

# Vietnam and the Banality of Torture

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Vietnamese scholars often project their beliefs and academic understanding of torture onto society reluctantly and periodically. Attempts to find independent or funded research concerning torture in Vietnam leads to the conclusion that torture was a fashionable topic for a short time in the past, then disappeared from view. For example, the archive of the Vietnam Journal of Legal Science contains around twelve papers focusing on torture, most of which date from 2014. A focus on the same limited time frame is to be found in the archives of the Journal of the People's Court, the Journal for Legislation Study, and other well-known Vietnamese legal journals.

The significance of 2014 is that it was the year in which the Vietnam National Assembly ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('UNCAT'). Vietnam thus became a signatory of one of the most critical documents of international human rights law. After a brief 'adrenaline rush,' whereby authors were eager to follow the hottest new trend in legislation, however, the entire literature on torture came to a halt. Study of the subject became taboo.

While Vietnamese academia had to rely on 'foreigners' for studies on the practice of torture in their own country, two other forces relevant to the topic continued to exist. Firstly, there was the Ministry of Public Security (MPS) and its local tentacles. With virtually unlimited support from the state budget and generous earmarked foreign aid, the MPS remains the only theoretical, normative and practical contributor to the torture concept in Vietnam. On the other hand, there is society, the 'recipients' who have no other option but to experience torture, sometimes even without conscious awareness. Borrowing Pierre Bourdieu's notion of 'habitus', which refers to a history that is internalised, becoming second nature and so is forgotten as history,<sup>1</sup> one can say that the constant dialectic of remembering and forgetting has made torturous and degrading treatment appear as natural facets of the criminal justice process, and therefore 'invisible' to the eyes of the general public.

Via interviews with experts, socio-legal observation, personal experiences and theoretical discussions involving dominant philosophical influences in Vietnam, such as Confucianism and Taoism, this paper hopes to explain how accommodation to the widespread practice of torture has become 'second nature' to the Vietnamese population. The everyday banality of torture in Vietnam is demonstrated in this paper through three modes of communication: local public security, the newspapers, and violent justice. The paper argues that the banality of torture in the country will render any outside interventive efforts meaningless and will inform international scholars of an embedded '*culture of torture*' in the country.

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<sup>1</sup> Pierre Bourdieu, *Outline of a Theory of Practice* (Richard Nice tr, Cambridge University Press 2013)

## The sanctioned arbitrariness of local public security

It is possible in Vietnam to live a life that is more or less free from politics. You can skip the weekly meeting of your residential section. You can afford not to know where the law court is. Someone can even vote on your behalf. And yet it is impossible to live in Vietnam without encountering the local public security. The latter controls the most basic aspects of modern civic life, including national identification, family registration and sometimes the approval of your curriculum vitae for official purposes. The local public security is a natural reminder of state power and its relation to Vietnamese citizenry a reminder that can take very different forms, according to the case in question. Here is one particular case.

My brother-in-law is a quiet man. He tends to avoid excessive social contacts and unnecessary disputes. Life in Vietnam seemed to suit him perfectly - until he became involved in a verbal confrontation with his neighbours over their misuse of public roads and noise pollution due to unauthorised construction works. Several days later, the neighbours reported him to the local public security, accusing him of throwing superglue on their car during the night. No video evidence or witness was provided and yet, somehow, this insignificant case prompted an 'invitation' to work with the local public security. And, of course, an invitation to work with the local public security in Vietnam is never meant to be an invitation.

He was held incommunicado for twelve hours. After six hours of being handcuffed and struck in the face several times, the public security force was unable to extract a 'confession' from him. His wife was then brought in, forcefully escorted by another officer. One officer threatened the wife with references to 'the future of the children', while one civil defender ('*bảo vệ dân phố*'<sup>2</sup> - a state minion who always accompanies the local public security in Vietnam) - indicated a hammer on a table, warning that he would smash her phone if she attempted to record the conversation.

All this because of a few drops of superglue.

I visited their house, where their child informed me about the visit of a local public security officer. After my intervention, the couple was released.

The normality of the kind of practice described above presents a troubling perception of the local authorities. It should be remembered that the case failed in every way to meet the qualification for the initiation of criminal proceedings under the Vietnamese Criminal Code. Even the alleged 'damages' were not documented or assessed by the authorities in accordance with the law.

