilians. This is 50 civilians for every militant killed, a hit rate of 2 percent – hardly ‘precision.’ American officials vehemently dispute these figures, and it is likely that more militants and fewer civilians have been killed than is reported by the press in Pakistan. Nevertheless, every one of these dead noncombatants represents an alienated family, a new desire for revenge, and more recruits for a militant movement that has grown exponentially even as drone strikes have increased (Kilcullen and Exum 2009).

Strangely enough, Kilcullen and Exum write that the Bush administration decision to increase the use of drone strikes followed the assassination of former Pakistani Prime Minister Benazir Bhutto (2009). The United States government, humanitarian organizations, and media accounts differ widely on the ratio of civilians to militants killed with U.S. officials claiming that since 2008 over 200 drone missile attacks have killed 1,300 militants at the expense of 30 non-combatant deaths (Capaccio and Bliss 2011). In further analysis of drone missile attacks, Kilcullen and Exum write:

Second, public outrage at the strikes is hardly limited to the region in which they take place – areas of northwestern Pakistan where ethnic Pashtuns predominate. Rather, the strikes are now exciting visceral opposition across a broad spectrum of Pakistani opinion in Punjab and Sindh, the nation’s two most populous provinces. Covered extensively by the news media, drone attacks are popularly believed to have caused even more civilian casualties than is actually the case. The persistence of these attacks on Pakistani territory offends people’s deepest sensibilities, alienates them from their government, and contributes to Pakistan’s instability.

Third, the use of drones displays every characteristic of a tactic – or, more accurately, a piece of technology – substituting for a strategy. These attacks are now being carried out without a concerted information campaign directed at the Pakistani public or a real effort to understand the tribal dynamics of the local population, efforts that might make such attacks more effective (2009).

Drone missile attacks have the hallmark as a form of Puritanical revenge: rather than engage in overtly personal, bloody, violent, and emotional killing, the operators of drone airplanes sit in air conditioned comfort thousands of miles away in places such as Creech Air Force Base in Nevada (O’Connell 2010). In killing “militants” with drones, the American military and its intelligence services have McDonaldized killing using flying robots: the underlying and raging emotions compelling revenge, i.e. the irrational driving forces, are concealed by systematic and technological instruments, i.e. the rational weaponry.

Whether the situation arises in Iraq or Afghanistan, the United States is waging a self-perpetuating war: every person’s death – whether innocent civilian or guilty “terrorist,” “militant,” “insurgent,” “guerilla,” or whatever other term is in vogue – triggers the need by family members to exact blood revenge. Even if the person

killed was genuinely waging war against the United States, the person's death creates an obligatory response by a cousin, brother, father, or uncle to avenge that death. This establishes a situation where the companies of the military industrial complex, who want to endlessly produce the weapons of war, have found an endless excuse to wage war – revenge for September 11<sup>th</sup>, and to produce an endless supply of enemies. Every person the United States kills, whether militant or not, is replaced with another person intent on waging war. The suppliers of weapons are guaranteed buyers for the foreseeable future.

There is a tremendous disconnect between the U.S. military's war in the skies against terrorists, militants, insurgents, guerillas, or other appellations for the enemy and the military's war on the ground. In the sky, the official policy is to use drones to carry out assassinations in full knowledge that civilian deaths ("collateral damage") will happen. On the ground, the official policy seems to be, at least publicly, a complete reversal of heavy-handed ground combat and policing of civilian populations by the U.S. military. "Counterinsurgency" appears to be a product of institutional reaction-formation by the U.S. Military. In *Rolling Stone* magazine, the reporter Michael Hastings, writing on the replacement of outgoing General Stanley McChrystal in Afghanistan with General David Petraeus wrote:

The irony [of Petraeus replacing McChrystal] is that Petraeus had literally written the book on counterinsurgency, the strategy that was failing so miserably in Afghanistan. After serving two years in Iraq, where he oversaw training of the Iraqi army and police, Petraeus returned to Fort Leavenworth, Kansas, in 2005. Fed up with what he saw as the Pentagon's outdated, Cold War mentality, he took it upon himself to assemble a handful of the military's most dynamic thinkers and to develop a new field manual, called FM 3-24, which became the basis for America's policy in Iraq. 'Counterinsurgency is not just thinking man's warfare,' the manual grandly declares of the doctrine now known as COIN. 'It is the graduate level of war' (Hastings 2011).

Whereas the military's counter-guerilla strategy originates from a more inner-directed era, the counterinsurgency strategy is more overtly other-directed. Counterinsurgency is about the manipulation of propaganda and of faked sincerity. Although counterinsurgency is promoted as "the graduate level of war," the violent elements of war still exist:

Taking over from McChrystal, Petraeus moved quickly to institute his own, more aggressive version of COIN – one that calls for lots of killing, lots of cash and lots of spin. He loosened the restrictions McChrystal had placed on the rules of engagement, giving U.S. soldiers the green light to use artillery, destroy property and defend themselves more vigorously. He drastically upped the number of airstrikes, launching more than 3,450 between July and November, the most since the invasion in 2001. He introduced U.S. tanks into the battle, unleashed Apache and Kiowa attack helicopters, and tripled the number of night raids by

Special Forces. The fighting was calculated to force the Taliban to the bargaining table and reduce NATO casualties, which soared to 711 last year [2010] – the highest of the war (Hastings 2011).

The faked-sincerity and manipulation in counterinsurgency comes in treating the ongoing war as a product or service, and in presenting information as a form of advertising campaign:

Above all, Petraeus launched a full-scale offensive to reshape how Congress and the American people view the war. One lesson he learned during the surge in Iraq is that it's not what's happening on the battlefield that counts – it's what people in Washington think is happening. As Petraeus wrote in *The American Military and the Lessons of Vietnam*, his 1987 doctoral dissertation at Princeton, 'What policymakers believe to have taken place in any particular case is what matters – more than what actually occurred.' Success lies in finding the right metrics, telling the right story, convincing the right people we're not losing. The key to victory, Petraeus concluded, is 'perception' (Hastings 2011).

To Petraeus and other military proponents of counterinsurgency, selling war is like selling McDonald's food: the cruelty in each system must be concealed from the public. No images of death or other depressing information seems to escape the gravitational pull of Afghanistan or Iraq, just like no McDonald commercials show animals in high-density feeding lots or workers abused by their supervisors or customers and disgruntled by low wages. The technology that eventually makes its way back to the United States as a police weapon for use on the civilian population? That is like the cheap plastic toy that comes with the happy meal: a remainder of the experience that is part souvenir and part choking hazard.

The institutional reaction formation to the heavy-handedness of public relations disasters such as the revelation of torture at Abu Ghraib has resulted in wild swings of the pendulum towards "counterinsurgency" and "revolving door" policies. These policies can be seen as compensatory actions meant to erase, as if by magic, earlier actions. During the events leading up to the Baghdad canal killings by Leahy's unit the army overcompensated for arbitrary arrests and collective punishment by imprisonment. In his book *Beyond the Green Zone*, Dahr Jamail writes of an earlier act of unjust arrest and collective punishment typical of the war in Iraq:

We were in Fallujah to meet with a law professor named Sheikh Hajji Barakat. But we soon found out that the Sheikh had been being [sic] detained by U.S. soldiers for the past three months and was being held at Abu Ghraib prison. The detention continued despite the fact that the U.S. commander in charge of Fallujah had already admitted to the sheikh's family that the man had been found innocent. Each time the family sought his release, they received the same promise: tomorrow.

‘Sheikh Hajji Barakat,’ extolled his cousin Khamis, ‘is a great, honorable man. He even told the Americans his seven sons are involved with the resistance. This doesn’t mean that their father is guilty. But they have detained him illegally anyway.’ It was apparently yet another example of collective punishment (Jamail 2007:81–2).

The policy and actions by the U.S. Army in Iraq were highly erratic, ranging from the collective punishment reported on by Jamail to overly lenient detention policies. Soldiers at the court-martial of SGT Leahy noted that a revolving door was the *de facto* policy for detaining suspected insurgents. The soldiers derisively called it the U.S. Army’s “catch and release” program. In a person, such erratic swings in action and demeanor would signal serious mental problems. In an institution such as the United States Army, such erratic swings in policy signal severe institutional dysfunction. During the trial of SGT Leahy, a U.S. Army intelligence officer provided these details during his testimony:

Q: Now, I want to talk to you a little bit more about falling under the final brigade that you mention. What brigade was that, 4/1 ID?

A: Roger.

Q: Now, what were the evidence requirements for detaining detainees under that brigade?

A: The evidence requirements never really changed; those were mandated by Corps. It was two witness statements or two separate sources, i.e., human intelligence reports or two TACREPS [tactical reports]. That was all the evidence that would – that was required, officially, for detainees. 4/1 ID was much more restrictive. They set, kind of, their own standard. They didn’t accept a lot of the evidence from sources; they didn’t accept a lot of evidence from TACREPS. It was incredibly frustrating trying to deal with them in terms of getting detainees, once captured, actually sent away, sent to the Bucca Ahori [phonetic].

Q: So, is it safe to say with each brigade you fell under that the policies and procedures changed?

A: Oh, absolutely. Every brigade had different standards, different methods, different entrance requirements to the DHA. Some of them wanted a battalion to screen all the detainees prior to getting them to the DHA; other brigades were fine with us just taking them straight to the DHA. It was quite the mess, especially changing under four different brigades.

Q: And what effect, to your knowledge, did that have down at the unit level?

A: They experienced some massive amounts of frustration, and I – because I had to debrief everybody that came back off of patrol, I got to experience that firsthand. Quite often it was directed my way ‘cause as the guy at the battalion level who’ve managed detainees, quite often they’d think it was my responsibility and, partially, it was to try and make sure that the packets were straight.

Q: Okay.

A: And then, to have to, you know, go pick up the same guys that they brought in 72 hours later to release them and give them their money that created a huge amount of frustration (Leahy Record of Trial).

The action by soldiers in Leahy’s unit to shoot detainees who had previously shot at them came out of a context of soldiers chronically deprived of sleep, resources, and manpower. The task of Leahy’s unit, to apprehend insurgents, process them, release them, and begin over again brings to mind the myth of Sisyphus, the king who is punished eternally with the task of rolling a boulder up a hill that always rolls back down, forcing him to restart continuously. The Baghdad canal killings resulted out of this context, of human soldiers being forced to perform a Sisyphean task. Just like in the Sisyphus myth, the soldiers seemed to be condemned to do their task for the same “sin” of which Sisyphus was also guilty: refusing to die. This has also been described as the soldiers being placed in Hobson’s choice situations – where one is damned either way – described by others: Joseph Heller’s “Catch-22,” Gregory Bateson’s “double bind,” or C.W. Mills’ “series of traps” (Mestrovic 2009:19).

Despite implementing revolving door “catch and release” programs for detainees, and a “kinder, gentler” counterinsurgency warfare strategy, the United States has already lost the wars of international public opinion in Iraq and Afghanistan with the release of torture photos at Abu Ghraib. The Global War on Terror has been described as a “war of ideas.” In fact, *The Final Report of the National Commission on Terrorist Attacks Upon the United States* (also known as *The 9/11 Commission Report*) states the following about the Global War on Terror:

Our enemy is twofold: al Qaeda, a stateless network of terrorists that struck us on 9/11; and a radical ideological movement in the Islamic world, inspired in part by al Qaeda, which has spawned terrorist groups and violence across the globe. The first enemy is weakened, but continues to pose a grave threat. The second enemy is gathering, and will menace Americans and American interests long after Usama bin Ladin and his cohorts are killed or captured. Thus our strategy must match our means to two ends: dismantling the al Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism (National Commission on Terrorist Attacks Upon the United States 2004:363).

In the war of ideas, the United States has lost. If the goal was for the United States to show its superiority, or at least adequacy, in civilization to the other nations of the world, that objective has been missed. Abu Ghraib displayed that rather than mete out humane and justly ordered punishment, the United States dispenses punishment in a McDonaldized fashion, albeit, mostly directed at individuals who were not involved in terrorism or attacks on the U.S. military (Mestrovic 2007:37). Abu Ghraib is not alone in displaying the Puritanical character of U.S. foreign and military policy in the Muslim world, but it has become the symbol for it. The world has reacted against Abu Ghraib in turn, immortalizing the torture in art such as the 2006 movie *Valley of the Wolves - Iraq* (the largest budget movie in Turkish cinema when it was made) directed by Serdar Akar and in a series of paintings by the Colombian artist Fernando Botero.

### **The Lingering Instinct for Revenge in Organic Solidarity**

Emile Durkheim offers a theoretical perspective on the sort of community-sanctioned acts of violence to which blood feuds and lynchings belong. Durkheim states that the first form of punishment, let alone justice, was vengeance ([1893] 1997:44). Punishment when applied to people would extend “beyond the guilty person and strike even the innocent—his wife, children or neighbors, etc” (Durkheim [1893] 1997:44). Durkheim adds that a characteristic, too, of punishment, even when it was moderate and aimed directly at the perpetrator is to exceed the original crime. In fact, David Dow, a leading death penalty appeals lawyer in the State of Texas for the StandDown Texas Project, a firm that specializes in criminal appeals, states that he approaches his appeals seldom from the grounds that his clients are innocent of their crimes, but that they are innocent of their sentences (Dow 2010). In punishment, “an eye for an eye,” or the punishment not exceeding the pain and suffering of the original crime, from Durkheim’s point of view, is actually tempered punishment or justice. Durkheim states of punishment among traditional societies:

Even when it [punishment] is sufficiently moderate in intensity to attack only the guilty person it manifests its presence by its tendency to exceed in seriousness the act against which it is reacting ([1893] 1997:44).

According to Durkheim, this is why clan and tribal feuds are not limited to the individual who committed the first transgression, but punishment and vendetta widens its scope to include the kin of the person who starts a feud. Boehm ([1984] 1991) states too, that when paying back a blood debt, some “interest” had to be paid which accrued if the debt had not been paid back in sufficient time. According to the rules of tribal feuding, the reprisal for one murder in a clan feud might call for the killing of two or more opposing clansmen if too much time passes.

However, these elements of punishment or justice (Durkheim specifically states punishment, but the ideas apply to notions of justice) do not disappear with more “enlightened” or “modern” societies. Durkheim states that punishment or justice:

adapts itself to the new conditions of existence created for it without thus undergoing any essential changes. This is what happened in the case of punishment...The internal structure of the phenomena remains unchanged, whether these are conscious or not. We may therefore expect the essential elements of punishment to be the same as before ([1893] 1997:45–6).

Even in modern justice, Durkheim states there is an “instinct for revenge,” and that punishment has remained an act of vengeance ([1893] 1997:45–6).

Importantly, Durkheim says that punishment is always accompanied with shame and this element remains even in modern justice ([1893] 1997:47). The added element of shame in justice is motivated entirely by emotion (Durkheim [1893] 1997:47). Shaming is done to “repay evil with evil,” as doing so is a form of “additional tribulation” that serves no other purpose. As in traditional societies when punishment was meted out to inanimate objects or to the extended families of individuals, in modern times the “irresistible feelings” of vengeance “often spread to innocent objects. Thus the scene of the crime, the tools used in it, the relatives of the guilty person – all sometimes share in the opprobrium that we heap upon him” ([1893] 1997:47). In reading Durkheim, it may seem ridiculous that traditional societies would punish and target objects as things to be punished and hated, but this basic “instinct for revenge” remains in modern court rooms. It works itself out in the ritualistic display of crime scene photographs, weapons, forensic evidence, documents, and other circumstantial evidence that is presented to juries. Durkheim’s student, Paul Fauconnet, in his study *Responsibility*, continued this line of inquiry. In punishment, Fauconnet ([1928] 1978) examines how society identifies subjects for penal responsibility, including infants, animals, foreigners, family members, moral persons, and even the dead. Thus, it is no surprise that in collective punishment in societies, sometimes the object of punishment or vendetta include things such as the killing of animals or the desecration of cemeteries or corpses. The latter is relevant, as in both feuding and lynching, the desecration of the dead was an additional act that continued after a person had been killed.

What connects both blood feuds and Brazos County lynchings is the fact that collective punishment was the expression of collective grief. No doubt, those who were lynched were scapegoats, but Durkheim states that punishment in traditional societies would also consume innocent bystanders. Fauconnet refers to this process as ricochet. In modern terminology, the innocent victims of punishment are “collateral damage,” and one can make the connection that even in modern, scientific warfare with “surgical strikes” and multi-million dollar missiles and robot planes, there is the element of archaic, collective punishment in creating “collateral damage.”



Brazos County in 1890's was undergoing tremendous economic hardship from a national economic depression as well as several consecutive years of droughts. In addition, Skove Nevels points out that the incidents of lynching were also more prevalent in counties where the number of black residents equaled or surpassed that of white residents. All these elements – meteorological, economical, and psychological-sociological – expressed themselves in acts of mass punishment upon scapegoats. The modern parallel can be seen in the scapegoating of undocumented migrant workers and their families from Mexico. The United States is in a recession, given the sobriquet of The Great Recession, in which unemployment, foreclosure, and personal bankruptcies are at record levels. People are suffering and are not sophisticated enough to understand the causes and roots of their problems (in large part to a news media that keeps the populace ignorant), and expiate their suffering through collective hatred of undocumented workers. During the Great Depression in the 1930s, collective suffering worked its way into attacks of Hooverilles and the attack on U.S. military veterans marching on Washington in demand for pay during World War I (known as the Bonus Army).

In present times, the “instinct for revenge” is very much alive in American and Texan justice. Bonilla-Silva (2003), for example, makes a claim that at its surface seems at the far end of the political spectrum by stating that the death penalty, which is disproportionately applied when the perpetrator is black or the victims are white, is a form of “high-tech lynching” (p. 201). Historically, the proof is there to back up this claim. Legislation to criminalize and punish lynching and mob-lead executions came about as a result of state and local governments upset at the property damage done to private and public property, including jails, and not necessarily because of the travesty of people hanged from trees on main street Bryan, Texas. The death penalty continues as a form of socialized, systematic, even McDonaldized form of lynching in the state of Texas: on Texas’ death row in 2004, 41 per cent of the 450 death row inmates were black in a state where blacks are no more than 11.6 per cent of the population (Bernstein [2005] 2006:179). Of all people executed by Texas since the legalization of the practice, 33 per cent have been black (Bernstein [2005] 2006:179).

In both the concepts of institutional racism, described by Stokely Carmichael, and color-blind racism, described by Bonilla-Silva, the concept is that racism is able to disguise itself and appear invisible to its perpetrators. Thus, the heavy policing of minority neighborhoods, the disproportionate number of arrests of minorities, and the disproportionate lengths in sentencing are acts of institutional racism and color-blind racism, true, but they are also examples of the “instinct for revenge” with disproportionate punishment for blacks and Hispanics than for whites.

The punishment against minorities in “modern justice” continues to be collective and vindictive punishment aimed at the families of the convicted. The institution of the prison also punishes the families of the convicts through many ways. Visitors must submit themselves to a dress and speech code, are patted down before visiting the prisoners if they are allowed “contact visits,” and are monitored as to the intensity, duration, and number of hugs during “contact visits.”



In the American military justice, and the American military in general, the “instinct for revenge,” and the element of collective punishment are present. In the wars in Iraq and Afghanistan, soldiers are punished with multiple and long deployments. Soldiers, too, were allowed a mere four hours of sleep per day, which is a type of psychological and physical punishment. The army continues to ignore PTSD as a real illness, and soldiers and marines are routinely punished for being diagnosed with it. In fact, in 2003 the U.S. Army court-martialed a staff sergeant for “cowardly conduct as a result of fear,” a violation of Article 99 – *Misconduct Before the Enemy*” of the UCMJ (Arillaga 2010). A form of misconduct under article 99 includes misconduct when “Any member of the armed forces who before or in the presence of the enemy (5) is guilty of cowardly conduct.” The elements of cowardly conduct are:

(5) Cowardly conduct.

- (a) That the accused committed an act of cowardice;
- (b) That this conduct occurred while the accused was before or in the presence of the enemy; and
- (c) That this conduct was the result of fear (Title 10 United States Code § 899 article 99 (1950)).

The explanations for these terms are:

(5) Cowardly conduct.

- (a) Cowardice. “Cowardice” is misbehavior motivated by fear.
- (b) Fear. Fear is a natural feeling of apprehension when going into battle. The mere display of apprehension does not constitute this offense.
- (c) Nature of offense. Refusal or abandonment of a performance of duty before or in the presence of the enemy as a result of fear constitutes this offense.
- (d) Defense. Genuine and extreme illness, not generated by cowardice, is a defense (Title 10 United States Code § 899 article 99 (1950)).

According to Article 99, the maximum penalty for any infraction is death, “All offenses under Article 99. Death or such other punishment as a court-martial may direct.” The details of the sergeant’s case are these:

He deployed to Iraq in September 2003, a 32-year-old staff sergeant trained in intelligence and interrogation. Based at Fort Carson in Colorado Springs, he volunteered to go to war with a team of Green Berets when another soldier couldn’t.

Then, only a few days in-country, [the sergeant] saw the shredded body of a gunned-down Iraqi. He had what he thought was a panic attack – vomiting, hallucinations. A psychologist concluded he’d had a normal combat stress reaction and recommended rest, then back to duty.

Instead, [the sergeant's] commanders shipped him back to Fort Carson, and he was charged with 'cowardly conduct as a result of fear,' a crime punishable by death under the *Uniform Code of Military Justice*. The last such conviction in the Army occurred during the Vietnam War.

[The sergeant] wasn't convicted. He and his attorney produced findings that showed the breakdown was likely a reaction to the anti-malaria drug Lariam, which has side effects that may include paranoia and hallucinations. The Army eventually dropped all charges, finding [the sergeant] had 'a medical problem that requires care and treatment.'

In April 2005, [the sergeant] was medically retired from the Army, with full benefits (Arrillaga 2010).

The sergeant's lawyer was able to convince the court-martial that his client's actions were the result of a medical reaction to the drug Lariam (Arrillaga 2010). The sergeant had also been diagnosed prior to his discharge with PTSD, and had he been found "cowardly" as a result of PTSD, he might not have received a medical discharge, ironically. The accusation of cowardice has followed the sergeant into the civilian world, as the charge prevented him from employment in law enforcement because his "background wasn't suitable for employment" as a police officer (Arrillaga 2010).

Courts-martial are a form of collective punishment, not just on the soldier on trial, but on the soldier's family and on the soldier's unit. At Leahy's court-martial, many soldiers from his company and regiment came to his support, including his battalion's sergeant major, the senior ranking enlisted soldier. During the comfort breaks throughout the trials, the soldiers in the gallery, as well as the attorneys in the trial and Leahy's family, would wait nearby in the waiting rooms for witnesses, the hallways, or right outside the small courthouse. One could overhear conversations and get a general idea of sentiments and reactions. After SGT Leahy was found guilty of premeditated murder, the atmosphere in and out of the courtroom was funerary. In the hallway outside the courtroom during a break, agonized soldiers remarked to each other that they felt as if they were attending a funeral and not a trial. Another soldier, a sergeant in Alpha Company, remarked after sentencing "now I know what they mean when they say war is hell." The same soldier had reacted strongly in the courtroom's public gallery to Leahy's account of Specialist Guerrero's death. Specialist Guerrero died after his Bradley vehicle was hit by an IED explosion, an explosion so powerful that his body could not be recovered or found. That experience alone did not provoke the comment that "war is hell," but the additional experience of the court-martial did, and that gives an insight into the powerful emotional effect the trial had on the soldiers. The trial of Jeremy Morlock also had a similar effect on the soldiers of his regiment, who remarked that they felt the unit was being punished as well.

As Durkheim states, the court-martial is a way of marking the persons and objects for punishment for a given crime. The panel, the equivalent of a jury, is given evidence and testimony about the places and tools associated with the crime and witnesses are brought in to bear testimony against the accused. In addition, the family of the accused is present in the court room. At the Rose Barracks Army Base in Vilseck, Germany, the family of the accused soldier, Michael P. Leahy, Jr., was present for the entire trial. The soldier's wife, parents, and parents-in-law, were present during the trial, and in fact, gave testimony about SGT Leahy after his conviction in the sentencing phase of the trial. During the court-martial, the family usually wept, and by the end of the week, the trial had taken an emotional toll. The trial, essentially, is punishment on the family as much as it is on the soldier.

Additionally, some of SGT Leahy's comrades from his battalion were also present in the courtroom, and the testimony of the events, which recounted the deaths of fellow soldiers in Iraq, was painful for them. These veterans were in effect traumatized anew by the accounts of their friends' deaths, and were nearly in tears. The soldiers present from Leahy's unit interacted with him, even taking photographs with him outside the courthouse. There was not a general feeling of antipathy towards Leahy for being on trial. He was not treated as a criminal with whom the community needed to create social distance. On the contrary, Leahy was among his friends. The feeling of antipathy and contempt was instead reserved for a staff sergeant, who made a bargain with prosecutors to drop charges for assaulting his commanders in return for his testimony against Leahy and the other soldiers accused of murder and conspiracy. Unlike Leahy, hardly anybody spoke with the prosecutor's staff sergeant-informer during comfort breaks throughout the trial. On the first day of the trial, the staff sergeant-informer was waiting by himself in the otherwise empty room for defense witnesses even though he was a trial counsel (prosecution) witness. Not even the other trial counsel witnesses would tolerate his presence among them. The staff sergeant-informer was extremely nervous and his body language gave signs of wanting to escape, as he was nervously pumping his feet up and down from his chair. Even though he was the prosecution's 'golden witness,' his fellow soldiers shunned him and treated him like a 'golden rat' while Leahy, the accused soldier on trial, was treated with respect and friendliness. Metaphorically speaking, the staff sergeant-informer – the prosecution's star witness – was treated as if he were Judas.

Emory Bogardus' (1947) concept of measuring social distance applies in discussing racial and ethnic relations, but also helps explain the discrepancies in justice between officers and enlisted soldiers in the current wars. At Abu Ghraib, Operation Iron Triangle, and at the Baghdad canal killing trials, the first and sometimes only targets for punishment, justice, or responsibility were enlisted soldiers. Despite the fact that reports such as that by Senators Levin and McCain (2008) exonerated the prison guards at Abu Ghraib, the only people held responsible were soldiers who followed orders. The report explicitly states and concludes:

The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, placing them in stress positions, and using military working dogs to intimidate them appeared in Iraq only after they had been approved for use in Afghanistan and at GTMO. Secretary of Defense Donald Rumsfeld's December 2, 2002 authorization of aggressive interrogation techniques and subsequent interrogation policies and plans approved by senior military and civilian officials conveyed the message that physical pressures and degradation were appropriate treatment for detainees in U.S. military custody. What followed was an erosion in standards dictating that detainees be treated humanely (United States Senate Armed Services Committee 2008:xxix).

The U.S. Army, even though it is technically a voluntary army, can be understood best as incorporating many elements of a hierarchical authoritarian system as described by Stouffer, et. al (1949). In the case of the U.S. Army, officers feel tremendous social distance from enlisted soldiers. The social distance between the two is tremendous, and it is enforced by complicated sets of rules and traditions. Looking at the U.S. Army in this perspective, courts-martial for the trials related to Abu Ghraib and the other incidents characterized as "war crimes" can be seen as rationalized scapegoating of the socially distant by the powerful.

In nearly every court-martial associated with those events characterized as war crimes, the soldiers have all had elements that added to their social distance from the commissioned officers. Lynndie England and Sabrina Harman were victims of regionalism, as they came from West Virginia. Again, Goad (1997) in *The Redneck Manifesto* makes the point that white privilege is not a constant for all whites: in circumstances such as trials and courts-martial, white privilege disappears, and in fact, being poor and white casts a person into a race category apart from white – the poor white. This was also the case with MSG Hatley during his court-martial for the Baghdad Canal Killings, who had the added social distance of originating from a rural area of Texas. SGT Javal Davis in the Abu Ghraib trials was black. SFC Mayo in the Baghdad canal Killing trials was born in North Carolina and is Guamanian. In nearly all the trials, the accused had elements which added to their social distance by way of 1) region of origin (nearly all were from rural areas or unincorporated U.S. territory) and 2) were from less privileged social strata than commissioned officers.

A special condition presents itself in the court-martial of Sabrina Harman. Although not officially charged with violating the Army's policy on "don't ask/don't tell," prosecutors worked in references to Harman's romantic partner who was another woman (Caldwell 2012). Although the manifest function of the trial was to try and punish her for the crimes of which she was accused at Abu Ghraib, the latent function of the trial became punishment for her sexual orientation as a lesbian (Caldwell 2012).

## The Esthetic of Puritanical Revenge

Puritanism does not eliminate the impulse for revenge. Historically, this has been the case: the English Civil Wars are marked with elements of revenge, with opposing sides taking heads, both literally and figuratively, of Cromwell's family and that of Charles I. Nowadays, the impulse for and structure of revenge has been sanctioned at the highest levels of the American government in the Global War on Terror. From the very beginning of the Global War on Terror, the impulse for revenge, and in fact, headhunting has been present. A former CIA official and ambassador-at-large for the Bush administration, spoke in terms such as "the gloves are coming off" in official testimony before a Senate committee (Danner 2009). In private briefings to President Bush, the same official spoke in similar terms of killing Al Qaeda operatives and that "when we're through with them, they will have flies walking across their eyeballs" (Scahill 2007: 269).

Journalist Jeremy Scahill in his book *Blackwater: The Rise of the World's Most Powerful Mercenary Army* writes of the CIA official's vengeful language:

That September, President Bush gave the green light to [the CIA official] and the CIA to begin inserting special operations forces into Afghanistan. Before the core CIA team, Jawbreaker, deployed on September 27, 2001, [the CIA official] gave his men direct and macabre directions. 'Gentlemen, I want to give you your marching orders, and I want to make them very clear. I have discussed this with the President, and he is in full agreement,' [the CIA official] told covert CIA operative Gary Schroen. 'I don't want bin Laden and his thugs captured, I want them dead...They must be killed. I want to see photos of their heads on pikes. I want bin Laden's head shipped back in a box filled with dry ice. I want to be able to show bin Laden's head to the President. I promised him I would do that.' Schroen said it was the first time in his thirty-year career he had been ordered to assassinate an adversary rather than attempting a capture. [The CIA official] asked if he had made himself clear. 'Perfectly clear,' Schroen told him. 'I don't know where we'll find dry ice out there in Afghanistan, but I think we can certainly manufacture pikes in the field.' [The CIA official] later explained why this would be necessary. 'You'd need some DNA,' [the official] said. 'There's a good way to do it. Take a machete, and whack off his head, and you'll get a bucketful of DNA, so you can see it and test it. It beats lugging the whole body back!' (Scahill 2007:269–70).

The official's sentence directing the CIA is noteworthy because it captures the Puritan esthetic for revenge succinctly: revenge killing is Puritanically permissible when it is cleansed of its overtly personal, emotional, and bloody qualities with scientific and hygienic concerns. "Whacking off heads" is acceptable to the Puritan when it is done hygienically with an instrument such as a guillotine, or a technique such as hanging. In the case of taking bin Laden's head, that was

deemed acceptable because the excuse is given that it is not for revenge but to collect DNA.<sup>5</sup>

The idea that anger and emotion must be concealed when exacting revenge is central to the Puritan esthetic. A recent example is the March 2011 burning of a Koran in Florida by pastor Terry Jones of the Dove World Outreach Center. After a mock trial, which included the superficial trappings of a real trial, including a seated jury, a prosecuting attorney, and a defense attorney, with Jones wearing a judge's robe. The Koran was officially charged with "inciting murder, rape and terrorist activities. It is under suspicion of the direct or indirect murder of millions of people around the world" ("Press Release: Dr. Terry Jones: International Judge (then BURN) the Koran Day"). After considering the destruction of the Koran by burning, drowning, shredding, or firing squad, 69 per cent of people voting online for the punishment chose burning ("Press Release: Dr. Terry Jones: International Judge (then BURN) the Koran Day").<sup>6</sup> In the Youtube video posted of the actual burning, Jones made the comment before the burning:

Um, I would like to emphasize again that this is not...uh...with any type of...we do not believe...um, wrong intentions or motives. This is, as you could put it, the desire of the people. This is their chosen form of punishment and the Koran was found guilty (*Florida Church Burnt Holy Quran* by Pastor Terry Jones).

Again, this is notable that even in a bizarre act of revenge, Jones has to make a statement that the Koran is being destroyed not out of spontaneous emotion, but because of an obligation and only after consultation with the community.

"The gloves are coming off" has an unintended meaning. Aficionados of boxing should note that boxing gloves are meant to protect the boxer's hands from becoming broken and damaged. Without boxing gloves and sufficient tape, a powerful boxer would break his or her hand at the first punch against an opponent. The boxing gloves are meant to protect the boxer throwing the punch and not the opponent taking the punch. Likewise, the "gloves" that "came off" at the beginning of the Global War on Terror were the metaphorical gloves of human rights and international law. Instead of sustaining broken hands, the United States and its military have sustained a broken reputation among the world community. One can think of the torture at Abu Ghraib, extrajudicial battlefield killings in Iraq

---

5 Osama bin Laden was in fact assassinated and not given a trial, contrary to the Nuremberg precedent.

6 Fauconnet informs us that in traditional societies, effigies of the sanctionee, as well as objects recalling the crime commonly are held responsible and punished:

The destruction ordered by a court and effected in the form of capital executions, of things which for various reasons represent and recall the crime, is first and essentially a punishment. Thus the book deemed to be criminal is burned by the hangman ([1928] 1978: I-35).

and Afghanistan, and human rights violations at Guantanamo, Bagram, and other places as the broken bones inside of the metaphorical hands of the United States. Just as a boxer is diminished in his or her capacity to fight with broken hands, the United States is diminished in its ability to win the war of hearts and minds with a diminished morality.

Puritan revenge, and even failed revenge, follows a pattern. Sometimes literature serves as a pathbreaker for reality. In the wars in Iraq and Afghanistan, Burdick and Lederer's book *The Ugly American* served as a pathbreaker for nonfiction accounts of inadequate public relations and outreach efforts described in books such as Chandrasekaran's *Imperial Life in the Emerald City: Inside Iraq's Green Zone*. Heller's *Catch-22* and even Kafka's *The Trial* capture the absurdities of military courts-martial described in Mestrovic's *The Trials of Abu Ghraib* and *The Good Soldier on Trial*. The template for failed Puritanical revenge is Melville's ([1851] 1981) *Moby Dick*. The parallels are eerie. In literature of the grotesque, characters with injuries or deformities to their legs are characters with tragic flaws. In Spanish literature, the Diablo Cojuelo (the limping devil) is a grotesque figure; in biblical literature, Asmodeus, whose name from the Avestan language literally translates as "demon of wrath," is another (JewishEncyclopedia.com., s.v. "Asmodeus"). In mythology, the classical grotesque figure of Oedipus, whose name means "swollen foot," has served as an archetype for study in psychology. In Shakespearean literature, Richard III is another grotesque character who is portrayed with a clubfoot and is consumed with revenge. In cinema, director Werner Herzog depicts the titular character in *Aguirre, the Wrath of God* (1972) in a similar way; Aguirre walks with an exaggerated limp, almost like a spider, and is driven by monomaniacal and egotistical passions in the futile attempt to create an empire out of the Amazon jungle. Like Aguirre, *Moby Dick's* Captain Ahab is a character who is consumed with monomaniacal obsessions, and is a human version of Asmodeus. His monomaniacal, irrational obsession with vengeance leads to his own destruction and that of others.

An officer in charge of a brigade had been wounded in the leg in Iraq and reportedly kept a metal rod from his leg as a souvenir (Twitty 2011). In his sworn statement, another U.S. Army officer stated:

[His] private comment to me prior to our deployment sums it up best when he stated in his office that he was after revenge for being shot in the leg while serving in Iraq ([he] kept the metal rod from his leg on his desk in his office and would use it as an illustration) (Mestrovic 2012).

In *Moby Dick*, too, there is a sense of foreboding and the notion that matters are askew when it is revealed that Captain Ahab, in addition to the regular crew, has brought his own boat crew of 'mercenaries' to hunt after the titular whale. Ahab seems to find validation and support from his second mate, Stubb, who unquestioningly agrees to help Ahab avenge himself.



Although Puritanism seeks to suppress spontaneous emotion through systematic action, it fails to suppress the impulse for revenge. Instead of revenge in its more traditional, and therefore authentic state, Puritanical revenge takes a form in which violence still exists but the existence of the emotion driving that violence is hypocritically denied. When it comes to acts of vengeance, Puritanism is postemotional, characterized by the use of dead, abstracted emotions (Mestrovic 1997:26). Puritanical revenge, which is postemotional, is even more anomic than traditional forms of blood revenge: where traditional revenge had a limit on deaths socially imposed by the community, there is an apparent infinite desire for revenge – and deaths – in the wars waged in Iraq and Afghanistan. In an account consistent with the postemotional character of revenge in the Iraq war, Dahr Jamail writes of the response to four American mercenaries (euphemistically called “contractors”) being ambushed, killed, and mutilated in Fallujah (partially in response to several massacres of protestors in the city at the hands of U.S. soldiers):

On the outskirts of Fallujah, we encountered large concrete blocks and coils of concertina wire across the road. Several U.S. soldiers stood behind these, backed by Humvees and Bradley armored fighting vehicles. Fallujah seemed to be surrounded by the U.S. military, with helicopters rumbling low over groves of date palms in the distance. It was the beginning of Operation Vigilant Resolve. (It surfaced later that the order to lay siege on the city had come from deep within the Bush administration, not via any military channel. In fact, the orders were carried out despite one of the military commanders stationed near Fallujah, who had suggested reconstruction and other projects to win the trust of the people. The pattern was similar to that of the invasion, where high-ranking military officials had had to follow orders against their better judgement. (Jamail 2007:110–11).

Because four mercenaries were killed, the U.S. military assaulted the city of Fallujah twice in 2004. As a result, the U.S. assaults on the city reportedly destroyed 36,000 of the city’s 50,000 homes, along with 60 schools and 65 mosques and shrines (Marqusee 2005). Even without putting their “heart into it,” this is the level of destruction made possible by Puritan armies.



