Language, policy and the construction of a torture culture in the war on terrorism

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Abstract. Torture has been widely practiced by US forces as an officially-sanctioned information gathering strategy in the war on terrorism. At the same time, public attitudes have exhibited a growing tolerance towards the torture of terrorist suspects. This article examines the role of elite political discourse in constructing and sustaining the conditions necessary for the acceptance and normalisation of torture. It argues that a focus on elite discourse is crucial for understanding how torture comes to be practised because discourses set the logic and parameters of policy formulation and create the wider social legitimacy that is required to enact policy, thereby facilitating the construction of a broader torture-sustaining reality. The study's findings highlight the role of ideational factors in policy analysis and have important normative implications.

Introduction

An ever-increasing body of published material reveals that the torture and abuse of prisoners by United States (US) forces has been far more widespread than official military investigations and many media reports would suggest, and that it has been taking place since the war on terrorism began in late 2001.[1] The record also makes clear that senior administration officials were intimately involved in the formulation, endorsement and legal defence of 'the torture policy', which was seen to be an

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[1] Published documentation on the use of torture by US forces can be found in the following sources, among others: Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review of Books, 2004); Karen Greenberg and Joshua Dratel (eds.), *The Torture Papers: The Road to Abu Ghraib* (Cambridge, NY: Cambridge University Press, 2005); David Rose, *Guantánamo: America's War on Human Rights* (London: Faber and Faber, 2004); Seymour Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib* (London: Penguin, 2004); Rachel Meerpol (ed.), *America's Disappeared: Secret Imprisonment, Detainees, and the 'War on Terror'* (New York: Seven Stories Press, 2005); Lila Rajiva, *The Language of Empire: Abu Ghraib and the American Media* (New York: Monthly Review Press, 2005); Human Rights First, *End Torture Now Campaign*, 'Torture: Quick Facts', available online at: ⟨http://www.humanrightsfirst.org/us_law/etn/misc/factsheet.htm⟩, accessed 3 March, 2006; Amnesty International, 'USA: Amnesty International's Supplementary Briefing to the UN Committee Against Torture', AI Index: AMR 51/061/2006, 3 May 2006, available online at: ⟨http://web.amnesty.org/library/index/engamr510612006⟩, accessed 20 May 2006; 'Report: Detainee abuse claims not investigated in full', CNN.com, 26 April 2006, URL: ⟨http://www.cnn.com/2006/US/04/26/detainee.report/index.html⟩, accessed 20 May 2006.

essential counter-terrorism strategy following the September 11th, 2001 attacks.[2] The evidence is so overwhelming that some commentators now argue that 'torture has become a core tactic in the war on terror'.[3]

However, apart from a flurry of interest immediately following publication of the Abu Ghraib photographs in early 2004, the US media, political establishment and wider public have thus far exhibited a deep reticence to confront the so-called 'torture scandal' as an issue for sustained political debate.[4] This is not at all surprising, given that the practice of torture profoundly challenges deeply-held cultural-political beliefs about US civic identity, the military and the nature of the American polity. The public-political failure to accept the occurrence of systematic long-running torture in US-run facilities may explain why so little attention has thus far been given to deeper explanations of how the practice of torture arose in the first place; instead, the torture has largely been blamed on a few ill-disciplined and 'un-American' 'bad apples', an explanation which has obvious political, legal, and cultural advantages but little analytical value. Specifically, there has to date been a serious dearth of research into the role of public political discourse in constructing and sustaining the conditions necessary for the acceptance and normalisation of torture across the military and wider society.[5]

The purpose of this article is to examine the ways in which the public language of senior US officials about the war on terrorism is implicated in both the formulation of the torture policy and its practice. The central argument is fairly straightforward: official public discourse set the logic and possibilities of policy formulation in the first instance, and in tandem with a number of historical and institutional factors, helped to create the wider legitimacy and social consensus that was required to enact the torture policy. That is, through the repeated use of a highly-charged set of labels, narratives and representations, the torture of terrorist suspects became thinkable to military personnel and the wider public. Such an argument has obvious ontological, analytical and normative implications, which are explored in the conclusion. Not least, in contradistinction to positivist critics, the findings of this study demonstrate the utility of reflectivist approaches for illuminating the role of ideational and discursive factors in policy analysis.

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[2] Evidence of official complicity in the torture scandal can be found in: Bob Woodward, *Bush at War* (New York: Pocket Books, 2003), pp. 74–8; Hersh, *Chain of Command*, pp. 49–50; Mark Danner, 'Abu Ghraib: The Hidden Story', *The New York Review of Books*, 7 October 2004, available online at: ⟨http://www.markdanner.com/nyreview/100704_abu.htm⟩, accessed 3 April 2006; and 'USA: Amnesty International's Supplementary Briefing to the UN Committee Against Torture'. The administration's construction of the legal defence of the torture policy is analysed in some detail in: Anthony Lewis, 'Introduction', in Greenberg and Dratel, *The Torture Papers*; and David Bowker, 'Unwise Counsel: The War on Terrorism and the Criminal Mistreatment of Detainees in US Custody', in Greenberg, *The Torture Debate in America*.

[3] Alex Belamy, 'No Pain, No Gain? Torture and Ethics in the War on Terror', *International Affairs*, 82:1 (2006), p. 147.

[4] A CBS poll showed that 57 per cent of Americans did not want any more abuse pictures to be released, and 49 per cent said the media had spent too much time on the story (compared to just 6 per cent who thought it had been under-covered). Poll quoted in Rajiva, *The Language of Empire*, p. 68. Karen Greenberg has noted that 'very few Americans are eager to engage in a debate about the revival of torture in their name' and 'the public response has remained at best apathetic'. Karen Greenberg, 'Introduction: The Rule of Law Finds its Golem: Judicial Torture Then and Now', in Karen Greenberg (ed.), *The Torture Debate in America* (Cambridge: Cambridge University Press, 2006), p. 1.

[5] Ronald Crelinsten provides a notable exception, although his paper does not focus on specifically on the 'torture society' created in the war on terrorism. See Ronald Crelinsten, 'The World of Torture: A Constructed Reality', *Theoretical Criminology*, 7:3 (2003), pp. 293–318.

Public discourse and the social construction of torture

As noted, a focus on the discourse of policy elites is crucial for understanding the torture scandal for two primary reasons: first, discourses set the logic and possibilities of policy formulation; and second, they create the wider legitimacy and social consensus that is required to enact policy – they permit the construction of 'a torture-sustaining reality'.[6] Both of these processes can be discerned in the war on terrorism.

The discourse-policy nexus

From a policy perspective, discourse consists of the language, texts, symbols, and narratives that policy actors use in their communication with each other, and with the public in their efforts to generate and legitimise a policy programme. Discourses provide the basis on which policy preferences, interests and goals are constructed. Narratives – the public stories that provide coherence and consistency to the scenes, characters and themes that guide the moral conduct of a society, and that provide meaning to the lives of the community's members – are also central to the process of formulating policy. The important point is that discourses are never neutral or objective; rather they are always an exercise in social power – the power to ascribe right and wrong, reasonable and unreasonable, knowledge and falsehood, and the limits of commonsense. They set the parameters of debate and establish the boundaries for possible action.[7] In this case, the torture policies that administration officials formulated and sanctioned emerged directly from the core narratives of the war on terrorism. It is important to note that I am not suggesting that interests were not central to the formulation of the torture policy; clearly, there was an overwhelming interest in gaining information that could be used to prevent another terrorist attack. The important point is that interests themselves are discursively constructed and reflect other discourses and narratives of national security, threats, identities, values, relationships, and the like.