The conduct above easily meets all the legal requirements of torture and degrading ill-treatment. While the 1966 International Covenant on Civil and Political Rights ('ICCPR') does not provide a comprehensive or exhaustive definition of such acts, UNCAT's approach is usually considered to give an authoritative understanding of torture, in which:

*'...the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing*

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<sup>2</sup> A group of authorised civilians works under the auspice of local public security force. Their legal status and organisational framework can be found at the Law on Security 2004.

*him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent or incidental to lawful sanctions.’<sup>3</sup>*

The conduct of the local public security office was unlawful and included physical and mental abuse, intentionally inflicted on the victim for the extraction of a confession through intimidation and coercion.<sup>4</sup> Some argue that the practice of torture is purportedly rampant within the prison and detention facilities of Vietnam, but evidence of its use in ordinary civilian disputes marks a devastating development.

Further investigation confirms this worrying phenomenon.

I discussed this issue with three local public security officers, all of whom contended that the practice is ubiquitous in their jurisdiction.<sup>5</sup> In charge of the residential area of a ward in Thuan An City, Binh Duong Province, one officer named Hung stated that Binh Duong is a hotspot of crime and social instability due to uncontrolled migration to their booming industrial estates. ‘*Such practice is necessary, even though we all know that it is unlawful*’ - he adds. Hung also reports that the officers make around 30 to 60 unwarranted arrests per month and that the detention period can last from 6 to 24 hours. Food deprivation, intimidation or even physical force may be used ‘*depending on whether the arrestees are cooperative or not*’.

When asked why such methods are employed in civil disputes and administrative matters, another officer from Binh Dinh province, named ‘Q’, admitted reluctantly that monetary incentives could be involved (which means that the officers are either bribed to do so or are seeking remuneration themselves).<sup>6</sup> However, he also contends that his office only does this where the case is ‘necessary’ and ‘appropriate.’

The other, from a Northern jurisdiction, declines to offer any number about this practice. However, he strongly contends that

Interviews with around ten attorneys practicing across the country reveal a similar pattern. One criminal lawyer, based in Hanoi, acknowledges that all his clients have accused the public security forces of torture and degrading treatment in one way or another. However, when the scope is narrowed to include only cases of arrests and ill-treatment where no clear criminal charges are alleged, this lawyer asserts that he quite often witnesses and deals with such cases. Another lawyer in Ho Chi Minh City tells of her personal experience when one of her close friends was arrested and detained incommunicado for two full days. The local authority accused him of ‘sexual harassment’ when he tried to help a lady after a traffic accident. Interestingly, such a crime does not exist in Vietnamese law.

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<sup>3</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85

<sup>4</sup> The United Nations Voluntary Fund for Victims of Torture, ‘Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies’  
[https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation\\_torture\\_2011\\_EN.pdf](https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation_torture_2011_EN.pdf)

<sup>5</sup> The interviews are formal. The interviewees were informed about the purposes of the questions.

<sup>6</sup> The officer requested the omission of his name.

Even more troublesome, most victims ignore this vital violation of their basic rights for a variety of reasons.

Having read Professor Pham Duy Nghia's thesis on Confucianism and the conception of the law in Vietnam, we can attribute such a mindset to the enduring standard norms of the 'rule of causality' ("*luật nhân quả*").<sup>7</sup> The rule of causality comforts people with the assertion that, unlike earthly justice, the justice of heaven is absolute and inescapable (a belief that is manifested in popular proverbs such as "*Trời cao có mắt*", and "*Lười trời lòng lộng*"). This mentality explains the 'legal elasticity' of Vietnamese people's behaviour, and why they do not actively pursue positive justice themselves.

Personally, I can offer another approach to an understanding of the phenomenon by exploring the popular concept of freedom in Taoism and comparing it with Western civil liberties and libertarianism.