*This page has been left blank intentionally*

# An Excerpt on Military Superstitions of World War II

Among the British, Bomber Command was the branch of service most in need of the consolations of superstition, for there the odds of surviving were the worst: out of 100 men, only twenty-four on average, could expect to live. When thirty missions constitute a tour, releasing an airman from further obligation, the average number of missions completed was fourteen... No wonder bomber crews chose to believe that empty beer bottles dropped from their planes had the power to blank out German searchlights. 'It was unwise to laugh at this practice,' reports Hector Bolitho, 'so widely and deeply was it believed.' Another way for bomber crews to secure their survival was to urinate communally on their plane's tail wheel before taking off on a mission, or sometimes to do the same – as a ritual of thanksgiving – upon returning... In a world whose behavior seems to define it as nothing but mad, 'You cannot call the things that happen to bomber crews superstition.' In the midst of calmly committed mass murder, reliance on amulets will seem about the most reasonable thing around.

Excerpts from *Wartime: Understanding and Behavior in the Second World War*  
by Paul Fussell (1989:48–50).

*This page has been left blank intentionally*

## Chapter 6

# Puritanism and Superstition

In a modern world, it may seem out of place to discuss the idea of magic. However, the point cannot be missed that since its beginnings as a social movement, Puritanism has been on a self-appointed mission of banishing magic and magical practices among the masses. In its Durkheimian sense, magic involves all rituals which are not shared collectively, but performed by individuals and to which individuals assign their own particular meanings. For example, professional writers have their own particular rituals which they perform prior to writing: Don Delillo, for example, in an interview said that he plays the jazz piece “*Haitian Fight Song*” by Charles Mingus as a daily ritual (Brookes 2003). Other writers have their own rituals: Stephen King begins his day at his desk at 8 AM after having tea or coffee and his vitamin; Alexandre Dumas would begin every day by eating an apple under the Arc de Triomphe (Venable 2010). The distinction between religion and magic, or individual-specific rituals, can sometimes be blurry. Christians praying to Jesus for guidance in making a decision would be engaging in a religious activity; a single Christian praying to Jesus for help in finding his or her car keys would not be engaging in a religious activity but a magical one.<sup>1</sup>

Magic and religion are two systems which Durkheim describes as akin ([1915] 1995:39). Like religion, magic is also made up of beliefs and rites, its myths and dogmas, its ceremonies, sacrifices, purifications, prayers, songs, and dances (Durkheim [1915] 1995:39–40). The distinction between religion and magic according to Durkheim is in the formation of moral communities which are formed exclusively in religion:

Religious beliefs proper are always shared by a definite group that professes them and that practices the corresponding rites. Not only are they individually accepted by all members of that group, but they also belong to the group and unify it. The individuals who comprise the group feel joined to one another by the fact of common faith. A society whose members are united because they imagine the sacred world and its relations with the profane world in the same way, and because they translate this common representation into identical practices, is what is called a Church. In history, we do not find religion without Church...[W]herever we observe religious life, it has a definite group as its basis. Even so-called private cults, like the domestic cult or a corporate cult,

---

1 I do not intend the reader to equate the words magic and magical with words such as wonderful, delightful, or fun. People who resort to magical practices (as sociologically defined by Durkheim) are people who usually are in desperate situations.

satisfy this condition: They are always celebrated by a group, the family or corporation (Durkheim [1915] 1995:41).

Within magic, there may be groups of adherents of magic, but Durkheim states that qualitatively groups of people adhering to magic are different from groups of people adhering to religion. Magic lacks the formation of a moral community as its central feature:

Magic is an entirely different matter. Granted, magic beliefs are never without a certain currency. They are often widespread among broad strata of the population, and there are even peoples where they count no fewer active followers than religion proper. But they do not bind me who believe in them to one another and unite them in the same group, living the same life. *There is no Church of magic.* Between the magician and the individuals who consult him, there are no durable ties that make them members of a single moral body, comparable to the ties that join the faithful of the same god or the adherents of the same cult. The magician has a clientele, not a Church, and his clients may have no mutual relations, and may even be unknown to one another...

It is true that in certain cases, magicians form a society among themselves. They meet more or less periodically to celebrate certain rites in common in some instances; the places held by witches' meetings in European folklore is well known. But these associations are not at all indispensable for the function of magic. Indeed they are rare and exceptional. To practice his art, the magician has no need whatever to congregate with his peers. He is more often a loner...By contrast religion is inseparable from the idea of Church. In this first regard, there is already a fundamental difference between magic and religion. Furthermore, and above all, when magic societies of this sort are formed, they never encompass all the adherents of magic. Far from it. They encompass only the magicians. Excluded from them are the Laity, as it were – that is, those for whose benefit the rites are conducted, which is to say those who are the adherents of regular cults. Now the magician is to magic what the priest is to religion. But a college of priests is no more a religion than a religious congregation that worships a certain saint in the shadows of the cloister is a private cult. A Church is not simply a priestly brotherhood; it is a moral community made up of all the faithful, both laity and priests. Magic ordinarily has no community of this sort (Durkheim [1915] 1995:42).

Regardless of the fundamental differences between magic and religion, Durkheim acknowledges that the line between the two, magic and religion, can be unclear:

Those beings whom the magician invokes and the forces he puts to work are not only of the same nature as the forces addressed by religion but very often are the same forces. In the most primitive societies, the souls of the dead are in

essence sacred things and objects of religious rites, but at the same time, they have played a major role in magic (Durkheim [1915] 1995:40).

Both religion and magic have superficial common objects of veneration: holy objects, deities, persons, and the like which are surrounded by prohibitions. However, Durkheim explicitly states that though religion and magic comeingle, there is an inherent distinction, and even hostility, between the two:

Must we therefore say that magic cannot be rigorously differentiated from religion – that magic is full of religion and religion full of magic and, consequently, that it is impossible to separate them and define the one without the other? What makes this thesis hard to sustain is the marked repugnance of religion for magic and the hostility of magic to religion in return. Magic takes a kind of professional pleasure in profaning holy things, inverting religious ceremonies in its rites. On the other hand, while religion has not always condemned and prohibited magic rites, it has generally regarded them with disfavor. As messieurs Hubert and Mauss point out, there is something inherently antireligious about the maneuvers of the magician. So it is difficult for these two institutions not to oppose one another at some point, whatever the relations between them ([1915] 1995:40).

The particular hostility between Puritanism and magic is an open and heated one. Weber also observes, as Durkheim observed, that there is an inherent hostility between religion and magic. Weber goes as far to write that the historic process in the development of religions was the elimination of magic from the world ([1905] 1976:105). Weber states that the elimination of magic:

...which had begun with the old Hebrew prophets and, in conjunction with Hellenistic scientific thought, had repudiated all magical means to salvation as superstition and sin, came here [in Puritanism] to its logical conclusion ([1905] 1976:105).

The genuine Puritan, according to Weber, went beyond rejection of magic to rejection of all signs of religious ceremony:

[The Puritan] buried his nearest and dearest without song or ritual in order that no superstition, no trust in the effects of magical and sacramental forces on salvation, should creep in.

There was not only no magical means of attaining the grace of God for those to whom God had decided to deny it, but no means whatever. Combined with the harsh doctrines of the absolute transcendentality of God and the corruption of everything pertaining to the flesh, this inner isolation of the individual contains, on the one hand, the reason for the entirely negative attitude of Puritanism to all the sensuousness and emotional element in culture and in religion, because they

are of no use toward salvation and promote sentimental illusions and idolatrous antagonism to sensuous culture of all kinds ([1905] 1976:105).

This aversion and hostility to magic, as well as to sensuousness and emotion explains the difference, for example, in architecture between Catholic churches and churches more closely identified with Puritanism. In general, Catholic basilicas or major churches are more sensuous and ornate than protestant churches. This explains why in Texas, multi-purpose prefabricated buildings normally used as warehouses or cheap office buildings are sometimes used as churches, and almost always protestant churches. Since the embellishment and sensuousness of the building has no bearing on its religious functions, the prefab protestant building by the side of a rural Texas highway meets the purposes of its parishioners. Catholic parishes, which may have humble origins and begin in modest buildings aspire to eventually build more elegant and ornate structures.

Just as Durkheim notes that generally one finds magic in religion and religion in magic, Weber notes the singular and peculiar characteristic in Puritanism of the absence of magic ([1905] 1976:117). While Weber leaves open the possibility that magic might be present in Catholicism, it was eliminated as a means to salvation for the Puritan:

The rationalization of the world, the elimination of magic as a means to salvation, the Catholics had not carried nearly so far as the Puritans (and before them the Jews) had done. To the Catholic the absolution of his church was a compensation for his own imperfection. The priest was a magician who performed the miracle of transubstantiation, and who held the key to eternal life in his hand. One could turn to him in grief and penitence. He dispensed atonement, hope of grace, certainty of forgiveness, and thereby granted release from that tremendous tension to which the Calvinist was doomed by an inexorable fate, admitting of no mitigation. For him such friendly and human comforts did not exist. He could not hope to atone for hours of weakness or of thoughtfulness by increased good will at other times, as the Catholic or even the Lutheran could. The God of Calvinism demanded of his believers not single good works, but a life of good works combined into a unified system (Weber [1905] 1976:117).

From a Puritanical perspective, the Catholic act of confessing sins to a priest must seem like a magical act. To a Puritan, the relation between the Catholic priest and the parishioner confessing his or her sins must seem like the relation between a magician and his or her "client" of magic: done in private, away from the inspection and supervision of the group.

The distinction between religion and magic is found in the social relations among its practitioners. According to Durkheim, "religious beliefs are always shared by a definite group that professes them and that practices the corresponding rites" ([1915] 1995:39, 41). Religious beliefs are accepted by all members of a group, but the same religious beliefs also serve to unify the group and are held

collectively by the group (Durkheim [1915] 1995: 41). The group forms a church, which is the defining feature of religion:

A society whose members are united because they imagine the sacred world and its relations with the profane world in the same way, and because they translate this common representation into identical practices, is what is called a Church. In history we do not find religion without a Church (Durkheim [1915] 1995: 41).

By contrast, Durkheim states clearly that there is no Church of magic ([1915] 1995: 41). Magic beliefs may be held by many people, but the crucial distinction is that magical beliefs do not have the same meaning and action as religious beliefs:

But they do not bind men who believe in them to one another and unite them into the same group, living the same life. There is no Church of magic. Between the magician and the individuals who consult him, there are no durable ties that make them members of a single moral body, comparable to the ties that join the faithful of the same god or the adherents of the same cult. The magician has a clientele, not a Church, and his clients may have no mutual relations, and may even be unknown to one another. Indeed, the relations they have with him are generally accidental and transient, analogous to those of a sick man with his doctor ([1915] 1995:41).

Group membership and identity then is crucial to the distinction between religion and magic.

Durkheim notes that one quality of religious and magical rituals is that of diffusion or contagion ([1915] 1995:327–8). Both religious and magical things contain forces which Durkheim states are external to their tangible beings:

If religious forces are generally conceived of as external to the beings in which they reside, then there is no surprise in the extreme case with which religious forces radiate and diffuse ([1915] 1995:327).

Religious forces are transfigured collective forces (Durkheim [1915] 1995:327). Durkheim states that religious forces are made of ideas and feelings awoken in individuals by the spectacle of society ([1915] 1995:327). There is nothing intrinsic about particular events, rituals, people, or things that are considered sacred:

[Religious forces] are qualitatively different from the tangible things in which we localize them. From those things they may very well borrow the outward and physical forms in which they are imagined, but they owe none of their power to those things. They are not held by internal bonds to the various supports on which they eventually settle and are not rooted in them. To use a word I have used already and that best characterizes them, they are superadded. Thus no objects, to the exclusion of others, are predisposed to receiving those forces.



The most insignificant objects, even the most commonplace ones, can play this role. Chance circumstances decide which are the elect. Let us recall the terms in which Codrington speaks of mana: 'It is a force that is by no means fixed on a material object, but that can be carried on almost any sort of object' (Durkheim [1915] 1995:327).

In other cultures, the words *mojo*, *gris-gris*, *juju*, *karma*, and *taboo* carry this meaning of *mana*. One object may be deemed sacred or cursed, with its sacred or cursed quality having the power to radiate, diffuse, or contaminate people, events, or items in proximity. Durkheim states that since religious forces have no place of their own anywhere, their mobility is easy explicable:

Since nothing binds them [religious forces] to the things in which we localize them, it is not surprising that they escape from those things upon the slightest contact – against their will, so to speak. Their intensity pushes them on toward diffusion which everything facilitates. This is why the soul itself, through holding onto the body with entirely personal bonds, continually threatens to leave it; all the openings and pores of the body are so many channels through which it tends to spread and diffuse to the outside ([1915] 1995:327).

Interestingly, Durkheim states that the contagious quality of sacredness is not a secondary quality but the very process by which sacredness is acquired:

It [sacredness] settles by contagion; we should not be surprised that it is transmitted contagiously. A special emotion gives it the reality that it has; if sacredness becomes attached to an object, that happens because the emotion has encountered the object on its path ([1915] 1995:327).

The sacred quality of objects, rituals, people, and things in general can be transmitted to someone or something else.

## **Enchantment and Disenchantment**

Two features are constant in the history of Puritan armies, whether they are the armies of Gustavus Adolphus of Sweden, Oliver Cromwell's New Model Army, or the apotheosis of Puritan armies, the United States Army. The two features are the a constant official hostility towards the use of magic and persistence of magic among the soldiers. In the cases of the three armies, religion has always been instituted as a bulwark against soldiers using magic. Here magic is defined not just as superstitions, but unauthorized pursuits of leisure which assuage the terror of dying on the battlefield. This can be any number of things from outright superstitious beliefs to the use of drugs or alcohol as an escape from the emotional extremes war: endless mind numbing boredom, extreme deprivation, and moments of sheer terror.

The use of magic, or privatized superstition, by soldiers, sailors, airmen, and marines are not particular to the U.S. military's wars in Iraq and Afghanistan. In fact, the hostility between magic and religion observed by Durkheim and Weber is present from the very start among Puritan armies. Gustavus Adolphus was a seminal figure in establishing armies along Puritan lines and laws:

Gustavus Adolphus' Articles of War of 1621 are considered 'a recognizable ancestor of the British Articles of War and the American *Uniform Code of Military Justice*.' They provided regular procedures for the maintenance of discipline. Offenses were set out in detail and punishments were specified. Many offenses, of course, were peculiar to the times. For example, 'weapon-turners,' those who claimed the power to insure invulnerability through magic, were punished under Gustavus' code (Cooper 1981:134).

Adolphus made it illegal, by penalty of death, for soldiers to resort to magic or privatized superstition to avoid injury or death in battle (Cooper 1981:134). In fact, the article of war which outlawed witchcraft was the first article:

Seeing therefore that all our wellfare and profferity, proceedeth from Almighty God; and that it is all mens duty to feare and ferue him aboue all: Wee freightly hereby charge all manner of Perfons whatfoeuer, that they by no meaues vse any kind of Idolatry, Witch-craft, or Enchanting of Armes, by Devils inchantment any manner of way whatfoeuer. And if any herein be found faulty he fhall be proceeded againft according to Gods law and the Swedens: And fo much as the law in that cafe enjoyneth, fhallbe put in execution againft them. And it is further provided, that fuch manner of Malefactors fhall by no meanes be fuffered to come in Company with any foldiers whatfoeuer (*Article 1 Swedish Articles of War*).

This is a crucial fact that puts many of the Articles of War of 1621 into perspective.

Another innovation particular to Gustavus Adolphus' Articles of War (which was emulated by British armies and, later, American armies) was the widespread commissioning of chaplains, as well as appointing them as officers among the army's staff:

The Thirty Years War was a period of savage excess in warfare. It was also a time of religious fervor, and Gustavus personally and publicly supported the latter. In his forces, daily prayer services were held and 'Gustavus Adolphus was the first leader to commission chaplains.' The preface to the Articles of War and the first sixteen Articles deal specifically with religious requirements and the regulation of chaplains. The first several articles of Gustavus' Code provided death as punishment for dishonor of God by deed or word, with other punishments falling upon soldiers and ministers alike who missed prayer services. The chaplains were held to good conduct under Gustavus' articles, but were not subject to

command influence, in that they were appointed and discharged only with the approval of the King's own commission (Cooper 1981:131).'

Army chaplains in the Swedish armies under Gustavus Adolphus were not there to mercifully administer to the spiritual needs of soldiers. They were more like the religious version of political commissars, surveying the ranks not for political dissidents but for religious heretics. They were agents of collective belief in the supernatural, i.e. religion. Puritans during the English Civil war had self-appointed witchfinders who travelled from town to town. Considering that the army is in many ways like a prison, as an institution belonging to society but in many ways apart from it, army chaplains played the role more of prison guards on the lookout for spiritual crimes and were the institutionalized version of the witchfinder within the military.

Contemporary accounts of U.S. Army chaplains by soldiers bear witness that army chaplains are "army first, chaplains second." Many soldiers petitioning for conscientious objector status during the wars in Iraq and Afghanistan have noted that they received very little support from their units' chaplains. On the contrary, stories abound of army chaplains displaying open hostility to soldiers who attempt the procedure to claim conscientious objector status. According to one news article, an army sergeant had this to say about his experiences with his army chaplain:

[The sergeant] said the officer who took his objector notice dismissed him as a coward. His unit's chaplain offered little encouragement. 'You should have had the moral fortitude to deploy with us and see me here in Kuwait to begin your CO application,' [the army chaplain] said in a recent e-mail to [the sergeant]. 'You should be ashamed of the way you have conducted yourself. I certainly am ashamed of you' (Cline 2005).

The sergeant's decision to apply for conscientious objector status came after his first deployment, and particularly an incident in which an Iraqi girl no older than 10 years was denied medical treatment for third degree burns by his unit's officers (Cline 2005).

The army chaplain as a spiritual policeman on behalf of the collectivity, not the private salvation of the individual, set the template for other professionals whose jobs involve monitoring the body and soul of the soldier. In many ways, the psychologist is a modern day equivalent of the "doctor of the soul." This is literally the case, as soul is the translation for psyche. A recurring theme in critiques of military psychologists has been their divided loyalties. An example best illustrates this.

In Kelly Flinn's (1997) book describing her experience in the U.S. Air Force, beginning as a student at the U.S. Air Force Academy to her court-martial for adultery, she describes an incident highlighting the divided loyalties among mental health counselors in the military. As a student, Kelly Flinn describes a disturbing event in which a male student entered her dorm room and sexually groped her

without her permission (p. 42). After the event began to interfere with her academic performance, Flinn describes a visit to a counselor at the Air Force Academy:

I made an appointment that very afternoon. The counselor was a plain woman, fortyish, and dressed in civilian clothes. She seemed nice enough. We made small talk as I told her the basic facts about myself and my family. Then we made another appointment to talk about the reason for my visit. That time, we got down to business right away. I told her all the details of the attack that I could remember. I could not remember, I said, how it ended, or even how it began.

‘Well,’ she said, ‘let’s trace the evening back.’ She was curious about dinner with my parents. She questioned me on every moment, every detail. I was growing frustrated with these questions. When she heard of the toast and the glass of wine, she laid down her pen. She’d heard enough to offer up a diagnosis.

‘You are a person who likes to control things,’ she said. ‘And in this situation, you were not in control.’

That was a fact.

‘You need,’ she said, ‘to learn that you can be with a man and have control and feel secure, even during a sexual encounter.’

‘Now,’ she went on, looking at me more closely, ‘what are we going to do about the underage drinking incident?’

I was speechless.

‘It was a glass of wine, with my parents.’

‘Are you sure that’s all it was?’ she asked. ‘Are you sure that you remember?’

I felt my face grow hot with anger. She didn’t believe me. Not a word that I had said. To this ‘specialist,’ everything that had happened was about my getting drunk and blacking out while having sex. As if a single glass of wine six hours earlier could have made me fool around with a total stranger in the middle of the night! The counselor had one of the coldest expressions I’d ever seen in my life. It dawned on me that by coming in for help, I had walked into a trap and could end up expelled from school.

‘What are you going to do with this information,’ I asked.

‘Nothing, for now,’ she said. ‘But if there’s another incident of this kind, I’m going to have to report this one, too’ (pp. 55–6).

In that situation, a military health professional plays dual roles, and betrays dual loyalties, of providing counseling to a student claiming a sexual attack while also serving as a policewoman for the Air Force Academy's drinking policy.

The conflicting role of military doctors in treating Army soldiers while also filling their roles as military officers has been reported to some extent in the media as a result of the pre-trial detention of PFC Bradley Manning. Manning is suspected and accused of leaking government documents to the website Wikileaks. The group Physicians for Human Rights issued a statement calling into question the role of psychiatrists in monitoring Manning's pre-trial solitary confinement (Pilkington 2011b). Physicians for Human Rights characterized the situation of the military psychiatrists as "trapped in a situation of 'dual loyalty', where their obligations to the military chain of command may conflict with their medical duty to protect their patient" (Pilkington 2011b). A spokesperson for the group issued this statement:

Even if they do not officially approve it, by continuing to examine him and report back to the government on his condition, they are effectively taking part in security operations. Their failure to call it what it is, cruel and inhumane treatment, constitutes a violation of their ethical duties as doctors (Pilkington 2011b).

A doctor, Susan McNamara, for the same group criticized the use of solitary confinement in pretrial, as well as the role of medical military officers in helping to oversee said confinement:

'That is a huge problem, as it is designed to break a person down psychologically. Solitary confinement is a form of sensory deprivation, and if you are depriving a person of the human contact they need that can amount to torture.' She added: 'In the US, if a patient was treated in a psychiatric hospital in the same way the military is treating Manning, the federal government would stamp all [sic] over it...[it] is disobeying its own rules' (Pilkington 2011b).

McNamara opined that the treatment received by Bradley Manning "appeared to be an extension of the interrogation tactics used against terror suspects in Guantánamo" (Pilkington 2011b).

These observations validate earlier observations of soldiers held in pretrial custody by the U.S. military and the conflicting roles of medical military officers supervising their health. In his pretrial confinement, PFC Corey Claggett (U.S. Army) was held at a U.S. Navy prison facility in Kuwait (Mestrovic 2009:171). While incarcerated and waiting trial, Claggett was prescribed medicine that had the unfortunate side effect of making him extremely hungry (Mestrovic 2009:177). During this incarceration, Claggett understandably became upset that the Navy guards had neglected to feed him lunch (Mestrovic 2009:175). Claggett cursed at a Navy guard (Mestrovic 2009:175). Unfortunately for Claggett, who as a U.S. Army

soldier was not familiar with the U.S. Navy rank system, he picked a Navy guard who outranked him by one rank grade with whom to argue (Mestrovic 2009:174). Because of this difference in rank, Claggett's verbal outburst was perceived by the guard as "disrespect" – a crime under U.S. military law (Mestrovic 2009:175). A U.S. Navy lieutenant commander was the Navy physician for Claggett (Mestrovic 2009:176). At the hearing over a missed lunch and a verbal exchange, the lieutenant commander testified about the episode and had to juggle her obligations to her patient while playing her role as a military officer:

Well, I was in the medical hut at about, I think it was around one o'clock, and I was seeing a patient with my corpsman, and he [Claggett's accuser, a U.S. Navy petty officer] came in abruptly and started speaking to me about what kind of schedule Claggett was on and why he is asking for food, and he was very upset. He was huffing, I, and I told him that there should be no problem with the schedule, and it's posted on the board...and I think he wanted to argue with me, and he...[was] huffing like, 'Was he on medication when he came here to begin with' [emphasized in a stern voice], and I told him that it was not his business and that it was confidential and, you know, he's on a schedule and the schedule was to go as ordered (Mestrovic 2009:176–7).

The prosecuting officer at the hearing asked the navy lieutenant commander if she would do anything to cover up a crime if she saw PFC Claggett commit one (Mestrovic 2009:177). The lieutenant commander stated that she would not (Mestrovic 2009:177). Interesting to note is how the lieutenant commander's role of acting as Claggett's physician, as well as her explanation for Claggett's behavior was dismissed by the prosecuting attorney as "covering up" a crime. The prosecuting attorney implied or alluded that the U.S. Navy lieutenant commander was engaging in a conspiracy after the fact by merely providing an explanation for Claggett's actions. The attorney's last question to the navy lieutenant commander was, "If you saw PFC Claggett commit a crime, you wouldn't do anything to cover it up, would you?" (Mestrovic 2009:177). This line of questioning betrays a type of thinking by the prosecutor that reflects the morality of the court-martial as a process as applying pressure on the navy lieutenant commander for being either with the officers and the military or being in league with the accused, or placing the physician in a dilemma. In his account and analysis of this hearing, Mestrovic concludes:

[The lieutenant commander] seems to have experienced the role strain of trying to fulfill her roles in two distinct reference groups: as a physician, she was obligated to advocate for Claggett as a patient, and as a member of the military, she was expected to side with colleagues who came down hard on Claggett for his 'disrespect' (2009:177).

The reference group strain is strong enough to make a physician sympathetic for a patient-soldier's situation to act in a way contrary to her sympathies as a physician

and more in accordance with those of a military officer. Even sympathetic physicians, when subjected to the powerful role strain of their military duties, act as unwilling prison guards of the military's surveillance regime.

The contemporary of the sixteenth century "weapon-turner" for soldiers is the drug-pusher among their ranks. The drug pusher is a magician in the sense that his actions are clearly outside the realm of what is publicly accepted and permitted by society, but also that he has clients who seek him out. American soldiers in Afghanistan use drugs such as hash, marijuana, and heroin for their own reasons, from escaping the fear of death to self-medicating for injuries such as posttraumatic stress disorder and traumatic brain injuries. A study by the RAND Corporation, for example, found that over 300,000 soldiers from the Iraq war suffered from PTSD, and that nearly another 300,000 suffered from mTBI (Mild Traumatic Brain Injury) ("Press Release: One In Five Iraq and Afghanistan Veterans Suffer from PTSD or Major Depression."). Much like the sixteenth century Puritan armies employed chaplains as witchfinders, the contemporary Puritan armies within NATO, and especially the United States Army, employ medical personnel as drugfinders. In the AR 15-6 report it is remarkable that the investigating officer had as much to write on drug use by the soldiers as on alleged murders on illegal escalation of force. The report, too, criticized leadership for failing to implement the army's urinalysis program as a deficiency in maintaining discipline and standards:

[Brigade] leaders failed to use the urinalysis program while deployed. Only a small percentage of the [brigade] conducted urinalysis testing, and only after it was discovered that Soldiers [sic] in [one of its battalions] were smoking hashish (Exhibit 18, 64) (Twitty 2011).

From a Puritanical perspective, the use of illicit drugs is seen as a form of idolatry or witchcraft. From Durkheim's perspective, when people in a society want or need something that the society does not provide, the collective consciousness should fill the vacuum by creating an alternate, even if it is far from perfect. But drug use is something that the Puritanical collective consciousness cannot tolerate. Magic fills the vacuum created by this collective impasse. For the soldiers who are burdened by continual deployments, deprivation of sleep, severe injuries (such as traumatic brain injuries), an incompetent and negligent military medical system, and poor leadership, the imperfect substitute can take shape as the use of drugs.

American soldiers in the wars fought in Iraq and Afghanistan have their own magical rituals and private superstitions which are similar to those of American and British soldiers in the Second World War, (as described in the excerpt preceding this chapter) to use that war as a reference point. Like rumors, which can be described as irrational feedback or noise produced by rational systems, superstitions foster irrational and magical outcomes (Fussel 1989:48). Fussel, a veteran of the Second World War and later a writer of wartime culture wrote this on the function of wartime military superstitions:

Closely related [to military rumors] by the motive to influence the future mystically are wartime military superstitions. Their mode is a form of instant protective prophecy, and each implies a consoling projected narrative – the New Testament in the breast pocket will charm away bursts of machine-gun fire, the tiny bone elephant carried in the pocket on every bombing mission will deflect the flak. Rigorous attention to such usages will guarantee for the believer a lucky, seamless personal narrative, enabling him to come out of the war as undamaged as he went in (1989:48–9).

Interesting to note is, again, the blurred line between private magic and collective religion; the New Testament carried in the pocket is carried as a magical charm even though it is a religious object.

In both the contemporary American wars and the Second World War, soldiers engage in rituals prior to missions regarded as exceptionally dangerous. Collectively, a chaplain may lead groups of servicemen in prayer, while privately, the same group of soldiers may engage in their own rituals.<sup>2</sup> These rituals are rarely depicted in war movies, partially because they remind audiences of the deadly nature of war and the military, which can and does call on young people to lay down their lives, but also because of the nature of the rituals. Magical rituals by their nature are offensive to religious sensibilities. During the Second World War, the strategic bombing offensive over mainland Europe was exceptionally violent and dangerous; in the six years of the Second World War over Europe, over 160,000 allied airmen were killed and over 30,000 allied planes were destroyed (Hatfield 2003:91). Airmen dealt with this in different ways, invoking different rituals and beliefs.

Typical examples can be drawn from British bomber crews during the Second World War dealing with the near certainty of death:

Among the British, Bomber Command was the branch of service most in need of the consolations of superstition, for there the odds of surviving were the worst: out of 100 men, only twenty-four, on an average, could expect to live. When thirty missions constituted a tour, releasing an airman from further obligations, the average number of missions completed was fourteen. No wonder golliwogs [ragdolls kept as mascots by crews and taken to mission briefings for luck] were required. No wonder bomber crews chose to believe that empty beer bottles

---

2 Stjepan Mestrovic stated in private conversation that soldiers individually listened to specific songs on their iPods prior to missions; they were not leaving to missions to the music of the battle hymn of the republic but to their own, individualized, private, and hence magical, battle hymns. Soldiers stated that the soldiers gave importance and adhered to these rituals prior to missions in the belief that it would keep them safe. *No Easy Day: The Firsthand Account of the Mission That Killed Osama Bin Laden* (2012) by Mark Owen and Kevin Maurer also discusses rituals and superstitions that US Navy Seals follow prior to their own missions.



dropped from their planes had the power to blank out German searchlights. 'It was unwise to laugh at this practice,' reports Hector Bolitho, 'so widely and deeply was it believed.' Another way for bomber crews to secure their survival was to urinate communally on their plane's tail wheel before taking off on a mission, or sometimes to do the same – as a ritual of thanksgiving – upon returning (Fussell 1989:49–50).

During SGT Michael Leahy's court-martial, many of the witnesses testified as to the exceptionally dangerous circumstances of the soldiers from Leahy's military company in southwestern Baghdad. A witness, an army intelligence officer, answered questions from defense counsel to the degree of violence with which Leahy's company was exposed:

Q: Now, I want to talk about from January to May timeframe of 2007. How big was Alpha Company's sector?

A: It was a very sizeable chunk of Baghdad. They had four Hagues [phonetic] which is like an entire neighborhood or below. The neighborhoods or *mahallahs* had approximately – close to a million people.

Q: Okay. Is this normally a size of a sector that a company handles?

A: No. I mean, this – our battalion, when we initially went in we were given all of southwest Baghdad, everything south – anybody that's been there, everything south of Irish and west of Jackson and all the way out into the farmland. I mean, it was a [sic] incredibly large sector for one battalion [about 800 soldiers] to have.

Q: Okay. Now, I want to talk a little bit more about the combat environment. And you mentioned, when I talked to you yesterday, about the amount of bodies that were being found each day in the sector. Could you discuss that?

A: We found – this timeframe, January – actually, November all the way through, if you know that a small marsh bombing happened, it's about all the sectarian violence. The area that they were in was kind of the focal point for sectarian violence within Baghdad. It was one of the big three where Jayish-Almadi [phonetic] and the Shia insurgents were trying to ethnically cleanse those neighborhoods of all the Sunni. They were affluent Sunni neighborhoods, mostly doctors, lawyers, etcetera because they were on the path from the airport to the palace complex over in the green zone. So, we were finding anywhere from 100 to 150 bodies every day, and that's just what our unit was finding. The IP [Iraqi Police] and the INP [Iraqi National Police] were finding even more; and it was a daily occurrence (Leahy Record of Trial).

In addition to being in a heavily violent environment around them, the soldiers of the military company were also targets. The same army captain testified:

A: They were in probably one of the worst sectors in Iraq at that time, which, if you know, it's – that was about the peak of the violence in Iraq.

Q: Okay. And –

A: And it was one of the most kinetic in terms of Iraqi on Iraqi violence, and it was where the Iraqis were – the Shia Iraqis were trying to ethnically cleanse the Sunnis out of there, and then it was also an operational zone for Jaish-Amadi against U.S. forces.

Q: And what type of threats were in that area as far as weaponry or –

A: A little bit of everything.

Q: If you could, please explain that to the panel?

A: It had one of the highest rates of EFP attacks; it was actually an experimental area for Jaish-Amadi, for special groups, Alisab-Bahak, Lebonese Hezbollah, Iraqi Hezbollah, all of them operated in that area. They had – we had the first instances of almost every type of EFP. If they wanted to test it out the first place was usually Sadr City, the next place was Alpha Company sector.

Q: And, if you'd briefly explain, what is an EFP?

A: An EFP is an explosively formed projectile.

Q: And what is the significance of an EFP for an armored unit?

A: It's the most lethal threat to them while they're mounted.

Q: And why is that?

A: Because it has the capability of defeating frag five armor; it'll go right through an 1151 [armored hmmwv vehicle]; it will destroy a Bradley [armored personnel carrier]; it'll even penetrate through the skirt of an M-1 [tank] (Leahy Record of Trial).

The army intelligence officer testified that every day of their deployment, Leahy's company received small arms fire attacks, IEDs, and that every patrol was attacked by the enemy in one form or another (Leahy Record of Trial). The word "kinetic" used by the army captain in his testimony is jargon used in the military which

relates to the movement of objects – missiles, bombs, shrapnel, bullets – that can kill an individual. For the outsider, kinetic is another word for “violent.”

The soldiers of the military company coped with the violence and danger of their mission by turning to MSG Hatley, who was the senior noncommissioned officer and a charismatic leader. Hatley and his soldiers were faced with a set of circumstances that put them in great danger: 1) they were in a violent part of Baghdad comparable in “kinetics” (violence) to the second battle of Fallujah, one of the more destructive battles of the Iraq War and 2) when they captured insurgents, the insurgents were usually returned to the streets quickly. The rules, too, for processing insurgents changed a total of four times during their deployment, according to the the intelligence officer’s testimony:

Q: So, is it safe to say with each brigade you fell under that the policies and procedures changed?

A: Oh, absolutely. Every brigade had different standards, different methods, different entrance requirements to the DHA [Detainee Holding Area]. Some of them wanted a battalion to screen all the detainees prior to getting them to the DHA; other brigades were fine with us just taking them straight to the DHA. It was quite the mess, especially changing under four different brigades.

Q: And what effect, to your knowledge, did that have down at the unit level?

A: They experienced some massive amounts of frustration, and I – because I had to debrief everybody that came back off of patrol, I got to experience that firsthand. Quite often it was directed my way ‘cause as the guy at the battalion level who’ve managed detainees, quite often they’d think it was my responsibility and, partially, it was to try and make sure that the packets were straight.

Q: Okay.

A: And then, to have to, you know, go pick up the same guys that they brought in 72 hours later to release them and give them their money that created a huge amount of frustration.

Q: Well, was there any procedures that the Iraqis had or the DHA had, rather, that pertained to witness statements, the number of witness statements you had to have, or were they to be from a Muslim, or anything like – were there any issues such as that?

A: Quite often, especially in 4/1 ID, they wanted actual Iraqi witness statements. They didn’t like going off of intelligence alone, you know, anonymous source statements. They wanted Iraqi witnesses, specifically, anybody that had directly witnessed the action, whatever it happened to be.

Q: So, if you didn't have those witness statements from Iraqis, what happened?

A: Quite often the detainees would get turned away. They didn't like accepting – according to the detainee requirements, you could also use U.S. service member witness statements but 4/1 ID in particular really took issue with those. If they weren't filled out perfectly, accurately, they would reject the detainee without even looking at the actual evidence packet.

Q: Okay. Is there any example that you had of when individuals were released as a result of that?

A: Like the one I gave earlier, it was a constant thing, and it happened at least two, three times a week we would roll guys up and then have them released. You had – aside from the example I gave, we also had guys that we'd get engaged with, they would engage one of our patrols, we'd detain them, we'd provide witness statements but because we didn't have a proper 4-diagram or 4 diagrams of weapons in a different room from where the detainees were captured that was deemed insufficient and they'd get released (Leahy Record of Trial).

Since the soldiers believed that they could not look up to the formal chain of command for safety and guidance, they turned to their charismatic ("magical") First Sergeant.

Weber writes of the Puritan's world as a one which the Puritan makes two simultaneous efforts: to rid the world of charismatic authority towards rational-legal authority and to rid the world of magic towards all-encompassing religion. Both efforts involve a process of disenchantment. In their book on Weber, Gerth and Mills write about disenchantment:

The principle of rationalization is the most general element in Weber's philosophy of history. For the rise and fall of institutional structures, the ups and downs of classes, parties, and rulers implement the general drift of secular rationalization. In thinking of the change of human attitudes and mentalities that this process occasions, Weber liked to quote Friedrich Schiller's phrase, 'the disenchantment of the world.' The extent and direction of 'rationalization' is thus measured negatively in terms of the degree to which magical elements of thought are displaced, or positively by the extent to which ideas gain in systematic coherence and naturalistic consistency (1958:51).

If the Puritan views charisma and magic as enemies of secular rationalism, it provides a clue how the two concepts are confounded. In terms of contagion, though the two concepts might be seen as separate entities, by virtue of their inimical qualities to Puritan goals, there is contagion of one idea on the other.

Military courts-martial and appellate hearings have been described as degradation ceremonies (Mestrovic 2009:207). From the Puritan perspective, the

courts-martial are also an attempt at disenchantment from the elements of charisma and magic that became too public, and therefore, too troublesome. Because First Sergeant Hatley's charisma had helped his men survive, but only at the cost of breaking with the rational-legal authority of the U.S. Army (i.e. by executing instead of "catching and releasing" the sniper team that shot at his soldiers), the Army's court-martial of Hatley and his followers can be seen as a rational-legal process of disenchantment.