    A comparative analysis of the senior official discourse of the war on terrorism[8] and the main administration documents relating to the formulation and defence of the torture policy[9] demonstrates how the public language and narratives fed directly into the logic and parameters of the policy itself. For example, one of the administration's

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[6] Ibid, p. 299.

[7] Useful texts on the analysis of political discourse include Marianne Jorgensen and Louise Phillips, *Discourse Analysis as Theory and Method* (London: Sage, 2002); and Paul Chilton, *Analysing Political Discourse: Theory and Practice* (London: Routledge, 2004).

[8] There is a growing literature on the public language of the war on terrorism. See among others, Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counterterrorism* (Manchester: Manchester University Press, 2005); John Collins and Ross Glover (eds.), *Collateral Language: A User's Guide to America's New War* (New York: New York University Press, 2002); John Murphy, ' ''Our Mission and our Moment'': George W. Bush and September 11', *Rhetoric and Public Affairs*, 6:4 (2003), pp. 607–32; and Sandra Silberstein, *War of Words: Language, Politics and 9/11* (London: Routledge, 2002).

[9] The so-called 'Torture Memos', as well as correspondence, directives and reports relating to the torture policy have been published in Danner, *Torture and Truth*, Greenberg and Dratel, *The Torture Papers*, and Greenberg, *The Torture Debate in America*.

most important rhetorical moves was to construct the terrorist attacks as 'acts of war', thereby invoking the nation's right to 'justified self-defense' based on international law. President Bush said that 'There has been an *act of war* declared upon America', while Under Secretary of State Marc Grossman stated that 'we believe the United States was attacked on the 11th of September and that we have *a right of self-defense* in this regard'.[10] This public discursive construction of the state of conflict – that the terrorist attacks constituted a state of war – immediately found its way into the key documents of the torture policy. The President's Military Order of November 13th, 2001 for example, which denied captured al Qaeda and Taliban fighters protection under the Geneva Conventions stated: 'International terrorists, including members of al Qaida, have carried out attacks . . . on a scale that has created *a state of armed conflict* that requires the use of the United States Armed Forces'.[11] Similarly, legal advice from the Attorney General's office affirmed:

> As we have made clear in other opinions involving *the war* against al Qaeda, *the nation's right to self-defense* has been triggered by the events of September 11. If a government defendant were to harm an enemy combatant during an interrogation in a manner that might arguably violate Section 2340A, he would be doing so in order to prevent further attacks on the United States by the al Qaeda terrorist network. In that case, we believe that he could argue that his actions were justified by the Executive branch's constitutional authority *to protect the nation* from attack. This national and international version of *the right to self-defense* could supplement and bolster the government defendant's individual right.[12]

In these texts we can observe a direct link between the public rhetoric of the terrorist attacks as acts of war, and the internal justification for employing illegal torture against 'enemy combatants'; it appears to be a clear case of the public narrative influencing the policy formulation process.

Another narrative central to the war on terrorism is the notion that both the terrorist threat and the kind of war they have initiated are 'new' and unprecedented, and that consequently, a 'new paradigm' is required to successfully defeat them (one that may involve jettisoning 'old' restrictions). In large part, this is a reflexive discursive strategy designed to overcome the inherent contradiction involved in declaring a 'war' (and invoking national self-defence on the basis of international law) whilst simultaneously denying the applicability of the laws of war to captured fighters. The rhetorical solution is to declare that it is a 'new kind of war' fought not by recognised soldiers but by 'enemy combatants'. For example, Bush frequently stated that the war against terrorism was '*a different kind of war* that requires a *different type of approach* and *different type of mentality*'; he added, 'All of us in government are having to adjust our way of thinking about *the new war*.'[13] Similarly, John Ashcroft argued that the unprecedented threat posed by terrorism required '*new*

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[10] George W. Bush Jr., 'Remarks at Camp David', 15 September 2001, and Marc Grossman, 'Interview of Under Secretary of State', Digital Video Conference, 19 October 2001, Washington, DC; a trans-Atlantic digital interview with London-based journalists of Arab newspapers, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003. All emphasis in direct quotations from administration speeches and memoranda has been added by the author.

[11] Military Order of 13 November 2001, Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, in Danner, *Torture and Truth*, pp. 78–82.

[12] Memorandum for Alberto R. Gonzales, Counsel to the President, from Jay S. Bybee, Re: Standards of Conduct for Interrogation under 18 USC, 1 August 2002, in Danner, *Torture and Truth*, p. 155.

[13] George W. Bush Jr, 'Press Conference', The East Room, Washington, DC, 11 October 2001, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

laws against America's enemies'.[14] This language is deliberately employed to stress the unique circumstances of the war against terrorism; in such an unprecedented situation, it can easily be argued that the 'old' rules no longer apply.

This public language and the thinking it engendered similarly found its way into the policy process on coercive interrogations. A memorandum to the cabinet on the treatment of prisoners in the Afghan theatre for example, stated: '[T]he war against terrorism ushers in *a new paradigm*, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognises that *this new paradigm* – ushered in not by us, but by terrorists – requires *new thinking* in the law of war . . .'[15] Such language directly echoed the administration's public rhetoric and set the discursive foundation for the policies that were to follow. In a memorandum for Alberto Gonzales, Assistant Attorney General Jay Bybee stated:

> As you have said, the war against terrorism is a *new kind of* war. It is not the traditional clash between nations adhering to the laws of war that formed the backdrop for GPW [Geneva Convention III on the Treatment of Prisoners of War]. The nature of *the new war* places a high premium on other factors, such as the ability to quickly obtain information from captured terrorists . . . In my judgment, this *new paradigm* renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions . . .[16]

Similarly, in the report of a special working group on the legal and operation implications of detainee interrogations, it was suggested that:

> Due to *the unique nature of the war* on terrorism in which the enemy covertly attacks innocent civilian populations without warning, and further due to the critical nature of the information believed to be known by certain of the al-Qaida and Taliban detainees regarding future terrorist attacks, it may be appropriate for the appropriate approval authority to authorise as a military necessity the interrogation of such unlawful combatants in *a manner beyond that which may be applied to a prisoner of war who is subject to the protections of the Geneva Conventions*.[17]

In these texts, the logic and purpose of the reflexive language of the 'new' and 'different' war is clearly evident: because it is a fundamentally 'new' kind of conflict, a 'new paradigm' applies in which the previous limitations are rendered 'obsolete' and 'quaint', and interrogation may go beyond the protections of the Geneva Conventions. It is therefore, the logic of the discourse that drives the formation of the torture policy, rather than reasoned debate about potential costs and benefits. This is in large part why the opposition to the policy from within the administration and the military from figures such as Colin Powell was ignored and discounted.

Another narrative that was crucial for structuring the torture policy was the discursive construction of a massive and ubiquitous terrorist threat. Although

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[14] John Ashcroft, 'Testimony to House Committee on the Judiciary', 24 September 2001, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[15] Memorandum for the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, Chief of Staff to the President, Director of Central Intelligence, Assistant to the President for National Security Affairs, and Chairman of the Joint Chiefs of Staff from President George W. Bush Jr., Humane Treatment of al Qaeda and Taliban Detainees, 7 February 2002, in Danner, *Torture and Truth*, pp. 105–7.