The concept of freedom under Western hegemony is a political one, where individuals fight for their recognition within the state's structure. Civil liberties enshrined in the constitution of many liberal countries are a protection against oppressive government authority. As the Stanford University philosopher Ralph H. Lutz famously asserted, freedom is not a separate concept from government, freedom is an integral part of a righteous government, where the '*ultimate aim ... is not to rule or to restrain by fear nor to exact obedience, but contrariwise to protect all men from fear ... the true aim of government is liberty*'.<sup>8</sup>

The concept of freedom in Vietnam (and of course China), however, is still under the influence of Taoism, the only dominant Chinese philosophy that directly discusses a similar concept. Taoism lays out the foundation of 'non-striving' ("*vô vi*"). 'Non-striving' is a complicated concept to explain to Westerners. According to Lao Tzu, the most prominent Taoist thinker, those who strive to create opposition thus expose themselves to danger. '*Only if you do not fight, no one can fight against you*', Lao Tzu insists. The key to freedom in the socio-political environment, in that sense, is the virtue of non-striving, which requires essentially having no self.

As rightly observed by the philosopher Peimin Ni, the two freedoms are almost opposite.<sup>9</sup> One is outward-directed, the other is inward-directed. One is uncritical of the self but very critical of the environment; the other is very critical of the self but uncritical of the environment. One demands a larger and larger space for the self to move around; the other demands the self to be completely in harmony with the space around it.

Taoism's freedom can be found in the famous 'jiang hu' ('江湖', or '*giang hồ*' in Vietnamese) literature in Vietnam. 'Jiang hu' conveys a sense, a philosophy, or even a mentality of freedom,

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<sup>7</sup> Pham Duy Nghia, 'Confucianism and the conception of the law in Vietnam' in John Gillespie and Pip Nicholson (eds), *Asian Socialism and Legal Change: The dynamics of Vietnamese and Chinese Reform* (ANU Press 2005)

<sup>8</sup> Ralph H. Lutz, 'The History of the Concept of Freedom' (1950) 36 (1) *Bulletin of the American Association of University Professors* (1915-1955) 18, 18 20 <<https://doi.org/10.2307/40220220>> accessed 01 May 2021

<sup>9</sup> Peimin Ni, 'The Taoist Concept of Freedom' (1993) 9 (1) *Grand Valley Review* 15

liberty, and mobility. It is sometimes deemed to be escapist thinking to get away from politics, power struggle, and official authority.<sup>10</sup>

To a large proportion of the Vietnamese population with a traditional mindset, the direct conflict between individuals and the state is an accident, an undesirable scenario of “*Trời kêu ai nấy dạ*” (when Heaven appoints, man must obey), from which they wish to escape as fully as possible. Thus, unless there is no other way, they avoid the struggle against authority, even when this means their acquiescence in the face of the unlawful behaviour of the state’s agencies.

Or, as simple as some of the parties concerned frankly admitted to the author, the risks involved in challenging such conduct are simply too great. Either way, problems stemming from the rule of law, political compromise, and philosophical mentality mean that the torture, and degrading, inhuman treatment inflicted on the population by the Vietnamese state are mindfully remembered, yet mindlessly passed over. Here, thoughts, reactions, understanding and experience relating torture are made routine and thereby become a normal part of everyday life.

### *The language of ‘torture’ in Vietnamese news: forgetting torture*

News is another means of channelling banality. News stories are presented as sudden, unforeseen events, and yet the language used always fits a predictable and long-established pattern.

Benedict Anderson, whose thought was influenced by Hegel, famously proposed that the very act of reading news is a significant mass ceremony comparable to morning prayers.<sup>11</sup> Such a ceremony helps the communicants to confirm their connection with others, reassuring them that their common imagined world is visibly rooted in everyday life. This act of ‘morning prayers’ is turned into a commodity that every person in a nation has to consume, successfully placing multiple generations into a giant simulacrum founded on” ‘common sense’. A belief, an understanding, a notion is thus taken for granted among all those who hold it in common.

With such a foundation, the language of the news can play a major part in the social construction of reality.<sup>12</sup> Public discourses are created through its selection of the narratives and the language it employs to depict them. And newspapers themselves inherently reduce the complexity of the world, and are often presented to readers with a lack of context caused by the constraints of space and time. The selectivity of newspapers - an institution of language - is not limited to their topics, their sources, their human agency, but also in how a word or phrase is elaborated and positioned. According to Professor Martin Conboy, by producing a specific language used in the stories, news can dictate what it prioritizes as significant and what it relegates from view.<sup>13</sup>

Keeping those theoretical arguments in mind, the concept of ‘torture’ as defined in international law, (‘tra tấn’ in the Vietnamese language), is either manipulated, watered down, or annihilated.