## **The Amulets and Rituals of Modern Soldiers**

Fussell describes the common items carried by soldiers in the Second World War as amulets or magical items for luck:

The talismans treasured by the troops [in the Second World War] resemble those popular in the Great War [the First World War]: special coins (Eisenhower had a lucky set of seven, which he rubbed before crucial operations); St. Christopher medals; key and watch-chain fobs and medallions (1989:49).

Lucky, or magical, coins and other items, as well as the rituals that accompany these items, are also a feature of the wars in Iraq and Afghanistan.

In the contemporary wars, soldiers receive food rations called MREs. Food and its rituals are part of culture, and military food has its own particular culture as well. MREs, which stand for Meals Ready to Eat, are given their own appellations by the soldiers: Mr. E (Mystery), Meals-Rejected-by-Everyone, and even cruder names (Sixty-six.org 2005; Severson 2003). All the meals come with a piece of candy, including chocolate covered coffee beans, Twizzlers, and chocolate toffee candies. A particularly hated piece of candy that was included in MREs was the Charms brand candies, which were fruit flavored hard candies.<sup>3</sup> The ritual, though not universally observed, was for the soldier or marine to discard the Charms candies when they turned up in food rations (Wright 2004:83). The folklore surrounding these candies was that consuming them would bring bad luck, which ranged from making it rain to making someone die. Servicemen and veterans posting on forums and on sites such as Youtube recount the veracity of their claims to the candies' bad luck:

Not sure if you older guys got the Charms candies in your MRE's but they are in them today and they are legendary for bringing bad fortune if you eat them, here's a few of the phenomenon's I have witnessed.

1. On a deployment to Yuma for workup's to OIF [Operation Iraqi Freedom] my Gunny [gunnery sergeant] dared fate claiming 'he never had bad luck with

---

3 The reader will not miss the irony that the candy singled out for its "magical" properties had the name of "Charms."

charms' and made all of us eat them. The network we had spent all week setting up went down for two days.

2. In MCT [marine combat training] a few PFC's [privates first class] thought they were above the curse of the Charms candies and ate them right before a 6 mile hump [field march]...It went from sunny to all out rain, the entire hump ("Curse of the Charms Candies").

If eating the candies was believed to bring bad luck, then the act of discarding the candies can be seen as a ritual negating bad luck.

An article on the first official U.S. Marine mortuary unit gives a glimpse of other items that soldiers and marines carry with them at the moment of death. According to one marine serving in that unit :

We would get everything that the body had on it when the Marine died. Everyone had a copy of *The Rules of Engagement* in their left breast pocket. You found notes that people had written to each other. You found lists. Lists were common, the things they wanted to do when they got home or food they wanted to eat. The most difficult was pictures. Everyone had a picture of their wife or their kids or their family. And then you had the younger kids who might be 18 years old and they had prom pictures or pictures next to what I imagine were their first cars. Everyone had a spoon in their flak jacket. There were pens and trash and wrappers and MRE food. All of it would get sent back [to the Marines' next of kin] (Hedges 2011b).

Personal items such as lists of food to eat upon returning to the United States, or family photos are carried for personal reasons and fit within the definition of magic as meaningful rituals or items that give luck or hope to the individuals.

The items that these marines had in their possession did not differ greatly from what other Americans have carried with them in other wars. In his novel of the American War in Vietnam, *The Things They Carried*, author Tim O'Brien writes from his experience of the different items that the soldiers had with them:

Until he was shot, Ted Lavender carried 6 or 7 ounces of premium dope, which for him was a necessity. Mitchell Sanders, the RTO [Radio Telephone Operator] carried condoms. Norman Bowker carried a diary. Rat Kiley carried comic books. Kiowa, a devout Baptist, carried an illustrated New Testament that had been presented to him by his father, who taught Sunday school in Oklahoma City, Oklahoma. As a hedge against bad times, however, Kiowa also carried his grandmother's distrust of the white man, his grandfather's old hunting hatchet ([1990] 1998:3).

In another passage, O'Brien describes the white pebble that the platoon's lieutenant carries, mailed to him from his sweetheart in New Jersey ([1990] 1998:8). Items

such as these serve no formal purpose to the soldier, but they do provide some feeling of comfort, luck, or hope.

In the Second World War, an ironic lucky or magical item was the bullet that had come close to hitting or nearly killing its intended target (Fussell 1989:49). Instead of the bullet being the bad luck item one throws away, the bullet which was intended to do harm becomes a good luck object. The same can be said of the other objects which are potentially lethal, including shrapnel. Regarding lucky or magical bullets, from which the owner draws feelings of invulnerability:

Another lucky thing to carry was a bullet that had missed one earlier, a usage apparently related to the belief that no two shells or bombs land in the same place and thus that a shell crater or a bombed site is a good place to hide. Julian Maclaren-Ross was working in the butts on a firing range when a wayward bullet glanced off his helmet. 'For years,' he says, 'I carried this bullet about as the One with My Name On It, possession of which, according to army superstition, guaranteed immortality, at least for the duration.' He was seriously upset when he finally lost it down a London street drain (Fussell 1989:49).

### **Postemotional American Civil Religion**

Army rituals and ceremonies, including court-martial proceedings, have already been described as an extension of American Civil Religion (Mestrovic 2009:185). The sociological concept of a civil religion comes from Robert Bellah, though the term "civil religion," as indicated by Bellah originates in Rousseau's *The Social Contract* (Bellah 1967). The term civil religion sparked much debate when it was written, and in explaining himself and the term he had coined, Bellah stated:

I defend myself against the accusation of supporting an idolatrous worship of the American nation. I think it should be clear from the text that I conceive of the central tradition of the American civil religion not as a form of national self-worship but as the subordination of the nation to ethical principles that transcend it in terms of which it should be judged. I am convinced that every nation and every people come to some form of religious self-understanding whether the critics like it or not. Rather than simply denounce what seems in any case inevitable, it seems more responsible to seek within the civil religious tradition for those critical principles which undercut the everpresent danger of national self-idolization (Bellah 1967).

Durkheim defined religion as any system which made a distinction between what was considered sacred and what was considered profane. According to Durkheim, profane and sacred things could be anything, so long as prohibitions and practices were in place separating one from the other:

Sacred things are things protected and isolated by prohibitions; profane things are those things to which the prohibitions are applied and that must keep at a distance from what is sacred ([1915] 1995:38).

In American civil religion, certain things, people, and events are considered “sacred” in uniquely American way: the American flag, George Washington, and singing the national anthem are examples. There are prohibitions applied to these things: one must not desecrate the American flag, people such as George Washington and Abraham Lincoln are only to be revered (any mistakes or shortcomings as individuals are not taught to children), and purposely failing to stand or remove one’s hat for the national anthem, if captured on camera and widely circulated, has the potential for causing nation-wide hysteria. American cinema has made many films on many subjects, but there is a notable absence of films about George Washington, Benjamin Franklin, Thomas Jefferson, or other national “saints.”

An observation to American Civil religion is that if it exists as a religion, then American Civil religion exists as a postemotional one. In essence as a copy of religion, with ritual, rites, designations of “the sacred” versus “the profane,” but without the meaning and emotion imbued in genuine religious experience:

Civil religion is neither bona fide religion nor ordinary patriotism, but a new alloy formed by blending religion with nationalism. If civil religions were bona fide religions then one would expect to find a soft side to them, teaching love of neighbor and upholding peace and compassion. But this is not the case (Mestrovic 1993:130).

This observation is not alone or isolated. American currency carries the phrase “in God we trust,” but some comedians have noted that “survival of the fittest” is more in line with American values and sentiments.<sup>4</sup> In other words, there is a noticeable absence of “the softer side” of American civil religion. Mostly it seems about “bombs bursting in air” to take the phrase from the national anthem.

The journalist and war correspondent Chris Hedges has posited that to many Americans, war has become a sacred act (2011a). In American civil religion, the idea has become that war is sacred, and that the soldiers have become the priests that enact the sacred act of war (Hedges 2011a). In American civil religion, the American president, speaking to the nation on the need for military actions, has become like a prophet in the literal meaning of the word: as a chosen spokesman delivering God’s own words. Hedges further states that the belief among Americans is that “because we have the capacity to wage war, we have the right to wage

---

4 Stephen Colbert’s comedy act can be interpreted as one where he plays the role of a high priest to American civil religion, and one in which parody is taken to such an extreme that it is nearly indistinguishable from the jingoism it satirizes.



war” (2011a). When war is perceived as a sacred act, questioning war becomes a heretical act. Durkheim states:

Just as society consecrates men, so it also consecrates things, including ideas. When a belief is shared unanimously by a people, to touch it – that is, to deny or question it – is forbidden, for the reasons already stated. The prohibition against critique is a prohibition like any other and proves that one is face to face with a sacred thing ([1915] 1995:215).

The belief becomes an attitude of entitlement that the United States has an inherent right and even duty to wage war when and how it sees fit because of its own perceived American exceptionalism. Waging war, and carrying out other quasi-religious functions, such as having color guards at American or military airplane flyovers at sporting events, are ways in which the American military performs rituals that are in communion with the larger American civil religion.

Bellah (1967) does not raise the possibility that American civil religion exists in particular ways within different American institutions, particularly the U.S. military. An extension of treating the American flag as a national-sacred object in the U.S. Army as an institution would be to treat objects in accordance to their own particular rites and rituals; thus military banners, uniforms, medals are handled according to their own protections and prohibitions. A soldier being out of uniform or failing to observe military courtesy (e.g. saluting or failing to say “sir” or “ma’am” to a higher ranking officer) is a soldier breaking protections and prohibitions actually codified according to the military.

Thus, it is in accordance with U.S. Army civil religious practices to award medals to individual soldiers, to award citations or commendations to entire army units, and for every army unit, in addition to the national flag, to have its own unit flag with streamers awarded for different campaigns. Streamers are attached to flags and serve as manifestation of battle honors for the unit’s service. Sometimes streamers are awards given to a unit, such as the Presidential Unit Citation.

Military bases, in a way, are temples of U.S. military civil-religion. Military bases in the United States are named after sacred figures of American civil religion or American military religion, which often overlap. Thus American military bases carry names of national or military heroes or civic “saints,” such as Ft. Carson (named after explorer and frontiersman Kit Carson), Joint Base Lewis-McChord (named after the explorer Meriwether Lewis and U.S. Air Corps COL William Caldwell McChord), and Ft. Leavenworth (named after Colonel Henry Leavenworth, who established the American presence near the French Fort de Cavagnal after the French ceded Louisiana). Weber described how, in fact, there was a relationship between military discipline and models for religious life:

Under warrior communism [or communal living, e.g. in barracks] the existence of the warrior is the perfect counterpart to the existence of the monk, whose garrisoned and communist life in the monastery also serves the purpose of

disciplining him in the service of his master in the hereafter (and possibly also resulting in service to a this-worldly master). The dissociation from the family and from all private economic interest also occurs outside the celibate knight orders, which were created in direct analogy to the monk orders (Weber in Gerth and Mills 1958:258).

Parallels to the idea of the military base-as-temple exist in other institutions in American society, mirroring particular institutional civil religions: prisons in Texas are named after law officers killed in the line of duty, ex-governors, retired prison wardens, and prison wardens killed in the line of duty; business schools are often named after the school's benefactor and so on. Military bases are treated as sacred within the American military religion with accompanying protections and prohibitions. There are prohibitions and restrictions against the sale of tobacco, alcohol, and pornographic material at base commissaries and postal exchanges codified into law under U.S. Code Title 10, Chapter 147 – *Commisaries and Exchanges and Other Morale, Welfare, and Recreation Activities*. The *Honor and Decency Act of 1996* amended Title 10, Chapter 147 to end on-base rental and sale of pornographic movies and magazines (H.R.5821 *Military Honor and Decency Act*). Military bases, under federal law (U.S. Code Title 10 Chapter 55) severely restrict abortion procedures:

§ 1093. Performance of abortions: restrictions

- (a) Restriction on Use of Funds. – Funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.
- (b) Restriction on Use of Facilities. – No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest (*Performance of Abortions: Restrictions*. U.S. Code, Title 10 Chapter 55 § 1093).

On American military bases, all internet access is strictly controlled, with all access points to the Internet running through military web servers. These web servers restrict access to a variety of websites, including pornographic websites.

At times, events such as official ceremonies marking a unit's departure for a war zone, take on the trappings of religious ceremonies. Past, successful wars are considered sacred, and the presence of the past is made evident at military ceremonies through various means, such as the streamers attached to flags commemorating past campaigns. Sometimes the past is brought into the present through other symbolic ways, such as having soldiers dressed in period uniforms of previous wars. In these and other ways, there is a transfer of the mana associated with past, sacred wars to present military campaigns, as if the past wars are symbolically continuing (Morris and Spagnuolo 2006). An example

of this is how soldiers deploying from Ft. Carson in October 7, 2003, in which Secretary of Defense Donald Rumsfeld addressed deploying soldiers of the 3<sup>rd</sup> Armored Cavalry Regiment, used symbolic imagery to sanctify their departure to war (Dunway 2003). A spokesman for the American Indian Movement, Glenn Morris, made these remarks about the event and the photo:

To us, that represents this continuing ideology, this hegemony that Chomsky talks about. And it is confirmation that Rumsfeld and Cheney and the Rumsfeld-Cheney doctrine around the world is an expression that began – an expression of policy that began with Columbus, continued through the entire Indian war period of the United States and continues today. If you look at this picture, you'll see that Rumsfeld is giving a speech, sending off U.S. soldiers from Fort Carson, which is itself, a semiotic – you know, this symbolism of colonialism. Kit Carson was not a hero to native people. Kit Carson was an Indian killer. He caused the relocation of Diné people to Bosque Redondo. He engaged in the Sacramento River Massacre in the 1840s. So Kit Carson was not a heroic figure either...

Fort Carson is named after Kit Carson. So Rumsfeld is giving this speech at Fort Carson, about to send off these soldiers immediately behind him to Iraq, but behind those soldiers is the color guard for Fort Carson. And you'll notice that they're in different uniforms. They're in the uniforms of the Indian wars, of the 1870s, '80s and '90s. And those soldiers represent the continuity, the soldiers immediately behind Rumsfeld represent the continuity of the Indian wars. That is expressed by the color guard, still dressed in the uniform of Custer, of Sheridan, of Crook, of the other Indian killers of the 19th century.

And if you look at the picture, you'll see that those soldiers have yellow kerchiefs around their neck. So all of these people that have the support the troops magnets on their car that are yellow ribbons? That's the genesis of that, that they even made – I believe it was 1949 – John Wayne made a movie with John Ford called *She Wore a Yellow Ribbon*, and the tradition of those yellow ribbons is that the cavalry that would go out to kill Indians, before they left, they would take that yellow kerchief off, tie it in their wife or their girlfriend's hair, and say, 'You wear this until I come back safely from killing Indians.' So the Indian wars continue even in these little icons. That's hegemony. It's so impervious – I mean, it's so pervasive in this society that we don't even recognize it (Morris and Spagnuolo 2006).

British observers, in particular, have noted the peculiarity of the U.S. Army's obsession with Native American iconography and symbolism. The names that armies give to their weapons betray the wars that those armies are still fighting symbolically. The American military goes to war wielding Tomahawk missiles, Apache and Blackhawk helicopters, deploying from bases named after white Americans famous for fighting against indigenous populations, and giving the

code name of Geronimo, an enemy vanquished in the past, to Osama bin Laden.<sup>5</sup> In turn, from an American perspective, it seems odd that the British military in Northern Ireland used Saracen and Saladin armored vehicles in patrolling Northern Irish Catholic neighborhoods, symbolically fighting a Middle East crusade on the Emerald Isle.

As indicated already, magic exists alongside religion. Alongside U.S. Army civil religion, there exists magic, most of it having to do with the practices of individuals or small groups of soldiers. What happens when magic is practiced by larger groups, or is unofficially sanctioned when a high ranking officer who carries out magical practices in front of large groups of soldiers?

Just as religions have sacred texts, the U.S. Army too has its sacred texts on the various facets of its activities known as field manuals. Field manuals range from nearly every conceivable subject pertaining to the military from how to operate individual weapons (FM 3-22.27 *MK 19, 40-mm Grenade Machine Gun, MOD 3*) to manuals related to military health (FM 6-22.5 *Combat Stress*) to how to conduct interrogation of prisoners of war (FM 2-22.3 *Human Intelligence Collector Operations*). The reader should not be surprised that the first armies to systematically print and distribute manuals for its operations were Puritan armies: this was a technology that Cromwell's New Model Army exploited to a degree even beyond that of Gustavus' Swedish army. One can see how several technologies and cultural practices would have facilitated and even make this possible for Protestants over Catholics: the widespread cultural norm for individuals being literate and reading the Holy Bible along with an existing system for publishing and distributing books would have made the printing and distribution of military books, manuals, and pamphlets a logical next step.

Confusion arises when seemingly "heretical" doctrines and manuals are followed, against the orthodox army doctrines and manuals. The distinction seems to be one between 1) an other-directed military and foreign policy mindset of "winning hearts and minds" in order to drive a wedge between a paramilitary force and the population which provides it with support and the alternative 2) inner-directed, Puritanical mindset of "kick their asses; their hearts and minds will follow." While the U.S. military has its own detailed field manual for counterguerilla operations (FM 90-8 *Counterguerilla Operations*, which is 256 pages long and is no longer an actively used manual), it was supposed to have been replaced by FM 3-24 *Counterinsurgency*. However, the ideas of FM 90-8 still lingered among some officers.

Military units display guidons (a type of flag) and military streamers (long ribbons attached to guidons) at formal ceremonies along with the national and unit flags. All these items carry their own meaning and value. Flags, guidons, and streamers are imbued with a sacred quality in American military religion, and accompanied with their own protections and prohibitions. When units gather in official formation, the commanding officers and the guidons are always in front of

---

5 Black Hawk was the name of a Sauk chief defeated by the American army.

the formation. Any disrespect towards guidons and streamers is seen as a dishonor to the unit in general, and a standard bearer who drops a guidon is punished.

Words in religions have their own particular meaning and sacredness. Words, too, can carry magical properties. During the Second World War, soldiers believed that words were magical:

And some words, if said at the right moment, possessed magical properties. Among British troops saying *rabbis* first thing upon waking on the first day of each month was held to be efficacious, and some thought *white rabbits* worked even better. Omitting this ritual could be disturbing. Thus Captain M.J. Brown, in North Africa, notes in his diary of the first of March, 1943, 'I forgot to say "rabbis" this morning – I always do in the first of the month, with unflinching regularity' (Fussell 1989:50).

Names are a type of word that can carry sacred or magical meaning. In certain religions, there are prohibitions against saying or writing the name of God, and there exists too the belief that a person's name has a sacred meaning revealing the quality of a person's soul. To take an example from Children's literature, the *Harry Potter* books, the characters avoid saying the name of the antagonist, Voldemort, because it is taboo and cursed. Christians, too, believe that using the name of God in vain is sinful. A similar magical practice seems to be in profaning names and adopting nicknames. In military units, officers' names can become taboo words, venerated by those close to those military officers and considered unspeakable by everyone else. In such cases, soldiers will resort to the use of radio callsigns replacing the names of their officers.

An item that historically has carried sacred value in American military religion is the army medal. Soldiers who merit recognition historically have been awarded medals. Medals can be understood as the collective effervescence that commemorates an individual soldier's experiences which uphold the values of the U.S. Army's collective consciousness, i.e. the Army's institutionally shared values and memories. The U.S. Army's action of awarding a medal such as the Purple Heart, given to American soldiers who suffer an injury or death in battle, can be interpreted in terms of an American military religion. The wounded or fallen soldier is recognized collectively as someone who has suffered for the sake of the group, in effect someone who has been martyred. In religion, a martyr is someone who suffers for the sake of the group's beliefs, whether or not he or she dies. The military has historically rewarded its service men and women for actions which uphold its values, thus soldiers historically have been decorated with medals for good conduct, gallantry, saving someone's life, meritorious service, suffering by being a prisoner of war, or for serving in various campaigns or theaters of operation (Operation Desert Storm, serving in South Korea, serving in Kosovo, etc.).

Historically, there are no medals awarded to individual American soldiers solely for killing the most enemy soldiers. War is not like video games in this sense. The idea that an American soldier is expected to kill wantonly is not a historically

shared value in the collective consciousness of the U.S. Army. However, in both Iraq and Afghanistan, there were high ranking officers who individually departed from this shared value among their peers. Some officers could resort to established U.S. Army rituals or medals in order to transmit their own deviant military values and priorities to their soldiers, so they resorted to idiosyncratic and unsanctioned methods. Again, rituals without a widespread, shared, and sanctioned meaning fall under the rubric of magic.

Even the enchantment of weapons with religious, Christian language is seen as suspect and taboo. ABC News broke the story in 2010 that a maker of rifle scopes for the U.S. Marines and U.S. Army was secretly inscribing unsolicited Bible codes on their products:

One of the citations on the gun sights, 2COR4:6, is an apparent reference to Second Corinthians 4:6 of the New Testament, which reads: 'For God, who commanded the light to shine out of darkness, hath shined in our hearts, to give the light of the knowledge of the glory of God in the face of Jesus Christ.'

Other references include citations from the books of Revelation, Matthew and John dealing with Jesus as 'the light of the world.' John 8:12, referred to on the gun sights as JN8:12, reads, 'Whoever follows me will never walk in darkness, but will have the light of life' (Rhee et al. 2010).

A critic of coerced proselytizing in the armed forces, very aptly described his objection to the rifles with the offending scopes:

Weinstein, an attorney and former Air Force officer, said many members of his group who currently serve in the military have complained about the markings on the sights. He also claims they've told him that commanders have referred to weapons with the sights as 'spiritually transformed firearm[s] of Jesus Christ' (Rhee et al. 2010).

Weinstein has dubbed rifles with these scopes as "Jesus rifles" being used to wage a crusade (Rhee et al. 2010).

Some noncommissioned officers practiced their own magic in the way of collecting and trading war trophies, namely body parts. In SPC Adam Winfield's statement to Army CID (Criminal Investigation Command) he answers questions pertaining to "war trophies" taken by other soldiers from his platoon:

Q: Does SPC WAGNON have any war trophies?

A: About Jan 10/Feb 10... SPC WAGNON had a clear ziplock bag with a piece of a skull inside it...

Q: Where did he show you the finger?

A: Outside the tents where we use to live.

Q: When did you last see the finger?

A: About Jan 10 or Feb 10.

Q: Do you know where the finger is now?

A: No.

Q: Can you describe the bag?

A: It was a clear and white medical zip lock like the ones we receive medications in.

Q: Can you describe the finger?

A: The finger appeared to be an index finger and looked like it was cut utilizing a surgical blade or surgical shears.

Q: Did PFC HOLMES say why he had the finger?

A: PFC HOLMES stated he wanted to keep the finger forever and wanted to dry it out and that's why he had it in a zip lock bag, and he carried it around with him everywhere. He was proud of his finger.

Q: Did PFC Holmes say where he got the finger from?

A: PFC HOLMES or SPC CHRISTY cut it off the body during the autopsy at the aid station.

Q: Why did PFC HOLMES keep the finger on him at all times?

A: He was proud about it and because he knew that when we all get searched no one ever looks on the actual person they search through the gear. Everyone in the platoon knows your actual person never gets searched (Twitty 2011).

In SPC Winfield's sworn statement, he observes that the finger kept by PFC Holmes as a war trophy served no purpose but as a war trophy, and that it was of a special, personal significance to PFC Holmes. Other soldiers also kept different body parts with them, and as SPC Winfield would inform Army CID, human body parts as trophies held emotional meaning and value among the soldiers; body parts were traded or gifted among them the way children might trade rare marbles or baseball cards in an inner-directed era, or Pokémon cards in our other-directed era:

Q: Have you seen or heard about SSG GIBBS with war trophies?

A: Yes he had fingers...

Q: Can you describe the fingers?

A: I don't know which fingers and I think there were two fingers, wrapped in a blue cloth.

Q: Where did SSG GIBBS show you the fingers?

A: SSG GIBBS showed me the fingers in someone's room but I can't remember.

Q: Does SSG GIBBS have any other war trophies?

A: He use to have two leg bones but he gave them to SPC KELLY... SSG GIBBS was walking around doing his checks on the squad and while he was out on the checks he found a shallow grave and took two leg bones out of the grave and brought them back to the hill and showed 1<sup>st</sup> squad and the gun team. He pulled the bones out and put them together and moved them like a knee joint.

Q: Can you describe the bones?

A: They were white with dirt covering them, about 12 inches long, it looked like a femur and tibia bone from when SSG GIBBS put them together like a leg in motion, and appeared to be in the ground for a long time, no muscle or tissue left on the bone.

Q: Where are the bones now?

A: SSG GIBBS gave them to SPC KELLY when we returned to [the FOB].

Q: When did you last see the bones?

A: I saw the bones about Apr 10, inside SPC KELLY's room. I was in there with SPC Corey MOORE and SPC KELLY came up to SPC Corey MOORE and hit him with the bones.

Q: Do you know where the bones are now?

A: No (Twitty 2011).

The taking of human body parts as war trophies has a long history in warfare generally, and in the history of the U.S. Army specifically.



In the Pacific theater of the Second World War, the taking of body parts was common for both sides. Japanese soldiers on Peleliu, for example, would decapitate and dismember captured U.S. marines, sometimes rearranging body parts grotesquely for their comrades to discover (Lewis and Steele 2001:148). On the allied side, some soldiers, including Gurkas, Naga tribesmen, and Nigerians fighting in the British Commonwealth forces, took body parts as in accordance with their own particular tribal traditions (Lewis and Steele 2001:148). American servicemen in large number took human body parts as trophies:

The treatment of Japanese corpses as if they were animal became so flagrant as early as September, 1942, that the Commander in Chief of the Pacific Fleet ordered that 'No part of the enemy's body may be used as a souvenir. Unit commanders will take stern disciplinary action...' (Fussell 1989:117).

A trade in photographs of servicemen "cooking and scraping" Japanese heads into souvenir skulls boomed; many of these photos ended as trophies or souvenirs for war wounded in U.S. Navy hospitals in San Diego and Oakland (Weingartner 1992:57). The taking of body parts, despite direct orders from the highest ranking military officers, was ineffective in stopping the practice:

General George C. Marshall, U.S. Army Chief of Staff, was sufficiently disturbed by these accounts to radio General Douglas MacArthur in October 1943 about his 'concern over current reports of atrocities committed by American soldiers.' This was followed in January 1944 by a directive from the Joint Chiefs of Staff to all theater commanders calling upon them to adopt measures to prevent the preparation of skulls and 'similar items' as war trophies, and to prevent members of the armed forces and others from removing from the theater skulls and other objects which might be represented as Japanese body parts. Marshall and the Joint Chiefs' effort to terminate the practice of collecting grisly mementos from Japanese war dead proved, however, to be ineffective (Weingartner 1992:57).

In the contemporary war in Afghanistan, allied soldiers too have enacted the practice of taking body parts. Before some soldiers in Afghanistan were brought to court-martial in 2011 for taking body parts, German soldiers as early as 2003 had circulated photos posing with skulls and other human bones ("Skull Images Shock Germany").

In the Second World War, American soldiers took body parts, too, not just as a means of punishing the dead or enacting revenge, but for more complex reasons:

But while some men collected teeth, skulls, and other body parts for reasons of triumphalism, boastfulness or simple hatred, others did so for more complex motives. Sy Kahn served in the US Army's transportation corps. He spent much of his time unloading ships, but the job was far from safe. Enemy action, disease, breakdowns and accidents took approximately half the men in his company out of the war (Lewis and Steele 2001:148).

Kahn was one of many American soldiers, marines, and sailors who took body parts during the war. Kahn described why he took a human skull found on New Guinea:

I wince a little because I kept a skull...It wasn't done with the motive of desecration, it was done with, I think, a kind of curiosity. I've thought a lot about this incident...it was a way of taking the horror out of death and becoming familiar with it, of making it more ordinary...It was a way of looking at that skull and truly saying, 'There but for the grace of God go I, that's what I'll look like, it's not so horrible to become a skull. If that's the end game, if that's part of the end game so be it, it doesn't horrify me, it's sort of interesting...To understand it you have to see it in a spectrum of ghoulishness. By that time we had seen so many ghoulish things, we had seen badly wounded people, mutilated people, scarred people, crazy people, you know, the whole fog of war, that having a skull did not seem as outlandish in that context as it would have in other contexts. It was almost an emblem of who we were, because so many of us were committed to death (Lewis and Steele 2001:148–9).

Kahn's insight is that the skull serves as a magical object that had the power of "taking the horror of death and becoming familiar with it, of making it more ordinary. (Lewis and Steele 2001:149)." For soldiers such as PFC Holmes who kept a human finger, in the contemporary war in Afghanistan, the taking of body parts might have had a similar effect of making the soldiers familiar with death and removing some of its horror. The photos were likely vicarious forms of revenge for sailors wounded and maimed by their Japanese counterparts.

## **The Resurgence of Magic**

Why does there seem to be a proliferation of magical practices in a modern institution such as the U.S. military? Although it is established that magical practices in wartime have persisted through the ages, there seems to be a marked increase of the practice among American troops, and even among their leaders, in Iraq and Afghanistan. According to Weber, the rationalization of the world meant the elimination of magic as a means to salvation ([1905] 1976:117). However, with the increased rationalization of military life, especially in wartime, magic has not withered away but instead has made a resurgence.

The Puritans' weapon against magic was supposed to be their religious practices. Religion, including its secular counterpart of civil religion is directed towards the elimination of magic in the world. In relation to salvation of one's soul, the Puritan made an attempt to eliminate all magic:

The genuine Puritan even rejected all signs of religious ceremony at the grave and buried his nearest and dearest without song or ritual in order that no superstition,

no trust in the effects of magical and sacramental forces on salvation should creep in (Weber [1905] 1976:105).

The current practices for handling the military dead follow Puritanical lines of eliminating song or ritual. Once, military civil religion had its strictly adhered rituals for handling the war dead: ceremonial guards accompanied the casket whenever it was in transit, and every respect was accorded to the dead. Military funerals traditionally have included its own elements apart from civilian rituals including rifle parties that fire volley salutes for the dead, a military chaplain being present for the family members, and a playing of taps on bugle while a ceremonial guard present a final salute. These were the soft elements of compassion and grief that once accompanied military civil religion.

In an other-directed era, which has been noticeable at least since the American war in Vietnam, the “song and ritual” of handling the military dead have become even more Puritanical and have fallen by the wayside. During the Vietnam War, baggage handlers noted that the military sent many military caskets as freight on commercial airliners. A baggage handler’s retrospective was that at a minimum, the Vietnam era caskets were accompanied by a symbolic, solitary officer on board the flight (Civil Aviation Forum 2005). The solitary officer, representing an atrophied ceremonial guard, would be present outside the aircraft whenever the casket was loaded or unloaded (Civil Aviation Forum 2005). In the present wars, the military has dispensed even with the Vietnam era’s symbolic officer accompanying and supervising the casket (Civil Aviation Forum 2005).

However, even here the Puritanical practice of silencing magic and doing away with ritual have opened the door to magical practices. Commercial baggage handlers in their own way introduce rituals when handling military caskets. Some adopt the practice of separating the casket from luggage by moving it either last or first (Civil Aviation Forum 2005). Other handlers use a different cart for transporting military caskets, and even decorating it with American flags and the emblems of the different military services (Rosenblum 2009). Baggage handlers on their own adopt different practices, such as never allowing the casket to remain exposed to the rain or keeping silent when working around the casket (Civil Aviation Forum 2005). Some practices offend because they are not standardized and because they are idiosyncratically adapted to fit the circumstances: to keep flags from becoming separated from their caskets, some handlers use duct tape to keep the flags in place, which is interpreted by others as disrespectful both towards the deceased and to the flag (Civil Aviation Forum 2005).

The military rituals which were respected and practiced in an inner-directed era seem to exist as attenuated versions of themselves in an other-directed era. Where military remains were transported with dignity and ritual, caskets are now loaded unto planes along with passengers’ luggage or commercial packages. Even military funerals in an other-directed era carry surreal elements of attenuated ceremony. Since military buglers are in short supply, the military

has resorted to supplying electronic, digital bugles which are held by an ersatz bugler (McDonough 2004). According to a newspaper account:

Instead of a bugler playing the 24 notes, a computerized chip implanted in the horn renders the heart-stirring song.

A push of a button starts the horn. It sounds a tune that not enough people in uniform can play given the pace of dying veterans and casualties from the Iraq war.

Some traditionalists object, but other people say it's an improvement upon the more widely used substitute – someone bending over and pressing a button on a boom box to play a recording of taps.

'It's the closest and next best thing to the real thing,' said Mark Maynard, director of the Riverside National Cemetery in California, where a few of the Iraq casualties have been buried. 'A bone of contention with veterans' organizations and families was just the sound and tackiness of the military carrying boom boxes to play taps' (McDonough 2004).

The inner-directed reaction to a virtual bugle playing taps in a McDonaldized funeral service is to consider it less than dignifying when compared to a real bugle. The expected inner-directed reaction to the virtual bugle is expressed in the same article:

Hugh Springston Jr. of Patel, Miss., wouldn't have it any other way. He recently buried his mother, a veteran, at a ceremony featuring a genuine playing of taps, and said his father will deserve the same.

A digital rendition 'would make the honor seem phony,' he said. 'When my father goes, he'll get a gun salute. I wouldn't feel right about them having seven mannequins going out in the field shooting fake guns' (McDonough 2004).

The inner-directed reaction is closer to what Durkheim writes about rituals: unorthodox rituals, i.e. rituals not observing the established prohibitions and practices, are not sacred. Unorthodox rituals are by their very nature phony rituals.

Rituals promote social integration and solidarity, but only if the rituals are sincere, spontaneous, and charged with emotional meaning connecting the rituals to collective beliefs (Mestrovic 2009:185–6). These rituals include those associated with American civil religion and with particular institutional civil religions, such as the particular civil religious rites within the American military. Already, observers have noted that courts-martial are empty rituals that "come across as empty and devoid of emotion" (Mestrovic 2009:186). The emptiness of rituals and other supposedly sacred things in American civil religion is not limited

to courts-martial. Even the obligations that the military owes to soldiers, to the war dead, to military families, and to veterans, which are held as sacred obligations, seem to be treated with the same phoniness as electronic, digital bugles: military families rely on food stamps at twice the national rate, the foreclosure on the homes of military families is four times higher than the national average, and Veterans Administration hospitals are plagued with administrative problems as well as with actual vermin (Douglas 2007; Howley 2008, Mitchell 2009).

The U.S. military's contemporary and other-directed civil religion has retained the outward appearance of its inner-directed past. What has been transformed within the U.S. Army's civil religion is the emotional meaning of its rituals as well as the emotional connection to collective beliefs. This transformation can be described as being postemotional: military burials and other ceremonial rituals are devoid of their original emotional meanings and functions. The U.S. Army's responsibility and commitment to provide its troops with proper leadership, supplies, sleep, and medical care are superficially observed. Many times they are not supplied at all. Societies begin to die when their religious rituals are abandoned. In the case of the U.S. Army specifically, there has been a weakening in the meaning and practice of its institutional civil religion. When religion is weak, including civil religion, societies and its institutions begin to experience deficiencies in social integration. When religion is weak and cannot provide for the emotional needs of its followers, social integration will also be weak, and people will turn to magical practices.

## An Excerpt from Sam Vaknin's *Malignant Self Love*

Narcissists are as gifted as they come. The problem is to disentangle their tales of fantastic grandiosity from the reality of their talents and skills. They always either over-estimate or devalue their potency. They often emphasize the wrong traits and invest in their mediocre or less than average capacities at the expense of their true and promising potential. Thus, they squander their advantages and under-rate their natural gifts...

But, the narcissist, no matter how self-aware and well-meaning, is accursed. His grandiosity, his fantasies, the compelling, overriding urge to feel unique, invested with some cosmic significance, unprecedentedly bestowed – these thwart his best intentions. These structures of obsession and compulsion, these deposits of insecurity and pain, the stalactites and stalagmites of years of abuse and then abandonment, they all conspire to frustrate the gratification, however circumspect, of the narcissist's true nature.

An excerpt from *Malignant Self Love: Narcissism Revisited* (Vaknin 2007:65)

*This page has been left blank intentionally*

## Chapter 7

# Puritanism and Narcissism

The American military justice system at times has pathologically narcissistic characteristics, and its Puritan roots give it these narcissistic features. Narcissism in its pathological form finds its expression in the individual as narcissistic personality disorder, a common psychological disorder (Veblen in Mestrovic 2003:4). Outside of the purview of psychology, Narcissism has been treated as a subject within sociology. Christopher Lasch in *The Culture of Narcissism* ([1979] 1991) described narcissism as not only a psychological trait found in individuals but also as a cultural trait, defining it as a social phenomenon. Many years before Lasch, Veblen made similar arguments on the prevalence of narcissistic-like traits (such as envy, predatory behavior, callousness) in many areas of American society including the conduct of warfare, sports, advertising, fashion, higher learning, and business (Veblen in Mestrovic 2003:4).