[16] Memorandum for Alberto R. Gonzales, 1 August 2002, pp. 83–7.

[17] Working Group on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations, 4 April 2003, in Danner, *Torture and Truth*, p. 188.

understandable in the aftermath of the devastating attacks on New York and Washington, the public language regarding the ongoing danger was nonetheless hyperbolic in the extreme. For example, according to the administration, terrorism posed not just a threat of sudden violent death, but a 'threat to *civilization*', a 'threat to the very essence of what you do',[18] a 'threat to our *way of life*',[19] and a threat to 'the peace of *the world*'.[20] The Spokesman Coordinator for Counter-terrorism, Cofer Black, went even further: 'The threat of international terrorism *knows no boundaries*'.[21] Administration officials also suggested that the threat of terrorism was supremely catastrophic. Dick Cheney stated: 'The attack on our country forced us to come to grips with the possibility that the next time terrorists strike, they may well . . . direct *chemical agents* or *diseases* at our population, or attempt to detonate *a nuclear weapon* in one of our cities.' He went on normalise the threat: '[N]o rational person can doubt that terrorists would use such *weapons of mass murder* the moment they are able to do so'.[22] Administration officials then went to great lengths to explain how the same terrorists (who were apparently eager to use weapons of mass destruction) were also highly sophisticated, cunning, and extremely dangerous: 'The highly coordinated attacks of September 11 make it clear that terrorism is the activity of *expertly organised*, *highly coordinated* and *well financed* organisations and networks'.[23] Moreover, officials argued that this was not a tiny group of dissidents. Instead , the President warned: '*Thousands* of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world *like ticking time bombs*, set to go off without warning'.[24]

The language of the national emergency engendered by the attacks, and the ever-present and potentially catastrophic danger posed by terrorists, entered the torture policy debate immediately. For example, the threat of further terrorist attacks is referred to in the Military Order of November 13th, 2001, primarily as a means of establishing that a 'supreme emergency' is in effect:

Individuals acting alone and in concert involved in international terrorism possess both the capability and the intention to undertake further terrorist attacks against the United States that, *if not detected and prevented, will cause mass deaths, mass injuries, and massive destruction of property*, and *may place at risk the continuity of the operations of the United States Government*. [. . .] Having fully considered *the magnitude of the potential deaths*, injuries, and property destruction that would result from potential acts of terrorism against the United States, and the probability that such acts will occur, I have determined that *an extraordinary emergency exists* for national defence purposes . . .[25]

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[18] Colin Powell, 'Remarks to the National Foreign Policy Conference', 26 October 2001, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[19] George W. Bush Jr, 'Address to a Joint Session of Congress and the American People', 20 September 2001, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[20] George W. Bush Jr, 'State of the Union Address', 29 January 2002, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[21] Cofer Black, Spokesman Coordinator for Counterterrorism, State Department, 'Press Conference for 2002 Annual Report ''Patterns of Global Terrorism'' ', 30 April 2003, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[22] Dick Cheney, Vice President, 'Remarks to the American Society of News Editors', The Fairmont Hotel, New Orleans, 9 April 2003, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[23] John Ashcroft, 'Testimony to House Committee on the Judiciary'.

[24] Bush Jr, 'State of the Union Address'.

[25] Military Order of 13 November 2001.

Similarly, in a direct echo of both the purported threat of weapons of mass destruction and the so-called 'ticking time bomb' theory, and as a means of pre-emptively legitimising the use of coercive interrogation, the Attorney General's office stated:

. . . al Qaeda has other *sleeper cells* within the United States that may be planning similar attacks. Indeed, al Qaeda plans apparently include efforts to develop and *deploy chemical, biological and nuclear weapons of mass destruction.* Under these circumstances, a detainee may possess information that could enable the United States to prevent *attacks that potentially could equal or surpass the September 11 attacks in their magnitude.* Clearly, any harm that might occur during an interrogation would pale to insignificance compared to the harm avoided by preventing such an attack, which could take *hundreds or thousands of lives.*[26]

Importantly, this text reveals how the logic of the constructed terrorist threat determined the moral calculations at the heart of the torture policy: based on the popular 'ticking bomb' myth[27] in which a terrorist has been captured after planting a bomb in a secret location, it was deemed morally expedient to torture the suspect in order to prevent an even greater evil from occurring.

In short, the evidence strongly suggests that the discourse of the war on terrorism was not simply an objective or neutral debate about policy options and interests. Rather, it functioned to structure the institutional deliberations and content of the policies themselves, establishing the core interests, knowledge and possibilities for action.

The social construction of a torture-sustaining reality

However, political discourses do a great deal more than simply set the foundations and limits of policy formulation within government. They also function to create the necessary political legitimacy and social consensus required to properly enact those policies; they help to construct new kinds of social reality. In this instance, in order to enact the agreed-upon torture policy, administration officials had to deconstruct existing social reality with its conventional morality prohibiting torture and replace it with a new 'torture-sustaining' reality based upon a set of new morality-defining narratives. As Crelinsten puts it: 'to enable torture to be practiced *systematically* and *routinely*, not only do torturers have to be trained and prepared, but wider elements of society must also be prepared and, in a sense, trained to accept that such things go on.'[28] The process of reality construction involves producing a series of powerful narratives and representations that are then endlessly reproduced across every sector of society until they become widely accepted as legitimate forms of knowledge and practice. In the case of a torture-sustaining reality, two main kinds of narratives are

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[26] Memorandum for Alberto R. Gonzales, 1 August 2002, pp. 150–1.
[27] The 'ticking bomb' scenario is analysed in a great many sources, including Luban, 'Liberalism, Torture, and the Ticking Bomb' in Greenberg, *The Torture Debate in America.*
[28] Crelinsten, 'The World of Torture', p. 295. Original emphasis. Curt Goering, Senior Deputy Executive Director of Amnesty International USA, expressed it another way; he accused the US government of 'creating a climate in which torture and other ill-treatment can flourish'. 'US: Government creating ''climate of torture'' ', Amnesty International Press Release, 3 May 2006, available at: ⟨http://web.amnesty.org/library/index/ENGAMR510702006⟩, accessed 5 May 2006.

required: first, a powerful, threatening enemy must be constructed in order to justify the use of extraordinary measures against them; and second, the enemy must be dehumanised to render them undeserving of normal human rights protection. I argue that this kind of social preparation or training is exactly what has taken place in the war on terrorism: an exceedingly powerful discourse about evil, inhuman terrorists and the catastrophic threat they represent has come to dominate US society in unprecedented ways. Consequently, members of the public and the armed forces have come to accept the necessity and morality of torturing and abusing 'terrorist suspects'.

The broader public discourse of the war on terrorism consists of a number of core narratives, including: the 9/11 attacks were an 'act of war' similar to the attack on Pearl Harbor, rather than a criminal act, for example; the terrorist threat was new and unprecedented, global in scope and potentially catastrophic to the US and the civilised world; the terrorists were ruthless, evil and inhuman enemies, while Americans were good, peace-loving, heroic and united; and the 'war on terrorism' was a quintessential 'good war' designed to bring the perpetrators to justice and make the world safe.[29] These narratives were established across US society through their daily repetition,[30] their relatively unmediated transmission to the public via the mainstream media,[31] and their amplification through other social institutions. Recent studies show how the central narratives of the war on terrorism have been reproduced culturally across virtually every aspect of US society; churches, religious broadcasting, teaching in schools and universities, popular fiction and non-fiction, children's books, television entertainment, newspapers, movies, documentaries, websites, think-tanks, popular music, computer games, cartoons, comic books, and a great many other discursive processes, have all reproduced and amplified the core narratives in popular form.[32] It is important to note that the discourse of the war on terrorism was not necessarily new and did not arise solely in response to the attacks of September 11th, 2001; rather, it drew upon a deeply embedded set of pre-existing narratives about terrorism that had been popularised since the 1980s.[33]

In addition to the cultural dimension, the central narratives of the war on terrorism were reproduced throughout the political establishment when they were institutionalised in, and became discursively embedded in, new legislation such as the Patriot Act; new institutions like the Department of Homeland Security; reforms to the police, the security services, the Coast Guard, the immigration authorities, the

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[29] These narratives are explored in some detail in Jackson, *Writing the War on Terrorism*.