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<sup>10</sup> Helena Uen Wai, ‘A Journey across Rivers and Lakes: A Look at the Untranslatable Jianghu in Chinese Culture and Literature’ (2012) 7 Electronic journal of theory of literature and comparative literature 58 <[http://www.452f.com/pdf/numero07/07\\_452f-mono-helena-yuen-wai-orgnl.pdf](http://www.452f.com/pdf/numero07/07_452f-mono-helena-yuen-wai-orgnl.pdf)> accessed 01 May 2021

<sup>11</sup> Benedict R. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991), 35

<sup>12</sup> Peter L. Berger and Thomas Luckman, *The Social Construction of Reality A Treatise in the Sociology of Knowledge* (Penguin Books, 1976)

<sup>13</sup> Martin Conboy, *The Language of the News* (Routledge 2007)

How is this done? A very brief but close examination of two of the most widely read and prominent newspapers in Vietnam will demonstrate the pattern.

The Vnexpress is widely read in Vietnam, and attracts reputable contributors, not only journalists but also policy makers, academics, and former statesmen. Vnexpress gives a reliable depiction of Vietnamese society from above and from below. Tuoitre (The Youth) is, however, *the* newspaper of the country. Emerging after Doi Moi and enjoying enormous financial success, Tuoitre has always been the blueprint for journalism in Vietnam. Its handling of the concept of torture is therefore of interest.

In a search for the word ‘tra tấn’ (torture) on Vnexpress’s archive of 2020 and the first quarter of 2021, 24 articles are to be found.<sup>14</sup> The most interesting thing is that not one of them has any connection with the Vietnamese state.

Vnexpress contextualizes the word ‘tra tấn’ in two ways. Firstly, the concept of torture is watered down so that it can be applied to conduct between private entities in the country. Eight out of 24 articles surprisingly connect the concept of torture with the development of the outdoor karaoke business. Although this recreational activity is no doubt disruptive and annoying to many people, only in Vietnam has it been repeatedly associated with the concept of torture. In one article entitled: ‘Torturous karaoke in Saigon’,<sup>15</sup> the opening line is: ‘*The government of Ho Chi Minh City frequently asks wards and district authorities to properly deal with outdoor karaoke activities. However, the noise pollution has not been addressed. Many residential areas are tortured (emphasis added) each night.*

At the other extreme, torture, in its true sense, is something one private individual inflicts upon another. One article describes how a debtor and his accomplices ‘tortured’ a pregnant woman to the point of miscarriage.<sup>16</sup>

Secondly, the word torture is often to be found within a foreign context. For example, torture is said to have taken place in Ukraine when a group of policemen arrested, raped, and tortured a female witness.<sup>17</sup> Torture happens even in Europe, as when Dutch police discovered a ‘torture room’ on the border between the Netherlands and Belgium.<sup>18</sup> But, as in the above examples, torture is depicted as a peripheral concept, far removed from the practices of the Vietnamese state.

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<sup>14</sup> Search results for the word “tra tấn” on Vnexpress,

<[https://timkiem.vnexpress.net/?q=tra%20t%E1%BA%A5n&cate\\_code=&media\\_type=all&latest=&fromdate=&todate=&date\\_format=year&](https://timkiem.vnexpress.net/?q=tra%20t%E1%BA%A5n&cate_code=&media_type=all&latest=&fromdate=&todate=&date_format=year&)> accessed 01 May 2021

<sup>15</sup> Hà An, ‘Karaoke tra tấn ở Sài Gòn’ (Vnexpress, 01 March 2021) <<https://vnexpress.net/karaoke-tra-tan-o-sai-gon-4241260.html>>

<sup>16</sup> Dương Trang, ‘Chủ mưu ‘tra tấn thai phụ’ bị đề nghị 27-30 năm tù’ (Vnexpress, 14 January 2021) <<https://vnexpress.net/chu-muu-tra-tan-thai-phu-bi-de-nghi-27-30-nam-tu-4221213.html>> accessed 01 May 2021

<sup>17</sup> Huyền Lê, ‘Cảnh sát Ukraine tra tấn, cưỡng hiếp nhân chứng’ (Vnexpress, 26 May 2020) <<https://vnexpress.net/canh-sat-ukraine-tra-tan-cuong-hiep-nhan-chung-4105383.html>> accessed 01 May 2021.