The American Psychiatric Association's *Diagnostic and Statistical Manual* in various editions describes narcissistic personality disorder as "a pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of contexts as indicated by five or more of the following:"

1. Has a grandiose sense of self-importance (e.g., exaggerates achievements and talents, expects to be recognized as superior without commensurate achievements)
2. Is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love
3. Believes that he or she is "special" and unique and can only be understood by, or should associate with, other special or high-status people (or institutions)
4. Requires excessive admiration
5. Has a sense of entitlement, i.e., unreasonable expectations of especially favorable treatment or automatic compliance with his or her expectations
6. Is interpersonally exploitative, i.e., takes advantage of others to achieve his or her own ends
7. Lacks empathy: is unwilling to recognize or identify with the feelings and needs of others
8. Is often envious of others or believes others are envious of him or her
9. Shows arrogant, haughty behaviors or attitudes (American Psychiatric Association 1995)



These guidelines are intended for diagnosing individual narcissists, but they are also useful in identifying narcissistic behavior within a culture or aspects of a culture. Lasch focused on the cultural production of upwardly mobile narcissists in American society (Mestrovic in Veblen 2003:5). Veblen focused on barbaric attitudes, habits, and behaviors exhibited throughout American social life that can be interpreted as narcissistic traits. Veblen described cultural narcissism from a Durkheimian mode, identifying narcissism as a product of collective consciousness (Mestrovic in Veblen 2003:5). Unlike Lasch who describes the culture of narcissism as one made by narcissistic individuals, Veblen presented a more elaborate and insidious form of cultural narcissism. For Veblen, the culture of narcissism is a structure of social habits by which even otherwise normal and healthy individuals reflect the narcissistic values and norms of their culture:

[Veblen] was exposing narcissistic aspects of some ordinary activities on the part of ordinary persons. In this sense, he was offering a genuinely sociological and cultural explanation that is often disturbing. For example, many readers are offended by his peculiar verbal attack on the ownership of dogs (found in *The Theory of the Leisure Class*) as representing predatory and barbaric values because dogs are allegedly 'useless' and therefore, in Veblen's view, are kept primarily as a sign of status... The more important point is that perceiving dogs as useful is a common rationalization, whereas Veblen continues to offend many people because he exposed the narcissistic element in one of the most common cultural habits of the West, ownership of dogs. He is not saying that dog-owners are narcissistic, but that a culture of narcissism impels ordinary persons toward status-seeking in arenas which one would not ordinarily notice status-seeking (Veblen in Mestrovic 2003:5).

Veblen described many aspects of American culture as narcissistic in which ordinary, healthy individuals accept and partake, including patriotism, conspicuous consumption, and other conspicuous acts now transmitted via Internet including conspicuous marriage proposals and conspicuous family reunions. Other-directed individuals regard acts normally reserved for personal and intimate occasions, such as marriage proposals, to be impersonal and public; the more people view such acts, e.g. the reunion of children with a parent returning from military service in Iraq or Afghanistan or a marriage proposal before tens of thousands of people in a sports stadium, the more prestige and authenticity is attributed to the act (Mestrovic in Veblen 2003:5). The news usually carries stories of fathers returning from Iraq surprising their sons at school or at little league games, and they are presented as human interest stories (Phan 2011; Kimball 2011; Allen 2011). To question the public nature of the acts, along with virtual world-wide coverage through modern media, would violate older social norms or borders on the inappropriate, and is taboo. In these cases, the individuals, though other-directed in social character, might be otherwise healthy and normal individuals, but their conspicuous acts reflect a much larger cultural narcissism.

## American Exceptionalism as Narcissism

Lipset in *Continental Divide* writes about the difference in social character between Canada and the United States. Lipset attributes the differences in character between the two nations to their religious roots:

From the beginning, America was heir to a Calvinistic Puritanism that was stronger in many of the colonies than in the mother country, and it was congenial to modernity in a sense that the Anglican Church in English Canada and the Gallican Church in Quebec were not. The two denominations, Methodist and Baptist, that became dominant in America stressed religious doctrines that supported 'anti-aristocratic tendencies.' During and after the Revolution, the Calvinist doctrine of innate predestination was gradually supplanted by Arminian belief, which emphasized the personal attainment of grace embodied in 'doctrines of free will, free grace, and unlimited hope for the conversion of all men.' Even more than Calvinism, it served as a religious counterpart to the democratic goals of equality and achievement (1990:13).

An argument can be made that a religious belief in predestination fell by the wayside in American biblical religion, but the belief in predestination in American civil religion has never disappeared. An interpretation of a religious passage such as Psalms 2:8 ("Ask of me, and I shall give thee, the heathen for thine inheritance, and the uttermost parts of the earth for thy possession") survives in a transformed state in the American civil religion dogma of manifest destiny. Even if religious Calvinistic Puritanism was overtaken by religious Arminian Puritanism, American civil religion (Bellah 1967) is a civil form of Calvinist Puritanism.

Although Lasch in writing about the culture of narcissism does not mention American exceptionalism, and Lipset writing about American exceptionalism does not mention cultural narcissism, there appears to be a strong relationship between the two phenomena. Many of the attitudes and actions taken by the United States as a nation can be described as being simultaneous expressions of cultural narcissism and expressions of American exceptionalism, both of which have their cultural roots in Puritanism. This is seen throughout society. In its governmental and private institutions, American narcissism and American exceptionalism are evident in policies concerning other nations and individuals. A full discussion of the complex relationship among the three phenomena, American cultural narcissism, American exceptionalism, and American Puritanism is beyond the scope of the present study, but a few examples should illustrate their relationships with each other.

Lipset and others have argued that American exceptionalism as an ideology determines American behavior, both domestically and in relation with other countries (Lipset 1996:267). While it is true that American exceptionalism is an ideology, no ideology would be supported without it resonating with underlying emotions and sentiments. An analogy can be drawn from the Freudian

understanding of being: a mere fraction of being is conscious being made up of thought. An even larger part of the state of being is composed of unconscious emotions and thoughts. American exceptionalism is the conscious expression of an unconscious and fundamental American Puritanism. Tocqueville noted that the American religious ethic served as the foundation for both the bourgeois economy as well as liberal polity of the United States (Lipset 1996:60). Tocqueville wrote that "Puritanism was not only a religious doctrine; it linked itself in several respects to the most prominent democratic and republican theories" ([1835] 2003:43). According to Lipset, the congregational aspect of the Protestant sects have promoted ideas central to American exceptionalism such as egalitarian, individualistic, and populist values (Lipset 1990:61). The political and religious thea in America reinforce each other (Lipset 1990:61).

The conscious portion of American society has exhibited and continues to exhibit pathological narcissistic traits. Vaknin (2007), a recognized authority on Narcissism, (and quoted at length in the excerpt preceding this chapter), describes in his book *Malignant Self Love: Narcissism Revisited*, how various Narcissistic habits and actions manifest themselves in various social interactions between a narcissist and others. Narcissistic habits and actions also make themselves present in dimensions of a narcissist's life, such as the narcissist's inability to handle the reality of aging, abusing language in order to hurt people, or exempting oneself from the rules that everyone else has agreed to follow. Vaknin writes primarily about the pathologically narcissistic person, yet his insights have relevance and parallels to pathological narcissistic behavior by nation-states, including the United States. For example, Vaknin writes of the relationship between narcissistic parents and their children:

At the risk of over-simplification: narcissism tends to breed narcissism – but only a minority of the children of narcissistic parents become narcissists. This may be due to a genetic predisposition or to different life circumstances (like being the firstborn). Still, MOST narcissists have one or more narcissistic parents or caregivers (p. 493).

Tocqueville, again, remarks that the social character of a nation is like that of an individual, found already formed at an early age and not in a process of formation in early adulthood:

Step back in time; look closely at the child in the very arms of his mother; see the external world reflected for the first time in the yet unclear mirror of his understanding; study the first words which arouse within him the slumbering power of thought; watch the first struggles which he has to undergo; only then will you comprehend the source of the prejudices, the habits, and the passions which are to rule his life. The entire man, so to speak, comes fully formed in the wrappings of his cradle. Something similar happens in the case of nations; they always carry the marks of their beginnings. The circumstances

which accompanied their birth and contributed to their development affect the remainder of their existence ([1835] 2003:37).

American exceptionalism and narcissism find their origins in British exceptionalism and narcissism. America's narcissistic "mother" was imperial and narcissistic Britain. To the present day, the parallels in this social pathology remain between the two nations. Both American and British nativism – or opposition to immigration – for example, will resort to the same uses of language to denounce a perceived "flood" of immigrants. Studies of American news articles on immigration show a repeated use of "dangerous waters" metaphors (floods, flows, waves, etc.) to denounce Hispanic immigration, a use of language that mirrors that used in Britain to denounce immigration from the Caribbean and South Asia (Santa Ana 2002:77). The infamous British example of the "dangerous waters metaphor" is Enoch Powell's "Rivers of Blood" speech, in which the Conservative Party member of Parliament used inflammatory language to decry immigration into the United Kingdom; the song "*Get Back*" by the Beatles in fact satirized Powell's infamous speech in its lyrics (Sulpy and Schweighardt. [1994] 1997:153). Excerpts from Powell's speech in 1968 seem strangely familiar when compared side by side to American anti-immigration language in the early twenty first century:

But while, to the immigrant, entry to this country was admission to privileges and opportunities eagerly sought, the impact upon the existing population was very different. For reasons which they could not comprehend, and in pursuance of a decision by default, on which they were never consulted, they found themselves made strangers in their own country. They found their wives unable to obtain hospital beds in childbirth, their children unable to obtain school places, their homes and neighbourhoods changed beyond recognition, their plans and prospects for the future defeated; at work they found that employers hesitated to apply to the immigrant worker the standards of discipline and competence required of the native-born worker; they began to hear, as time went by, more and more voices which told them that they were now the unwanted (Powell 1968).

Support for anti-immigration legislation in different states similar to Arizona's SB 1070 echo the same sentiments in an American setting:

Georgia officials who supported the law said the federal government's inaction on immigration forced it to take the matter into its own hands. They said that undocumented immigrants were a *drain* on the state's resources – including schools and hospitals – and were taking jobs away from legal residents (Elizabeth 2011). [emphasis added]

Anti-immigration hysteria has even made itself at home in academia, no longer confining itself to state legislatures and talk radio. Samuel Huntington's (2004) ode to the uniqueness and supremacy of Anglo-centric, English-speaking America

is the book *Who Are We?: The Challenges to America's National Identity*, which reads very much like Enoch Powell's "Rivers of Blood" speech, only with an American, academic audience in mind.

The imaginary self with extraordinary achievements and abilities is one part of the Narcissist's identity. Ultimately, the narcissist must reconcile the imagined self with reality, and rather than resolve the difference in an honest way the narcissist resorts to pathological alternatives. Vaknin states that narcissists have grandiose fantasies that inevitably clash at some point with reality (2007:70). Sometimes the gap between reality and fantasy is so wide that the narcissist recognizes it, yet the knowledge of this insight does not alter the narcissist's beliefs or behavior:

Still, this insight into his real situation fails to alter his behavior. The narcissist knows that his grandiose fantasies are incommensurate with his accomplishments, knowledge, qualifications, skills, status, actual wealth (or lack thereof), physical constitution, or sex appeal – yet, he keeps behaving as though this were not the case (Vaknin 2007:70).

When a narcissist has a period of relative success in his past, this problem intensifies itself:

Has-been and also-ran narcissists suffer from a Grandiosity Hangover. They may have once been rich, famous, powerful, brilliant, or sexually irresistible, but they no longer are. Still, they continue as though little has changed (Vaknin 2007:70).

American popular culture has an entire systemic, cultural genre dedicated to the Grandiosity Hangover: reality television shows specializing on has-been and also-ran celebrities. The success of a music video in the 1980s practically insures that a has-been celebrity will have a reality television show centered around nothing special in particular, from Ozzie Osbourne buying a can opener at the shopping mall to Vanilla Ice building plant stands for a house he would like sell.<sup>1</sup>

On the level of nations, the United States is experiencing its own Grandiosity Hangover in which the ruling class in the country has its own McDonaldized fantasies of national grandeur on a world stage despite the realities of economic and social collapse. In fact, the Grandiosity Hangover has its own name patterned after the titles of reality television shows such as "*The Osbournes*" and "*The Vanilla Ice Project*," shows which are centered on those celebrities' Grandiosity Hangovers. That name of America's Grandiosity Hangover centered show is The Project for the New American Century or PNAC. PNAC is an already-packaged, ready-made Grandiosity Hangover. In fact, PNAC had been sitting under a heating-lamp, as it were, for years before the September 11, 2001 terrorist attacks. Like

---

1 The idea of a reality television show, or a show where "nothing special happens," has been attributed to Andy Warhol in his book, *The Philosophy of Andy Warhol: (From A to B and Back Again)*. Warhol's title for his own reality show was *The Nothing Special Show*.

the McDonald's Happy Meal, PNAC already came packaged and prepared and even included special gifts inside for America's ruling class: increased surveillance powers over society and billions of dollars in dubious "reconstruction" projects in Iraq and Afghanistan. Extreme critiques of the Project for the New American century are represented by the voice over to the film "*What Barry [McNamara] Says*" (2004), a three minute short directed and written by British actor Simon Robson in response and protest to the invasion of Iraq by the United States in 2003:

The United States of America is the most powerful nation on Earth. In itself this goes a long way towards explaining the things it does around the globe. At present it's conducting a War on Terror or, more accurately, a campaign against opposition to U.S. domination. Others prefer to call it the beginnings of the Third World War. The United States has an insatiable appetite for conflict, and since going into Korea in the 1950's, it has been at war with someone or the other, in some corner of the globe, non-stop right up to the present day. This drive is now lead by the weapons manufacturers themselves. It is a highly dangerous precedent. I call it war corporatism. It is the door of a new fascism being pushed open, but don't be fooled. Not all fascism looks like Adolf Hitler. The reality as we see from the Iraqi invasion is that the presidency has been captured by the most powerful elements of this corporatism. This ghastly molecule aims to turn the world into its very own enslaved global market, and the plan is well underway. The attack by Al Qaeda on the World Trade Center is just one response to it. Is this a conspiracy?...quite the opposite...it is a high profile project known as the "Project for the New American Century." People like Dick Cheney, Donald Rumsfeld, Richard Perle are the major players among politicians, right wing thinkers, militarists and industrialists in the creation of the project. The project is a neo conservative manifesto, which includes in its tool box, the unbridled use of war in clearing a path for U.S. interests. The will to attack Iraq came entirely from this visible yet sinister group of people. 9/11 was merely the pretext. Bush is merely the figurehead (Robson 2006).

PNAC's own declaration of principles states:

American foreign and defense policy is adrift. Conservatives have criticized the incoherent policies of the Clinton Administration. They have also resisted isolationist impulses from within their own ranks. But conservatives have not confidently advanced a strategic vision of America's role in the world. They have not set forth guiding principles for American foreign policy. They have allowed differences over tactics to obscure potential agreement on strategic objectives. And they have not fought for a defense budget that would maintain American security and advance American interests in the new century. We aim to change this. We aim to make the case and rally support for American global leadership. As the 20th century draws to a close, the United States stands as the world's preeminent power. Having led the West to victory in the Cold War,

America faces an opportunity and a challenge: Does the United States have the vision to build upon the achievements of past decades? Does the United States have the resolve to shape a new century favorable to American principles and interests?...Our aim is to remind Americans of these lessons and to draw their consequences for today. Here are four consequences:

- we need to increase defense spending significantly if we are to carry out our global responsibilities today and modernize our armed forces for the future;
- we need to strengthen our ties to democratic allies and to challenge regimes hostile to our interests and values;
- we need to promote the cause of political and economic freedom abroad;
- we need to accept responsibility for America's unique role in preserving and extending an international order friendly to our security, our prosperity, and our principles.

Such a Reaganite policy of military strength and moral clarity may not be fashionable today. But it is necessary if the United States is to build on the successes of this past century and to ensure our security and our greatness in the next (Abrams, et al. 1997).

Lost in the narcissistically grandiose language of the declaration of principles is the reality that the new century will be one likely marking China's arrival as the preeminent global superpower rather than the new century being a continuation of the previous, "American," twentieth century. The Project for the New American Century (or PNAC) ceased to exist officially in 2006, renaming and rebranding itself as the Foreign Policy Initiative (Lobe 2010; Reynolds 2006). The real continuity is in the adoption of PNAC's aims and principles as the new consensus in American foreign policy, and observers have noted how the foreign policy of the Obama administration is a continuation of the Bush administration with trivial differences on marginal issues.

### **Pathological Narcissistic Spaces**

In pursuit of this distorted view of itself through a pathological foreign policy, the United States as a narcissistic nation has reacted in predictable ways. An irony of narcissism is that every single narcissist views himself (or, more rarely, herself) as unique and special, but as Vaknin indicates, narcissists are entirely predictable in their disordered behavior and thoughts. Thus, all narcissists, for example, create narcissistic spaces for themselves:

The process of obtaining, preserving, accumulating and recalling Narcissistic Supply take place in the Pathological Narcissistic Space (PN Space). This is an



imaginary environment, a comfort zone, demarcated by the narcissist. The PN Space has clear geographical and physical boundaries: a home, a neighborhood, a workplace, a club, a city, a country.

The narcissist strives to maximize the amount of Narcissistic Supply that he derives from people within the PN Space. There, he seeks admiration, adoration, applause, or, as a minimum: attention. If not fame – then notoriety. If not real achievements – then contrived or imagined ones. If not real distinction – then concocted and forced ‘uniqueness...’

The narcissist ages disgracefully, ungraciously. He is not a becoming sight as his defences crumble and harsh reality intrudes: the reality of his self-imposed mediocrity and wasted life. These flickers of sanity, these reminders of his downhill path get more ubiquitous with every day of confabulated existence (Vaknin 2007:160).

Many American examples abound of Pathological Narcissistic Space, both from fiction and from reality. In cinema, an illustration of PN Space comes from the movie *Sunset Boulevard* (directed by Billy Wilder, Paramount Pictures, [1950] 2002). The movie mostly takes place in the decaying mansion of former silent-movie star Norma Desmond (played by Gloria Swanson), an aging screen star past her prime, whose celebrity status has been suspended by the public, and who has faded into obscurity. Norma refuses to believe that she has faded away, famously declaring, “I am big, it’s the pictures that got small!” In the movie, Norma’s mansion is a trap, like a spider’s web, for an aspiring actor who is seduced into her financial dependence. The character Joe Gillis (played by William Holden) endures repeated viewings of Norma’s silent films and other pathological activities, including dressing up in formal wear for a New Year’s Eve party where no one else has been invited. When Joe realizes he would respect himself more by leaving and becoming a struggling, independent man rather than by staying as a kept toy, Norma, sensing the final loss this would mean for herself as a film star, shoots Joe with a gun. When the police and news cameras finally arrive at the closing of the movie, Norma is totally lost inside her fantasy believing herself to be on a film set. She utters her other famous line from the movie, “All right, Mr. DeMille, I’m ready for my close-up.” In both fiction and fact other examples of Pathological Narcissistic Space would include the Xanadu estate from *Citizen Kane* (directed by Orson Welles, Warner Brothers, [1941] 2001) or the entire country of Romania under Nicolae Ceaușescu.

On the level of a narcissistic nation, the United States has its own Pathological Narcissistic Spaces. Currently, the United States has hundreds of military bases throughout the world, a number that is unknown:

The answer to the seemingly simple question, ‘How many military bases does America have outside of our own country?’ is not at all simple. In a recent



article in Asia Times, investigative reporter Nick Turse calls the answer to that question, '...the one number no American knows. Not the president. Not the Pentagon. Not the experts. No one.' You can't get a consistent answer from news stories, that's for sure. Recent articles, media reports and op-eds peg the number variously at 460, 507, 560, 662 and more than 1,000 (Bilchik 2011).

In some ways, United States military bases, embassies, and other properties or territories that the U.S. Government occupies have elements of narcissism. Certainly fast food outlets such as McDonald's, Starbucks, and Dunkin' Donuts can be seen as bases or outposts of American culture overseas and as American Pathological Narcissistic Spaces. These Pathological Narcissistic Spaces do not adapt themselves more than superficially for local cultures. Burger King, as an example, keeps the name "Whopper" on its menus in Latin America even though Spanish scarcely has any words beginning with "W," a letter that is nearly impossible for native Spanish-speakers to pronounce without adding a "V" or hard "G" before it. Travel books for Americans indicate that there is almost always a McDonald's near famous European landmarks such as the Eiffel Tower in Paris or the Spanish Steps in Rome. Thanks to travel guides and McDonald's, Americans are liberated from the burden of having to eat French or Italian food if they must travel to Europe.

In fiction, the book *The Ugly American* describes U.S. embassies and the cocktail parties for their staff as being golden ghettos where Americans fraternize nearly exclusively with other Americans and where they are nearly entirely insulated from the local culture. William Lederer and Eugene Burdick (1958), the authors of *The Ugly American*, write about Americans in foreign countries sharing dinner at embassy events which include not one dish or food from the national cuisine outside the embassy gates, and scarcely any foreign nationals in attendance other than as cooks, wait staff, drivers, and the like. Lederer and Eugene referred to this American lifestyle in foreign lands as S.I.G.G. or "Social Incest in the Golden Ghetto" (p. 234). In the war in Iraq, the non-fiction book that reads like a modern-day update to *The Ugly American* is the book *Imperial Life in the Emerald City: Inside Iraq's Green Zone* by Rajiv Chandrasekaran (2006). *Imperial Life in the Emerald City* describes life in America's so-called Green Zone, or the area in Baghdad used during the war in Iraq for central organization. The military and civilian headquarters for the American occupation were located there. There was a grand disconnect between life inside the Green Zone and life just outside the gate. Inside the Green Zone American and allied (meaning British) military and government personnel, as well as military contractors could enjoy such amenities as swimming pools, buffets with pork on the menu, discos, and the only bars in Iraq to serve alcohol. As a stark example of social distance trumping physical proximity, Chandrasekaran writes about Walid Khalid, an Iraqi who returned from Italy to his homeland following the 2003 invasion (p. 100). Khalid, hoping to introduce pizza to Iraq, placed a pizza shop outside of the Green Zone in a hope to attract American customers (p. 100). Chandrasekaran reported that Khalid had not one American customer in the time he was in Iraq (p. 100).

In an inner-directed era such as World War II, a military compound within an occupied country would appear as if it were truly a military compound providing the bare essentials and few luxuries. During World War II, for example, the United States military adapted to the necessities of war by housing their personnel in Quonset huts, the metallic buildings that resemble giant cylinder halves laid on their sides with windows and doors, designed not for comfort but for transportability and easy assembly. Quonset huts were designed, built, and used in a frugal manner. In a marked contrast to an inner-directed military compound, the Green Zone seemed to be more like a theme park, perhaps better named America-land, which was modeled after and resembling the other-directed, narcissistic American culture from back home. If the Second World War model of fast moving warfare by the Germans was known as the Blitzkrieg, the opulent mode of sedentary warfare in Baghdad's Green Zone by the United States might come to be known as the Ritzkrieg.

Though not as lavish as Baghdad's Green Zone, even the U.S. Army base of Rose Barracks near Vilseck, Germany, had its own movie theater, Dr. Pepper vending machines, Harley Davidson motorcycle dealership, Baskin Robbins Ice Cream (closed for the winter), Burger King, and Subway Sandwiches. While far from being pure luxury, the American base gave off the atmosphere of being a small American town such as Navasota, Texas. Even during SGT Leahy's trial, his attorney, Mr. Frank Spinner accidentally referred to "this country" when referring to the United States while trying a court case on German soil when he said, "... we've brought in two leading experts in this country to help you understand..." Nobody seemed to be greatly bothered by the lapse, and the statement was not corrected by the judge. The illusion that one was not in an American town was broken when one noticed that the workers refilling the vending machines or preparing one's Subway sandwich were speaking German to each other.

Relevant to legal matters, the wars in Iraq and Afghanistan have ushered in various Pathological Narcissistic Spaces. The more infamous of these PN Spaces is Abu Ghraib Prison. Like its counterparts in Guantanamo Bay, Cuba and Bagram Air Base in Afghanistan, Abu Ghraib was a place where certain national directives suspended both high concepts of international law and ordinary concepts of common sense. In Abu Ghraib and other military areas, some with colorful names such as NAMA – for Nasty Ass Military Area – both prison staff and prisoners were subjected to narcissistic and anomic environments where the operating procedures and orders from the United States military and government were not aligned with international laws but more with American popular culture. The American prison guards at Abu Ghraib, for example, referred to their prisoners not with the prisoners' actual Arabic names, but with names drawn primarily from childhood television shows, movies, and books. During the court proceedings, the judge, attorneys, and witnesses further propagated the Pathological Narcissistic Space of Abu Ghraib into the court room in Ft. Hood, Texas by continuing to refer to prisoners as "Big Bird," "Taxi Driver," "Gilligan," and "The Claw." The manipulation of someone's name with a nickname is a tactic that narcissists use in order to manage

the perception of a person within the narcissist's Pathological Narcissistic Space (Murphy 2005). Guards at various military prisons in Guantanamo, Iraq, and Afghanistan have been documented as playing loud music in order to interrogate – Amnesty International calls it torture – prisoners (“Sesame Street breaks Iraqi POWs”). Such loud music reportedly includes the theme song to *Sesame Street*, the song “I Love You” from the children’s television show *Barney and Friends*, “Born in the USA” by Bruce Springsteen (for the chorus, as the lyrics upon closer inspection are actually critical of the Vietnam War), heavy metal, Nancy Sinatra’s “These Boots Are Made for Walking,” and any song by Barry Manilow (Gallagher 2009; “Sesame Street breaks Iraqi POWs”). Prisoners at Abu Ghraib were nearly always nude as a matter of accepted practice (Mestrovic 2007:34). The photos circulated in the press show the nude prisoners as play things for the guards, with the guards posing the prisoners into actions and positions taken from American pornography. In their sum, the use of American popular culture as a source for torture reveals much about American life: childhood is painful, popular music is the soundtrack to suffering and lust, and Americans unconsciously recognize that pornography documents fragments of tortured lives, not just at Abu Ghraib but in other places, including Southern California and Las Vegas where the American pornography industry is concentrated (Drummond and Cauty 1988; Leung 2007).

The United States in waging its wars in Iraq, Afghanistan, and elsewhere have utilized Pathological Narcissistic Spaces for confining and interrogating – some say torturing – prisoners or “detainees” as they are euphemistically called. Both the Bush and Obama administrations have used secret prisons where people are held completely cut off from all social support or legal representation. These “black prisons” or “black sites” included prisons in Eastern Europe during the years of the Bush administration. When such prisons became political liabilities, the U.S. government adapted in a dishonest way; under the Obama administration prisoner-detainees have been kept on U.S. Navy warships (Pilkington 2011a). In one case, a Somali prisoner-detainee in 2011 was kept on a U.S. Navy ship for two months entirely cut off from communication with his family or legal representation. Despite the Obama administration pledges to the public and orders to the CIA to close secret, overseas prisons, Jeremy Scahill for *The Nation* revealed that the CIA had two secret prisons in Somalia openly concealed next to Mogadishu’s Aden Adde International Airport and behind the presidential palace in the Somali National Security Agency headquarters (“Obama orders CIA prisons, Guantanamo shut”). Such use of space which effectively suspends constitutional rights for prisoner-detainees and constitutional responsibilities by U.S. government agents is pathological in a democratic-republic that ostensibly operates under the rule of law.

What distinguishes American military prisons in Abu Ghraib, Guantanamo Bay, Afghanistan, and elsewhere as both Puritanical and Narcissistic is that they operated under the banner of rational-legal authority. Under rational-legal authority there should have been a distinction between lawful interrogation techniques on one hand and illegal abuse or torture on the other. However, at Abu Ghraib, it was documented that there was a blurring of the boundary between the concepts

(Mestrovic 2007:34). The rational-legal bases for techniques used at Abu Ghraib, Guantanamo Bay, Bagram Airbase, and other places presumably were FM 34-52, the U.S. Army Field Manual on Interrogation and the Geneva Conventions (Mestrovic 2007:34). In fact, FM 34-52 states very specifically that the principles and techniques of interrogation are supposed to be used within the constraints of wider, accepted legal standards, namely the *Uniform Code of Military Justice*, the *Geneva Convention for the Amelioration of the Wounded and Sick in the Armed Forces in the Field of August 12, 1949*, the *Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949*, and the *Geneva Convention Relative to the Treatment of Civilian Persons in Time of War of August 12, 1949* (Headquarters, Department of the Army 1992). However, it was documented in several of the Army's reports, including the Taguba Report and the Fay Report, that the abuse at Abu Ghraib violated military law and the Geneva Conventions (Mestrovic 2007:54-5). The practice of keeping manuals in order to uphold the rational-legal basis for authority in Puritan armies has a long history.

### Other-directed Narcissism

Puritanism can be described not just as narcissistic but also as obsessive-compulsive: everything must be written down somewhere. What characterized Cromwell's New Model Army as a new military model was its penchant for printed manuals. Again, Cromwell and the English Puritans were not innovators but they extended and amplified earlier practices, making the practices rational and systematic, and thereby as a consequence producing a greater social impact. In the case of the New Model Army, English war manuals were based on manuals printed by continental Puritans in the Dutch army:

Several armies produced training manuals, either manuscript or in print, prior to the army reforms of Prince Maurice of Nassau [a Protestant prince of the Netherlands], and the English would have used training models based on Spanish practice as they made preparations to resist the Spanish Armada. However, Maurice's reforms had far more uniform requirements for his battle formations, and uniformity required much more detailed training manuals. The Dutch army was multinational and included English, Scottish, French, and German national regiments as well as Dutch soldiers, so its operational manuals had to be produced in a variety of languages. One effect of this was to make the adoption of Maurice's military reforms outside the Low Countries much easier, as the key texts already existed in other languages. The earliest version in England were circulated as manuscript copies of the Dutch, and at least one of the most influential was known by name of its author but never printed. Printed versions of the Dutch practice followed both as a commercial venture and in 1623 in the form of the government manual *Instructions for Musters and Armes and the Use Thereof*, and these were fairly straightforward (Roberts 2005:92-3).

Cromwell's army, in addition to printed manuals for its military law and discipline also published and circulated manuals detailing the army's daily life comprise requirements for food and drink, including alcohol:

The amount of a [New Model Army] soldier's rations in Scotland was described in General George Monk's order book on 15 January 1657, where he referred to the rations 'for 9 companies, accompting 80 men (officers and soldiers) to each companie, allowing each man 2 pounds of bread and a quarter of a pound of cheese per diem'. In addition to this they should receive a daily ration of beer, although they often had to make do with water when on campaign [original seventeenth century English spelling is preserved] (Roberts 2005:103).

Beer as a daily ration stands in contrast with the attitude of the policy followed by the U.S. Army in Iraq. American soldiers were apportioned two cans of beer per year carefully logged and tracked for their consumption only during the Super Bowl. U.S. Army soldiers had to go through a process of standing in line and presenting proof of identity for each serving of beer and were required to return each empty container of beer to be scrupulously logged.

The Army's bureaucratic rigmarole is far removed from the informal and spontaneous ritual of sitting in a living room and opening beer at one's leisure. What is striking is that the Puritan spirit against spontaneous enjoyment and even planned enjoyments (insofar as beer is a ration) has in fact intensified and has mutated from the inner-directed Puritanism of Cromwell's New Model Army to the present-day, other-directed Puritanism of the American military. The mutation of the Puritan spirit from inner-directed, goal oriented character to its other-directed, peer-oriented manifestation has resulted in other, anomic consequences. The Puritan action of printing and disseminating army books in the seventeenth century under Dutch and English Puritan armies has been taken to an extreme by the modern U.S. Army – only with an irrational twist: the books exist but they are not always read or followed. Currently there are over 400 U.S. Army field manuals in use covering seemingly every conceivable military subject, including *Special Forces Use of Pack Animals* (FM 3-05.213), *Mortuary Affairs Operations* (FM 4-20.64), and *Tactics, Techniques, and Procedures for Garrison Food Preparation* (FM 10-23-2), with a glaring exception of field manuals explaining how the Geneva Conventions on the treatment of prisoners are codified into U.S. military policies, standards, and techniques (Headquarters, Department of the Army 2012). Inner-directed Puritans of the seventeenth century were goal-oriented, and manuals reflected utilitarian ends towards those goals.

That is in stark contrast to the other-directed Puritanism within the U.S. Army which is not goal-oriented but peer-oriented. Yes, the U.S. Army issues and prints manuals, rules of engagement, escalation of force protocols, and countless other directives. However, they are not read or followed as the ultimate authority. This end of authority in U.S. Army field manuals is postmodern, as described by critics of postmodernism such as Rosenau: U.S. Army field manuals are not considered

texts which are to be read with specific messages, but texts that are vague, open to interpretation, devoid of representational content or philosophical truths (1992, p. 35). Here lies one particular form of irrationality in the other-directed Puritan's heart.

The transition from book culture to today's media age was described by Marshall McLuhan, a follower of David Riesman, who extended and amplified observations in *The Lonely Crowd* towards a general theory of media. What Riesman described as the age of inner-directed social character coincides with McLuhan's description of the age of the printed word and of typographic man and woman, of the type of person who is part of book culture, including its implicit biases such as linearity, literacy, continuity, self-expression and individuality. Other-directed social character coincides with the electronic age and with graphic man and woman, along with implicit biases associated with the postmodern or postemotional condition: hypertextuality, aliteracy (or the ability to read but the disinterest in doing so), discontinuity, group-therapy, and peer-orientation (Lapham in McLuhan [1964] 1996:xii-xiii). Inner-directed, typographic social types regarded the book as the central metaphor for reality; this no longer holds true for other-directed types. Books, manuals, and literacy have given way to other-directed modes of communication.

McLuhan's observations made in the 1960s hold true for what is observable in the wars in Iraq and Afghanistan. What is in a general sense factual (that the book is no longer central in society) finds its parallel in the U.S. Army: manuals are no longer central in determining action. This is seen at the highest levels of the military structure down to the "teeth" of the army, the soldier on the frontlines. Rather than being directed by manuals, both officers and enlisted soldiers as distinct reference groups are peer-oriented, or in Riesman's terms, other-directed. Army field manuals, escalation of force orders, rules of engagement and other military directives are not read in a literate way where continuity exists between directive and action. Rather, soldiers and officers seem to be behaving in the same manner as college students who do not read their textbooks, and where discontinuity exists between the meaning of the text and the meaning read into the text by the peer-directed reader. The meaning of the text is decentered and deconstructed even though it may be guided not by a goal, but by the direction of one's peers. Several observations serve as illustrations on this point.

In a general sense, electronic media in the U.S. Army now trumps the printed word on the physical page. In an article titled "We Have Met the Enemy and He Is PowerPoint," *The New York Times* documented that Microsoft's Powerpoint as an electronic medium for communication within the military has taken an obsessive quality:

Like an insurgency, PowerPoint has crept into the daily lives of military commanders and reached the level of near obsession. The amount of time expended on PowerPoint, the Microsoft presentation program of computer-generated charts, graphs and bullet points, has made it a running joke in the



Pentagon and in Iraq and Afghanistan...Commanders say that behind all the PowerPoint jokes are serious concerns that the program stifles discussion, critical thinking and thoughtful decision-making. Not least, it ties up junior officers – referred to as PowerPoint Rangers – in the daily preparation of slides, be it for a Joint Staff meeting in Washington or for a platoon leader's pre-mission combat briefing in a remote pocket of Afghanistan (Bumiller 2010).

To underscore the absurdity of PowerPoint, a widely berated slide depicting American war strategy in Afghanistan was widely circulated in the print media around April 2010. The PowerPoint slide (see Figure 7.1) – which is an actual slide published by PA Consulting and is not a parody – may not have poignantly conveyed information but at a minimum ensured employment for late night television comedians:

As indicated at the bottom right corner, the slide is actually a new, improved version of its predecessor. The slide was widely panned, and many Internet news sites and newspapers, including *The Guardian*, *The New York Times*, Common Dreams, and The Business Watch Network, republished it in critical articles. In fact, *The New York Times* published the slide on its front page above the fold line. General Stanley McChrystal, the NATO and U.S. force commander, remarked of the slide – characterized by the media as a “sprawling spaghetti diagram” – by stating, “When we understand that slide, we’ll have won the war” (Mail Foreign Service 2010). The incomprehensible and confusing slide is virtually a graphical representation for the anomie of the American war in Afghanistan.

Strange parallels exist between academia and the military (and in fact, the barracks and commons area at Rose Barracks near Vilseck, Germany also had the atmosphere of dorms and commons area on a small American college campus). PowerPoint slides, though electronic in medium, are Puritanical in the sense that they impose a hierarchical ordering on material that is complex and rich (Bumiller 2010). PowerPoint slides also dovetail with McLuhan's observations of graphical men and women who are aliterate (i.e. being able but preferring not to read), preferring visual and graphic presentations over written reports. A critique of PowerPoint made by officers within the military reflected this same observation:

Commanders say that the slides impart less information than a five-page paper can hold, and that they relieve the briefer of the need to polish writing to convey an analytic, persuasive point. Imagine lawyers presenting arguments before the Supreme Court in slides instead of legal briefs. Captain Burke's essay in the *Small Wars Journal* also cited a widely read attack on PowerPoint in *Armed Forces Journal* last summer by Thomas X. Hammes, a retired Marine colonel, whose title, ‘Dumb-Dumb Bullets,’ underscored criticism of fuzzy bullet points; ‘accelerate the introduction of new weapons,’ for instance, does not actually say who should do so (Bumiller 2010).

**PA Consulting Group**  
PA Knowledge Limited 2009



**WORKING DRAFT – V3**



Yet the importance of using PowerPoint is nearly dogmatic in academia and business. Junior officers are expected to become “PowerPoint Rangers” in order to earn promotions, an eerie parallel to the pervasiveness of PowerPoint presentations in business school: MBA students essentially train to become “PowerPoint Rangers,” and the culture of business school is such that lectures by professors and presentations by students rely on PowerPoint as seemingly indispensable. In other academic areas, professors and instructors are encouraged and even expected to use PowerPoint in lectures, as well as provide handouts to their students of the PowerPoint presentation. American society, brought up supposedly to hate 1984’s Big Brother and his telescreen, ironically has embraced PowerPoint. This is one of many trends plaguing academia, with Bill Gates, whose company Microsoft makes PowerPoint, advocating eliminating teachers throughout American school systems and replacing them with one Master Teacher – not Big Brother but Big Teacher – broadcasting from a television studio and lecturing to millions of students (Brady 2011).

A second example concerns a statement made in open court during the court-martial of Michael Leahy. Leahy and his fellow soldiers were investigated by a CID special agent [essentially a military police detective]. Like many other American law enforcement agencies, CID utilizes interrogation practices based on a technique known as the Reid Technique. Despite the criticism that the Reid-like techniques elicit false confessions from innocent people, they are methods employed by CID and are outlined in one of their Field Manuals FM 3-19.13 *Law Enforcement Investigations*. During SGT Leahy’s trial, defense counsel asked the CID special agent questions on FM 3-19.13:

Q: [Defense counsel] Now, are you familiar with FM 3-19.3, *Law Enforcement Investigations*; have you ever heard of that?