[30] Senior administration officials gave more than six thousand speeches, interviews and radio broadcasts on the war against terrorism between 11 September 2001 and January 2004, averaging around 10 per day over the entire period. See Jackson, *Writing the War on Terrorism*, p. 163; and Brigitte Nacos, *Mass-Mediated Terrorism: The Central Role of the Media in Terrorism and Counterterrorism* (New York: Rowman & Littlefield, 2002), pp. 148–9.

[31] See Rajiva, *The Language of Empire*.

[32] Stuart Croft has extensively detailed the ways in which American popular culture reproduced and retransmitted the core narratives, symbols and labels of the war on terrorism. See Stuart Croft, *Culture, Crisis and America's War on Terror* (Cambridge: Cambridge University Press, 2006). See also Jackson, *Writing the War on Terrorism*, pp. 153–79.

[33] See Joseba Zulaika and William Douglass, *Terror and Taboo: The Follies, Fables, and Faces of Terrorism* (New York and London: Routledge, 1996). Carol Winkler argues that through long-term and extensive usage in the political and cultural spheres, terrorism as a term of elite and popular discourse now constitutes a negative ideograph in US culture. See Carol Winkler, *In the Name of Terrorism: Presidents on Political Violence in the Post-World War II Era* (New York: State University of New York Press, 2005).

prison service, the emergency services and many other public bodies; and vast numbers of departmental reports, strategy documents, internal memos, letters and standard operating procedures across a multitude of government bodies. The terrorism narratives have been given further symbolic expression through anti-terrorism measures across virtually every aspect of social life, including the ubiquitous security checks on public transport, public gatherings and access to government buildings, as well as new banking regulations, immigration procedures, public physical barriers, public readiness and information gathering programmes, and daily terrorist threat warnings. Such practices function to underline the 'reality' of the terrorist threat, and are further reinforced by highly public government actions such as establishing the Guantánamo Bay prison camp and the arrest without charge or trial of thousands of suspects after September 11th, 2001.

In other words, endlessly reproduced across all aspects of US society, the core narratives of the war on terrorism, particularly those regarding the terrible threat posed by terrorists and their evil, inhuman nature, functioned to create a new social reality in which a particular group of people – terrorists and terrorist suspects and sympathisers – were removed from the orbit of conventional reality.[34] Evidence that this new torture-sustaining reality took hold, thereby facilitating the abuses seen in the torture scandal can be found first and foremost in public attitudes towards torture. Polls have consistently found that a significant proportion of US citizens agree that torturing terrorist suspects is justified on rare occasions.[35] We might also infer public attitudes from the popularity of television shows like Fox's *24* and *Over There*, where torture is constantly justified and routinely practised as a necessary counter-terrorism tool,[36] from the absence of public concern or outrage at the public evidence of torture and abuse, and from the ongoing and very serious public debate by academics, officials, and journalists about the necessity and ethics of torture.[37]

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[34] Crelinsten, 'The World of Torture', p. 297.

[35] Polls indicate that between 32 and 61 per cent of US citizens agree that torture is acceptable in some circumstances. In late 2001, a Christian Science Monitor poll found that 32 per cent of surveyed Americans favoured torturing terrorist suspects, while a CNN poll found that 45 per cent of Americans would not object to state torture if it extracted information about terrorism. Four years later, little had changed: in late 2005, an ABC/*Washington Post* poll found that 35 per cent said that torture is acceptable in some circumstances, although this went up to 46 per cent for physical abuse that falls short of torture, while an AP-Ipsos poll found that 61 per cent of Americans agreed that torturing terrorist suspects is justified at least on rare occasions. See Luban, 'Liberalism, Torture, and the Ticking Bomb', p. 35; Alisa Solomon, 'The Case Against Torture: A New US Threat to Human Rights', *The Village Voice*, 28 November–4 December 2001, available online at: ⟨http://www.villagevoice.com/news/0148,fsolomon,30292,1.html⟩, accessed 26 March 2006; David Morris and Gary Langer, 'Terror Suspect Treatment: Most Americans Oppose Torture Techniques', *ABC News*, available online at: ⟨http://abcnews.go.com/sections/us/Polls/torture_poll_040527.html⟩, accessed 24 March 2006; and Will Lester, 'Poll Finds Support for the Use of Torture in War on Terror', *The Washington Times*, available online at ⟨http://washingtontimes.com/functions/print.php?StoryID=20051206-114042-3526r⟩, accessed 24 March 2006.

[36] See 'Normalizing Torture, One Rollicking Hour At a Time', All the Information You Need! Anytime, Anywhere! – Crime, Intelligence, Terrorism, Drugs, Technology, Defense & Security, 22 May 2005, available online at: ⟨http://www.opensourceinfo.org⟩, accessed 2 May 2005.

[37] The extent of the serious public debate on torture can be inferred by the many new books and academic articles on the subject, as well as all of the conferences, op-ed pieces, political statements, online discussions and articles in popular news journals like *The Economist*, *Time*, *Newsweek*, *The New York Review of Books*, and the like. A great many of these articles have been cited in this article.

I want to suggest that it is also possible to demonstrate how the public discourse – in particular, narratives regarding the threat of terrorists, and the inherently evil, barbaric, and inhuman terrorist 'other' – are implicated in the practice of torture through an examination of some specific instances of abuse, namely the torture revealed in photographs from Abu Ghraib[38] and Guantánamo Bay. The images from these notorious cases reveal the myriad of ways in which the public discourse about terrorism was translated by individual soldiers into specific instances of abusive behaviour. For example, the extreme forms of shackling seen in the images of the initial Guantánamo Bay prisoners (in some cases, bound and shackled to gurneys, detainees were wheeled to interrogations; in others they were tightly shackled, blindfolded, and muzzled) were officially justified on the grounds that these were such dangerous individuals that they had to be restrained in this fashion for the safety of those guarding them. General Richard E. Myers, chairman of the Joint Chiefs of Staff, suggested that they were such a threat because given half a chance they 'would gnaw through hydraulic lines in the back of a C-17 to bring it down.'[39] Similarly, Donald Rumsfeld told reporters on a visit to Guantánamo that the prisoners there were 'among the most dangerous, best-trained, vicious killers on the face of the earth.'[40] In effect, the ubiquitous public narrative of highly trained, expertly organised and fanatical super-terrorists was translated directly into what many would see as abusive transportation and prisoner management practices. The fear generated by the discourse of the dangerous terrorist 'other' was thus discursively reflected in the prisoner control practices and the attitudes of the guards towards terrorist suspects.