<sup>18</sup> Huyền Lê, ‘Phòng tra tấn trong container ở Hà Lan’ (Vnexpress, 09 July 2020) <<https://vnexpress.net/phong-tra-tan-trong-container-hang-o-ha-lan-4128044.html>> accessed 01 May 2021.

A study of ‘Tuoitre’ further confirms the pattern of the use of the word ‘torture’ in dominant Vietnamese newspapers.<sup>19</sup> Karaoke, foreign stories and devious individuals whose actions require state intervention are the few instances in which the word torture reveals its contorted forms to the Vietnamese public.

Matters only become clearer if you have specialist knowledge of the Vietnamese legal system and search instead for the word ‘*nhục hình*’ (which also means torture).

‘*Nhục hình*’ is the official legal term for torture in the Vietnamese Criminal Code. It could always be argued that the author has searched for the wrong word and thereby has exaggerated the whole phenomenon.

The problem is, even in the official translations of the UNCAT used by the Ministry of Public Security, torture has never been translated as ‘*nhục hình*’.<sup>20</sup> The word ‘*tra tấn*’ continues to dominate every communication related to international law and to governmental efforts to combat torture in accordance with their commitment under UNCAT. Yet, when it is about the official conduct of the Vietnamese authorities, ‘*nhục hình*’ is the preferred term.

This manipulation of language, whether intentional or unintentional, creates the separation between the ‘*tra tấn*’ of ‘*them*’ and ‘*nhục hình*’ of ‘*us*’.

The authorities project one kind of torture onto the society below and onto other foreign countries. From US troops’ systematic torture in a Guatemala prison to China’s widespread practice of cruelty against arrestees or ethnic minorities, from the hellhole of degrading and inhumane treatment in the Australian refugee camps,<sup>21</sup> to the behaviour of private citizens described above, these are the forms of torture that are bad. The Vietnamese government emerges as a higher being, far removed from the taint of torture of *that* kind.

The other kind of torture, (‘*nhục hình*’) that can happen from time to time in Vietnam, is something less severe, less direct, less of a violation of human rights. Most torture cases that have been under the public’s scrutiny are where the arrestees died in police custody, and in five years, the government has only had to deal with ten cases.<sup>22</sup> Very often, the culprits and their accomplices have their sentence reduced in the appeal trial. But with the language games that are played, the kind of torture defined in UNCAT can happen anywhere and be perpetrated by anyone, other than the Vietnamese state and its agencies.

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<sup>19</sup> Search results for the word “tra tấn” on Tuoitre <<https://tuoitre.vn/tim-kiem.htm?keywords=tra%20t%E1%BA%A5n>> accessed 01 May 2021.

<sup>20</sup> Official Website of the Ministry of Public Security, ‘Tập huấn về Công ước chống tra tấn trong khuôn khổ chương trình hợp tác giữa Bộ Công an Việt Nam và Bộ Ngoại giao Hà Lan’ <<http://bocongan.gov.vn/tintuc/Pages/lists.aspx?Cat=18&ItemID=26544>> accessed 01 May 2021.

<sup>21</sup> Trần Đại Việt, ‘Địa ngục trần gian trong trại tị nạn Úc’ (*Thanh niên*, 11 August 2021) <<https://thanhnien.vn/the-gioi/dia-nguc-tran-ai-trong-trai-ti-nan-uc-732724.html>> accessed 01 May 2021.

<sup>22</sup> Tùng Phan & Thanh Phan, ‘5 năm, xét xử 10 vụ nhục hình’ (*Phapluat*, 17 January 2017) <<https://plo.vn/phap-luat/5-nam-xet-xu-10-vu-dung-nhuc-hinh-678112.html>> accessed 01 May 2021.