A: [CID special agent] Yes, sir.

Q: Now, this is the Army field manual that talks about how to conduct interrogations for criminal suspects; is that right?

A: I would have to look at it, sir.

Q: Okay. Well, if I told you that that was the Army field manual that talks about or instructs how to conduct interrogations for CID, would you have any reason to dispute that?

A: No, sir.

Q: Okay. And for the field manual CID follows the concepts contained therein –

A: I’m sorry, sir.

Q: CID follows the concepts contained therein to conduct interrogations?

A: Yes, sir. That's not a bible as far as interrogations or interviews go. That's not – that doesn't encompass everything; that's a guideline. There are several other sources of information that we use (Leahy Record of Trial).

Interestingly, the CID special agent said “that's not a bible” instead of “that's not the Bible.” The word bible is typically used to refer to the Christian holy scriptures, but the secondary and tertiary meanings of the word bible in the Oxford English Dictionary also refer to a textbook or any large book or treatise as a bible. Technically, field manuals are bibles for the army. The special agent also dismissed FM 3-19.13 as a “guideline.” There is something of a casual attitude towards the field manual that the special agent exhibits that is not solely particular to him. Defense counsel asked the special agent a series of questions on the use of the Reid Technique.

Q: [Defense counsel] Now, I want to talk about “The Reid Technique” that you studied at this Reid course. Now, “The Reid Technique” is an interrogation technique; is that right?

A: [CID special agent] It's an interview on [sic, or] interrogation course, sir. That's the title. It's not solely an interrogation course; no (Leahy Record of Trial).

The special agent's answer is technically correct. However, it should be noted that the Reid-like techniques are employed outside of law enforcement settings as a way of interviewing workers or job candidates in certain industries. Essentially, Reid-like techniques are McDonaldized interrogation protocols that are applied outside of law enforcement settings. Job interviews as they were understood in an inner-directed era have given way to the job interrogation in the other-directed era, and the Reid-like techniques, despite their infamy and flaws, have made the McDonaldized interrogation process pervasive. One example of where the mass, industrialized use of the interrogation technique is employed is in the pharmaceutical industry. The textbook *Essentials of the Reid Technique: Criminal Interrogation and Confessions* by Inbau, Reid, Buckley, and Jayne (2004) is sold in bookstores for medical schools and advertised on medically oriented websites such as WebMD as a medical textbook. A quick search through the curriculum vitae of pharmacists on the Internet will reveal that they list their training in Reid-like techniques. Foucault ([1975] 1995) has noted the direction of medical or clinical techniques consciously applied to penal settings. The use of the Reid-like techniques in pharmacies is an example of the reversed direction of knowledge from penal application to medical settings. Present day pharmacy settings are like the science-fiction movie *Minority Report* (directed by Steven Spielberg, 20<sup>th</sup> Century Fox, [2002] 2003) come to life, where pharmaceutical technicians, the frontline workers, are treated essentially as pre-criminals while the pharmacists,

their supervisors, are given police training and authority in detecting crime and “pre-crime.” The introduction of the Reid-like techniques into the pharmacy has essentially transformed that social space into something that is simultaneously clinical, penal, and industrial.

### **Narcissism as a Source for Anomie**

Durkheim described anomie as a collective, modern sickness similar to narcissism (Veblen in Mestrovic 2003:10). Anomie present in one part of a society is an indicator that it exists in other places within a society. The dysfunction within the military justice system, as well as a wider dysfunction among the military units which have resulted in the trials examined, would indicate that narcissism and anomie exist elsewhere in American society. Anomie and narcissism do not occur in isolation. If anything, the soldiers in all these cases were good apples from a poisoned orchard, or good soldiers trying to operate in anomic military and wartime environments. Narcissistic societies like the United States are dysfunctional: tests and certificates are meaningless, presentations create confusion more than clarity, books are written and widely available but simply ignored, armies and diplomats are sent throughout the world but seldom or superficially participate in the local culture literally just over the walls of their fortifications, etc. The patterns of American narcissism, which are shaped and directed by American Puritanism, take similar forms throughout society: what appears narcissistic and anomic in a military setting will have similarities with other narcissistic and anomic practices in areas such as business or academia.

# A Definition from *The Devil's Dictionary* by Ambrose Bierce

**TRIAL**, n. A formal inquiry designed to prove and put upon record the blameless characters of judges, advocates and jurors. In order to effect this purpose it is necessary to supply a contrast in the person of one who is called the defendant, the prisoner, or the accused. If the contrast is made sufficiently clear this person is made to undergo such an affliction as will give the virtuous gentlemen a comfortable sense of their immunity, added to that of their worth. In our day the accused is usually a human being, or a socialist, but in mediaeval times, animals, fishes, reptiles and insects were brought to trial. A beast that had taken human life, or practiced sorcery, was duly arrested, tried and, if condemned, put to death by the public executioner. Insects ravaging grain fields, orchards or vineyards were cited to appeal by counsel before a civil tribunal, and after testimony, argument and condemnation, if they continued *in contumaciam* [in arrogance, stubbornness] the matter was taken to a high ecclesiastical court, where they were solemnly excommunicated and anathematized.

(Bierce 1911:349–50).

*This page has been left blank intentionally*

## Chapter 8

# Conclusion and Discussion

### Conclusion

In these chapters I have demonstrated that Puritanical cultural habits persist in the twenty first century. There is continuity between the Puritanical habits at the time of the English adoption of the Swedish Articles of War in early part of the seventeenth century and of the Puritanical habits revealed in courts-martial for American war crimes in the Global War on Terror in the early part of the twenty first century. My study examined courts-martial related to four sets of war crimes by the U.S. Army.

In studying war crime and deviance in the Global War on Terror, I used a theoretical perspective that reinterprets the theoretical perspective on an earlier work on Puritanism and Deviance, *Wayward Puritans: A Study in the Sociology of Deviance* by Kai Erikson ([1966] 2005). Though Erikson used Durkheim to build his theoretical frame for studying deviance in colonial Massachusetts, Durkheim's (1893, 1895) original sociological interpretations of crime and deviance are not always identical with the structural-functionalist interpretation of the law. My study was informed by a new reading of Max Weber's *The Protestant Ethic and the Spirit of Capitalism* (1905) and its central argument that religion as a social force colors the characteristics of a culture in a multitude of ways. Ritzer ([1993] 2004) recharacterizes Weber's argument concerning the inexorable force of the Iron Cage in *The McDonaldization of Society*. However, Ritzer has not yet applied his McDonaldization thesis to issues in the justice system generally, or in the military justice system particularly. Building from this cultural reading of Weber's argument, I described how the United States, a society with Calvinist and Puritan cultural foundations, conducts war and operates its military legal system in a Puritan way.

The trial as Puritan ritual by which the community coerces forgiveness from the accused, as Erikson described of the Massachusetts Puritans, is still present in American culture. In these chapters I have linked Puritanical cultural habits to writings on vengeance, justice, punishment, and responsibility by Durkheim and his student, Paul Fauconnet. My study reconciles and merges Tocqueville's observations of American society centering itself on Old Testament values and normative structure characteristic of societies held together by mechanical solidarity with Weber's claim that Calvinists relied prominently upon the Old Testament in establishing the new habits that became Calvinism. This study addressed the concepts of Puritanism and courts-martial and their relationship to each other by extending and combining Durkheim's framework for understanding deviant behavior with Weber's perspective on Puritanism.

American military law stands out as an exemplar of Weber's Iron Cage. The Puritan trial as a ritual devoid of visible passion, and seemingly moving by "relentless certainty" and "cold righteousness" was as true in the seventeenth century as it is in the twenty first century. Overtly dedicated to discipline over justice, American military law seems to operate like a conviction-producing factory. Soldiers are placed on a track that moves with the Ritzerian elements of McDonaldization: efficiency, calculability, predictability, and control. The military justice system in every trial had on standby a pre-fabricated, McDonaldized narrative of "spontaneous war crimes" committed by "rotten apples" for journalists to consume and disseminate. These narratives uncritically made their way to publications such as *the New York Times* and *Rolling Stone Magazine*. Though *The New York Times* and *Rolling Stone Magazine* are viewed as left-wing and even as established counter-cultural institutions, they are McDonaldized organs of news reporting. They are themselves factories with metaphorical conveyer belts that carry the prepackaged "rotten apples" narrative from U.S. Army issued press releases to front page stories with superficial and shallow alterations (Herman and Chomsky 2011).

In the Baghdad canal killings specifically, but also in the various war crimes of the Global War on Terror, the soldiers involved were thrashed about by social forces outside of their personal control. In these cases, soldiers operated in a moral and legal fog within poisoned command climates. The daily and human facts of the soldiers' lives were lost when placed on the legal and journalistic conveyer belts: Soldiers suffered from personal wounds – both physical and psychological in nature – which impaired their judgment. Soldiers were underequipped, poorly fed and housed, overworked, deprived of sleep, and often suffering from brain injuries and post traumatic stress disorder. A study by the Rand Corporation estimated that out of 1.64 million service members deployed to the wars in Iraq or Afghanistan through October 2007, an estimated 320,000 had suffered a traumatic brain injury, and 300,000 were suffering from PTSD (Nef 2011; Rand Corporation 2008). The soldiers belonged to groups which were shuffled, or to use the military euphemism "cross-leveled," back and forth between brigades and regiments that left them without a sense of social integration, or plainly stated, without a common understanding for the behavior expected of them. The social and structural conditions under which the soldiers committed actions labeled as "war crimes" were not conditions that the soldiers created for themselves.

Societies characterized by organic solidarity are characterized with movement away from collective responsibility toward individual responsibility (Fauconnet 1928 [1978]). The present study has demonstrated that collective responsibility has not disappeared from modern institutions such as the U.S. Army but has instead been transformed. Ironically, soldiers who are perceived as individually and solely responsible for war crimes are collectively punished while civilian and military leaders who established the social conditions which made those acts possible are not punished. In addition, the world community attributes collective responsibility to all of the United States for the war crimes committed at Abu Ghraib prison and

elsewhere. A failure in attributing collective responsibility in the courts-martial means that disproportionate responsibility falls on the scapegoats.

The United States continues to pay a high price for refusing to take on the collective responsibility of these war crimes. These courts-martial, for example, mean that the United States military is wasting good soldiers by sending them to prison, rather than keeping them in the Army where they can continue to perform their duties.

A continuity between Puritanism in the seventeenth century and institutional Puritanism in the twenty first century American military is its inimical nature to charisma and magic. Here magic was defined not just as superstition, but unauthorized pursuits of leisure which assuage the terror of dying on the battlefield. This included any number of things from outright superstitious beliefs to the use of drugs or alcohol as an escape from the emotional extremes war: endless mind numbing boredom, extreme deprivation, punctuated by moments of sheer terror.

My study demonstrates that civil religion exists not just at a national level but also at an institutional level. Courts-martial can be viewed as a religious ceremony that attacks elements of magic and charisma. In other ways, U.S. Army bases act as forms of civil-temples within military civil-religion: they are named after the secular saints of Army civil-religion. However, military civil-religion has become postemotional. In other words the military goes through the motions of its rituals without the spontaneous sincerity or passionate commitment to the beliefs which the rituals represent. In the example of the U.S. Army there has been a weakening in the meaning and practice of its institutional civil religion. When religion, including civil religion, is weak, societies and its institutions begin to experience deficiencies in social integration. Weakened religions cannot provide for the emotional needs of its followers, resulting in weakened social integration, and in people turning to magical practices and charisma.

Puritan cultural habits shape but do not extinguish the "instinct for revenge." In the American military justice, and the American military in general, the "instinct for revenge," and the element of collective punishment remains present. What other cultures express spontaneously in uncontrollable, genuine emotion is transformed into sublimated emotion hidden behind systems and techniques in Puritanical societies. The court-martial system, then, is not the product of an exalted state of being that exists in a purely rational, civilized, or modern mindset. Underneath the mechanical and relentless character of the military justice system, one finds a ritual of degradation and revenge that has been adapted to fit the Puritan esthetic of action: revenge and retribution can happen, but only in certain rational-legal ways. The Puritan esthetic even dictates and creates an entire structure for revenge that on a large scale comprise the wars in Iraq, Afghanistan, and elsewhere. The same Puritan esthetic also dictates and creates on a finer scale, shaping the drama of war from the acts of soldiers on the ground to the courts-martial that deal with war crimes.

I conclude with the observation that the present-day, other-directed Puritanism in the American military can be described as narcissistic. The mutation of the



Puritan spirit from inner-directed, goal oriented character to its other-directed, peer-oriented manifestation has resulted in other, anomic consequences. The Puritan action of printing and disseminating army books in the seventeenth century under Dutch and English Puritan armies has been taken to an extreme by the modern U.S. Army – only with an irrational twist: books and manuals exist but they are not always read or followed. There is irrationality in the Puritan heart.

Narcissistic societies like the United States are dysfunctional: tests and certificates are meaningless, presentations create more confusion than clarity, books are written and widely available but simply ignored, armies and diplomats are sent throughout the world but seldom or superficially participate in the local culture literally just over the walls of their fortifications, etc. Durkheim described anomie as a collective, modern sickness similar to narcissism. The dysfunction within the military justice system, as well as a wider dysfunction among the military units which have resulted in the trials examined, would indicate that narcissism and anomie exist elsewhere in American society. Anomie and narcissism do not occur in isolation; bad apples do not appear spontaneously out of thin air. If anything, the soldiers in all these cases were good apples from a poisoned orchard, or good soldiers trying to operate in anomic military and wartime environments. This anomie and narcissism is shaped by Puritan cultural habits.

### **Lessons Learned and Recommendations for Changes to the Military Justice System**

The *Uniform Code of Military Justice* has not faced substantive reform since its creation in 1950. In 1984, Congress passed the Military Justice Act of 1983 granting prisoners in the military justice system limited access to the Supreme Court (Elsea 2006). Currently, prisoners in the military justice system have very limited access to the Supreme Court for review. The isolation of the military justice system from Supreme Court review has created a condition where some critics contend that the *Uniform Code of Military Justice* acts like a second American constitution, one that grants a different standard to American military personnel (and civilians, potentially) who find themselves before a military court.

Although I recommend intermediate changes to the margins of the military justice system, I advocate for more a more widespread reform as advocated by William Winthrop following the Civil War. Any fundamental reform of the military legal system from one focused on discipline to one focused on justice, from a system dedicated to objective responsibility to one dedicated to subjective responsibility, would take a heroic effort. Such an effort would have to manifest itself in new amendments that radically alter the constitution or even in the drafting of a new American constitution. In fact, such fundamental effort would be one that opposes the institutional momentum and legacy of figures held near and dear to the Puritan heart: Oliver Cromwell, George Washington, William Tecumseh

Sherman, and others. From a Weberian perspective, American discipline is based on American military discipline, and it is at the core of society:

The discipline of the army gives birth to all discipline. The large-scale economic organization is the second great agency which trains men for discipline. No direct historical and transitional organizations link the Pharaonic workshops and construction work (however little detail about their organization is known) with the Carthaginian Roman plantation, the mines of the late Middle Ages, the slave plantation of colonial economies, and finally the modern factory. However, all of these have in common the one element of discipline (Weber in Gerth and Mills 1958:261).

War discipline, according to Weber, affects society generally:

War discipline may go hand in hand with totally different economic conditions, as these examples show. However, discipline has always affected the structure of the state, the economy, and possibly the family (Weber in Gerth and Mills 1958:257).

Changing the military legal system, and by extension the meaning of American military discipline, would have fundamental effects on American society.

In the absence of widespread, fundamental change, the alternative is to propose changes at the margins. An initial recommendation for reform in the military justice system is to make it more visible and transparent. Currently, records of trial are not readily available. There should be a central repository for records of trial and accompanying records such as charge sheets, sworn statements, transcripts of Article 32 trials available to the public and researchers. Other than William Calley's court-martial, Lynndie England's court-martial is among the most publicized courts-martial of recent decades, and yet scholars and the public are not able to review the proceedings after the trial.

The more important reforms concern the rights of soldiers and other members of the military. *Dynes v. Hoover* (61 U.S. 65 1857), the Supreme Court Case heard in 1857, stands as the major obstacle in allowing the Supreme Court from reviewing military courts-martial and securing the rights of military personnel. In a way, *Dynes v. Hoover* is to the rights of military personnel in the military justice system what *Plessy v. Ferguson* (163 U.S. 537 1896) was to segregation before the decision was made in *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), to overturn it. Overturning *Dynes v. Hoover* would be difficult, though perhaps it could be done with either a constitutional amendment or through novel or obscure legal procedures. Constitutional amendments also are controversial in nature; essentially a constitutional amendment would cede some authority from Congress according to Article I section 8 to the judiciary branch, as military courts-martial are inferior tribunals under the authority of Congress.

In Spain, Germany, and even Sweden, the military court system has either been entirely or partially decommissioned. Spain has partially decommissioned its military court system so that military personnel who are accused of committing civilian crimes (e.g. shoplifting from a store) are tried in civilian courts and courts-martial are reserved for crimes of a purely military nature (e.g. insubordination or mutiny):

In this respect it should be pointed out that the Code of Military Justice [of Spain] does not contain common crimes such as theft, injuries or violation, which are only to be found in the ordinary Penal Code, but, on the other hand, it does contain strictly military crimes which can only be committed by military personnel, together with other crimes that may also be committed by civilians, such as insults to or assaults of sentries or armed guards, destruction of military documents, spying, etc. (No Louis 1963:142).

It should be noted, that civilians in Spain committing certain crimes of a military nature can be tried in a military court (No Louis 1963:142). Germany has followed a path similar to Spain:

Finally [after the 1954 entry of West Germany into NATO], the decision was made against the existence of a separate system of military justice and against the installation of military courts. This political decision was confirmed in an amendment to the new German Basic Law. Only two steps in the development of a new legal system seemed to be necessary: the drafting of a new Military Penal Code and a legal basis for the disciplinary power of the commanding officers. But, it was estimated, that the disciplinary power of the commanding officer should not be extended to any responsibility and influence over questions of civil crimes committed by soldiers (Krueger-Sprengel 1972:18).

Even Swedish military law, which is the metaphorical grandfather of American military law has changed radically. Essentially, contemporary Swedish military law is no longer separate from civilian law:

Since January 1, 1949, there has existed no special penal code for the Swedish armed forces and they are subject to the General Code of Criminal Law. When the special penal law of 1914 for the armed forces was abrogated through the new legislation, two chapters with special application to the armed forces were added to the General Code of Criminal Law, Le., Chapter 26, dealing, with criminal acts committed by members of the armed forces, and Chapter 27 containing special provisions relating to war, state of emergency, etc. At the same time, separate laws were added, providing disciplinary action against members of the armed forces and capital punishment in certain cases when the nation is at war (Lindeblai 1963:123).

Swedish military courts have been abolished during peacetime; the civilian courts of the closest town to the garrison serve to try military cases:

Military legal procedure is also new since January 1, 1949. Previously, regiments and other units had their own military courts, presided over by a military judge, with officers of different ranks as assistants and a military attorney as prosecutor. When the special penal code for the armed forces was abrogated the special courts were abolished as well, and military jurisdiction was transferred to civilian law-courts, as a rule the court (city court or district court) situated in the garrison town. The military cases brought before civilian courts are, generally speaking, handled in accordance with the same rules of procedure as other cases. In a court of first instance the president is a judge appointed by the Government, assisted by a number of laymen, who are appointed by the municipality for a period of six years. These assistants participate in the procedure not only by weighing the evidence to determine guilt but also by consulting with the judge in order to determine the sentence. There are nine assistants in cases of serious offenses and three in other cases. The assistants may overrule the judge and determine the sentence if seven of them, in the former case, and all three, in the latter, so agree (Lindeblai 1963:125).

Courts-martial still exist within the law during times of declared war, but are ultimately under the review of appellate civilian courts:

In a state of war or emergency, a court-martial shall take the place of a civilian court of first instance in cases pertaining to the armed forces. Such a court-martial is presided over by a judge aided by three assistants, two civilians and one military person, with a military attorney as prosecutor. A sentence passed by a court-martial is appealable in the normal way to the Court of Appeal and the Supreme Court (Lindeblai 1963:126).

The trend in Europe has been towards decommissioning military courts and substituting civilian law for military law. Even Sweden, which gave birth to the particular Swedish discipline of Gustavus Adolphus' Articles of War, has effectively decommissioned its military courts. The United States' military legal system continues on a path set in Sweden in 1621 rather than the path set in Sweden in 1949. This possibility of even a partial decommissioning of the American military court system stands in opposition to the general trend of incorporating civilian crimes into the *Uniform Code of Military Justice*. Article 134 reads:

Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the

nature and degree of the offense, and shall be punished at the discretion of that court (*General Article* 10 U.S.C. § 934 article 134 (1950)).

Article 134 of the UCMJ brings into the military justice system the application of every conceivable civilian law to military personnel under military jurisdiction. The idea, also, that the United States would decommission the military court system, either partially or entirely, while its military is engaged in combat is beyond conventional thought.

Even if military courts in the United States military are not decommissioned, it would make sense to “militarize,” as it were, offenses for which soldiers stand accused in war crimes trials. A common complaint by the accused soldiers in these trials, their attorneys, families, and fellow soldiers, is that charges do not adequately fit the soldiers’ circumstances and actions. The civilian charges of premeditated murder and conspiracy to commit premeditated murder trivialize the real world circumstances found in war zones. A soldier killing an enemy combatant in a war zone is different than an ordinary murder in the civilian world, as Mestrovic (2009) indicates in his study of Operation Iron Triangle:

My contemporaries have already overlooked, forgotten, or characterized it [Operation Iron Triangle] in shallow terms as an ordinary murder case that was handled by the military justice system. In fact, this is an intricate story of conspiracy, cover-up, intrigue – on the part of the government, not the soldiers. The prosecutor in this case went out of his way to call the soldiers ‘war criminals.’ The open secret, the contradiction staring everyone in the face – yet largely unseen – is that a crime *becomes* a ‘war crime’ when it involves the government, which is to say, when a crime is the result of unlawful social policies and plans. A soldier killing a prisoner or a fellow soldier for personal reasons would be committing a ‘garden-variety’ crime. A soldier who kills while following a lawful rule of engagement (ROE) is merely doing his or her job in war. Society does not label as murder the killing performed in the name of a lawful ROE during warfare – such killings are called casualties of war and are considered justified. But a soldier who kills while following an unlawful ROE becomes involved in a war crime. Traditionally, the responsibility for war crimes is attributed to governments and commanders (p. 13).

In recent years, beginning in 2005, various members of congress have submitted legislation that would grant service personnel access to the Supreme Court. In 2005, Rep. Susan Davis introduced *H.R. 1364: Equal Justice for Our Military Act*, which died in committee (U.S. House of Representatives 2005, H.R. 1364. ). The bill was reintroduced as the *H.R. 3174: Equal Justice for Our Military Act of 2007* (U.S. House of Representatives 2007, H.R. 3174). A version of the bill introduced in the Senate was titled *S. 2052: Equal Justice for United States Military Personnel Act of 2007* (U.S. Senate 2007, S. 2052). Although the bill passed in the House and passed in the Senate’s Judiciary Committee, the bill died in the Senate without a floor

vote. In 2009, the bill was reintroduced as *Equal Justice for Our Military Act of 2009*, H.R. 569 and *Equal Justice for United States Military Personnel Act of 2009*, S. 357 (National Institute of Military Justice Blog – CAAFLOG; “Press Release: Senator Feinstein Introduces Legislation to Give Armed Forces Personnel the Same Due-Process Appeal Rights as Civilians”). Congress has yet to pass the legislation, though both H.R. 569 and S. 357 are still pending. The variations of the original bill, the *Equal Justice for Our Military Act*, aim at giving military servicemen and women access to the Supreme Court. The various bills seem to be mired in the Weberian, Puritan narrative that is the object of my study. In other words, the military justice system of the American military, derived as it was from Oliver Cromwell’s military justice system, has never given military personnel access to the Supreme Court. The achievement of such access will no doubt require the extraordinary and seismic shifts in culture which are the object of Weber’s study of Puritan society.

Barring any of the above, possible changes in the foreseeable future within the military justice system would have to be made at the margins. The important feature in these changes would be to make the military justice system less McDonaldized and more spontaneous, to make it less mechanistic in its cold righteousness and to temper its relentless certainty. One area for reform would be to eliminate mandatory minimum sentencing and allow greater discretion to the military panel (the jurors) in deciding the punishment for a soldier convicted of a crime. An indelible moment of the court-martial of SGT Michael Leahy came after he was sentenced. The panel that convicted Leahy was kept unaware that there was a mandatory minimum sentence for the charge of premeditated murder. When the judge sentenced Leahy to the mandatory minimum life imprisonment without parole, two of the jurors wept and several other jurors looked troubled by the sentence. In fact, every member of Leahy’s military panel wrote letters on his behalf to the appellate court in hopes that his sentence would be reduced.

Another important change that could be made at the margins of military law would be to add new categories of crimes committed within war zones. In the Baghdad canal killing courts-martial, for example, soldiers were convicted of the premeditated murder of four Iraqi individuals who were an insurgent sniper team. The charge of premeditated murder equates the soldiers’ unlawful killing of legal combatants to acts of premeditated murder that might occur in peacetime. The social context in all the war crimes cases complicates simple or simplistic definitions of the soldiers’ actions as the usual prepackaged, McDonaldized charges on standby which are usually conspiracy and premeditated murder.

A third recommendation would be to restrict the use of the Reid-like techniques. Reid-like interrogation techniques are banned with regard to interrogating children in several European countries because of its history in eliciting false confessions (CBC News 2003). Judges and lawyers in Canada, which was a late adopter of Reid-like techniques, have described it as “brain washing” and “repugnant to society’s sense of decency” (CBC News 2003). In the United Kingdom, elements of the techniques are forbidden by the courts (CBC News 2003). The fact that many soldiers suffer from PTSD or mild traumatic brain injuries (mTBI) should be a

consideration in the application of Reid-like techniques within the military justice system. How PTSD or mTBI makes an individual susceptible to false confessions is an area that should be investigated in psychology, and a consideration by the military justice system in determining if Reid-like techniques are humane, legal, or ethical to apply to an injured soldier.

A fourth reform in the military justice system would be to remove the “trial penalty” from trial counsel, or the prosecution. The problem of the “trial penalty” is that it is not isolated to the military justice system. A *New York Times* article recently reported:

After decades of new laws to toughen sentencing for criminals, prosecutors have gained greater leverage to extract guilty pleas from defendants and reduce the number of cases that go to trial, often by using the threat of more serious charges with mandatory sentences or other harsher penalties. Some experts say the process has become coercive in many state and federal jurisdictions, forcing defendants to weigh their options based on the relative risks of facing a judge and jury rather than simple matters of guilt or innocence. In effect, prosecutors are giving defendants more reasons to avoid having their day in court (Oppel 2011).

When soldiers accept plea bargains, they must also make an admission of guilt. In fact, accused soldiers are reminded that if they plead guilty they do so not solely to receive a lighter sentence but because they are genuinely guilty. In the court-martial of Jeremy Sivits, the instruction by the military judge is typical of all cases where the accused has decided to plead guilty:

MJ: Specialist Sivits, are you pleading guilty not only because you hope to receive a lighter sentence, but because you are convinced that you are, in fact, guilty (Sivits Record of Trial)?

The idea that all accused plead guilty because they are genuinely guilty is a gross fiction that flies in the face of reality in the American justice system, be it civilian or military. Financial considerations and the possibility of facing the coercive process of a “trial penalty” are possibilities that may make otherwise innocent people plead guilty. The “trial penalty” feature in American law has become so commonplace that the possibility of banishing it in the military justice system seems fanciful. Lawyers and judges admit that the right to a trial is a logistical impossibility should all accused individuals claim that right.

## **Further Research**

There is little sociological research in the subject of military courts-martial or of Puritanism within the American military and its legal system. Erikson's study of Puritanical management of deviance in colonial Massachusetts could have opened



similar studies. The English Civil Wars of the seventeenth century are examined by mostly British historians. From a sociological perspective, the English Civil Wars seem relevant to this study in that the Puritan cultural patterns long established by the twenty first century were in their nascent forms within Cromwell's protectorate and the New Model Army. The way that Puritan soldiers handled deviance and crime in their New Model Army, in particular the Leveller mutinies at Corkbush, Bishopsgate, and Banbury seem particularly relevant to the present study. Unlike the trials that Erikson examined in *Wayward Puritans*, the trials for the Leveller mutineers were courts-martial within a Puritan army.

The relationships among narcissistic leadership, toxic social spaces in relation to military units, and war crimes need to be explored in more detail. There appears to be a strong relationship between narcissistic leadership and war crimes. In the civilian world, there is a protocol of psychological screenings and evaluations for airline pilots, corrections officers, and for first responders (police officers, firefighters, and emergency medical technicians). A staggering percentage of candidates for civilian jobs – as many as 40 per cent of candidates for firefighter departments – fail the psychological screening given by most employers (Smith 2006). One is left wondering how the commanding officers of US Army regiments, brigades, and divisions would fare on similar psychological exams.

Related to the psychological fitness of commanding officers, the social-psychological state of the average American soldier should concern the government and nation that are ultimately responsible for that soldier. The social-psychological state of American soldiers was monitored and examined extensively during World War II in a landmark study directed by Samuel Stouffer (1949) and published in a multivolume work, *Studies in Social Psychology in World War II: The American Soldier*. Although various studies in the current Global War on Terror are similar to various facets of *The American Soldier*, there is no direct equivalent with the scope and comprehensiveness of Stouffer's work. Ideally, a team of researchers and supporting staff across the various disciplines, including sociology, would receive funding for ongoing studies related to social integration, adjustment to military life, attitudes towards leadership and their missions, adjustment to civilian life, and other matters that concerned the original research work. More importantly, such an ongoing study should serve to reward, compensate, and equip the contemporary American soldier by influencing the government and media agenda as Stouffer's work did for his or her World War II counterparts. There is a great disconnect between the superficially stated platitudes of supporting the troops on one hand and the actual obligations performed by their nation. In substantive ways, there is unreciprocated loyalty demonstrated to military personnel by American society. In postemotional ways, the United States finds empty and meaningless rituals and ceremonies to hide this fact.

Future research can also be done to compare American courts-martial for war crimes with other courts-martial in the Global War on Terror. A current and ongoing scandal in the United Kingdom after an inquiry lead by Sir William Gage uncovered an "appalling episode of serious gratuitous violence" by British



soldiers in Iraq (Bowcott 2011). Soldiers within the 1st Battalion of the Queen's Lancashire Regiment are reported as killing an Iraqi by the name of Baha Mousa and of abusing nine other Iraqis (Bowcott 2011). One soldier, CPL Donald Payne, has already plead guilty to charges of assault and may face further possible charges of manslaughter or murder (Bowcott 2011). Comparing how the United Kingdom investigates and assigns responsibility for its own war crimes in the Global War on Terror to the manner in which the United States investigates and assigns responsibility would be instructive.

Historically, comparing the way in which the British Army assigns responsibility for historical war crimes and similar events would be beneficial to contemporary settings. For example, on January 30, 1972, British soldiers from the First Battalion of the Parachute Regiment (known as First Para) opened fire on demonstrators in Derry, Northern Ireland resulting in 14 deaths and 17 injuries. Immediately after the massacre, a controversial British government report prepared by Baron John Widgery excused the British army and its soldiers ("On This Day: April 19"). A more recent report published on June 15, 2010 known as the Saville Inquiry (named after the chairman, Saville of Newdigate, who prepared it) opens the possibility that British soldiers may face charges nearly 39 years after the fact (Chossudovsky 2011). The presentation of Bloody Sunday by the British government as the action of rotten apples committing a spontaneous atrocity shares many similarities with similar, prepackaged McDonaldized narratives presented by the American government for similar crimes at Abu Ghraib, Operation Iron Triangle, and other killings. If the Widgery report was labeled a whitewash, the Saville report could be labeled a greywash that seeks to remove collective responsibility from civilian and military leaders in the upper echelons of British society and place it entirely on frontline soldiers.

Additionally, similar theoretical perspectives to that used in this work can be applied to other war crimes committed by the American military. Doing so will document events that may be forgotten or overlooked in history. Such historical-comparative studies coupled with sound social theory as applied to the different war crimes will also add detail, nuance, and depth to the argument presented in this study.

# References

- “1971 Year in Review: Calley Trial, Foreign Affairs.” United Press International 1971. Retrieved January 10, 2012 ([http://www.upi.com/Audio/Year\\_in\\_Review/Events-of-1971/Events-of-1971/12295509436546-1/](http://www.upi.com/Audio/Year_in_Review/Events-of-1971/Events-of-1971/12295509436546-1/)).
- Abrams, Elliott, Bauer, Gary, Bennett, William J., Bush, Jeb, Cheney, Dick, Cohen, Eliot A., Decter, Midge, Dobriansky, Paula, Forbes, Steve, Friedberg, Aaron, Fukuyama, Francis, Gaffney, Frank, Ikle, Fred C., Kagan, Donald, Khalilzad, Zalmay, Lewis Libby, I., Podhoretz, Norman, Quayle, Dan, Rodman, Peter W., Rosen, Stephen P., Rowen, Henry S., Rumsfeld, Donald, Weber, Vin, Weigel, George and Wolfowitz, Paul. 1997. “Statement of Principles.” The Project for the New American Century.org January 3. Retrieved January 10, 2012 (<http://newamericancentury.org/statementofprinciples.htm>.)
- Adams, Gerry. [1984] 1993. *Falls Memories: A Belfast Life*. Lanham, MD: Roberts Rinehart.
- \_\_\_\_\_. [1990] 1993. *Cage Eleven*. New York: Sheridan Square Press.
- Ainsworth, John S. 2001. “British Security Policy in Ireland, 1920–1921: A Desperate Attempt by the Crown to Maintain Anglo-Irish Unity by Force.” *Australian Journal of Irish Studies* 1: 176–90.
- Akar, Serdar. 2006. *Valley of the Wolves Iraq (Turkish: Kurtlar Vadisi: Irak)*. DVD. Istanbul, Turkey: Pana Film.
- Aldrich, Richard J. 2005. *The Faraway War: Personal Diaries of the Second World War in Asia and the Pacific*. London, UK: Doubleday.
- Allen, Eric. 2011. “A Soldier, His Son and Baseball - A Beautiful Surprise.” KLove Radio Eric’s Blog June 22. Retrieved January 10, 2012 (<http://www.klove.com/blog/post/2011/06/22/A-Soldier-His-Son-and-Baseball-A-Beautiful-Surprise.aspx>).
- Allen, Robert L. [1989] 1993. *The Port Chicago Mutiny: The Story of the Largest Mass Mutiny Trial in U.S. Naval History*. New York: Amistad.
- Allison, William Thomas. 2007. *Military Justice in Vietnam: The Rule of Law in an American War*. Lawrence, KS: The University Press of Kansas.
- American Psychiatric Association. 1995. *Diagnostic and Statistical Manual of Mental Disorders (4th ed.)*. Washington, DC: American Psychiatric Association.
- Anderson, Jon R. 2010. “Allegations swirl around Lewis-McChord platoon.” *The Army Times* September 11. Retrieved January 10, 2012 (<http://www.armytimes.com/news/2010/09/army-lewis-mcchord-platoon-charged-with-killing-civilians-091110w/>).

- Arrillaga, Pauline. 2010. "Branded a Coward, Sgt. Fights for PTSD Victims." CBS/AP April 19. Retrieved January 10, 2012 (<http://www.cbsnews.com/stories/2010/04/19/national/main6411290.shtml>).
- Ashton, Adam. 2010. "Army looks at officers who oversaw group of alleged war criminals." *The News Tribune* November 23. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2010/11/23/1435625/army-looks-at-officers.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011a. "Army review of Stryker deployment stays under wraps." *The News Tribune* March 7. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/03/07/1573427/army-review-of-stryker-deployment.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011b. "Misconduct ignored in Afghan killings?" *The News Tribune* April 10. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/04/10/1620265/misconduct-ignored-despite-leaks.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011c. "5th Brigade dysfunctional, report says." *The News Tribune* March 24. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/03/24/1597839/5th-brigade-dysfunctional-report.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011d. "Lewis-McChord GI gets 24 years for killing Afghans." *The News Tribune* March 24. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/03/24/1597490/gi-gets-24-years-for-killing-afghans.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011e. "A commander out of step." *The News Tribune* October 16. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/10/16/1866973/a-commander-out-of-step.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011f. "Platoon lost to lack of discipline." *The News Tribune* October 16. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/10/16/1867590/platoon-lost-to-lack-of-discipline.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011g. "The lost platoon." *The News Tribune* October 16. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/10/16/1866929/lost-platoon.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011h. "Lost platoon's 'leader of trust' had dark side." *The News Tribune* October 16. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/10/16/1867914/leader-of-trust-had-dark-side.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011i. "Platoon leader had a dark side." *The News Tribune* October 17. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/10/17/1868178/leader-had-a-dark-side.html#storylink=misearch#storylink=cpy>).
- \_\_\_\_\_. 2011j. "'Leader of trust' had dark side." *The News Tribune* October 17. Retrieved January 10, 2012 (<http://www.thenewstribune.com/2011/10/17/1868054/leader-of-trust-had-dark-side.html#storylink=misearch#storylink=cpy>).