Similarly, the public discourse by senior administration officials in which terrorists were frequently described as the '*faceless* enemies of human dignity'[41] was reflected in the institutional practice of putting hoods on prisoners or making them wear blackened goggles, masks and ear covers during transit, thereby rendering them literally as well as figuratively 'faceless'. It may be assumed that hooding prisoners was both a deliberate means of dehumanisation to facilitate the subsequent abuse and a subconscious attempt to confirm them as 'faceless' enemies. As the experience of counter-terrorism in Northern Ireland demonstrated, interrogators find it far easier to inflict pain on their subjects when their facial expressions are obscured. In any case, these images reveal that the social and political construction of the 'faceless' enemy other was more than simply political rhetoric; rather, it functioned to co-constitute the widespread abuses of the counter-terrorist campaign.

Senior administration officials also frequently referred to terrorists as 'animals' and 'barbarians' who were outside the realm of civilised society. For example, the US ambassador to Japan stated that the 11 September 2001 attacks were 'an attack not just on the United States but on enlightened, *civilised societies* everywhere. It was a strike against those values that separate us from *animals* – compassion, tolerance,

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[38] The Abu Ghraib abuse photographs were first published on the internet by the *Washington Post*. They have since been reproduced on dozens of websites. Examples can be accessed at: ⟨http://www.antiwar.com/news/?articleid=2444⟩, accessed 4 June 2005.

[39] Rose, *Guantánamo*, p. 2.

[40] Quoted ibid., p. 8.

[41] George W. Bush Jr, 'Remarks in Commencement Address to United States Coast Guard Academy', Nitchman Field, New London, CT, 21 May 2003, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

mercy.'[42] This language suggested that terrorists were both animals and barbarian savages. President Bush reaffirmed this formulation when he stated that: 'By their *cruelty*, the terrorists have chosen to live on *the hunted margin of mankind*. By their hatred, they have divorced themselves from *the values that define civilisation* itself.'[43] In effect, this language placed terrorists outside the civilised community, on the '*hunted* margins of mankind' and functioned to essentialise them as 'an evil and *inhuman* group of men'.[44] Effectively, it transformed them into sub-human savages and animals that needed to be hunted down and smoked out of their caves. Apparently, Ivan Frederick's favourite description of the prisoners was 'animals'.[45] Employing the same language as his leaders, Frederick then had no compunction against treating them as 'animals'. The most visually powerful expression of this discursive rendering is the photograph of Lynndie England holding a prisoner on a leash. Disturbingly reminiscent of colonial era photographs of African slaves tied by the neck, this image represents the ultimate realisation of the discursive creation of the terrorist 'savage' or 'animal'.

A final narrative relevant here is the notion of the terrorist enemy as a kind of disease or sickness. Colin Powell frequently referred to 'the *scourge* of terrorism'.[46] This medical metaphor associates terrorists with filth and decay. It was restated even more explicitly by Rumsfeld: 'We share the belief that terrorism is a *cancer* on the human condition'.[47] Bush in turn, spoke of the danger to the body politic posed by 'terrorist *parasites* who threaten their countries and our own'.[48] In these constructions, the terrorists are re-made as dangerous organisms that make their host ill; they hide interiorly, drawing on the lifeblood of their unsuspecting hosts and spreading poison. It is this image of the filthy, disease-ridden savage that perhaps subconsciously inspired the photograph of the prisoner smeared with what appears to be dirt or excrement.

In essence, I am suggesting that the virulent dehumanisation of the terrorist 'other' by the political elite (and the endless reproduction of such narratives across society) led directly to the literal attempt to deindividuate and depersonalise all terrorists – as well as the suspension of individual empathy and social inhibitions against wanton cruelty. The photographs of prisoners in huge piles of bodies, a mass of indistinguishable naked body parts and heads hooded to obscure individual faces, was the ultimate realisation of this discourse. For a moment in time, the sub-human 'terrorists' were discursively remade as a squirming mass of parasites or cancerous

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[42] Howard H. Baker, Jr., US Ambassador, 'Japanese Observance Ceremony for Victims of Terrorism in the US', Tokyo, 23 September 2001, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[43] George W. Bush Jr, 'Remarks by the President to the CEO Summit', Pudong Shangri-La Hotel, Shanghai, People's Republic of China, 20 October 2001, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[44] Baker, 'Japanese Observance Ceremony for Victims of Terrorism in the US'.

[45] Quoted in Kevin Toolis, 'Torture: Simply the Spoils of Victory?', *New Statesman*, 10 May 2004, p. 9.

[46] Colin L. Powell, 'Remarks by the Secretary of State to the National Foreign Policy Conference for Leaders of Nongovernmental Organizations (NGO)', 26 October 2001, Loy Henderson Conference Room, US Department of State, Washington, DC, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[47] Donald H. Rumsfeld, Secretary of Defense, and Joint Chiefs of Staff, Gen. Richard Myers, 'Briefing on Enduring Freedom', The Pentagon, 7 October 2001, available online at: ⟨http://usinfo.state.gov/topical/pol/terror/⟩, accessed 12 June 2003.

[48] Bush Jr, 'The State of the Union Address', 29 January 2002.

cells; they ceased to be individuals and their humanity dissolved. Disturbingly, the photographs of prisoners piled on top of each other also mirrored the well-known images of piles of naked corpses in the concentration camps during World War II; the Holocaust too, was in part enabled by a public discourse that defined the enemy 'other' as inhuman 'animals' and 'parasites'.[49]

The abuse photographs represent more than simply the careless recordings of a few sadistic or psychologically ill individuals; in an important sense, they were the logical outcome of a powerful public and private discourse that systematically dehumanised, depersonalised and demonised an enemy 'other'. Within the confines of this language, the resulting torture and abuse was more than unsurprising; it was highly predictable; and it soon became normalised within the moral logic of the language and practice of the war on terrorism. Apart from the confidence with which the Abu Ghraib abusers conducted themselves – giving the thumbs up to the camera, posing naked bodies in the general corridor with other activities continuing on behind them – the abuse was so widely known and accepted that one of the pictures was reportedly used as a screen-saver on a computer in the interrogation room.[50] As Crelinsten summarises it, the causes of torture are found in 'the processes that permit the construction of a separate reality',[51] such as the creation of evil, inhuman and deadly enemies.

The discursive context of the torture discourse

However, large-scale political discourses such as the war on terrorism never arise out of a vacuum; rather, they reflect, draw upon and are made possible by pre-existing discursive practices and contexts. There are a number of additional historical and institutional factors which enabled the torture discourse of the Bush administration to take root in the broader military practice of the war on terrorism.

In the first instance, the torture discourse reflected the ideological orientation, narratives and discursive practices of US foreign policy and counter-insurgency strategies established from the earliest days of the nation's founding.[52] The first counter-insurgency wars against Native American nations for example, were characterised by the persistent use of 'dirty war' tactics, including torture and the killing of civilians.[53] During the war against the Dakota Sioux in 1862, hundreds of prisoners were declared 'unlawful combatants' and subject to summary trial by military commission in a manner surprisingly similar to the Guantánamo detainees.[54] Furthermore, the management of captured and defeated Native Americans during counter-insurgency and resettlement operations reveals numerous similarities with

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[49] See Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Alfred A. Knopf, 1996).

[50] Brody, 'The Road to Abu Ghraib', in Meerpol, *America's Disappeared*, p. 127.

[51] Crelinsten, 'The World of Torture', p. 299.