The author argues that this practice, which has been in place for several years in Vietnam, produces what has been dubbed ‘collective semantic satiation.’<sup>23</sup> *Semantic satiation* - originally a psychological concept describing the ‘lapse of meaning’ when a word continuously repeated to a person eventually loses its meaning - is intimately related to cognitive functioning in general and is highly relevant to the concept of ‘torture’ in Vietnam. Constant use of the word torture in unrelated, daily contexts demeans the word itself. Torture loses its rightful connotation and becomes an unintelligible banality to the Vietnamese public.

### ***‘Street knights’, ‘dog thieves’ and violence in the name of justice***

The connection between violence and ‘perceived’ justice goes as long as the development of humanity. With the seminal thesis on *Discipline and Punish: The Birth of Prison*, philosopher Foucault once observed that the history of justice is the history of pain. The cries, moans and sufferings of the guilty man are often considered the very ceremonial of justice being expressed, the ultimate proof of the end of righteous judicial rituals.<sup>24</sup> Not only that, violence for justice has been practice officially and privately. ‘Mob justice’ as an illegitimate and undesirable concept appears to be only a result of modern-constructed legal thinking. Centuries of legal mechanisms, East-West alike, were implicitly built on the ideas that it could be carried out by angry communities rather than by legal agents.<sup>25</sup> The pursuit of justice was never just a top-down or hegemonic process. Communities should, and needed to, be involved in that process.

This is to say that collective violence is neither inherently bad and *prima facie* wrong nor a trait that is unique to Vietnamese legal culture. However, what interesting is that despite the claim of a well-managed and developmental state, private violence in the name of justice is ubiquitous in the country.

‘Street knights’ have been a phenomenon in Vietnam in the years following the successful assimilation of the Vietnamese market into the world. With no clear legal status, these individuals are actively involved in crime prevention and civilian arrests. They maintain a strong presence in Ho Chi Minh City and Binh Duong, the two most prominent industrial centres of the country and those with the most complicated demographic and migration patterns. Discussions on the legality of this vigilante force have been circulating throughout their existence, and the Vietnamese authorities, after ten years, are still undecided as to how they should be dealt with.

It must be noted that the ‘knights’ are quite popular among the population. They emerged as a consequence of the economic boom and the ineffectiveness of the local public security authorities in dealing with widespread criminal offenses, such as motorbike theft, pickpocketing, burglary or even robbery. In contrast to the endless lethargic bureaucracy of the crime management system, the ‘knights’ came to be seen as more reliable and responsive.

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<sup>23</sup> L. A. Jakobovits, ‘Semantic Satiation and Cognitive Dynamics’ (1967) 2(1) *The Journal of Special Education*, 35-44

<sup>24</sup> Michel Foucault, *Discipline and Punish: The Birth of Prison* (Alan Sheridan tr. Random House, 1977)

<sup>25</sup> Hannah Skoda, ‘Collective Violence and Popular Justice in the Later Middle Ages’ in Michael J. Pfeifer (eds), *Global Lynching and Collective Violence: Volume 2: The Americas and Europe* (Urbana; Chicago; Springfield: University of Illinois Press, 2017)

This reality is not something exclusive to Vietnam and is known by many names. Scholars in liberal democracies regard this behaviour as vigilantism, a kind of violence directed at maintaining certain values. The emergence of the phenomenon in Vietnam is even more interesting.

In other countries, the disruption caused by vigilante groups quickly provokes efforts by the government and public alike to curtail their activities and disband their formations.<sup>26</sup> In Vietnam, however, the vigilantism of the ‘street knights’ has been widely supported by the public and even institutionalised by the regime. In Binh Duong province, so-called ‘*Crime Prevention and Deterrence Clubs*’ sprang up like mushrooms after rain.<sup>27</sup> On several occasions, street knights who were killed when they tried to arrest robbers and thieves were officially honoured with the title ‘fallen soldiers’ (*liệt sĩ*), a term that the Vietnamese state often uses to honour the dead in the name of its revolutionary wars.<sup>28</sup> Why is this the case?

H. Jon Rosenbaum and Peter C. Sederberg observed, very early in the 1970s, that the magnitude of vigilante violence is negatively related to the ability of the regime to defend its formal boundaries and is positively associated with the scope of coherence of social support for the vigilante movement.<sup>29</sup>

Vigilantism in Vietnam seems to adhere to the core values of establishment groups in the community and accords with the rhetoric of public order, security, modernity, and progress. Thus ‘street knights’ are widely tolerated. After all, if a regime is ineffective in deterring unlawful behaviour and protecting the security of its citizens, it may also lack the capability to deter the vigilantes themselves. Such a regime will choose to endorse such ‘sacrifices.’ The ‘street knights’ are arguably a temporary solution that strengthens the preferred social structure of the incumbent government.