- Ball, Jeremy. 2005. "Solving the Mystery of Insanity Law: Zealous Representation of Mentally Ill Servicemembers." *The Army Lawyer*, Department of the Army Pamphlet 27-50-391:1-46. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/12-2005.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/12-2005.pdf)).
- Bamford, James. 2005. "The Man Who Sold the War: Meet John Rendon, Bush's General in the Propaganda War." *Rolling Stone* November 18. Reprinted in Commondreams.org. Retrieved January 10, 2012 (<http://www.commondreams.org/headlines05/1118-10.htm>).
- Barker, Rodney. 1992. *The Broken Circle: A True Story of Muder and Magic in Indian Country*. New York: Simon & Schuster.
- Barnett, Louise. 2010. *Atrocity and American Military Justice in Southeast Asia: Trial by Army*. London, UK: Routledge.
- Baroja, Julio C. [1961] 2001. *The World of the Witches*. Translated by Nigel Glendinning. London, UK: Phoenix Press.
- Batatu, Hanna. [1978] 2004. *The Old Social Classes and the Revolutionary Movements of Iraq*. London, UK: Saqi Books.
- Baudrillard, Jean. [1986] 1989. *America*. Translated by Chris Turner. New York: Verso.
- Belknap, Michal R. 2002. *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley*. Lawrence, KS: The University Press of Kansas.
- Bellah, Robert N. 1967. "Civil Religion in America." *Dædalus, Journal of the American Academy of Arts and Sciences* 96(1):1-21. Retrieved January 10, 2012 ([http://www.robertbellah.com/articles\\_5.htm](http://www.robertbellah.com/articles_5.htm)).
- Bellah, Robert N., Madsen, Richard, Sullivan, William M., Swidler, Ann and Tipton, Steven M. [1985] 1996. *Habits of the Heart: Individualism and Commitment in American Life*. Los Angeles, CA: University of California Press.
- Bennett, Martyn. 1998. *The Civil Wars 1637-1653*. Stroud, UK: Sutton Publishing.
- Bernstein, Patricia. [2005] 2006. *The First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP*. College Station, TX: Texas A&M University Press.
- Bernton, Hal. 2010a. "Stryker soldiers allegedly plotted to kill Afghan civilians." *Seattle Times* August 24. Retrieved January 10, 2012. ([http://seattletimes.nwsourc.com/html/localnews/2012712859\\_civiliandeaths25m.html](http://seattletimes.nwsourc.com/html/localnews/2012712859_civiliandeaths25m.html)).
- \_\_\_\_\_. 2010b. "Stryker soldier Jeremy Morlock faces court-martial in Afghan killings." *Seattle Times* October 15. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2013174418\\_morlock16m.html](http://seattletimes.nwsourc.com/html/localnews/2013174418_morlock16m.html)).
- \_\_\_\_\_. 2010c. "Fast-paced probe laid foundation for murder charges against Lewis-McChord soldiers." *Seattle Times* October 26. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2013265498\\_investigators27m.html](http://seattletimes.nwsourc.com/html/localnews/2013265498_investigators27m.html)).

- \_\_\_\_\_. 2010d. "Hearing set for soldier in war-crimes case." *Seattle Times* November 5. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2013359788\\_soldier06.html](http://seattletimes.nwsourc.com/html/localnews/2013359788_soldier06.html)).
- \_\_\_\_\_. 2010e. "Army outlines war-crimes case at Lewis-McChord; most witnesses mum." *Seattle Times* November 9. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2013387606\\_militaryhearing10m.html](http://seattletimes.nwsourc.com/html/localnews/2013387606_militaryhearing10m.html)).
- \_\_\_\_\_. 2010f. "War-crimes case against soldiers who served in Afghanistan has vulnerabilities," *Seattle Times* December 26. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2013775592\\_warcrimes28mx.html](http://seattletimes.nwsourc.com/html/localnews/2013775592_warcrimes28mx.html)).
- \_\_\_\_\_. 2011a. "Soldier reaches plea deal, gets reduced sentence in war-crimes-related case." *Seattle Times* January 5. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/nationworld/2013855904\\_warcrimes06.html](http://seattletimes.nwsourc.com/html/nationworld/2013855904_warcrimes06.html)).
- \_\_\_\_\_. 2011b. "Key defendant in war-crimes case offers plea deal," *Seattle Times* January 26. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2014048976\\_warcrime27.html](http://seattletimes.nwsourc.com/html/localnews/2014048976_warcrime27.html)).
- \_\_\_\_\_. 2011c. "War changed soldier accused in Afghan killings, mother says." *Seattle Times* March 20. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2014556068\\_morlock21m.html](http://seattletimes.nwsourc.com/html/localnews/2014556068_morlock21m.html)).
- \_\_\_\_\_. 2011d. "Army report criticizes leaders in brigade involved in alleged war crimes." *Seattle Times* April 4. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2014685346\\_report05m.html](http://seattletimes.nwsourc.com/html/localnews/2014685346_report05m.html)).
- \_\_\_\_\_. 2011e. "Star witness in war-crimes trial no longer in isolation cell." June 19. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2015370754\\_morlock20m.html](http://seattletimes.nwsourc.com/html/localnews/2015370754_morlock20m.html)).
- \_\_\_\_\_. 2011f. "Lewis-McChord soldier found guilty of 3 murders in war-crimes case." *Seattle Times* November 10. Retrieved January 10, 2012 ([http://seattletimes.nwsourc.com/html/localnews/2016739416\\_gibbsverdict11m.html](http://seattletimes.nwsourc.com/html/localnews/2016739416_gibbsverdict11m.html)).
- Berry, John Stevens. 1984. *Those Gallant Men: On Trial in Vietnam*. Novato, CA: Presidio Press.
- Bilchik, Gloria Shur. 2011. "Military mystery: How many bases does the US have, anyway?" *Occasional Planet* January 24. Retrieved January 10, 2012 (<http://www.occasionalplanet.org/2011/01/24/military-mystery-how-many-bases-does-the-us-have-anyway/>).
- Black, William K. 2011. "Once is Never." *The William K. Black Blog*, April 20, 2011. Retrieved January 10, 2012 ([http://www.huffingtonpost.com/william-k-black/once-is-never\\_b\\_851442.html](http://www.huffingtonpost.com/william-k-black/once-is-never_b_851442.html)).
- Blum, John Morton. 1976. *V Was for Victory: Politics and American Culture During World War II*. New York: Harcourt Brace & Company.
- Boal, Mark. 2011. "The Kill Team." *Rolling Stone* March 27. Retrieved January 10, 2012 (<http://www.rollingstone.com/kill-team>).

- Boehm, Christopher. [1984] 1991. *Blood Revenge: The Enactment and Management of Conflict in Montenegro and Other Tribal Societies*. 2nd ed. Philadelphia, PA: University of Pennsylvania Press.
- Bogardus, Emory S. 1947. "Measurement of Personal-Group Relations," *Sociometry* 10(4):306–11.
- Bonilla-Silva, Eduardo. 2003. *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*. Lanham, MD: Rowman & Littlefield Publishers, Inc.
- Bowcott, Owen. 2011. "Baha Mousa soldiers should be brought to justice, says father." *The Guardian* September 13. Retrieved January 10, 2012 (<http://www.guardian.co.uk/world/2011/sep/13/baha-mousa-soldiers-iraq-justice?INTCMP=SRCH>).
- Brady, Marion. 2011. "How important is class size after all?" *The Washington Post* – The Answer Sheet Blog June 12. Retrieved January 10, 2012 ([http://www.washingtonpost.com/blogs/answer-sheet/post/how-important-is-class-size-after-all/2011/07/11/gIQAgnUj9H\\_blog.html](http://www.washingtonpost.com/blogs/answer-sheet/post/how-important-is-class-size-after-all/2011/07/11/gIQAgnUj9H_blog.html)).
- Brookes, Emma. 2003. "View from the bridge." *The Guardian* May 24. Retrieved January 10, 2012 (<http://www.guardian.co.uk/books/2003/may/24/fiction.don-delillo>).
- Bulger, Matthew. 2012. "Unelectable Atheists: U.S. States That Prohibit Godless Americans From Holding Public Office." Retrieved December 2, 2012 (<http://www.americanhumanist.org/HNN/details/2012-05-unelectable-atheists-us-states-that-prohibit-godless>).
- Bumiller, Elisabeth. 2010. "We Have Met the Enemy and He Is PowerPoint." *The New York Times* April 26. Retrieved January 10, 2012 (<http://www.nytimes.com/2010/04/27/world/27powerpoint.html>).
- Bunyan, John. [1678] 1962. *The Pilgrim's Progress*. New York: E.P. Dutton and Co, Inc.
- Caldwell, Ryan A. 2012. *Fallgirls: Gender and the Framing of Torture at Abu Ghraib*. Surrey: Ashgate Publishing Co.
- Caldwell, Ryan A. and Mestrovic, Stjepan G. 2008. "Torture, What is it Good For? Absolutely Nothing! An Analysis of the Response to Abuse at Abu Ghraib." *Theory in Action*, 1(4): 123–39.
- Caldwell, Ryan A. and Mestrovic, Stjepan G. 2008. "The Role of Gender in 'Expressive' Abuse at Abu Ghraib." *Cultural Sociology* 2(3):275–99.
- Capaccio, Tony and Bliss, Jeff. 2011. "U.S. Said to Reduce Civilian Deaths After Increasing CIA Pakistan Strikes." Bloomberg Jan 30. Retrieved January 10, 2012 (<http://www.bloomberg.com/news/2011-01-31/u-s-said-to-reduce-civilian-deaths-after-increasing-cia-pakistan-strikes.html>).
- Carlyle, Thomas. [1845] 1871. *Oliver Cromwell's Letters and Speeches with Elucidations by T. Carlyle*. New York: Scribner, Welford, and Company. Retrieved January 10, 2012 ([http://www.gasl.org/refbib/Carlyle\\_\\_Cromwell.pdf](http://www.gasl.org/refbib/Carlyle__Cromwell.pdf)).



- Carrell, Severin. 2011. "Celtic Parcel Bombs: Celebrity Fans Told to Watch out for Suspect Packages." *The Guardian* April 20. Retrieved January 10, 2012 (<http://www.guardian.co.uk/uk/2011/apr/20/famous-celtic-fans-warned-over-bombs?INTCMP=SRCH>).
- Chamberlain, Lindsey Joyce and Hodson, Randy. 2010. "Toxic Work Environments: What Helps and What Hurts." *Sociological Perspectives* 53(4): 455–77.
- Chandrasekaran, Rajiv. 2006. *Imperial Life in the Emerald City: Inside Iraq's Green Zone*. New York: Alfred A. Knopf.
- Chatterjee, Arijit and Hambrick, Donald C. 2007. "It's All about Me: Narcissistic Chief Executive Officers and Their Effects on Company Strategy and Performance." *Administrative Science Quarterly* 52(3): 351–86.
- Chossudovsky, Michel. 2011. "War Crimes: From Bloody Sunday in Derry, Northern Ireland to Croatia, Kosovo and Iraq: The Role of General Sir Michael Jackson." *Global Research* September 23. Retrieved January 10, 2012 (<http://www.globalresearch.ca/index.php?context=viewArticle&code=20110923&articleId=26750>).
- Christian, Garna L. 1995. *Black Soldiers in Jim Crow Texas, 1899-1917*. College Station, TX: Texas A&M University Press.
- Civil Aviation Forum. 2005. "Some Don't Like Air Freight For Soldiers Bodies." *Airliners.net* December 13. Retrieved January 10, 2012 ([http://www.airliners.net/aviation-forums/general\\_aviation/read.main/2488850/](http://www.airliners.net/aviation-forums/general_aviation/read.main/2488850/)).
- Cline, Austin. 2005. "Army Chaplain Ashamed of Conscientious Objector." *The Austin Cline About.com Agnosticism/Atheism Blog* January 22, 2005. Retrieved January 10, 2012 (<http://atheism.about.com/b/2005/01/22/army-chaplain-ashamed-of-conscientious-objector.htm>).
- Conroy, John. 1987. *Belfast Diary: War as a Way of Life*. Boston, MA: Beacon Press.
- Cookman, Claude. 2007. "The My Lai Massacre Concretized in a Victim's Face." *Journal of American History* 94(1):154–62.
- Cooper, Norman G. 1981. "Gustavus Adolphus and Military Justice." *Military Law Review* 92: 129–39. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/Military\\_Law\\_Review/pdf-files/275C8F~1.pdf](http://www.loc.gov/rr/frd/Military_Law/Military_Law_Review/pdf-files/275C8F~1.pdf)).
- Coppola, Francis Ford. [1979] 2006. *Apocalypse Now*. DVD. Los Angeles, CA: United Artists.
- Couchet, Jack. 1997. *Vietnam Stories: A Judge's Memoir*. Niwot, CO: The University Press of Colorado.
- Daneke, Gregory A. 1985. "Regulation and the Sociopathic Firm." *The Academy of Management Review* 10(1): 15-20.
- Danner, Mark. Interview with Amy Goodman. *Democracy Now* March 18, 2009. Retrieved January 10, 2012 ([http://www.democracynow.org/2009/3/18/mark\\_danner\\_bush\\_lied\\_about\\_torture](http://www.democracynow.org/2009/3/18/mark_danner_bush_lied_about_torture)).
- Danny L. Montgomery v. Eric K. Shinseki, *Secretary of Veterans Affairs* (2010 U.S. App. Vet. Claims Lexis 1680).

- David, Saul. 1995. *Mutiny at Salerno: an Injustice Exposed*. London, UK: Brassey's.
- Davidson, Osha Gray. 2004. "The Forgotten Soldier: The unsung heroine of the Jessica Lynch ambush in Iraq." *Rolling Stone* June 3. Retrieved January 10, 2012 ([http://www.rollingstone.com/politics/story/6085435/the\\_forgotten\\_soldier/](http://www.rollingstone.com/politics/story/6085435/the_forgotten_soldier/)).
- Demos, John. 1982. *Entertaining Satan: Witchcraft and the Culture of Early New England*. New York: Oxford University Press.
- Douglas, Stanglin. 2007. "'Serious reforms' at Walter Reed urged." *USA Today* March 5. Retrieved January 10, 2012 ([http://www.usatoday.com/news/washington/2007-03-05-walter-reed-hearings\\_N.htm](http://www.usatoday.com/news/washington/2007-03-05-walter-reed-hearings_N.htm)).
- Dow, David. Interview with Terry Gross. *Fresh Air* February 8, 2010. Retrieved January 10, 2012 (<http://www.npr.org/2010/02/08/123491414/20-years-of-defending-death-row-inmates>).
- Drummond, Bill and Cauty, Jimmy. 1988. *The Manual: (How to Have a Number One the Easy Way)*. London, UK: KLF Publications. Retrieved January 10, 2012 (<http://freshonthenet.co.uk/the-manual-by-the-klf/>).
- Dunaway, Andy. "Secretary of Defense Donald H. Rumsfeld gestures to make a point as he answers a question from a member of the audience during a town hall meeting at Fort Carson, Colo., on Oct. 7, 2003. Rumsfeld delivered his opening remarks then fielded questions from military and civilian attendees. Rumsfeld is visiting area commands prior to hosting the 2003 NATO informal defense ministers' meeting in Colorado Springs on October 8th and 9th." Photograph. Washington: Department of Defense, Oct. 7, 2003. Retrieved January 10, 2012 (<http://www.defense.gov/photos/newsphoto.aspx?newsphotoid=4685>).
- Durkheim, Emile. [1893] 1997. *The Division of Labor in Society*. Translated by W.D. Halls. First Paperback Edition. New York: The Free Press.
- \_\_\_\_\_. [1915] 1995. *The Elementary Forms of Religious Life*. Translated by Karen E. Fields. New York: The Free Press.
- Dwyer, T. Ryle. 2005. *The Squad: and the Intelligence Operations of Michael Collins*. Cork, Ireland: Mercier Press.
- Elsea, Jennifer K. 2006. "Memorandum: Supreme Court Review of Decisions of the U.S. Court of Appeals for the Armed Forces Under Writs of Certiorari." Congressional Research Service February 27. Retrieved January 10, 2012 (<https://www.hsdl.org/?view&did=463830>).
- Erikson, Kai T. [1966] 2005. *Wayward Puritans: A Study in the Sociology of Deviance*. Boston, MA: Allyn and Bacon.
- Fauconnet, Paul. [1928] 1978. *Responsibility: A Study in Sociology*. Unpublished translation. Translated by William Jeffrey, Jr. Cincinnati, OH: University of Cincinnati College of Law.
- Fellner, Jamie and Reiter, Keramet. 2009. *Cruel and Degrading: The Use of Dogs for Cell Extractions in U.S. Prisons*. Washington, D.C.: Human Rights Watch. Retrieved January 10, 2012 (<http://www.hrw.org/sites/default/files/reports/us1006webwcover.pdf>).



- Flinn, Kelly. 1997. *Proud to Be: My Life, The Air Force, The Controversy*. New York, New York: Random House.
- Florida Church Burnt Holy Quran (by Pastor Terry Jones) [Video]. 2011. Answeringchristian channel on Youtube.com. Retrieved January 10, 2012 (<http://www.youtube.com/watch?v=XDmaFehshys>).
- Foderaro, Lisa W. 2011. "CUNY Adjusts Amid Tide of Remedial Students." *The New York Times* March 3. Retrieved January 10, 2012 (<http://www.nytimes.com/2011/03/04/nyregion/04remedial.html?pagewanted=all>).
- Ford, John. [1949] 2007. *She Wore a Yellow Ribbon*. DVD. New York: RKO Pictures.
- Foucault, Michel. [1975] 1995. *Discipline & Punish: The Birth of the Prison*. New York: Vintage Books (Random House).
- Fredrikson, Christopher T. 2005. "What's Done Is Done: Recent Developments in Self- Incrimination Law." *The Army Lawyer*, Department of the Army Pamphlet 27-50-384:19–34. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/05-2005.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/05-2005.pdf))
- \_\_\_\_\_. 2006. "I Really Didn't Say Everything I Said": Recent Developments in Self- Incrimination Law." *The Army Lawyer*, Department of the Army Pamphlet 27-50-395:28–35. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/04-2006.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/04-2006.pdf)).
- Frum, David. 2000. *How We Got Here: The '70s*. New York: Basic Books.
- Freedman, Samuel G. 2009. "A Man's Existentialism, Construed as Blasphemy." *The New York Times* March 20. Retrieved January 10, 2012 ([http://www.nytimes.com/2009/03/21/us/21religion.html?em&\\_r=0](http://www.nytimes.com/2009/03/21/us/21religion.html?em&_r=0)).
- Fussel, Paul. 1989. *Wartime: Understanding and Behavior in the Second World War*. New York: Oxford University Press.
- Gallagher, Danny. 2009. "6 Songs Used to Torture & Intimidate." *Mental Floss magazine* and Danny Gallagher's Mental Floss Blog June 25. Retrieved January 10, 2012 (<http://www.mentalfloss.com/blogs/archives/author/danny>).
- Garrison, Denzil D. 2006. *Honor Restored: A True Story of Vietnam Courts Martial*. Mustang, OK: Tate Publishing.
- Gaunt, Peter. 1996. *Oliver Cromwell*. Malden, MA: Blackwell Publishers, Inc.
- General Article*, Title 10 United States Code § 934 article 134 (1950).
- Generous, William T., Jr. 1973. *Swords and Scales: The Development of the Uniform Code of Military Justice*. Port Washington, NY: Kennikat Press, Inc.
- Gerhart, Ann. 2010. "BP chairman talks about the 'small people,' further angering gulf." *Washington Post* June 17. Retrieved January 10, 2012 (<http://www.washingtonpost.com/wp-dyn/content/article/2010/06/16/AR2010061605528.html>).
- Gerth, Hans and Mills, C. Wright. 1958. *From Max Weber: Essays in Sociology*. New York: Oxford University Press.
- Gieck, Jack. 1997. *Lichfield: The U.S. Army on Trial*. Akron, OH: The University of Akron Press.

- Goad, Jim. 1997. *The Redneck Manifesto: How Hillbillies, Hicks, and White Trash Became America's Scapegoats*. New York: Touchstone.
- Gordon, Daniel and Bonner, Nicholas. [2006] 2008. *Crossing the Line*. DVD. New York: Kino International.
- Gordon, Milton M. 1964. *Assimilation in American Life: The Role of Race, Religion, and National Origins*. New York: Oxford University Press.
- Gouilloux, Louis. [1976] 2003. *OK, Joe*. Chicago, IL: The University of Chicago Press.
- Gourevitch, Philip. 2011. "Don't Release the Photos." *The New Yorker* May 3. Retrieved January 10, 2012 (<http://www.newyorker.com/online/blogs/newsdesk/2011/05/dont-release-the-photos.html#ixzz1j5pycUHE>).
- Grossman, Dave. [1995] 1996. *On Killing: The Psychological Cost of Learning to Kill in War and Society*. First Paperback Edition. New York: Back Bay Books.
- Haller, Monica and Riley Sharbonno. 2011. *Monica Haller: Riley and His Story: Me and My Outrage, You and Us*. Paris, France: Onestar Press.
- Hamann, Jack. 2005. *On American Soil: How Justice Became a Casualty of World War II*. Chapel Hill, NC: Algonquin Books of Chapel Hill.
- Hanson, Capt. Eric. 2009. "Know Your Ground: The Military Justice Terrain of Afghanistan." *The Army Lawyer*. Department of the Army Pamphlet 27-50-438:36-44. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/11-2009.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/11-2009.pdf)).
- Hardy, Roger. 2007. "Confusion surrounds Najaf battle." *BBC News* January 31. Retrieved January 10, 2012 ([http://news.bbc.co.uk/2/hi/middle\\_east/6313433.stm](http://news.bbc.co.uk/2/hi/middle_east/6313433.stm)).
- Hastings, Michael. 2011. "King David's War." *Rolling Stone* February 2. Retrieved January 10, 2012 (<http://www.rollingstone.com/politics/news/king-davids-war-20110202?page=2>).
- Hatfield, Kenneth K. 2003. *Heartland Heroes: Remembering World War II*. Columbia, MO: University of Missouri.
- Hatfield, Thomas M. 2011. *Rudder: From Leader to Legend*. College Station, TX: Texas A&M University Press.
- Hawthorne, Nathaniel. [1851] 1981. *The House of the Seven Gables*. New York: Bantam Books.
- Headquarters, Department of the Army. 1992. *Intelligence Interrogation*. Field Manual No. 34-52. Washington, DC.
- \_\_\_\_\_. 2003. *MK 19, 40-mm Grenade Machine Gun, MOD 3*. Field Manual No. 3-22.27. Washington, DC.
- \_\_\_\_\_. 2005. *Law Enforcement Investigations*. Field Manual No. 3-19.13. Washington, DC.
- \_\_\_\_\_. 2006a. *Counterinsurgency*. Field Manual No. 3-24. Washington, DC.
- \_\_\_\_\_. 2006b. *Human Intelligence Collector Operations*. Field Manual No. 2-22.3. Washington, DC.
- \_\_\_\_\_. 2009. *Combat and Operational Stress Control Manual for Leaders and Soldiers*. Field Manual No. 6-22.5. Washington, DC.

- \_\_\_\_\_. 2012. "Doctrine and Training Publications: Active FM [Field Manuals]." Department of the Army January 10. Retrieved January 10, 2012 ([http://armypubs.army.mil/doctrine/active\\_fm.html](http://armypubs.army.mil/doctrine/active_fm.html)).
- Hedges, Chris. 2011a. "War By Right." News From Middle East.com January 23. Retrieved January 10, 2012 (<http://www.newsfrommiddleeast.com/?xstart=mgdbn&new=74200>).
- \_\_\_\_\_. 2011b. "Death and After in Iraq." Truthdig.com March 21. Retrieved January 10, 2012 ([http://www.truthdig.com/report/item/the\\_body\\_baggers\\_of\\_iraq\\_20110321/](http://www.truthdig.com/report/item/the_body_baggers_of_iraq_20110321/)).
- Herman, Edward S. and Chomsky, Noam. [1988] 2002. *Manufacturing Consent: The Political Economy of the Mass Media*. New York: Pantheon Books.
- Hersh, Seymour. 1970. *My Lai 4: A Report on the Massacre and its Aftermath*. New York: Random House.
- Herzog, Werner. [1972] 2000. *Aguirre, the Wrath of God* (German: *Aguirre, der Zorn Gottes*). DVD. Troy, MI: Anchor Bay Entertainment.
- Hoge, Charles W., Goldberg, Herb M. and Castro, Ph.D., Carl A. 2009. "Care of War Veterans with Mild Traumatic Brain Injury – Flawed Perspectives." *New England Journal of Medicine* 360:1588–91.
- Hopkins, Matthew. 1647. *The Discovery of Witches: In Answer to Severall Queries, Lately*. Norfolk, England: Matthew Hopkins. Retrieved January 10, 2012 (<http://www.gutenberg.org/ebooks/14015>).
- Howley, Kathleen M. 2008. "Foreclosures in Military Towns Surge at Four Times U.S. Rate." *Bloomberg* May 27. Retrieved January 10, 2012 (<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=awj2TMDLnwsU>).
- Huie, William B. [1954] 2004. *The Execution of Private Slovik*. Yardley, PA: Westholme Publishing.
- Huntington, Samuel. 2004. *Who Are We?: The Challenges to America's National Identity*. New York: Simon and Schuster.
- Hyde, Edward. [1717] 1807. History of the Rebellion and Civil Wars in England: Begun in the Year 1641. Oxford: The Theatre Press. Retrieved January 10, 2012 (<http://www.archive.org/stream/historyrebellio05clargoog#page/n6/mode/2up>, <http://www.archive.org/stream/historyrebellio09clargoog#page/n10/mode/2up>, <http://www.archive.org/stream/historyrebellio02clargoog#page/n6/mode/2up>, <http://www.archive.org/stream/historyrebellio07clargoog#page/n8/mode/2up>, <http://www.archive.org/stream/historyrebellio00clargoog#page/n8/mode/2up>, and <http://www.archive.org/stream/historyrebellio03clargoog#page/n12/mode/2up>).
- Inbau, Fred E., Reid, John E., Buckley, Joseph P. and Jayne, Brian C. 2004. *Essentials of the Reid Technique: Criminal Interrogations and Confessions (Criminal Justice Illuminated)*. First edition. Burlington, MA: Jones & Bartlett Learning.
- Incompetency to Stand Trial*. Texas Statutes, Title 1 Chapter 46b.
- Jamail, Dahr and al-Fadhily, Ali 2007a. "Official Lies Over Najaf Battle Exposed." *Commondreams.org* February 1. Retrieved January 10, 2012 (<http://www.commondreams.org/headlines07/0201-02.htm>).

- \_\_\_\_\_. 2007b. "Pilgrims massacred in the 'battle' of Najaf." *Asia Times Online* February 2. Retrieved January 10, 2012 ([http://www.atimes.com/atimes/Middle\\_East/IB02Ak04.html](http://www.atimes.com/atimes/Middle_East/IB02Ak04.html)).
- \_\_\_\_\_. 2007c. "Iraq: Iran 'Fooing' U.S. Military." *Counter Currents* February 13. Retrieved January 10, 2012 (<http://www.countercurrents.org/iraq-jamail130207.htm>).
- Jamail, Dahr. 2007. *Beyond the Green Zone: Dispatches from an Unembedded Journalist in Occupied Iraq*. Chicago, IL: Haymarket Books.
- James, Larry C. 2008. *Fixing Hell: An Army Psychologist Confronts Abu Ghraib*. New York: Grand Central Publishing.
- Jolls, Shirley and Aponte, Walter. 1969. *Kangaroo court-martial: George Daniels and William Harvey, two black marines who got 6 and 10 years for opposing the Vietnam War*. Berkeley, CA: University of California Press.
- Kaplan, Alice. 2005. *The Interpreter*. New York: Free Press.
- Karlsen, Carol F. [1987] 1989. *The Devil in the Shape of a Woman: Witchcraft in Colonial New England*. First Vintage Books Edition. New York: Vintage Books.
- Kilcullen, David and Exum, Andrew McDonald. 2009. "Death from Above, Outrage down below." *The New York Times* May 16. Retrieved January 10, 2012 (<http://www.nytimes.com/2009/05/17/opinion/17exum.html>).
- Kimball, Emily. 2011. "WBAL: Army Father Surprises Son at Perry Hall Elementary: After months in Iraq, U.S. Army Sgt. Matthew Hunt visited his 8-year-old son, Corey." *Perry Hall Patch* June 17. Retrieved January 10, 2012 (<http://perryhall.patch.com/articles/wbal-army-father-surprises-son-at-perry-hall-elementary>).
- Konig, David Thomas. 1981. *Law and Society in Puritan Massachusetts: Essex County, 1629-1692*. Chapel Hill, NC: The University of North Carolina Press.
- Krueger-Sprengel, Friedhelm. 1972. "The German Military Legal System." *Military Law Review* 57:17-26.
- Lasch, Christopher. [1979] 1991. *The Culture of Narcissism: American Life in An Age of Diminishing Expectations*. New York: W.W. Norton & Company.
- Lauritsen, John. 2011. "Study: More College Students Need Remedial Classes." WCCO-TV January 25. Retrieved January 10, 2012 (<http://minnesota.cbslocal.com/2011/01/25/study-more-college-students-need-remedial-classes/>).
- Lederer, W. and Burdick, Eugene. 1958. *The Ugly American*. New York: Crest Books.
- Leung, Rebecca. 2007. "Porn in the USA." 60 Minutes December 5. Retrieved January 10, 2012 (<http://www.cbsnews.com/stories/2003/11/21/60minutes/main585049.shtml>).
- Lewis, Jonathan and Steele, Ben. 2001. *Hell in the Pacific: From Pearl Harbor to Hiroshima and Beyond*. London, UK: Channel 4 Books.
- Lindeblai, Benct. 1963. "Swedish Military Jurisdiction." *Military Law Review* 19:123-8.
- Lipset, Seymour M. 1990. *Continental Divide: The Values and Institutions of the United States and Canada*. New York: Routledge.

- \_\_\_\_\_. 1996. *American Exceptionalism: A Double-Edged Sword*. New York: W.W. Norton & Company, Inc.
- Llorente, Elizabeth. 2011. "Georgia Governor Signs Strictest Immigration Law in Nation." Fox News Latino May 13. Retrieved January 10, 2012 (<http://latino.foxnews.com/latino/politics/2011/05/13/georgia-gov-nathan-deal-expected-sign-arizona-style-law-noon-strictest-nation/#ixzz1RvbkZOF0>).
- Lobe, Jim. 2010. "Stirrings Of A New Push For Military Option On Iran." *Global Issues* July 9. Retrieved January 10, 2012 (<http://www.globalissues.org/news/2010/07/09/6255>).
- Lurie, Jonathan. 1992. *Arming Military Justice: The Origins of the United States Court of Appeals for the Armed Forces, 1775-1950*. Princeton, NJ: Princeton University Press.
- \_\_\_\_\_. 2001. *Military Justice in America: The U.S. Court of Appeals for the Armed Forces, 1775-1980*. Lawrence, KS: University Press of Kansas.
- \_\_\_\_\_. 1998. *Pursuing Military Justice: The History of the United States Court of Appeals for the Armed Forces, 1951-1980*. Princeton, NJ: Princeton University Press.
- McCurry, Justin. 2004. "Token sentence for US sergeant who defected to N Korea." *The Guardian* November 4. Retrieved January 10, 2012 (<http://www.guardian.co.uk/world/2004/nov/04/usa.northkorea>).
- McDonald, Henry. 2011. "Northern Ireland Police Targeted with Booby-Trap Bomb." *The Guardian* April 19. Retrieved January 10, 2012 (<http://www.guardian.co.uk/uk/2011/apr/19/northern-ireland-police-belfast-bomb?INTCMP=SRCH>).
- MacDonnell, Major Timothy C. 2001. "The Miranda Paradox, and Recent Developments in the Law of Self-Incrimination." *The Army Lawyer*, Department of the Army Pamphlet 27-50-342:37-52. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/05-2001.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/05-2001.pdf)).
- McDonough, Siobhan. 2004. "Digital Bugle Plays Taps When Soldiers Can't." *USA Today* June 22. Retrieved January 10, 2012 ([http://www.usatoday.com/tech/news/techinnovations/2004-06-22-bugle\\_x.htm](http://www.usatoday.com/tech/news/techinnovations/2004-06-22-bugle_x.htm)).
- McKanna, Clare. 2009. *Court-Martial of Apache Kid: Renegade of Renegades*. Lubbock, TX: Texas Tech University Press.
- McLuhan, Marshall. [1964] 1996. *Understanding Media: The Extensions of Man*. First MIT Press edition. Cambridge, MA: The MIT Press.
- Mail Foreign Service. 2010. "'When we understand that slide, we'll have won the war:' US generals given baffling PowerPoint presentation to try to explain Afghanistan mess." *The Daily Mail* April 28. Retrieved January 10, 2012 (<http://www.dailymail.co.uk/news/article-1269463/Afghanistan-PowerPoint-slide-Generals-left-baffled-PowerPoint-slide.html>).
- Maitlis, Sally and Hakan Ozcelik. 2004. "Toxic Decision Processes: A Study of Emotion and Organizational Decision Making." *Organization Science* 15(4):375-93.

- Marqusee, Mike. 2005. "A Name that Lives In Infamy: The Destruction of Falluja was an act of Barbarism that Ranks Alongside My Lai, Guernica and Halabja." *The Guardian* February 9. Retrieved January 10, 2012 (<http://www.guardian.co.uk/world/2005/nov/10/usa.iraq>).
- Marshall, Samuel L.A. [1947] 2000. *Men Against Fire: The Problem of Battle Command*. Norman, OK: The University of Oklahoma Press.
- Maté, Gabor, M.D. Interview with Amy Goodman. *Democracy Now*. November 24, 2010. Retrieved January 10, 2012 ([http://www.democracynow.org/2010/11/24/dr\\_gabor\\_mat\\_on\\_adhd\\_bullying](http://www.democracynow.org/2010/11/24/dr_gabor_mat_on_adhd_bullying)).
- Melville, Herman. [1851] 1981. *Moby Dick, or The Whale*. Edited by Charles Child Walcutt. New York: Bantam Books.
- Mestrovic, Stjepan G. 1994. *The Balkanization of the West: The Confluence of Postmodernism and Postcommunism*. London, UK: Routledge.
- \_\_\_\_\_. 1997. *Postemotional Society*. Thousand Oaks, CA: Sage Publications.
- \_\_\_\_\_. 2003. *Thorstein Veblen on Culture and Society*. Thousand Oaks, CA: Sage Publications.
- \_\_\_\_\_. 2007. *The Trials of Abu Ghraib: An Expert Witness Account of Shame and Honor*. Boulder, CO: Paradigm.
- \_\_\_\_\_. 2008. *Rules of Engagement?: A Social Anatomy of an American War Crime – Operation Iron Triangle, Iraq*. New York: Algora Publishing.
- \_\_\_\_\_. 2009. *The Good Soldier on Trial: A Sociological Study of Misconduct by the U.S. Military Pertaining to Operation Iron Triangle, Iraq*. New York: Algora Publishing.
- Mestrovic, Stjepan G. and Caldwell, Ryan A. 2006. "Durkheim's concept of *dérèglement* retranslated, Parsons's reading of Durkheim re-parsed: an examination of post-emotional displacement, scapegoating and responsibility at Abu Ghraib." *International Social Science Journal* 58(S1): 139-57
- Mestrovic, Stjepan G. and Caldwell, Ryan A. 2010. "Durkheim's Concept of Anomie as 'Derangement' Applied to the Abuse at Abu Ghraib: An Examination of Post- emotional Displacement, Scapegoating, and Responsibility" in *Durkheim and Violence*, edited by S. Romi Mukherjee. Hoboken: Wiley-Blackwell, 2010
- Mestrovic, Stjepan G. with Garetta, Miroslav and Letica, Slaven. 1993. *The Road from Paradise: Prospects for Democracy in Eastern Europe*. Lexington, KY: University of Kentucky Press.
- Military.com Forum. 2009. "Curse of the Charms Candies." *Military.com Forum* November 5. Retrieved January 10, 2012 ([http://forums.military.com/eve/forums/a/tpc/f/69719858/m/3130091732001/xsl/print\\_topic](http://forums.military.com/eve/forums/a/tpc/f/69719858/m/3130091732001/xsl/print_topic)).
- Misbehavior Before the Enemy*, Title 10 United States Code § 899 article 99 (1950).
- Mitchell, Bryan. 2009. "More Troops Relying on Food Stamps." *Military.com News* July 22. Retrieved January 10, 2012 (<http://www.military.com/news/article/more-troops-are-relying-on-food-stamps.html>).