[52] Michael Hunt has argued that US foreign policy since the eighteenth century has been shaped by an ideology based on a conception of national mission, racial classifications of peoples and hostility towards social revolutions. Michael Hunt, *Ideology and US Foreign Policy* (New Haven, CT: Yale University Press, 1988).

[53] See Ian Beckett, *Modern Insurgencies and Counter-Insurgencies: Guerillas and the Opponents since 1750* (New York, Routledge, 2001), pp. 29–30.

[54] Rose, *Guantánamo*, pp. 138–40.

US strategies in Iraq today. Later, similar methods were brutally employed against Moro separatists during US colonial rule in the Philippines.[55]

The US approach to counter-insurgency established during the colonial period re-emerged during the Cold War. The Phoenix Program in Vietnam for example, employed assassination and torture as a means of rooting out National Liberation Front (NLF) agents, leading to the deaths of some 25,000 suspected NLF members and sympathisers.[56] The Church Commission in 1975, established by the Senate Committee on Intelligence, found that in addition to the abuses in Vietnam, the CIA had been involved in comparable activities in other parts of the world, notably Latin America.[57] Importantly, counter-insurgent interrogation approaches developed in Vietnam were subsequently exported to Latin America via the notorious School of the Americas (since renamed the Western Hemisphere Institute for Security Cooperation). Training manuals from this period, notably the 'KUBARK Counter-intelligence Interrogation Manual, July 1963', and its successor, the 'Human Resource Exploitation Training Manual, 1983', detail very similar kinds of techniques to those currently employed in Iraq, Afghanistan and Guantánamo.[58] Additionally, during the first war against terrorism declared by Ronald Reagan, illegal rendition, torture, and murder were also employed against Middle East terrorist suspects.[59] From a historical perspective then, the abuses in the war on terrorism follow a long-established path in US counter-insurgency and counter-terrorism doctrine and practice.[60]

The abuses enacted against prisoners in Iraq also follow well-established and long-term practices in domestic approaches to prisoner management,[61] particularly in US 'supermaximum' prisons which are designed for the most dangerous felons. Amnesty International reports that more than 20,000 prisoners are currently held in more than 40 'supermax' prisons in conditions of long-term social isolation, extreme sensory deprivation, permanently lit cells, highly restricted exercise, severe forms of

[55] Beckett, *Modern Insurgencies and Counter-Insurgencies*, p. 38.

[56] Ibid, pp. 201–2. See also Douglas Valentine, *The Phoenix Program* (Lincoln: iUniverse.com, 1990, 2000); Joanna Bourke, *An Intimate History of Killing: Face-to-Face Killing in Twentieth-Century Warfare* (Great Britain: Basic Books, 1999); and Michael Sallah and Mitch Weiss, *Tiger Force: A True Story of Men and War* (New York: Little, Brown, 2006).

[57] See Loch Johnson, *America's Secret War: The CIA in a Democratic Society* (Oxford: Oxford University Press, 1989).

[58] See 'Prisoner Abuse: Patterns from the Past', *National Security Archive*, Electronic Briefing Book No. 122, The George Washington University, available online at: ⟨http://www.gwu.edu/∼narchive/NSAEBB/NSAEBB122/⟩, accessed 1 June 2005. See also Doug Stokes, *America's Other War: Terrorizing Colombia* (London: Zed Books, 2004).

[59] See David Wills, *The First War on Terrorism: Counter-Terrorism Policy during the Reagan Administration* (Lanham, MD: Rowman & Littlefield, 2003).

[60] The US experience is in no way unique among Western states; systematic and widespread human rights abuses were regularly used against suspected insurgents during colonial counter-insurgency in Africa, Asia and Indochina, as well as during the conflicts in Northern Ireland, Spain, Italy and West Germany. See Beckett, *Modern Insurgencies and Counter-Insurgencies*, pp. 24–51; and Bellamy, 'No Pain, No Gain?', pp. 139–40. Evidence has recently emerged of extreme torture and abuse of suspected communists, Soviet agents, suspected Nazis and members of the SS by British forces in special interrogation centres in Germany at the end of World War II. See 'Revealed: Victims of UK's Cold War Torture Camp', *The Guardian*, 3 April 2006.

[61] There is an extensive literature on the history of the US penal system which documents many of the points raised in the following analysis. See, for example, Tara Herival and Paul Wright (eds.), *Prison Nation: The Warehousing of America's Poor* (London and New York: Routledge, 2003).

shackling and harsh discipline.[62] Journalistic investigations also reveal widespread and often systematic abuse of prisoners in the wider US penal system, with inhumane and dangerous forms of manacling, excessive use of chemical agents to punish and subdue prisoners, severe punishment regimes, shackling of pregnant women and ill-treatment of children and youths. It is apparent that many of the prisoner management practices developed in domestic prisons have been transferred to the operating practices of the war on terrorism.[63] In fact, it is known that some prison guards in Iraq had previous experience as guards in the domestic penal system.[64]

The way that many immigrants have been treated by US authorities also reveals striking discursive continuities with the war on terrorism, particularly after the terrorist attacks when thousands were caught up in a general sweep. Interestingly, prior to September 11th, 2001, Guantánamo Bay was used as a detention centre for Haitian and Cuban refugees; they too were held for extended lengths of time without access to lawyers or judicial processes, often in appalling conditions. As with the Camp Delta detainees, the site was chosen because it was considered to be beyond the reach of domestic courts.[65] Official documents reveal that on any given day, over 20,000 'immigration detainees' languish in federal, state, county, and private prisons, often in deplorable and inhuman conditions similar to those reserved for 'supermax' prisoners, and often without access to legal counsel.[66] Moreover, according to an Office of the Inspector General (OIG) report in December 2003, post-9/11 immigration detainees have been the systematic and frequent victims of physical brutalities such as: slamming, bouncing and ramming detainees against walls; bending detainees' arms, hands, wrists and fingers; pulling and stepping on detainees' restraints to cause pain; and rough and inappropriate handling.[67] This is in addition to the psychological suffering induced by social isolation, indefinite detainment and lack of legal representation.

A related institutional factor that helped to make the torture policy possible is the brutalisation of soldiers during training, which can desensitise individuals to violence against detainees. Subject to depersonalisation, uniforms, lack of privacy, lack of sleep, disorientation, punishing physical regimes, harsh and often capricious punishments and violent hazing rituals, soldiers come to accept arbitrary and frequently sadistic violence as normal to military life and practice.[68] This is a crucial component of the training process which is necessary for transforming ordinary people into disciplined soldiers capable of killing on command. Overcoming social

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[62] Rachel Meerpol, 'The Post-9/11 Terrorism Investigation and Immigration Detention', in Meerpol, *America's Disappeared*, pp. 149–50. Amnesty International documents its concerns about widespread abuse in the prison system and supermax prisons in particular, most recently in its report, 'USA: Amnesty International's Supplementary Briefing to the UN Committee Against Torture'. See also Rajiva, *The Language of Empire*, pp. 81–3, 166–7.

[63] See James Meek, 'People the Law Forgot', *The Guardian*, 3 December 2003, available online at: ⟨http://www.guardian.co.uk/print/0,3858,4810625-111575,00.html⟩, accessed 4 December 2003.

[64] Charles Graner for example, one of the Abu Ghraib torturers, was formerly employed at the maximum security Greene Correctional Facility in Pennsylvania; Ivan Frederick, another Abu Ghraib guard, worked for the Virginia State prison system for seven years.

[65] Michael Ratner, 'The Guantánamo Prisoners', in Meerpol, *America's Disappeared*.