The problem with this acceptance is that vigilante violence can always merge into forms of redistributive violence. Due to the lack of a comprehensive and transparent judicial system in the country, vigilantism always turns to violence as its preferred form of punishment.

In the heyday of his career from 2015 to 2017, a ‘knight’ named Nguyen Sin was often live-streamed beating, kicking, and humiliating arrestees under his control and was met with applause from netizens who often said that such people ‘deserved their punishment.’ He has yet to face any legal consequences for his actions, and is surprisingly considered a ‘Key Opinion Leader’ (KOL) on Vietnam social media.

Even more severe, villagers in the rural areas from Northern Vietnam, facing the constant harassment from the infamous ‘dog thieves’ (*basically the people who steal and sell dogs for a*

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<sup>26</sup> D. Kowalewski, ‘Vigilantism’ in W. Heitmeyer and J. Hagan (eds) *International Handbook of Violence Research* (Springer, Dordrecht 2003)

<sup>27</sup> Cao Huân & Đình Trọng, ‘Quản lý chặt không để hiệp sĩ đường phố tự phát triển’ (*Lao động*, 17 September 2020) <<https://laodong.vn/xa-hoi/quan-ly-chat-khong-de-hiep-si-duong-pho-phat-trien-tu-phat-836331.ldo>> accessed 01 May 2021.

<sup>28</sup> Vũ Thủy, ‘Hai ‘hiệp sĩ’ đường phố Nguyễn Hoàng Nam và Nguyễn Văn Thôi được công nhận liệt sĩ’ (*Tuoiitre*, 17 August 2020) <<https://tuoiitre.vn/hai-hiep-si-duong-pho-nguyen-hoang-nam-va-bui-van-thoi-duoc-cong-nhan-liet-si-20200817115137156.htm>> accessed 01 May 2021.

<sup>29</sup> Rosenbaum H. Jon and Peter C. Sederberg, ‘Vigilantism: An Analysis of Establishment Violence’ (1974) 6(4) *Comparative Politics* 541, 546

*living*) and the ineffectiveness of the local authorities, resort to the most extreme form of retaliation - killing.<sup>30</sup> Occasional stories of dog thieves beaten to death or shot to death in villages are met with little concern when they appear in national news headlines.

Ironically, a population that is frustrated by an arbitrary and questionable criminal justice system now directs its frustrations onto its own members. Individual violence in the name of justice turns into structural violence. The acceptance of this structural violence, naturally, reinforces the acceptance of violence during the judicial process, i.e., torture.

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The banality of torture practice in Vietnam possesses an understated tone. Neither public officials nor ordinary citizens are willing to say that they support torture or any conduct that comes close to the definition of torture. Some are even unsettled to admit that torture exists in the country. Yet, it is a fact that banal torture, violence, and inhumane treatment are routinely practised throughout the country. From the arbitrary, unchecked, but tolerated power of the local public security to the language of news media, and then the violent tendency crippling in the justice concept of the population, these elements warn that torture has become something surplus to everyday life.

Of course, this paper withdraws from reaching any definitive conclusion about the torture practice of public security within the judicial processes and prison management in Vietnam. It is impossible to collect, monitor, and fact-check the government's official claims with the contemporary political and social context. However, the banal presence of torture among every corner of society is there. It assumes the naturalness of violence in the pursuit of justice. It creates the habit of silence, which comes to serve a larger culture of docile acquiescence. Worse, it could potentially hinder any effort to reform since the people might see them as the disruption of routines.

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<sup>30</sup> Nguyễn Phúc, 'Trộm chó và đánh chết trộm chó từng làm nhiều người phải đi tù' (*Thanh niên*, 19 March 2018) <<https://thanhnien.vn/doi-song/trom-cho-va-danh-chet-trom-cho-tung-lam-nhieu-nguoi-phai-di-tu-1002796.html>> accessed 01 May 2021.