- Mogelson, Luke. 2011. "A Beast in the Heart of Every Fighting Man." *The New York Times Magazine* April 27. Retrieved January 10, 2012 ([http://www.nytimes.com/2011/05/01/magazine/mag-01KillTeam-t.html?\\_r=1&pagewanted=all](http://www.nytimes.com/2011/05/01/magazine/mag-01KillTeam-t.html?_r=1&pagewanted=all)).
- "The Montana Massacre – Col. Baker's Report." *The New York Times* March 12, 1870. Retrieved January 10, 2012 (<http://query.nytimes.com/mem/archive-free/pdf?res=F00714F73C5F137B93C0A81788D85F448784F9>).
- Morgan, Edmund M. 1965. "William Winthrop: Acting Judge Advocate General 1881." *Military Law Review*, Department of The Army Pamphlet 27-1 00-28:iii-v. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/Military\\_Law\\_Review/pdf-files/277077~1.pdf](http://www.loc.gov/rr/frd/Military_Law/Military_Law_Review/pdf-files/277077~1.pdf)).
- Morris, Glenn and Spagnuolo, Glenn. Interview with Amy Goodman. *Democracy Now* October 6, 2006. Retrieved January 10, 2012 ([http://www.democracynow.org/2006/10/6/challenging\\_columbus\\_day\\_denver\\_organizers\\_discuss](http://www.democracynow.org/2006/10/6/challenging_columbus_day_denver_organizers_discuss)).
- Mulrine, Anne. 2010. "Pentagon had red flags about command climate in 'kill team' Stryker brigade." *The Christian Science Monitor* October 28. Retrieved January 10, 2012 (<http://www.csmonitor.com/USA/Military/2010/1028/Pentagon-had-red-flags-about-command-climate-in-kill-team-Stryker-brigade/%28page%29/2>).
- Murphy, Darin. 2005. "Bush's Culture of Narcissism." *The Huffington Post* Darin Murphy's Blog, December 14. Retrieved January 10, 2012 ([http://www.huffingtonpost.com/darin-murphy/bushs-culture-of-narcissi\\_b\\_12262.html](http://www.huffingtonpost.com/darin-murphy/bushs-culture-of-narcissi_b_12262.html)).
- Murphy, Tim. 2011. "Map: Is Adultery Illegal?" *Mother Jones* November 29. Retrieved January 10, 2012 (<http://www.motherjones.com/mojo/2011/11/is-adultery-illegal-map>).
- National Commission on Terrorist Attacks Upon the United States. 2004. *The 9/11 Commission Report*. Authorized edition. New York: W.W. Norton & Company.
- National Institute of Military Justice Blog – CAAFLOG. 2009. "Bill introduced to expand SCOTUS jurisdiction over military justice cases." National Institute of Military Justice Blog – CAAFLOG, January 17. Retrieved January 10, 2012 (<http://caaflog.blogspot.com/2009/01/bill-introduced-to-expand-scotus.html>).
- Naylor, Sean D. 2009. "Stryker soldiers say commanders failed them." *The Army Times* December 21. Retrieved January 10, 2012 ([http://www.armytimes.com/news/2009/12/army\\_afghanistan\\_mixed\\_signals\\_122109w/](http://www.armytimes.com/news/2009/12/army_afghanistan_mixed_signals_122109w/)).
- Nef, Todd. 2011. "Military Traumatic Brain Injury." *University of Colorado Hospital Insider* August 16. Retrieved January 10, 2012 (<http://www3.uch.edu/uchinsider/traumatic%20brain%20injury.pdf>).
- No Louis, Eduardo de. 1963. "Military Law in Spain." *Military Law Review* 22:139–54.
- Norton, Mary Beth. 2003. *In the Devil's Snare: The Salem Witchcraft Crisis of 1692*. New York: Alfred A. Knopf.
- Notestein, Wallace. [1909] 1911. *A History of Witchcraft in England from 1558 to 1718*. Washington, D.C.: The Historical American Association. Retrieved March 3, 2012 (<http://books.google.com/books?id=-IwNAAAAYAAJ&printsec=frontcover&dq=notestein+wallace&hl=en&sa=X&ei=Xe5ST5zhA4r0>

- sQLz15XwBQ&ved=0CDAQ6AEwAA#v=onepage&q=notestein%20wallace&f=false).
- Nowinski, Chris. 2006. *Head games: Football's Concussion Crisis from the NFL to Youth Leagues*. East Bridgewater, MA: The Drummon Publishing Group.
- Nyberg, Anna. 2009. "The Impact of Managerial Leadership on Stress and Health Among Employees." Ph.D. dissertation, Karolinska Institutet, Stockholm, Sweden.
- "Obama orders CIA prisons, Guantanamo shut." MSNBC.com January 22, 2009. Retrieved January 10, 2012 ([http://www.msnbc.msn.com/id/28788175/ns/politics-white\\_house/t/obama-orders-cia-prisons-guantanamo-shut/](http://www.msnbc.msn.com/id/28788175/ns/politics-white_house/t/obama-orders-cia-prisons-guantanamo-shut/)).
- O'Brien, Tim. [1990] 1998. *The Things They Carried*. New York: Broadway Books.
- O'Connell, Mary Ellen. 2010. "Unlawful Killing with Combat Drones, A Case Study of Pakistan, 2004-2009." Notre Dame Law School Legal Studies Research Paper No. 09-43. Retrieved January 10, 2012 ([http://papers.ssrn.com/sol3/Delivery.cfm/SSRN\\_ID1654055\\_code1212987.pdf?abstractid=1501144&mirid=1](http://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID1654055_code1212987.pdf?abstractid=1501144&mirid=1)).
- "On This Day: April 19." BBC News. Retrieved January 10, 2012 ([http://news.bbc.co.uk/onthisday/hi/dates/stories/april/19/newsid\\_2491000/2491125.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/april/19/newsid_2491000/2491125.stm)).
- "One in 31 U.S. Adults are Behind Bars, on Parole or Probation." The Pew Charitable Trusts. Retrieved April 10, 2013 ([http://www.pewtrusts.org/news\\_room\\_detail.aspx?id=49696](http://www.pewtrusts.org/news_room_detail.aspx?id=49696)).
- Oppel, Richard A. 2011. "Sentencing Shift Gives New Leverage to Prosecutors." *The New York Times* September 25. Retrieved January 10, 2012 ([http://www.nytimes.com/2011/09/26/us/tough-sentences-help-prosecutors-push-for-plea-bargains.html?\\_r=2&hp](http://www.nytimes.com/2011/09/26/us/tough-sentences-help-prosecutors-push-for-plea-bargains.html?_r=2&hp)).
- Orwell, George. [1938] 1980. *Homage to Catalonia*. New York: Harvest/HBJ.
- Park, Robert E. and Burgess, Ernest W. 1921. *Introduction to the Science of Sociology*. Chicago: The University of Chicago. Retrieved January 10, 2012 (<http://www.archive.org/details/IntroductionToTheScienceOfSociology>).
- Parsons, Talcott. [1937] 1968. *The Structure of Social Action*. Memphis, TN: General Books LLC.
- Penney, Lisa M., and Spector, Paul E. 2005. "Job Stress, Incivility, and Counterproductive Work Behavior (CWB): The Moderating Role Of Negative Affectivity." *Journal of Organizational Behavior* 26(7):777-96.
- Performance of Abortions: Restrictions*. U.S. Code, Title 10 Chapter 55 § 1093. Retrieved January 10, 2012 (<http://www.law.cornell.edu/uscode/10/1093.html>).
- Phan, Amy. 2011. "Dad surprises son after eight months in Iraq." *Columbia Basin Herald* February 16. Retrieved January 10, 2012 ([http://www.columbiabasinherald.com/news/article\\_d02bf5c2-39ee-11e0-8145-001cc4c002e0.html](http://www.columbiabasinherald.com/news/article_d02bf5c2-39ee-11e0-8145-001cc4c002e0.html)).
- Piaget, Jean. [1932] 1997. *The Moral Judgment of the Child*. Translated by Marjorie Gabain. New York: Simon & Schuster (Free Press Paperbacks).



- Pilkington, Ed. 2011a. "Obama under fire over detention of terror suspect on US navy ship." *The Guardian* July 6. Retrieved January 10, 2012 (<http://www.guardian.co.uk/law/2011/jul/06/obama-detention-terror-suspect-us-navy-ship>).
- \_\_\_\_\_. 2011b. "Bradley Manning's Military Doctors Accused over Treatment." *The Guardian* March 15. Retrieved January 10, 2012 (<http://www.guardian.co.uk/world/2011/mar/15/bradley-manning-military-doctors-treatment>).
- \_\_\_\_\_. 2011c. "Wall Street Protests Reveal Slice of America's Barely Tamed Brutality Pepper Spray, Swat Teams and Judicial Torture." *The Guardian* September 26. Retrieved January 10, 2012 (<http://www.guardian.co.uk/commentisfree/2011/sep/26/americas-barely-tamed-brutality?INTCMP=SRCH>).
- Powell, Enoch. 1968. "Enoch Powell's 'Rivers of Blood' speech." *The Telegraph* November 6, 2007. Retrieved January 10, 2012 (<http://www.telegraph.co.uk/comment/3643823/Enoch-Powells-Rivers-of-Blood-speech.html>).
- "Predator Drone Court-Martialed For Afghani Civilian Deaths" *Theonion.com* May 6, 2011. Retrieved January 10, 2012 (<http://www.theonion.com/video/predator-drone-courtmartialed-for-afghani-civilian,20316/>).
- "Press Release: Dr. Terry Jones: International Judge (then BURN) the Koran Day." Stand Up America.org March 18, 2011. Retrieved January 10, 2012 (<http://www.standupamericanow.org/press-release/2011/03/press-release-dr-terry-jones-international-judge-then-burn-the-koran-day>).
- "Press Release: One In Five Iraq and Afghanistan Veterans Suffer from PTSD or Major Depression." Rand Corporation April 27, 2008. Retrieved January 10, 2012 (<http://www.rand.org/news/press/2008/04/17.html>).
- "Press Release: Senator Feinstein Introduces Legislation to Give Armed Forces Personnel the Same Due-Process Appeal Rights as Civilians." United States Senator Diane Feinstein, January 30, 2009. Retrieved January 10, 2012 (<http://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=29c8c05a-e364-2cdc-67e6-7f7e04b3c0be>).
- "Quotation of the Day." *The New York Times* September 7, 2002. Retrieved January 10, 2012 (<http://www.nytimes.com/2002/09/07/nyregion/quotation-of-the-day-766518.html>).
- "Raising of the Regiment." The Black Watch Castle and Museum Official Website n.d. Retrieved January 10, 2012 (<http://www.theblackwatch.co.uk/index/raising-of-the-regiment>).
- Rand Corporation. 2008. *Invisible Wounds of War*. Edited by Terri Tanielian and Lisa H. Jaycox. Santa Monica: Rand Corporation. Retrieved January 10, 2012 ([http://www.rand.org/pubs/monographs/2008/RAND\\_MG720.pdf](http://www.rand.org/pubs/monographs/2008/RAND_MG720.pdf)).
- Reed, Christopher. 2005. *Lenin: A Revolutionary Life*. New York: Routledge.
- Reynolds, Paul. 2006. "End of the Neo-Con Dream: The Neo-Conservative Dream Faded in 2006." *BBC News* December 21. Retrieved January 10, 2012 (<http://news.bbc.co.uk/2/hi/6189793.stm>).
- Rhee, Joseph, Bradley, Tahman and Ross, Brian. 2010. "U.S. Military Weapons Inscribed With Secret 'Jesus' Bible Codes: Pentagon Supplier for Rifle

- Sights Says It Has 'Always' Added New Testament References." ABC News, January 18. Retrieved January 9, 2012 (<http://www.commondreams.org/headline/2010/01/18-8>).
- Riesman, David with Glazer, Nathan and Denney, Reuel. [1950] 2001. *The Lonely Crowd: A Study of the Changing American Character*. New Haven, CT: Yale Nota Bene.
- Ritzer, George. [1993] 2004. *The McDonaldization of Society*. Thousand Oaks, CA: Pine Forge Press.
- Roberts, Keith. 2005. *Cromwell's War Machine: The New Model Army, 1645-1660*. Barnsley, UK: Pen & Sword Military.
- Robertson, David H. 2003. "Bless Me Father For I Have Sinned: A Year in Self-Incrimination Law." *The Army Lawyer*, Department of the Army Pamphlet 27-50-361:116-28. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/04-05-2003.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/04-05-2003.pdf)).
- \_\_\_\_\_. 2004. "Self-Incrimination: Big Changes in the Wind." *The Army Lawyer*, Department of the Army Pamphlet 27-50-372:37-51. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/05-2004.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/05-2004.pdf)).
- Robson, Simon. 2006. *What Barry Says*. Online video. Knife-Party.net, March 4. Retrieved January 10, 2012 (<http://knife-party.net/wmv/barry.wmv>).
- Roots, Ivan. 1989. *Speeches of Oliver Cromwell*. London, UK: Everyman Classics.
- Rosenau, Pauline M. 1992. *Post-Modernism and the Social Sciences: Insights, Inroads, and Intrusions*. Princeton, NJ: Princeton University Press.
- Rosenblum, Gail. 2009. "Because He cared, War Dead Get the Respect They're Due." *Star Tribune* March 7. Retrieved January 10, 2012 (<http://www.startribune.com/local/south/40881412.html>).
- Royle, Trevor. 2004. *Civil War: The Wars of the Three Kingdoms 1638-1660*. London, UK: Abacus.
- Sainz, Adrian and Matt Sedensky. 2011. "Memphis Landmarks Spared from Flooding: Hundreds of Homes Evacuated, But Worst May Be Over." *The Arizona Republic* May 10. Retrieved January 10, 2012 (<http://www.azcentral.com/arizonarepublic/news/articles/2011/05/10/20110510miss-flooding0510.html#ixzz1NBsSgRC9>).
- Sands, Bobby. 1998. *Writings from Prison*. Dublin, Ireland: Mercier Press.
- Santa Ana, Otto. 2002. *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse*. Austin, TX: University of Texas Press.
- Scahill, Jeremy. 2007. *Blackwater: The Rise of the World's Most Powerful Mercenary Army*. New York: Nation Books.
- Scahill, Jeremy. 2011. "The CIA's Secret Sites in Somalia." *The Nation* August 1. Retrieved January 10, 2012 (<http://www.thenation.com/article/161936/cias-secret-sites-somalia>).
- Schaffner, Franklin J. [1970] 2006. *Patton*. DVD. Los Angeles, CA: 20th Century Fox.
- Schneider, H. [1930] 1961. *The Puritan Mind*. Ann Arbor, MI: The University of Michigan Press.

- Scott, Ridley. [2001] 2002. *Black Hawk Down*. DVD. Culver City, CA: Columbia Pictures.
- "Sesame Street breaks Iraqi POWs." BBC News May 20, 2003. Retrieved January 10, 2012 ([http://news.bbc.co.uk/2/hi/middle\\_east/3042907.stm](http://news.bbc.co.uk/2/hi/middle_east/3042907.stm)).
- Severson, Kim. 2003. "A lot of cooks in the MRE kitchen: Men in lab coats and hair nets whet GIs' frontline appetite." San Francisco Chronicle April 7. Retrieved January 10, 2012 (<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/04/07/MN255717.DTL#ixzz1jAI3udlc>).
- Sixty-six.org. 2005. "POGs, Chow and Leave." Sixty-six.org blog December 21. Retrieved January 10, 2012 (<http://web.archive.org/web/20070930095202/http://www.sixty-six.org/index.php?show=21,12,2005>).
- Skove Nevels, Cynthia. 2007. *Lynching to Belong: Claiming Whiteness Through Racial Violence*. College Station, TX: Texas A&M University Press.
- "Skull Images Shock Germany." Spiegel Online International October 26, 2006. Retrieved January 10, 2012 (<http://www.spiegel.de/international/0,1518,444879,00.html>).
- Smith, Bob. 2006. "You Have to Pass The Psych Test First Time Out!" Firehouse.com November 13. Retrieved January 10, 2012 (<http://www.firehouse.com/article/10503888/you-have-to-pass-the-psych-test-first-time-out>).
- Solis, Gary D. 1997. *Son Thang: An American War Crime*. Annapolis, MD: Naval Institute Press.
- Sontag, Susan. 2004. "Regarding The Torture Of Others." *The New York Times Magazine* May 23. Retrieved January 10, 2012 ([http://www.nytimes.com/2004/05/23/magazine/regarding-the-torture-of-others.html?page\\_wanted=4&src=pm](http://www.nytimes.com/2004/05/23/magazine/regarding-the-torture-of-others.html?page_wanted=4&src=pm)).
- Spielberg, Steven. [2002] 2003. *Minority Report*. DVD. Los Angeles, CA: 20th Century Fox.
- Stitler, Martin H. 2000. "The Armor: Recent Developments in Self-Incrimination Law." *The Army Lawyer*, Department of the Army Pamphlet 27-50-330:47-62. Retrieved January 10, 2012 ([http://www.loc.gov/r/rfd/Military\\_Law/pdf/05-2000.pdf](http://www.loc.gov/r/rfd/Military_Law/pdf/05-2000.pdf)).
- Stouffer, Samuel A., Edward A. Suchman, Leland C. DeVinney, Shirley A. Star, and Robin M. Williams, Jr. 1949. *The American Soldier: Adjustment During Army Life, Volume I*. Princeton, NJ: Princeton University Press.
- Stouffer, Samuel A., Lumsdaine, Arthur A., Lumsdaine, Marion Harper, Williams, Jr., Robin M., Brewster Smith, M., Janis, Irving L., Star, Shirley A. and Cottrell, Jr., Leonard S. 1949. *The American Soldier: Combat and Its Aftermath, Volume II*. Princeton, NJ: Princeton University Press.
- Strasser, Steven. 2004. *The Abu Ghraib Investigations: The Official Reports of the Independent Panel and the Pentagon on the Shocking Prisoner Abuse in Iraq*. New York: Public Affairs.
- Sulpy, Doug and Schweighardt, Ray. [1994] 1997. *The Unauthorized Chronicle of The Beatles Let It Be Disaster*. New York: St. Martin's Griffin.

- The Svvedish Discipline, Religious, Civile, and Military*. 1632. Translated by William Watts, Thomas Roe, Sir, Johann Philipp Abelin, and Sweden Armén. London: Printed by Iohn Dawson. Retrieved January 10, 2010 ([http://eebo.chadwyck.com/lib-ezproxy.tamu.edu:2048/search/full\\_rec?SOURCE=pgimages.cfg&ACTION=ByID&ID=V18676](http://eebo.chadwyck.com/lib-ezproxy.tamu.edu:2048/search/full_rec?SOURCE=pgimages.cfg&ACTION=ByID&ID=V18676)).
- Tan, Michelle. 2011. "Report blames lapses on Stryker commander." *The Army Times* November 27. Retrieved January 10, 2012 (<http://www.armytimes.com/news/2011/11/army-report-blames-lapses-on-stryker-commander-112711w/>).
- Thomson, Oliver. 2000. *The Great Feud: The Campbells and the Macdonalds*. Stroud, UK: Sutton Publishing Limited.
- Tocqueville, Alexis de. [1835] 2003. *Democracy in America and Two Essays on America*. Translated by Gerald E. Bevan. New York: Penguin Books.
- Tomasic, Dinko. 1948. *Personality and Culture in Eastern European Politics*. New York: George W. Stewart, Publisher, Inc.
- Turse, Nick. 2011. "The Abu Ghraib Photos You Haven't Seen." Truthdig.com April 22. Retrieved January 10, 2012 ([http://www.truthdig.com/arts\\_culture/item/the\\_abu\\_ghraib\\_photos\\_you\\_havent\\_seen\\_20110422/](http://www.truthdig.com/arts_culture/item/the_abu_ghraib_photos_you_havent_seen_20110422/)).
- Twitty, Stephen M. 2011. *AR 15-6 Investigation on 5/2 Stryker Brigade Combat Team*. Joint Base Lewis-McChord, WA: Department of the Army, Headquarters I Corps.
- United States Congress, House of Representatives. 2005. *Equal Justice for Our Military Act, H.R. 1364*. 109th Congress, 1st sess. March 17. Retrieved January 10, 2012 (<http://www.govtrack.us/congress/bill.xpd?bill=h109-1364>).
- United States Congress, House of Representatives. 2007. *Equal Justice for Our Military Act, H.R. 3174*. 109th Congress, 1st sess. March 17. Retrieved January 10, 2012 (<http://www.govtrack.us/congress/bill.xpd?bill=h110-3174>).
- \_\_\_\_\_. 2008. *Military Honor and Decency Act, H.R.5821*. 110th Congress, 2nd sess. March 18. Retrieved January 10, 2012 (<http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.5821>).
- United States Congress. Senate. 2007. *Equal Justice for United States Military Personnel Act of 2007 S. 2052*. 110th Congress, 1st sess. September 17. Retrieved January 10, 2012 ([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_bills&docid=f:s2052is.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s2052is.txt.pdf)).
- United States Court of Appeals for the Armed Forces United States. 1997. *Annual Report of the Code Committee on Military Justice, October 1, 1996 to September 30, 1997*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY97/FY97Rept.htm>).
- \_\_\_\_\_. 1995. *Annual Report of the Code Committee on Military Justice, October 1, 1994 to September 30, 1995*. Washington, D.C.: Government Printing Office.
- \_\_\_\_\_. 1996. *Annual Report of the Code Committee on Military Justice, October 1, 1995 to September 30, 1996*. Washington, D.C.: Government Printing Office.
- \_\_\_\_\_. 1997. *Annual Report of the Code Committee on Military Justice, October 1, 1996 to September 30, 1997*. Washington, D.C.: Government Printing Office.

- \_\_\_\_\_. 1998. *Annual Report of the Code Committee on Military Justice, October 1, 1997 to September 30, 1998*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY98/FY98Rept.htm>).
- \_\_\_\_\_. 1999. *Annual Report of the Code Committee on Military Justice, October 1, 1998 to September 30, 1999*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY99/FY99Rept.htm>).
- \_\_\_\_\_. 2000. *Annual Report of the Code Committee on Military Justice, October 1, 1999 to September 30, 2000*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY00/FY00Rept.htm>).
- \_\_\_\_\_. 2001. *Annual Report of the Code Committee on Military Justice, October 1, 2000 to September 30, 2001*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY01/FY01AnnualReport.pdf>).
- \_\_\_\_\_. 2002. *Annual Report of the Code Committee on Military Justice, October 1, 2001 to September 30, 2002*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY02/FY02AnnualReport.pdf>).
- \_\_\_\_\_. 2003. *Annual Report of the Code Committee on Military Justice, October 1, 2002 to September 30, 2003*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY03/FY03AnnualReport.pdf>).
- \_\_\_\_\_. 2004. *Annual Report of the Code Committee on Military Justice, October 1, 2003 to September 30, 2004*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY04/FY04AnnualReport.pdf>).
- \_\_\_\_\_. 2005. *Annual Report of the Code Committee on Military Justice, October 1, 2004 to September 30, 2005*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY05AnnualReport.pdf>).
- \_\_\_\_\_. 2006. *Annual Report of the Code Committee on Military Justice, October 1, 2005 to September 30, 2006*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY06AnnualReport.pdf>).
- \_\_\_\_\_. 2007. *Annual Report of the Code Committee on Military Justice, October 1, 2006 to September 30, 2007*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY07AnnualReport.pdf>).
- \_\_\_\_\_. 2008. *Annual Report of the Code Committee on Military Justice, October 1, 2007 to September 30, 2008*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY08AnnualReport.pdf>).
- \_\_\_\_\_. 2009. *Annual Report of the Code Committee on Military Justice, October 1, 2008 to September 30, 2009*. Retrieved May 27, 2010 (<http://www.armfor.uscourts.gov/annual/FY09AnnualReport.pdf>).
- \_\_\_\_\_. 2010. *Annual Report of the Code Committee on Military Justice, October 1, 2009 to September 30, 2010*. Retrieved December 2, 2012 (<http://www.armfor.uscourts.gov/newcaaf/annual/FY10AnnualReport.pdf>).
- \_\_\_\_\_. 2011. *Annual Report of the Code Committee on Military Justice, October 1, 2010 to September 30, 2011*. Retrieved December 2, 2012 (<http://www.armfor.uscourts.gov/newcaaf/annual/FY11AnnualReport.pdf>).

- \_\_\_\_\_. 2012. *Annual Report of the Code Committee on Military Justice, October 1, 2011 to September 30, 2012*. Retrieved March 27, 2013 (<http://www.armfor.uscourts.gov/newcaaf/annual/FY12AnnualReport.pdf>).
- United States Department of Defense. 2012. *Manual for Courts-Martial (2012 Edition)*. Retrieved December 2, 2012 (<http://www.au.af.mil/au/awc/awcgate/law/mcm.pdf>).
- United States Senate Armed Services Committee. 2008. *Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody ("The Levin-McCain Report")*. Washington, D.C.: Government Printing Office.
- "US, Iraqi forces kill 250 militants in Najaf." *The Age* (Australia) January 29, 2007. Retrieved January 10, 2012 (<http://www.theage.com.au/news/world/us-iraqi-forces-kill-250-militants-in-najaf/2007/01/29/1169919241141.html>).
- "US Predator Drone TR425 on Trial for Killing Innocent Afghan Civilians," (Video, parody). *The Onion* May 6, 2011. Retrieved January 10, 2012 (<http://www.theonion.com/video/predator-drone-courtmartialed-for-afghani-civilian,20316/>).
- Vaknin, Samuel. 2007. *Malignant Self Love: Narcissism Revisited*. Prague and Skopje, Czech Republic and Macedonia: Narcissus Publications.
- Varley, James L. 2008. "2008 New Developments in Self-Incrimination." *The Army Lawyer*, Department of the Army Pamphlet 27-50-429:2-17. Retrieved January 10, 2012 ([http://www.loc.gov/rr/frd/Military\\_Law/pdf/02-2009.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/02-2009.pdf)).
- Venable, Melissa A. 2010. "25 Famous Thinkers and Their Inspiring Daily Rituals." Onlinecollege.org Blog, January 11. Retrieved January 10, 2012 (<http://www.onlinecollege.org/2010/01/11/25-famous-thinkers-and-their-inspiring-daily-rituals/>).
- Verhoeven, Paul. [1987] 2007. *Robocop*. DVD. Los Angeles, CA: Orion Pictures.
- Waldman, David A. and Yammarino, Francis J. 1999. "CEO Charismatic Leadership: Levels-of-Management and Levels-of-Analysis Effects." *The Academy of Management Review* 24(2): 266-85.
- Wallace, Walter L. 1971. *The Logic of Science in Sociology*. Chicago, IL: Aldine Publishing.
- Warhol, Andy. 1975. *The Philosophy of Andy Warhol: (From A to B and Back Again)*. New York: Harcourt Brace Jovanovich.
- Waters, Michael R. [2004] 2006. *Lone Star Stalag: German Prisoners of War at Camp Hearne*. College Station, TX: Texas A&M University Press.
- Weber, Max. [1905] 1976. *The Protestant Ethic and the Spirit of Capitalism*. Translated by Talcott Parsons. New York: Charles Scribner's Sons.
- \_\_\_\_\_. [1915] 1968. *The Religion of China: Confucianism and Taoism*. Edited by Hans Gerth. New York: Free Press.
- \_\_\_\_\_. [1917] 2004. *The Religion of India: The Sociology of Hinduism and Buddhism*. New Delhi, India: Munshiram Manoharlal Ltd.
- \_\_\_\_\_. [1922] 1993. *The Sociology of Religion*. Translated by Ephraim Fischoff. Boston, MA: Beacon Press.



- Weingartner, James. 1989. "Massacre at Biscari: Patton and An American War Crime." *The Historian* 52(1):24–39.
- Weingartner, James. 1992. "Trophies of War: U.S. Troops and the Mutilation of Japanese War Dead, 1941–1945." *Pacific Historical Review* 61(1): 53–67.
- Weingartner, James. 2008. "Americans, Germans, and War Crimes: Converging Narratives from 'the Good War.'" *The Journal of American History* 94(4): 1164–83.
- Welles, Orson. [1941] 2001. *Citizen Kane*. DVD. Burbank, CA: Warner Brothers.
- West, Rebecca. [1941] 1994. *Black Lamb and Grey Falcon: A Journey Through Yugoslavia*. New York: Penguin Books.
- "Widely used police interrogation technique can result in false confession: Disclosure." CBC News January 28, 2003. Retrieved January 10, 2012 (<http://www.cbc.ca/news/canada/story/2003/01/27/interrogation030127.html>).
- Wilder, Billy. [1950] 2002. *Sunset Boulevard*. DVD. Los Angeles, CA: Paramount Pictures.
- Wilson, A.N. 2005. *After the Victorians: The Decline of Britain in the World*. New York: Picador.
- Winckler, Gary S. 2009. *Tortured: Lynndie England, Abu Ghraib and the Photographs that Shocked the World*. Fincastle, VA: Bad Apple Books, LLC.
- Winthrop, William. [1886] 1920. *Military Law and Precedents*. 2nd Edition. Washington: Government Printing Office. Retrieved January 10, 2012 (<http://www.archive.org/details/cu31924020024570>).
- Wright, Evan. 2004. *Generation Kill: Devil Dogs, Iceman, Captain America, and the New Face of American War*. New York: G.P. Putnam's Sons.
- Zimbardo, Philip. 2007. *The Lucifer Effect: Understanding How Good People Turn Evil*. New York: Random House.

# Index

- 1st Battalion of the Queen's Lancashire Regiment, 184
- 2nd Dragoons, 72. *See also* 2nd Stryker Cavalry Regiment
- 2nd Stryker Cavalry Regiment, 72
- 3rd Armored Cavalry Regiment, 138
- "9/11," 100, 157
- 372nd MP Company, 48
- Abu Ghraib, 7, 9, 14–15, 15n, 20, 21, 43, 47–9, 63–6, 68, 71–2, 74, 76, 98, 100–101, 106–7, 109–10, 161–3, 174, 184
- Abuse, 7, 9, 14, 15n, 21, 43–4, 47, 55, 62–4, 66, 98, 107, 149, 162–3
- Abyssinia, 78
- Academia, 6–7, 86, 155, 166, 168, 170
- Adams, Gerry, 20, 86
- Aden Adde International Airport, 162
- Adultery, 58, 60n, 122
- Afghanistan, war in, 3, 6–7, 9, 9n, 21–2, 52, 65–6, 69–75, 78, 81, 92, 95–8, 100, 104, 107–11, 121–2, 126, 132, 141, 144–5, 152, 157, 161–2, 165–7, 174–5. *See also* Operation Enduring Freedom
- Africa, 78, 84, 140
- African American marines, 14
- African American sailors, 13
- African American soldiers, 13–14
- Aguirre the Wrath of God*, 110
- Akar, Serdar, 101
- Al Qaeda, 100, 108, 157
- Alabama, 60n
- Alcohol, 58, 120, 137, 160, 164, 175
- Aldrich, Richard J., 20
- Al-Hatami tribe, 93
- Alisab-Bahak, 129
- Al-Jamadi, Iraqi General Manadel, 49
- Al-Khazaali tribe, 94
- Allen, Robert, 13
- Allison, William, 14
- al-Mahmudiyah, Iraq, 66
- American civil religion, 134–6, 135n, 147, 153
- American exceptionalism, 18, 136, 153–5
- American Exceptionalism: A Double-Edged Sword*, 18
- American Indian Movement, 138
- American Psychiatric Association, 151
- American Revolutionary War, 38
- American Soldier; The*, 19, 19n, 183
- American South, 64, 92
- Annual Report of the Code Committee on Military Justice*, 28, 30, 32, 34, 36
- Anomie, 6, 15n, 52, 76–8, 92, 111, 161, 164, 166, 170, 176
- Anxiety, 17
- Apache helicopters, 97, 138
- Apocalypse Now*, 63
- Aponte, Walter, 14
- Apples
- bad, 76, 176
  - good, 170, 176
  - rotten, 68, 71, 74, 174, 184
- See also* Poisoned Orchard Arizona
- Armed Forces Journal*, 166
- Armenian Genocide, 78
- Arming Military Justice Vol. I: The Origins of the United States Court of Military Appeals, 1775–1950*, 21
- Army CID, 8, 141–2, 168–9. *See also* U.S. Army Criminal Investigation Command
- Article 32 hearings, 8, 22, 177
- Aruba, 92
- Asceticism, 1, 27
- Ashton, Sir Arthur, 53
- Asmodeus, 110
- Assimilation, 91



- Atheism, 60n  
 Atheists, 60n
- Baghdad, 7, 9, 21, 22, 50, 52, 66, 74, 88–9, 93–5, 98, 100, 106–7, 128, 130, 160–61, 174, 181
- Baghdad Canal Killings, 7, 21–2, 50, 52, 66, 74, 98, 100, 106–7, 174, 181
- Baker Massacre, 72–3. *See also* Marias Massacre; Montana Massacre
- Balkans, 18
- Banbury mutiny, 13, 183
- Banking, 60
- Barker, Rodney, 21
- Barney and Friends*, 162
- Batatu, Hanna, 20, 87–8, 88n
- Bateson, Gregory, 100
- Baylor College, 90
- Beale Street, 68
- Beatles, The, 155
- Beer, 113, 127, 164. *See also* Alcohol
- Behan, Dominic, 69
- Belfast, 20
- Belknap, Michael, 14
- Bellah, Robert, 3, 134, 136, 153
- Bennett, Martyn, 19
- Berry, John Stevens, 14
- Beyond the Green Zone: Dispatches from an Unembedded Journalist in Occupied Iraq*, 20, 98
- Bhutto, Benazir, 96
- Bible, 139, 141, 169
- Biscari Massacre, 14, 53
- Bierce, Ambrose, 75, 171
- “Big Bird” (Iraqi prisoner), 161
- Big Brother, 168
- Bin Laden, Osama, 100, 108–9, 127, 139. *See also* Bin Ladin, Usama
- Bin Ladin, Usama, 100
- Bishopsgate mutiny, 13, 183
- Black and Tans, 69–71
- Black Falcon and Grey Lamb*, 20
- Black Hawk, 139n
- Black prisons, 162
- Black sites, 162
- Black Soldiers in Jim Crow Texas*, 13
- Black Watch Regiment, 92. *See also* Royal Highland Regiment of Foot
- Blackfoot tribe, 72–3, 78
- Blackhawk helicopters, 138
- Blasphemy, 25, 58, 60n
- Blood Revenge: The Enactment and Management of Conflict in Montenegro and other Tribal Societies*, 18, 84
- Bloody Sunday, 20, 184
- Bobby Sands: Writings from Prison*, 20
- Boehm, Christopher, 18, 84–7, 92–3, 101
- Bogardus, Emory, 106
- Bohemia, 91
- Bomber Command, 113, 127
- Bonilla-Silva, Eduardo, 103
- Bonner, Nicholas, 40
- Bonus Army, 103
- “Born in the USA,” 162
- Bosnia, 88–90
- Bosque Redondo, 138
- Boston, 59
- Botero, Fernando, 101
- Bowie, David, 74
- BP plc, 68
- Brazos, 91–2
- Brazos County, 90–91, 102–3
- Brazos Valley, 88, 90–91
- Britain, 15, 17, 57, 155. *See also* Great Britain; United Kingdom
- British Army, 20, 69, 70n, 92, 184
- British Articles of War, 38, 121
- British Exceptionalism, 155
- Broken Circle: A True Story of Murder and Magic in Indian Country*, The 21
- Brown v. Board of Education of Topeka*, 347 US 483 (1954), 177
- Brown, Richard Maxwell, 90
- Bryan, 103
- Bunyan, John, 17, 83
- Burdick, Eugene, 20, 110, 160
- Bureau of Military Justice, 39
- Burning, The, 72
- Bush administration, 96, 108, 111, 158, 162
- Business 6, 38, 60, 73, 76, 123, 125, 137, 151, 166, 168, 170
- Business schools 137, 168
- Business Watch Copy Network, The 166

- Cajuns, 67  
 Caldwell, Ryan, 15, 15n  
 California, 13, 147, 162  
 Calley, William, 62, 65–6, 68, 73, 177  
 Calvinism, 3, 6, 83, 118, 153, 173  
 Camp Hearne, 19–20  
 Campbell Clan, 86–7, 92  
 Canada, 4, 18, 153, 181  
 Capitalism, 1, 6, 6n, 15, 17, 27, 83, 173  
 Captain Ahab, 110  
 Card, Andrew, 73  
 Carmichael, Stokely, 103  
 Caro Baroja, Julio, 21  
 Carson, Christopher Houston “Kit,” 136, 138  
 Catch and release program, 78, 99–100  
*Catch-22*, 100  
 Ceaușescu, Nicolae, 159  
 Celtic F.C. (Soccer Team), 69  
 Central Intelligence Agency (CIA), 49, 108, 162  
 Ceremonies, 5, 51, 93, 115, 117, 131, 134, 137, 139, 145–8, 175, 183  
 Chandrasekaran, Rajiv, 20, 110, 160  
 Charisma, 131–2, 175  
 Charles I, 87, 87n, 108  
 Charles II, 87  
 Charms candy, 132n, 132–3  
 Chemical weapons, 48, 78  
 Cheney, Dick, 138, 157  
 China, 6n, 158  
 Christian, Garna, 13  
 Circulation, of leadership in an organization, 23  
*Citizen Kane*, 159  
 Civil religion, 134–7, 139, 145–8, 153, 175  
 Civil War, American, 40, 72  
*Civil War: The Wars of the Three Kingdoms*, 19  
*Civil Wars, The*, 19  
 Clagett, PFC Corey, 21  
 “Claw, the” (Iraqi prisoner), 161  
 Clemency, 51, 61–2  
 Clinton administration, 157  
 Code of Military Justice of Spain, 178  
 Cognitive development, 42  
 Colbert, Stephen, 135n  
 Cold War, 97  
 Collateral damage, 95, 97, 102  
 Collective consciousness, 71, 126, 140–41, 152  
 Collective effervescence, 140  
 Collective punishment, 55, 81–2, 98–9, 102, 104–5, 175. *See also* Collateral damage  
 Colonial law, 38, 57  
 Colorado, 60n, 104  
 Combat effectiveness, 69  
 “Come out Ye Black and Tans,” 69  
 Command climate, 52, 68–70, 174  
*Common Dreams*, 166  
 Confession, 7, 22–3, 51, 79, 168–9, 181–2  
 Congress, 4, 62, 87n, 98, 176–7, 180–81  
 Connecticut, 58  
 Conscientious objector status, 122  
 Consecrations, 45–7, 136  
 Conspicuous consumption, 152  
 Conspicuous family reunions, 152  
 Conspicuous marriage proposals, 152  
 Conspiracy, 43–4, 54, 63, 75–6, 106, 125, 157, 180–81  
 Continental congress, 38  
*Continental Divide: The Values and Institutions of the United States and Canada* 18, 153  
 Contrition, 51–2  
*Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction*, 48  
 Coppola, Francis Ford, 63  
 Cork, Ireland, 70–71  
 Corkbush mutiny, 13, 183  
 Counterguerilla, 139  
 Counterinsurgency, 7, 21, 95, 97–8, 100, 139  
*Court-Martial of Apache Kid: Renegade of Renegades*, 21, 38  
 Courts-Martial, general, 28n, 29–36  
 Courts-Martial, special, 28n, 29–36  
 Courts-Martial, summary, 28n, 29–36  
 Creech Air Force Base, 96  
 Cromwell, Oliver, 13, 16, 19–20, 53, 87, 92, 108, 120, 139, 163–4, 176, 181, 183

*Cromwell's War Machine: The New Model Army*, 19–20  
*Crossing the Line*, 40  
 Crouchet, Jack, 14  
 Cultural habits, 3, 17, 72, 152, 173, 175–6  
 Culture of narcissism, 6, 18, 151–3  
*Culture of Narcissism, The*, 18, 151  
 Cunningham, SSG Jess, 22, 46  
 Czechoslovakia, 91  
  