[66] Meerpol, 'The Post-9/11 Terrorism Investigation', in Meerpol, *America's Disappeared*, p. 144.

[67] Ibid, p. 153.

[68] See Bourke, *An Intimate History of Killing*, p. 67. Bourke demonstrates that the methods used to train Western soldiers during World War I and II and the Vietnam War were very similar to those carried out in regimes where men were taught to torture prisoners. The difference between the two resided in the degree of violence involved, not its nature.

and psychological inhibitions to committing violence against other human beings actually requires a carefully formulated and sustained training programme over several months;[69] once achieved, however, lowered inhibitions can more easily be turned to other forms of political violence such as torture and oppression. It is more than a coincidence that many of the abuses recorded in Iraq mirror the treatment meted out to recruits as part of their training and initiation into military life.

Directly related to military training, but unique to the war on terrorism, is the ubiquitous and deliberate use of the September 11th, 2001 attacks as a source of motivation for US military personnel. US military recruitment and training films have frequently employed images of 9/11, and posters and monuments to the victims of the terrorist attacks abound at the US base in Guantánamo Bay,[70] among others. It is reasonable to assume that constant reminders of the atrocities function to sustain hatred towards America's enemies, and to desensitise soldiers to the suffering of 'terrorist' suspects. Considering the large numbers of Americans who continue to believe that Iraq was involved in the terrorist attacks,[71] hatred and anger by US personnel towards Iraqi detainees in particular, is unsurprising.

Lastly, the discourse and practice of torture is made possible by a specialised bureaucratic and media language of physical abuse. Similar to the military language of 'collateral damage' and 'surgical strikes', terms like 'counter-resistance strategies', 'stress and duress' techniques, 'non-injurious physical contact', 'forced grooming' and 'ego down techniques', among others, function to sanitise the practice of torture and remove the human pain and suffering of its victims from the imagination of both the interrogator and the wider public.[72]

In sum, the historical, institutional and discursive context of US counter-insurgency and prisoner management enabled the Bush administration's torture discourse to take root in the practical outworking of the war on terrorism. It made sense to US forces in the field and the wider society because it reflected previous experience and well-established institutional practices. From this viewpoint, the torture policy represents less a break with US strategic culture than its predictable reappearance.

Conclusion

Although the Bush administration has distanced itself from the earlier documents of the torture policy and taken steps to try and curb its practice by serving personnel,

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[69] See Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (New York: Little, Brown, 1995).

[70] Rose, *Guantánamo*, p. 58.

[71] A Gallop poll in March 2003 found that 51 per cent of Americans believed that Iraq was directly involved in the September 11th, 2001 attacks. This figure has changed little in national polls since that time. See Montague Kern, Marion Just and Pippa Norris, 'The Lessons of Framing Terrorism', in Montague Kern, Marion Just and Pippa Norris (eds.), *Framing Terrorism: The News Media, the Government, and the Public* (New York: Routledge, 2003), p. 302.

[72] An extreme example of the employment of euphemistic language to obscure the effects of torture on individual bodies involved the death of a prisoner in Afghanistan in December 2002 following severe beatings to his legs. In what is now a notorious case, the Army's lead investigator concluded that the man's lethal injuries were the result of the 'repetitive administration of legitimate force'. Tim Golden, 'Army Faltered in Investigating Detainee Abuse', *New York Times*, 22 May 2005. See also Steven Poole, *Unspeak* (London: Little, Brown, 2006), pp. 163–89.

there is still a need to explain how torture came to be widely practiced during the first four years of the war on terrorism,[73] particularly given the legal prohibitions on torture in US law and its human rights-based political culture. I have attempted to argue here that the practice of torture by US forces can be profitably understood as a consequence of the construction and maintenance of a new torture-sustaining reality founded on a set of widely disseminated and continuously reproduced narratives, combined with a number of pre-existing institutional practices and historical experiences.

Importantly, this outcome was not predetermined or inevitable: discourses are never completely hegemonic or consistent, and must be continuously defended and reproduced in order to remain dominant.[74] There were in fact, a number of senior White House officials and lawyers, senior military officers, FBI agents, Pentagon advisors, intelligence operatives and notable public figures like Jimmy Carter who cautioned against adopting the torture policy for a range of compelling political, strategic and normative reasons.[75] The reason why these alternative narratives and discourses failed to influence the torture policy is simply that at the time they represented a minority opinion, and were thus easily dismissed or ignored. More importantly, the torture policy was founded upon the internal logic of the broader discourse of the war on terrorism; to acknowledge the arguments against the torture of terrorist suspects could have potentially destabilised the ideological aims and discursive foundations of the overall counter-terrorism project.

There are ontological, analytical and normative implications to be drawn from this study. At the broadest level, the findings presented here confirm other notable studies on the role of ideational factors in international relations,[76] and the way the public language of official's functions to structure and limit policy deliberations, justify projects of large-scale violence and set the parameters of public debate. They also suggest that reflectivist approaches, broadly defined, are robust enough to provide both an analytic framework and a research agenda useful to wider international relations scholarship. At the same time, they suggest that narrow

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[73] It should be noted that a great deal of scepticism remains about the sincerity of administration attempts to stamp out torture, not least because of ongoing legal and political challenges from the administration to existing and proposed legislation banning it, the very small number of relatively low-ranking individuals who have so far been punished and the very light sentences handed down to torturers, the continued efforts to redefine torture and the use of vague language in official documents and the exemption of the CIA from prohibitions on torture. In addition, Amnesty International states that there continue to be reports of torture or ill-treatment of detainees by US troops. See Human Rights First, 'One Year After the Abu Ghraib Torture Photos: US Government Response ''Grossly Inadequate'' ', available online at: ⟨http://humanrightsfirst.org/us_law/etn/ statements/abu-yr-042605.htm⟩, accessed 7 November, 2005; 'Report: Detainee abuse claims not investigated in full'; Greenberg, *The Torture Debate in America*; and 'USA: Amnesty International's Supplementary Briefing to the UN Committee Against Torture'.

[74] Stuart Croft demonstrates how the official discourse of the war on terrorism was re-established as the hegemonic counter-terrorism discourse in US society following the challenge posed by the 'no blood for oil' discourse in the lead-up to the Iraq war in early 2003. Croft, *Culture, Crisis and America's War on Terror*.

[75] See Greenberg and Dratel, *The Torture Papers*, pp. 122–33; Rose, *Guantánamo*, p. 95; Lewis, 'Introduction', in Greenberg and Dratel, *The Torture Papers*, p. xvi; Hersh, *Chain of Command*, pp. 6–7, 13–14, 42–3, 60–2; and Watt, 'Torture, ''Stress and Duress'' ', in Meerpol, *America's Disappeared*, p. 76.

[76] See David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*, revised edn. (Manchester: Manchester University Press, 1998).

positivist approaches that focus solely on the interests of actors or institutional and material factors are limited in their explanation of complex political and social phenomena like state-sanctioned torture.