 Dangerous waters metaphor, 155  
 Daniel, Aubrey, 66  
 Davis, Rep. Susan, 180  
 D-Day landings at Normandy, 14  
 Death Penalty, 37, 57–8, 101, 103  
 Decentering of Military Texts and Orders, 165  
 Deconstruction of Military Texts and Orders, 165  
 Deepwater Horizon oil spill, *see* Gulf of Mexico disaster  
 Defection, 40  
 Delillo, Don, 115  
*Democracy in America*, 3, 15, 17, 20, 55, 87  
 Demos, John Putnam, 16  
 Deployments, 68–9, 104, 122, 126  
 Derry, 184  
 Desecration of the dead, 102, 145. *See also* Headhunting; War trophy  
 Desertion, 13, 40  
 Detroit, 28  
 Deuteronomy, 58  
 Deviance, 3, 5–7, 15, 17, 37–9, 173, 182–3  
*Devil in the Shape of a Woman: Witchcraft in Colonial New England, The*, 16  
 Diablo Cojuelo, 110  
*Diagnostic and Statistical Manual*, (DSM), 151  
 Diné tribe, 138  
 Discipline, 5, 9n, 11, 16, 19, 25, 37–41, 55, 60, 70, 121, 126, 136, 155, 164, 174, 176–7, 179, 183  
*Discovery of Witches, The*, 17  
 Disneyland, 57  
*Division of Labor in Society, The*, 18  
 Diwaniya-Najaf Road, 94

Dogs  
   as pets, 152  
   as used in prisons, 48–9, 63, 107  
 Double Bind, 48, 100  
 Dove World Outreach Center, 109  
 Drogheda, 53  
 Drones, 71, 91, 95–6  
 Drugs, 76, 105, 120, 126, 175  
 Dudley, Thomas, 37–8  
 Dumas, Alexandre, 115  
 Dunkin' Donuts, 160  
 Duress, 76  
 Durkheim, Emile, 3, 5, 6n, 7, 15, 15n, 18, 21, 42, 56, 60, 66, 81–2, 101–2, 106, 115, 115n, 116–20, 126, 134, 136, 147, 152, 170, 173, 176  
 Dutch Army, 163–4, 176  
*Dynes v. Hoover (61 U.S. 65 1857)*, 177  
 Dysfunction, 6, 8, 9n, 28, 48, 77, 99, 170, 176  
  
 El Paso-Ciudad Juarez, 92  
 Elizabeth I, 87  
 Emotion, 5, 11, 17, 19, 21–2, 31–4, 39–40, 41, 43–4, 50, 53, 58, 66–7, 73, 78, 81, 83–4, 89, 92–3, 97–9, 102, 104–6, 111–12, 118–19, 121–2, 124–5, 127, 133–6, 150–51, 153, 155, 158, 163–4, 169–70, 181, 191, 199  
 Enchantment of weapons, 25, 58, 121, 126, 141  
 England, 16, 39, 53, 79, 87, 163  
 England, Lynndie, 14, 107, 177  
 English Civil Wars, 13, 16, 19, 87, 108, 183  
*Entertaining Satan: Witchcraft and the Culture of Early New England*, 16  
 Erikson, Kai, 3–5, 7, 15–17, 37–9, 41, 50–52, 173, 182–3  
 Escalation of Force, 126, 164–5  
*Essentials of the Reid Technique: Criminal Interrogations and Confessions*, 169  
 Essex, England, 79  
 Essex, Massachusetts, 16  
 Ethnic cleansing, 89, 128–9  
*Execution of Private Slovik, The*, 13  
 Exercise, as torture, 79

- Exodus, 58  
 Exum, Andrew, 95–6
- Fallgirls: Gender and the Framing of Torture at Abu Ghraib*, 15  
*Falls Memories: A Belfast Life*, 20  
 Fallujah, 98, 111, 130  
 Famine, as punishment, 78  
*Faraway War, The*, 20  
 Fauconnet, Paul, 5, 6n, 18, 21, 60–61, 66–7, 84, 102, 109n, 173  
 Fay Report, 21, 163  
 Federal Bureau of Investigation (FBI), 49  
 FedexForum, 68  
 Feuds, 21, 84–7, 90, 92, 101–2  
 Field Manuals, 17, 97, 139, 163–5, 168–9  
*Final Report of the National Commission on Terrorist Attacks Upon the United States, The* (also known as *The 9/11 Commission Report*), 100  
 First Battalion of the Parachute Regiment (also known as First Para), 184  
 First Indian War, 16. *See also* King Phillips' War  
 First World War, 61–2, 69–70, 132. *See also* World War I  
*Fixing Hell*, 14  
 Flags, 135–7, 139, 146  
 Flanders, 69  
 Flinn, Kelly, 122–3  
 Flooding, 67–8  
 Florida, 60n, 109  
*FM 10-23-2 Tactics, Techniques, and Procedures for Garrison Food Preparation*, 164  
*FM 2-22.3 Human Intelligence Collector Operations*, 17, 139  
*FM 3-05.213 Special Forces Use of Pack Animals*, 164  
*FM 3-19.3 Law Enforcement Investigations*, 17, 168  
*FM 3-22.27 MK 19, 40-mm Grenade Machine Gun*, 139  
*FM 3-24 Counterinsurgency*, 97, 139  
*FM 34-52 Intelligence Interrogation*, 17, 163  
*FM 4-20.64 Mortuary Affairs Operations*, 164  
*FM 6-22.5 Combat Stress*, 104, 139  
*FM 90-8 Counterguerilla Operations*, 139  
 Fort Carson, 104–5, 136, 138  
 Fort de Cavagnal, 136  
 Fort Leavenworth, 40, 97, 136  
 Fort Lewis-McChord, 9n, 136  
 Foucault, Michel, 169  
 France, 61  
 Frankenstein Monster, 59  
 Franklin, Benjamin, 135  
 Fraser Clan, 92  
 Frederick, Sgt. Ivan 14, 43–4  
 Freud, Sigmund 15, 56  
 Ft. Hood, 161  
 Functionalist theory, 3, 91, 173  
 Funerals, 146–7  
 Fussel, Paul, 20, 113, 126, 132
- Gage, Sir William, 183  
 Garrison, Denzil D., 14  
 Gender, 15, 15n  
 General Code of Criminal Law (Swedish), 178  
 Generous, William T., 21  
*Geneva Convention for the Amelioration of the Wounded and Sick in the Armed Forces in the Field of August 12, 1949*, 163  
*Geneva Convention Relative to the Treatment of Civilian Persons in Time of War of August 12, 1949*, 163  
*Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949*, 163  
 Geneva Conventions, 48, 163–4  
 Genocide, 72, 78, 87–9, 87n. *See also* Ethnic cleansing  
 Georgia (U.S. State), 60n, 62, 155  
 German Basic Law, 178  
 Germany, 8, 53, 59, 72, 106, 144, 161, 166, 178  
 Geronimo, 139  
 “Get Back,” 155  
 Gibbs, SSG Calvin, 71, 143  
 Gieck, Jack, 13  
 “Gilligan” (Iraqi prisoner), 161  
 Girouard, SSG Raymond L., 21

- Global War on Terror (GWOT), 3, 7, 19, 42, 79, 87, 100, 108–9, 173–4, 183–4
- Goad, Jim, 19, 57, 92, 107
- Good Friday Agreements, 86
- “Good Soldier” on Trial: A Sociological Stud of Misconduct by the US Military Pertaining to Operation Iron Triangle, Iraq, the*, 15
- Gordon, Daniel, 40
- Gordon, Milton, 91
- Gospel, 38–9
- Graber, SPC Juston R., 21
- Graceland, 68
- Grafenwöhr Training Area, 8
- Graphic man and woman, 18, 165–6
- Great Britain, 15. *See also* Britain; United Kingdom
- Great Depression, 103
- Great Plains Indians, 72
- Great Recession, 60, 103
- Great War, The, 132. *See also* World War I; First World War
- Green Zone, 20, 98, 110, 128, 160–61
- Gris-Gris, 120
- Grossman, LTC Dave, 19
- Guam, 107
- Guardian, The*, 166
- Guidons, Military, 139–40
- Guilloux, Louis, 14
- Guilt, Emotion of, 16–17
- Gulf of Mexico Disaster, 68
- Gurkas, 144
- Gustavus Adolphus, 58, 120–22, 139, 179
- H.R. 1364: Equal Justice for Our Military Act*, 180
- H.R. 3174: Equal Justice for Our Military Act of 2007*, 180
- H.R. 569: Equal Justice for Our Military Act of 2009*, 181
- Habits of the Heart*, 3
- Haditha, 66
- Haller, Monica, 20, 63
- Hamann, Jack, 13
- Hamdan v. Rumsfeld*, 548 US 557 (2006), 20, 40–41
- Hammes, COL Thomas X., 166
- Harley Davidson, 161
- Harry Potter, 140
- Harvard University, 22
- Hatfield, Thomas M., 13
- Hatley, MSG John E., 22, 107, 130, 132
- Hawatim tribe, 93–4
- Hawthorne, Nathaniel, 17
- Head Games: Football's Concussion Crisis from the NFL to Youth Leagues*, 22
- Headhunting, 84–5, 87, 108, 144
- Hedges, Chris, 133, 135
- Heller, Joseph, 100, 110
- Hersh, Seymour, 14
- Herzog, Werner, 110
- Hezbollah, Iraqi, 129
- Hezbollah, Lebanese, 129
- Holden, William, 159
- Holliday, George, 65
- Holloway, Natalie, 92
- Honor, 14, 38–9, 44–5, 65, 85, 88, 137, 147
- Honor and Decency Act of 1996, The*, 137
- Honor Restored*, 14
- Hopkins, Matthew, 17, 79
- House of the Seven Gables, The*, 17
- Howell, James, 79
- Huie, William Bradford, 13
- Hunger, as Interrogation Method, 79
- Hunsaker, SPC William B., 21
- Huntington, Samuel, 155
- “I Love You,” 162
- Idaho, 60n
- Idolatry, 25, 58, 118, 121, 126, 134
- Illinois, 60n
- Imperial Life in the Emerald City*, 20, 110, 160
- In the Devil's Snare: The Salem Witchcraft Crisis of 1692*, 16
- India, 78
- Indian Wars, 16, 72, 138
- Inner-directedness, 16–20, 73, 139, 142, 146–8, 161, 164–5, 169, 176
- Institutional racism, 103
- Institutional reaction-formation, 97–8
- Instructions for Musters and Armes and the Use Thereof*, 163
- Interdictions, 45–7

- Internet, 20, 28, 72, 137, 152, 166, 169  
*Interpreter, The*, 13–14  
 Interrogation, 8, 17, 104, 107, 124, 139, 162, 168–9, 181  
*Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*, 22  
 Iraq, war in, 3, 6, 9, 15, 20–22, 49–50, 52, 54, 63–6, 69, 70n, 72–5, 78, 81, 87–101, 88n, 104, 106–7, 109–11, 121–2, 126, 128–32, 138, 141, 145, 147, 152, 157, 160–62, 166, 174–5, 181, 184. *See also* Abu Ghraib; Baghdad Canal Killings; Operation Iraqi Freedom; Operation Iron Triangle  
 Ireland, 20, 53, 68–70, 72, 78, 86–7, 91–2, 139, 184  
 Irish Republican Army (IRA), 69, 71  
 Iron Cage, 1, 15, 17, 27–8, 37, 45, 173–4  
 Italy, 53, 78, 88, 91, 160  
  
 Jaish-Amadi, 129  
 Jamail, Dahr, 20, 93–5, 98–9, 111  
 James, Larry, 14  
 Jaycox, Lisa, 22  
 Jefferson, Thomas, 135  
 Jeffrey, William, 6n, 61  
 Jenkins, Charles Robert, 40  
 “Jesus rifles,” 141  
 Johnson, Shoshana, 92  
 Joint Base Lewis-McChord, 9n, 136  
 Jolls, Shirley, 14  
 Jones, Terry, 109  
 Juju, 120  
 Jury nullification, 62  
  
 Kafka, Franz, 110  
 Kahn, Sy, 144–5  
*Kangaroo Court Martial*, 14  
 Kansas, 60n, 62, 97  
 Kaplan, Alice, 13–14  
 Karlsen, Carol F., 16  
 Karma, 120  
 Kennedy, John F., 65  
 Kilcullen, David, 95–6  
 King Phillips’ War, 16  
 King Williams’ War, 16  
 King, Rodney, 65  
 King, Stephen, 115  
 Konig, David Thomas, 16  
 Kosovo, 140  
 Ku Klux Klan (KKK), 90  
 Kurds, 78  
  
 Las Vegas, 162  
 Lasch, Christopher, 6, 18, 37, 151–3  
*Law and Society in Puritan Massachusetts: Essex County, 1629–1692*, 16  
 Leadership, 8, 23, 69, 126, 148, 157, 183  
     charismatic, 23, 130–31  
     narcissistic, 8, 23, 183  
 Leahy, Sgt. Michael P., Jr. 8, 22, 45–7, 50, 72, 88–9, 98–100, 105–6, 128–9, 161, 168, 181  
 Lederer, William J., 20, 110, 160  
 Lenin, Vladimir Ilyich, 86  
 Lenthal, William, 53  
 Levellers, 13, 183  
 Leviticus, 58  
 Lewis, Meriwether, 136  
 Libya, 78  
*Lichfield (The U.S. Army on Trail)*, 13  
 Lipset, Seymour Martin, 18, 153–4  
*Lone Star Stalag: German Prisoners of War at Camp Hearne*, 19  
*Lonely Crowd, The*, 3, 15, 17, 165  
 Long Kesh Prison, 86  
 Los Angeles Police, 65  
 Louisiana, 67, 136  
*Lucifer Effect, The*, 14  
 Lurie, Jonathan, 21  
 Lynch, Jessica, 92  
 Lynching, 19, 64, 90–92, 101–3  
*Lynching to Belong: Claiming Whiteness through Racial Violence*, 19, 90  
  
 McChord, COL William Caldwell, 136  
 McChrystal, GEN Stanley, 97, 166  
 Macdonald Clan, 86–7, 92  
 McDonaldization, 17, 28, 96, 101, 103, 147, 156, 169, 173–4, 181, 184  
     of interrogations, 169  
     of killing, 96, 103  
*McDonaldization of Society, The*, 17, 173

- McDonald's, 98, 157, 160  
 McKanna, Clare V., 21, 38–41  
 McLuhan, Marshall, 18, 165–6  
 McNamara, Barry, 157  
 McNamara, Susan, 124  
 Magic, 5, 16, 21, 74, 98, 115–21, 115n,  
     126–7, 127n, 131–4, 139–41,  
     145–6, 148, 175  
 Magical thinking, 21, 74  
 Mahallah, 88, 88n, 89, 128  
*Malignant Self Love: Narcissism Revisited*,  
     18, 149, 154  
 “The Man Who Sold the War,” 74  
 “The Man Who Sold the World,” 74  
 Mana, 120, 137  
 Mandatory minimum sentencing, 51, 181  
 Manilow, Barry, 162  
 Manning, Bradley, 124  
 Marbles, 45–7, 142  
 Maria River, 72  
 Marias Massacre, 72–3. *See also* Baker  
     Massacre; Montana Massacre  
 Marshall, George C., 70, 144  
 Marshall, S.L.A., 19  
 Martyrdom, 140  
 Mass production, 17  
 Massachusetts, 3, 4, 7, 16, 37–9, 41–2,  
     50–52, 60n, 173, 182  
 Maté, Gabor, 76–7  
 Mayo, SFC Joseph P., 22, 107  
 Meals Ready to Eat (MRE), 132  
 Mechanical solidarity, 3, 18, 41–3, 55, 66,  
     81–2, 84, 173  
 Medals, 69, 132, 136, 140–41  
 Medical personnel, conflicting roles of, 124  
 Memphis Grizzlies, 68  
 Memphis, Tennessee, 67–8  
*Men Against Fire: The Problem of Battle*  
     *Command*, 19  
 Mental competency, 8, 22  
 Mestrovic, Stjepan, 14, 15, 15n, 18, 27,  
     37, 62, 66, 68, 75, 88–9, 110, 125,  
     127n  
 Mexico, 4, 68, 92, 103  
 Michigan, 60n  
 Migrant Workers, 103  
 Mild Traumatic Brain Injuries (mTBI), 8,  
     22, 76, 126, 181–2
- Military  
     chaplains, 121–2, 126–7, 146  
     doctors, role strain, 125  
     families  
         and food stamps, 148  
         and foreclosure on the homes of,  
         148  
 Military panel, 8, 50, 75, 106, 129, 181  
*Military Justice in America: The U.S.*  
     *Court of Appeals for the Armed*  
     *Forces, 1775–1980*, 21  
*Military Justice in Vietnam*, 14  
*Military Law and Precedents*, 16, 21, 40–41  
 Millican, 90–91  
 Mills, C.W., 60n  
 Mingus, Charles, 115  
 Minnesota, 60n  
*Minority Report*, 169  
 Miranda Rights, 22–3  
*Miranda v. Arizona*, 384 U.S. 436 (1966),  
     22–3  
 Missing white woman narrative, 92  
 Mississippi, 60n, 62, 67–8  
 Mississippi River flooding, 67–8  
*Moby Dick*, 110  
 Mogadishu, 162  
 Mojo, 120  
 Monasticism, 1, 27, 136–7  
 Montana Massacre, 72–3. *See also* Baker  
     Massacre; Marias Massacre  
 Moore, SPC Corey, 143  
 Moral development, 42  
 Moral judgment, 42  
*Moral Judgment of the Child, The*, 18, 45  
 Morality, 1, 18, 27, 39, 41–3, 48, 56, 62,  
     110, 125  
     objective, 18, 39, 41, 42  
     subjective, 18, 39  
     *See also* Responsibility, objective,  
     subjective  
 Moravia, 91  
 Morlock, Jeremy, 9, 9n, 71–2, 74, 105  
 Morris, Glenn, 137–8  
 Mousa, Baha, 184  
 Mudin, Gul, 71, 74  
 Munster, 70  
 My Lai, 14, 62, 63, 65, 66  
*My Lai 4*, 14

- Naga tribe, 144  
 Najaf Massacre, 94–5  
 Najaf, Battle of 92–5. *See also* Najaf Massacre  
 Narcissism, 6, 8, 18, 23, 37, 149, 151–70, 175–6, 183  
 Nathan, Geoffrey, 62, 66  
 Nativism, 155  
 NATO, 8, 98, 126, 166, 178  
 Navasota, 161  
 Nebraska, 60n  
 Nevada, 96  
 New England, 3, 7, 16, 55–7  
*New England Journal of Medicine, The*, 22  
 New Hampshire, 60n  
 New Haven, 58  
 New Jersey, 62, 133  
 New Model Army, 13, 16, 19, 20, 120, 139, 163–4, 183  
 New York, 57, 60n  
*New York Times, The*, 64, 68, 72, 95, 165–6, 174, 182  
*Nineteen Eighty-Four*, 168  
 Nixon, Richard, 66, 68  
 No Gun Ri, 63  
 North Carolina, 60n, 107  
 North Dakota, 60n  
 North Korea, 40  
 Norton, Mary Beth, 16  
 Notestein, Wallace, 79  
*Nothing Special Show, The*, 156n  
 Nowinski, Christopher, 22  
 Nudity, 79  
  
 Oakland, 144  
 Obama administration, 158, 162  
 O'Brien, Tim, 133  
 Oedipus, 110  
 Office of Price Administration, OPA, 73  
*Ok, Joe*, 14  
 Oklahoma, 60n, 133  
 Oklahoma City Thunder, 68  
*Old Social Classes and the Revolutionary Movements in Iraq, The*, 20, 187  
 Old Testament, 3, 173  
*On American Soil: How Justice Became a Casualty of World War II*, 13  
*On Killing*, 19  
  
 Onion News Network, 71  
*Onion, The*, 71  
 Operation Desert Storm, 140  
 Operation Enduring Freedom, 9  
 Operation Iraqi Freedom, 9, 132  
 Operation Iron Triangle, 7–9, 15–16, 21, 54, 106, 180, 184  
 Organic solidarity, 18, 42, 55, 66, 81–2, 101, 174  
*Osbornes, The*, 156  
 Other Government Agency (OGA), 49  
 Other-directedness, 16–18, 73, 97, 139, 142, 146, 148, 152, 161, 163–5, 175–6  
*Oxford English Dictionary*, 169  
 Ozzie Osbourne, 156  
  
 Parole, 61–2, 85, 181  
 Parsons, Talcott, 6n, 83n  
 Pathological Narcissistic Space (PN Space), 154, 158–62  
*Patton* (film), 16  
 Patton, GEN George, 16, 53  
 Payne, CPL Donald, 184  
 Peer-orientedness, 76–7, 164–5, 176. *See also* Other-directedness  
 Penal Law, 42, 178  
 Pennsylvania, 60n  
 Perception management, 74  
 Perle, Richard, 157  
*Personality and Culture in Eastern European Politics*, 18, 79, 85  
 Petraeus, GEN David, 95, 97–8  
 Pharmacies, 169–70  
*Philosophy of Andy Warhol: (From A to B and Back Again), The*, 156n  
 Photographs, 43, 63–5, 71–2, 74, 100, 102, 106, 108, 133, 144–5, 162  
 Physicians for Human Rights, 124  
 Piaget, John, 18, 39, 42–3, 45, 47  
 Piegan tribe, 72  
 Piestewa, Lori, 92  
*Pilgrim's Progress, The*, 17, 83, 83n  
 Plea Bargains, 9n, 37, 46, 182, 184  
*Plessy v. Ferguson* (163 U.S. 537 1896), 177  
 Poisoned Orchard Arizona, 23, 60n, 155  
 Poisoned orchard metaphor, 170, 176



- Police brutality, 37
- Popular culture, 73, 156, 161–2
- Pornography  
     on-base restrictions, 137  
     as template for torture, 162
- Port Chicago Mutiny, 13
- Post Traumatic Stress Disorder (PTSD), 8,  
     22, 47, 76, 104–5, 126, 174, 181–2
- Postemotional Society, 18
- Postemotionalism, 5, 15n, 16, 18, 27, 37,  
     73, 111, 134–5, 148, 165, 175, 183
- Post-Modernism and the Social Sciences:  
     Insights, Inroads, and Intrusions*,  
     18
- Powell, Enoch, 155–6
- PowerPoint, 77, 165–8
- PowerPoint Rangers, 166, 168
- Predestination, 51, 153
- Prince Maurice of Nassau, 163
- Prisons  
     as civil-religious temples, 137  
     secret, 162
- Profane, 115, 117, 119, 134–5, 140
- Project for the New American Century  
     (PNAC)*, 156–8
- Protestant Ethic and the Spirit of  
     Capitalism, The*, 1, 6, 15, 17, 27,  
     83, 173
- Psychoanalysis, 15
- Public opinion, 61–2, 65, 95, 100
- Punishment 3, 37–9, 41–2, 45, 50–51,  
     55–61, 65, 67, 81–2, 98–9, 101–7,  
     109, 109n, 121, 173, 175, 178, 181  
     collective, 55, 78, 81–2, 98–9,  
     102, 104–5, 175. *See also*  
     Responsibility, collective
- Puritan esthetic, 81, 108–9, 175
- Puritan justice, 37, 41–2, 51–2
- Puritan Mind, The*, 15
- Pursuing Military Justice Vol. II: The  
     History of the United States Court  
     of Appeals for the Armed Forces,  
     1951–1980*, 21
- Quigley, SGT Charles, 22
- Quonset huts, 161
- Ramos, SPC Belmor G., 22, 74
- RAND Corporation, 22, 126, 174
- Rationality, 27, 37, 107, 118, 131, 145, 152
- Rational-legal authority, 132, 162–3
- Rations, 20, 73–4, 132, 164
- Recidivism, 82
- Redneck Manifesto: How Hillbillies, Hicks,  
     and White Trash Became America's  
     Scapegoats, The*, 18–19, 57, 92,  
     107
- Reference group, 15, 19, 75, 125, 165
- Regionalism, 107
- Reid Technique, 168–70, 181–2
- Religion of China: Confucianism and  
     Taoism, The*, 6n
- Religion of India: Hinduism and  
     Buddhism, The*, 6n
- Responsibility*, 5, 6n, 18, 102
- Responsibility, 3, 5–7, 15, 15n, 18, 22, 42,  
     45, 51, 55–78, 100, 102, 106, 130,  
     148, 158, 173–5, 176, 178, 180,  
     184  
     collective, 5, 60–61, 66, 68, 74, 76, 78,  
     174–5, 184  
     individual, 5, 60–62, 67, 174  
     objective, 18, 42, 45, 61, 176  
     subjective, 176  
     *See also* Morality, objective, subjective
- Revenge, 5, 6, 18, 41, 50, 69–70, 81–111,  
     144–5, 175  
     structure of, 81, 108  
     *See also* Vendetta; Vengeance
- Revolving door policy, 98–100. *See also*  
     Catch and release policy
- Ribordy, SPC Steven A., 22
- Richard III, 110
- Riesman, David, 3, 15–18, 165
- Riley and His Story: Me and My Outrage,  
     You and Us*, 20, 63
- Riots, 48, 90
- Rituals, 3, 5, 45, 52, 61, 81, 83, 91, 102,  
     113, 115, 117, 119–20, 122, 126–8,  
     127n, 132–6, 140–41, 145–8, 164,  
     173–5, 183
- Ritzer, George, 17, 173–4
- Ritzkrieg, 161
- “Rivers of Blood” speech, 155, 156
- Riverside National Cemetery, California,  
     147

- Roberts, Keith, 20  
*Robocop*, 28  
 Robson, Simon, 157  
 Romania, 159  
 Rose Barracks, 8, 72, 106, 161, 166  
 Rosenau, Pauline, 18, 164  
 Rousseau, Jean-Jacques, 134  
 Royal Highland Regiment of Foot, 92.  
     *See also* Black Watch Regiment  
 Royle, Trevor, 19  
 Rudder, COL James Earl, 13  
*Rudder: From Leader to Legend*, 13  
 Rules of engagement, 70, 93, 97, 133,  
     164–5  
*Rules of Engagement?: A Social Anatomy  
     of an American War Crime –  
     Operation Iron Triangle, Iraq*, 14,  
     15  
 Rumsfeld, Donald, 21, 40–41, 107, 138,  
     157  
 Russian Revolution of 1917, 86  
  
*S. 2052: Equal Justice for United States  
     Military Personnel Act of 2007*,  
     180  
*S. 357: Equal Justice for United States  
     Military Personnel Act of 2009*,  
     181  
 Sabotage, 64–5, 68, 95  
 Sacramento River Massacre, 138  
 Sacred, 115, 117, 119–20, 134–7, 139–40,  
     147–8  
 Sacrifice, 52, 73–4, 115  
 Sadr City, 129  
 Saladin armored vehicles, 139  
 Samar, 63  
 San Diego, 144  
 Sanctionee, 6, 6n, 61n, 109  
     animals, 82, 102, 171  
     families, 82, 87, 102, 108  
     Koran, 109  
     objects, 82, 102, 106, 109, 109n  
 Sanctions, 6n, 61, 71, 84  
 Sand Creek, 63  
 Sands, Bobby, 20  
 Saracen armored vehicles, 139  
 Saville Inquiry, 184  
 Scahill, Jeremy, 108, 162  
 Scapegoats, 15n, 16, 18–19, 55, 62, 73, 76,  
     102–3, 107, 175  
 Schneider, Herbert W., 15–16  
 Scorched earth, 72. *See also* Burning,  
     The  
 Scotland, 69, 86–7, 91–2, 164  
 Seattle, 13  
 Second Indian War, 16. *See also* King  
     Williams' War  
 Second World War, 4, 13–14, 19–20, 70,  
     73, 113, 126–7, 132, 134, 140, 144,  
     161. *See also* World War II  
 Self-incrimination, 8, 22–3. *See also*  
     Confession; Reid Technique  
 Sensory deprivation, 124  
 September 11, 97, 156  
 Septs  
     Irish, 84, 86  
     Scottish, 84  
 Serbia, 78, 86  
 Series of traps, 100  
*Sesame Street*, as torture, 162  
 Shame, 17, 78, 88, 92, 102, 122  
 Sharbonno, Riley, 20, 63  
*She Wore a Yellow Ribbon*, 138  
 Shenandoah, 72  
 Sheridan, GEN Philip, 72, 138  
 Shia Muslims, 89, 93–5, 128–9  
 Shiite Muslims, 87, 93. *See also* Shia  
     Muslims  
 Siberia, 57  
 Sicilians, 91  
 Sin, 16, 22, 52, 100, 117  
 Sinatra, Nancy, 162  
 Sincerity  
     fake, 17, 97–8  
     spontaneous, 175  
 Sinn Fein, 70, 86  
 Sisyphus myth, 100  
 Sivits, SPC Jeremy, 43–5, 63–5, 74, 182  
 Skove Nevels, Cynthia, 19, 90–91, 103  
 Sleep Deprivation, 52, 76, 79, 100, 120,  
     126, 174–5  
*Small Wars Journal*, 166  
 Social  
     character, 15, 17–18, 152, 154, 165  
     conditions, 5, 52, 59, 62, 65, 67, 74,  
     76, 174

- construction of reality, 46–8, 91
- distance, 106–7, 160
- forces, 6, 52, 173–4
- habits, 16–17, 152
- integration, 5, 147–8, 174–5, 183
- interactions, 91, 154
- isolation, 79
- space, 5, 170, 183
- stability, 7, 77
- upheaval, in the United States, 77
- Social Contract, The*, 134
- Social Incest in the Golden Ghetto (S.I.G.G.), 160
- Sociology of Religion, The*, 6n
- Sociopathic firms, 24
- Solis, Gary, 14
- Solitary confinement, 79, 124
- Son Thang: An American War Crime*, 14
- South Carolina, 60n, 62
- South Dakota, 48–9
- South Korea, 40, 140
- Spain, 21, 163, 178
- Spanish Armada, 163
- Spielberg, Stephen, 169
- Spinner, Frank, 88, 161
- Springsteen, Bruce, 162
- Standardized testing, 77
- Starbucks, 160
- Stars and Stripes* newspaper, 13
- Statute of limitations, 40
- Stearne, John, 79
- Stouffer, Samuel, 19, 19n, 107, 183
- Streamers, Military, 136–7, 139–40
- Stress, 23, 79, 104, 107, 139
  - combat, 104, 139
  - positions, 79, 107
  - See also* Post Traumatic Stress Disorder
- Structure of Social Action, The*, 6n
- Suffolk, 79
- Sunni Muslims, 72, 87–90, 94, 128–9
- Sunni Triangle, 72, 90
- Sunset Boulevard*, 159
- Superstition, 21, 113, 115–48, 175
- Supreme Court, 4, 21, 40, 166, 176–7, 179–81
- Surveillance, 28, 126, 157. *See also* Military, chaplains
- Svedish Discipline, Religious, Civile, and Military, The* (*The Swedish Discipline, Religious, Civil, and Military*), 11, 16, 25. *See also* Swedish Articles of War
- Swanson, Gloria, 159
- Sweden, 5, 16, 23, 25, 38, 47, 58, 120–22, 139, 173, 178–9
- Swedish Articles of War, 16, 25, 38, 47, 58, 121, 173, 179
- Switzerland, 45
- Swords and Scales: The Development of the Uniform Code of Military Justice*, 21
- Taboo, 20, 49, 120, 140–41, 152
- Taguba Report, 163
- Taliban, 69, 98
- Tanielian, Terri, 22
- “Taxi Driver” (Iraqi prisoner), 161
- Teachers, as Scapegoats, 23, 76–7, 168
- Tennessee, 60n
- Terrorism, 100–101, 156
- Terrorists, 40, 66, 86, 95–7, 100, 109, 156
- Texas, 13, 19, 22, 48, 60n, 62, 85, 88, 90–91, 101, 103, 107, 118, 137, 161
- Texas A&M University, 13
- Texas Code of Criminal Procedure, 22
- Theology, 41
- Theory of the Leisure Class, The*, 152
- “These Boots are Made for Walking,” 162
- Things They Carried, The*, 133
- Thorstein Veblen on Culture and Society*, 18
- Those Gallant Men: On Trial in Vietnam*, 14
- Tobacco, 59, 137
- Tocqueville, Alexis de, 3, 5, 15, 17, 20, 55–60, 87, 154, 173
- Tomahawk Missile, 138
- Tomasic, Dinko, 18, 79, 85–6, 88
- Torture, 14, 15, 15n, 64–5, 79, 92, 98, 100–101, 109, 124, 162. *See also* Barney and Friends; “Born in the U.S.A.,” Exercise; “I Love You,” Manilow, Barry; *Sesame Street*; Sinatra, Nancy; Springsteen, Bruce; “These Boots are Made for Walking”

- Tortured*, 14  
 Tradition-directedness, 17, 18, 20, 84, 92  
 Tralee, 70  
 Transportation, as punishment, 57  
 Trial penalty, 37, 182  
*Trial, The*, 110  
*Trials of Abu Ghraib, The*, 14, 110  
 Tribes, 72, 84–8, 93–5, 144. *See also* Septs  
 Troubles in Northern Ireland, *The*, 20  
 Turkey, 78  
 Twitty Report, 9  
 Tyburn, 87  
 Typographic man and woman, 18, 165
- U.S. Air Force, 33–4, 96, 122–4, 141  
 U.S. Air Force Academy, 122–4  
 U.S. Army, 3, 4, 5, 7–9, 13, 14, 20–22, 28, 40, 43, 47, 51–2, 62–5, 67, 72, 89–90, 99, 104, 107, 110, 122, 124, 132, 136, 139, 141, 143–4, 148, 161, 163–5, 173–6  
 U.S. Army bases, 4, 106, 161, 175  
     as civil-religious Temples, 136–7, 175  
 U.S. Army Corps of Engineers, 67  
 U.S. Army Criminal Investigation Command (CID) 8, 141–2, 168–9  
 U.S. Army Trial Defense Service, 8  
 U.S. Civil War, 13, 40, 72, 176  
 U.S. Coast Guard, 28, 35–6  
 U.S. Constitution, 4, 8, 37, 87n, 162, 176–7  
 U.S. Marine Corps, 14, 31–2, 66, 104, 121, 132–3, 141, 144, 145, 166  
 U.S. Military Academy, 40  
 U.S. Navy, 28, 31–2, 124–5, 127n, 144, 162  
*Ugly American, The*, 20, 110, 160  
 Ulyanov Family, 86  
*Understanding Media: The Extensions of Man*, 18  
*Uniform Code of Military Justice (UCMJ)*, 4, 21, 43, 47, 104–5, 121, 163, 176, 179–80  
 Uniforms, 20, 69, 136–8  
 United Kingdom, 13, 78, 92, 155, 181, 183–4. *See also* Britain; Great Britain  
 United Nations Protection Forces (UNPROFOR), 88–9
- United States Court of Appeals for the Armed Forces, 21, 28  
 United States Disciplinary Barracks, 40  
 Utah, 48–9, 60n, 62
- Vaknin, Sam, 18, 23, 149, 154, 156, 158  
*Valley of the Wolves – Iraq*, 101  
 Vanilla Ice, 156  
*Vanilla Ice Project, The*, 156  
 Veblen, Thorstein, 18, 151–2  
 Vendetta, 61, 82, 84, 93–4, 101–2  
 Vengeance, 3, 5, 84, 95, 101–2, 110–11, 173  
 Verhoeven, Paul, 28  
 Veterans Administration Hospitals, 148  
 Veterans
  - American, 22–3, 23n, 63, 69, 103, 106, 126, 132, 147–8
  - British, 69–70, 72
  - French, 61*Vietnam Stories: A Judge's Memoir*, 14  
 Vietnam War, 14, 63, 66, 98, 105, 133, 146, 162. *See also* My Lai  
*Vietnam War on Trial, The*, 14  
 Vilseck, 8, 59, 72, 106, 161, 166  
 Virginia, 49, 60n  
 Voerde Massacre, 14, 53  
 Voldemort, 140
- W. Virginia, 60n, 107  
 Wabanaki tribe, 16  
 Waco, 90  
 War Crimes, 3, 5, 7, 14, 15, 19, 21, 42, 52–3, 65, 67–8, 71, 73–6, 78, 107, 173–5, 180–81, 183–4  
     narrative of spontaneous, 65, 68, 74, 174  
 War trophy, 20, 71, 74, 142, 144. *See also* Headhunting  
 War, as a consumer product, 73  
 Warhol, Andy, 156n  
*Wartime: Understanding and Behavior in the Second World War*, 20, 113  
 Washington, George, 38, 135, 177  
 Washington, Jesse, 90  
 Wasteful Consumption, 17. *See also* Conspicuous consumption  
 Waters, Michael R., 19

- Wayward Puritans: A Study in the Sociology of Deviance*, 3, 7, 15–17, 37, 173, 183
- Weber, Max, 5, 6, 6n, 15, 17, 27–8, 37, 41, 83, 117–18, 121, 131, 136, 145, 173–4, 177, 181
- WebMD, 169
- Weingartner, James, 14
- Welles, Orson, 159
- West, Rebecca, 20
- Western Front (First World War), 69–70
- Westminster Abbey, 87
- “What Barry Says,” 157
- White privilege, 91, 107
- Whiteness, 19, 90–91
- Who are We?: The Challenges to America's National Identity*, 156
- Widgery, Baron John, 184
- Wilder, Billy, 159
- William of Orange, 87
- Winfield, SPC Adam, 141–2
- Winkler, Jack, 14
- Winthrop, John, 37–9, 41
- Winthrop, William, 16, 21, 39, 40–41, 176
- Wisconsin, 60n
- Witchcraft, 16, 21, 25, 58, 79, 121, 126 trials, 16
- Witches, 17, 21, 79, 116
- Witchfinder General, 17
- Witchfinders, 17, 79, 122, 126
- Witch-Hunters, 79
- Words
- as magic, 120, 140
  - as sacred, 140
  - as taboo, 140
- Workplaces, 23, 159
- socially toxic, 8, 23–4, 183
- World of the Witches, The*, 21
- World War I, 13, 61–2, 69, 103, 132
- World War II, 4, 13, 14, 19, 20, 53, 113, 161, 183
- Pacific Theater, 20, 144
- World Wrestling Entertainment (WWE), 22
- Xenakis, Stephen N., 69
- Yellow Ribbons, 138
- Yuma, 132
- Zadruga, 84, 86
- Zapruder, Abraham, 65
- Zarqa, 93
- Zimbardo, Phillip, 14