From a normative perspective, the practice of torture by the US has important implications for the fragile international human rights regime. Regardless of how 'real' the US commitment to the promotion of human rights is thought to be,[77] the fact is that Great Powers play a crucial role in norm-setting and norm-upholding in international relations and their public behaviour legitimates the behaviour of others within the international community. The conspicuous denial of human rights to torture victims and prisoners at Guantánamo Bay, the suspension of the Geneva Conventions until July 2006 and continued political and military support for regimes with poor human rights records, has conveyed a powerful message to other states in the system that claims of national security can be employed to override commitments to human rights. In the process, many of the instruments and institutions of international human rights law, painstakingly constructed over the past few decades, may have been seriously undermined. Few now disagree that globally, human rights have been undermined by US actions in the war on terrorism.[78]

More importantly, the discourse and practice of torture, as well as its roots in the ideological frames and discursive practices of foreign policy, raises important questions about the constitution of US national identity, the robustness of the liberal state and the practice of foreign relations. For the immediate future, the continued expression and reproduction of a public discourse that demonises and dehumanises the terrorist 'other' suggests that torture and other abuses will continue to occur, even if it moves further underground; as long as the public (and state officials) are encouraged to see terrorist suspects as less than human and essentially evil, the torture-supporting reality will remain and abuses will continue to occur.

For responsible scholars, this suggests that there is a pressing need to oppose and dismantle the torture arguments and narratives. An important part of this involves publicising the extensive research that demonstrates that 'terrorists' are not inherently 'evil', inhuman or pathological,[79] that the present nature and threat of terrorism

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[77] It is a fact that US relations with the international human rights regime have always been 'troubled' or paradoxical. Jason Ralph suggests that this is due to the long-standing tradition of American exceptionalism, which is the broader context of the torture scandal. See Jason Ralph, 'Review Article: America's ''War on Terror'': Making Sense of the ''Troubling Confusion'' ', *The International Journal of Human Rights*, 10:2 (2006), p. 179. See also, Aziz Rana, 'Review Article: Haunted by a Paradox: Human Rights Promotion and American Foreign Policy', *The International Journal of Human Rights*, 10:2 (2006), pp. 271–82.

[78] Irene Khan, the Secretary General of Amnesty International, states in her 2005 annual statement that: 'The US administration's unilateralism and selectivity sent a permissive signal to abusive governments around the world. There is strong evidence that the global security agenda pursued since 11 September 2001, the US-led 'war on terror', and the USA's selective disregard for international law encouraged and fuelled abuses by governments and others in all regions of the world.' Amnesty International Report 2005, available online at: ⟨http://web.amnesty.org/report2005/index-eng⟩, accessed 20 May 2006.

[79] See among others: John Horgan, 'The Search for the Terrorist Personality', in Andrew Silke (ed.), *Terrorists, Victims and Society: Psychological Perspectives on Terrorism and its Consequences* (Chichester, UK: John Wiley & Sons, 2003); and Andrew Silke, 'Cheshire-cat Logic: The Recurring Theme of Terrorist Abnormality in Psychological Research', *Psychology, Crime and Law*, 4 (1998), pp. 51–69.

is in no way 'new'[80] or necessarily catastrophic,[81] and that historically, there are more effective forms of counter-terrorism based on criminal justice-based initiatives combined with social and political reform and dialogue.

More directly, it must involve continuously reaffirming why torture is never acceptable under any circumstances, even as a limited warrant for exceptional situations. There are a great many powerful arguments to make in support of an absolute prohibition on torture, including: by nature torture is a unique kind of wrong – a form of rape that perverts human relationships and agency – that cannot therefore be morally justified under any circumstances;[82] torture violates the principle of non-combatant immunity, which is the same reason why terrorism is morally wrong;[83] torture leaves permanent damage to both the tortured[84] and the torturer,[85] and thus, is morally indefensible; the 'ticking bomb' scenario is a highly flawed thought experiment with virtually no real-world relevance;[86] torture is a very poor tool of intelligence-gathering and can even be counter-productive;[87] sociologically and historically, exceptions to the prohibition on torture have always led to its widespread use in non-exceptional cases and have undermined the moral community and the respect for human rights more generally;[88] and its formal legal adoption by a democratic society, as advocated by Alan Dershowitz for example,[89] would entail moral practices that are incompatible with liberal norms and rights, such as torture-training for interrogators and doctors, medical support for torture sessions,

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[80] There is a growing literature challenging the 'new terrorism' concept. See Thomas Copeland, 'Is the New Terrorism Really New? An Analysis of the New Paradigm for Terrorism', *Journal of Conflict Studies*, XXI:2 (2001), pp. 91–105; and Isabelle Duyvesteyn, 'How New is the New Terrorism?', *Studies in Conflict & Terrorism*, 27:5 (2004), pp. 439–54.

[81] See Richard Jackson, 'Playing the Politics of Fear: Writing the Terrorist Threat in the War on Terrorism', in George Kassimeris (ed.), *Playing Politics With Terrorism: A User's Guide* (New York: Columbia University Press, 2007).

[82] This argument is powerfully made in: Sussman, 'What's Wrong with Torture?'; Maureen Ramsay, 'Can the Torture of Terrorist Suspects be Justified', *The International Journal of Human Rights*, 10:2 (2006), pp. 103–19; and Elaine Scarry, *The Body in Pain* (New York: Oxford University Press, 1985) – among others.

[83] See Jonathan Allen, 'Warrant to Torture?: A Critique of Dershowitz and Levinson', *ACDIS Occasional Paper*, University of Illinois at Urbana-Campaign, January 2005, available online at: ⟨http://www.acdis.uiuc.edu/Research/RecentPubs.shtml⟩, accessed 5 May 2006, pp. 4–5. See also, Henry Shue, 'Torture', *Philosophy & Public Affairs*, 7 (1978), pp. 124–43.

[84] As David Sussman puts it, 'The agony of torture typically continues to reproduce itself in the lives of victims and those close to them long after the physical torments stop'. Sussman, 'What's Wrong with Torture?', p. 12.

[85] Evidence shows that many torturers develop serious emotional problems as a result of their work. See Darius Rejali, 'Does Torture Work?', *Salon.com*, available online at: ⟨http://archive.salon.com/opinion/feature/2004/06/21/torture_algiers/print.html⟩, accessed 26 March 2006.

[86] For useful critiques of the 'ticking bomb' scenario, especially as articulated by Harvard Law Professor Alan Dershowitz in his defence of adopting torture warrants, see among others: Elaine Scarry, 'Five Errors in the Reasoning of Alan Dershowitz', in Sanford Levinson (ed.), *Torture: A Collection* (Oxford: Oxford University Press, 2004); Ramsay, 'Can the Torture of Terrorist Suspects be Justified'; and Allen, 'Warrant to Torture?'.

[87] See among others: Bellamy, 'No Pain, No Gain?'; Rose, *Guantánamo*; Rejali, 'Does Torture Work?'; and Anne Applebaum, 'The Torture Myth', *The Washington Post*, 12 January 2005, available online at: ⟨http://www.washingtonpost.com/ac2/wp-dyn/A2302-2005Jan11?language=printer⟩, accessed 26 March 2006.

[88] Allen reiterates the point taken from Holocaust studies that 'once practices have been placed in a bureaucratic or official context, in which goals are no longer open to question and personal responsibility is divided and diffused, moral resistance to abuses is much less likely to occur'. Allen, 'Warrant to Torture?', p. 12; see also Bellamy, 'No Pain, No Gain?'.

[89] See Alan Dershowitz, *Why Terrorism Works* (New Haven, CT: Yale University Press, 2002).

research and development in non-lethal torture and the manufacture of torture equipment and torture facilities, among others. Crucially, the Bush administration's decision to grant Geneva Convention rights to the Guantánamo detainees in July 2006 following a series of legal setbacks from the Supreme Court may suggest that the torture discourse has already passed its apogee and that the present moment is opportune for such counter-hegemonic struggle.