

2.3: War on Terror

The United States of America has always been a torturing state, but it has professionally institutionalized the practice only recently. Its political leaders offer denials, but blatant practices and tortuous legal arguments make the denials oxymoronic. The history of torture by the United States supports a more general theoretical proposition: the more states legislate against terrorism, the more likely they will use torture as an instrument of terror. Other examples of this proposition include Britain in Northern Ireland, Russia in Chechnya, and of course Nazi Germany. Terror legislation and torture can accompany an imperialist effort or internal national security regimes to suppress dissent. Both motives apply in the case of the United States.

The recent development of torture falls into three stages. After the Second World War, the United States assembled torture expertise and apparatus in line with a national security ideology springing from the anti-Communist crusade. In a backlash against liberation and equality movements of the 1950s and 1960s, crime hysteria led to criminal justice restructuring beginning in the mid-1970s and continuing into the twenty-first century. Often described as a turn toward punitiveness, crime hysteria and control prepared the United States institutionally and its people ideologically to embark on its current course of terror law and torture.

The U.S. torture regime depends on basic structural characteristics of American society, especially its racism and competitive and individualistic capitalism. These in turn give a particular character to its imperial expansion and assertions of world hegemony. Imperialism is central, so is racism. They are intertwined in the Anglophone history of colonialism, but imperialism and racism so often go together, especially since the advent of European imperialism in the late fifteenth century, as to make their pairing a general rule. At the same time, the United States has countervailing institutions: most prominently, its historical commitment to democracy, equality, and protection of laws.

Expansion of U.S. hegemony after the Second World War, and again after the fall of the USSR and Eastern Bloc, put special demands on the U.S. polity. Ruling classes and power elites faced a pressing need. As recognized at least since the time of Metternich and Talleyrand (Kissinger 1964), expansion of influence and control beyond state borders requires a compliant, if not docile, domestic populace. Dangerous classes must be controlled, especially when, as seemed imminent in 1968, they threaten the status quo of wealth, privilege, and power. The United States used the criminal justice system to control the domestic dangerous classes and counterinsurgency tactics including torture to control foreigners.

The History of U.S. Torture

It was not that state agents did not torture before the end of the Second World War, but the torturers were agents of local governments and the several states of the union. There was no national policy of torture. Settlers and soldiers routinely tortured Native Americans (Churchill 1997; Slotkin 1985). Slave owners tortured slaves, and after 1865, racial lynching often included torture before the coup de grace (Waldrep 2002). Police regularly used the third degree to extract confessions and information. They also punished miscreants by physical abuse, either in lieu of arrest or prior to it. Convicts in state penitentiaries often suffered abuse. Federal police and correctional agencies, if they did employ the use of torture, did so covertly. Beginning in 1936 with the U.S. Supreme Court decision in *Brown v. Mississippi* (1936), federal courts increasingly intervened in state criminal justice systems to curtail official torture. During the Second World War, in the Pacific theater, but rarely in the European theater, units of the U.S. military used torture against Japanese soldiers as part of the overall brutalization of what both sides viewed as a racial war (Horne 2005). Nonetheless, torture was not national policy, even covertly.

As the war in Europe wound down, overtures between Nazi leaders and U.S. intelligence operatives such as Allen Dulles in the OSS (Office of Strategic Services) set the stage for acquiring German expertise; operations Overcast and Paperclip resulted. The Joint Chiefs of Staff authorized Operation Overcast 6 July, 1945, to bring German scientists to the United States, despite possible past membership in the Nazi Party and the SS. In September 1946 President Truman directed bringing various desired specialists to the United States in an operation called Paperclip. Some of the experts were accused of participating in murderous medical experiments on human subjects at concentration camps and brutalizing slave laborers (Simpson 1988:36). Between 1945 and 1955, the United States welcomed 765 German specialists, of whom perhaps 80 percent were Nazi Party members or SS veterans (Lasby 1975). Some became well known. Werner von Braun appeared on the Walt Disney TV program in the 1950s, for example. Others remained in shadow; among them were those employed in mind control and interrogation techniques.

In April 1950, the CIA launched Operation Bluebird to discover more effective interrogation techniques. Boris Pash—an anticommunist since the 1917 Bolshevik Revolution, counterintelligence chief for the Manhattan Project, and recruiter of German specialists in Operation Paperclip—reviewed Nazi techniques for use in the Cold War (McCoy 2006:26–7; Simpson 1988). By April 1953, the CIA unified various mind control and interrogation researches into MKUltra under the direction of Sidney Gottlieb

of its Technical Services Division. Gottlieb reported directly to Chief of Operations Richard Helms, who later became CIA director. The sensory deprivation experiments by Donald O. Hebb, a Canadian psychological researcher, caught the eye of Gottlieb. A few years later, more research at Harvard found that sensory deprivation causes unbearable stress, which progressively leads to hallucinations and delusions (Wexler et al. 1958). Next, a Princeton psychologist, Jack A. Vernon, received lavish funding from the Army and National Science Foundation to pursue this line of research with the view to applying it to interrogation. Vernon noted that physical violence is often counterproductive, but sensory deprivation could be an effective tool for extracting compliance, dependence, and information (Vernon 1963). Whereas Vernon's stated intentions seem benign—he ends his book on sensory deprivation by recommending everyone try it to better appreciate the small things in life—the CIA had applications that were more dubious.

In 1963, the same year Vernon published his book on sensory deprivation, the CIA wrote the Kubark Counterintelligence manual. Originally secret, leaks and successful FOIA (Freedom of Information Act) struggles have made it readily available on the Internet. The Web site post, "Prisoner Abuse: Patterns from the Past," by the National Security Archive links to a wealth of information on the topic and related matters.

Kubark defined CIA interrogation methods for the next forty years, until the photographs from Abu Ghraib forced worldwide exposure. Kubark premises its techniques for interrogation on inducing regression. Interrogators create existential chaos from the moment of arrest (McCoy 2006:51). The essence of effective interrogation—civil police questioning, military field interrogation of POWs, and even for clandestine work—is to make the subject want to tell the interrogator the desired information. That objective is best reached by creating dependence on the interrogator. While it can be achieved by physical violence, resistance or false compliance is also possible. False compliance occurs when the subject says whatever seems necessary to stop the pain. Psychological torture is more likely to produce reliable, if not always accurate, information. Of course, reliable information comes from a sincere but not necessarily well-informed subject. McCoy (2006:53) points out another advantage to psychological torture. It leaves none of the usual signs, and thus eludes the strictest human rights protections.

Having given up on drugs such as LSD, electroshock, psychosurgery, and similar invasive techniques, Kubark reflects the distillation of research since the end of the Second World War. Once set down in the Kubark manual, the CIA lost no time in exporting the expertise to Cold War allies. Britain used some of them against Northern Ireland guerrillas. Among them are what came to be called the five techniques. They are as follows.

1. Wall standing: forcing detainees to remain in stress positions;
2. Hooding: keeping a light-resistant bag or hood over the detainees' heads;
3. Noise: subjection to continuous loud noises;
4. Sleep deprivation;
5. Reduced diet (Ireland v. United Kingdom 1978:96, pp. 35–36)

These are the same techniques applied to Jose Padilla, who also avers that he was given mind-altering drugs, possibly LSD or PCP (Gerstein 2006; Hegarty 2007). Ireland complained to the European Human Rights Commission against British use of such tactics. The Commission issued its 8,400-page report finding that the five techniques were torture. When the complaint proceeded to the European Court of Human Rights, the British Attorney General assured the Court that "The Government of the United Kingdom . . . now give[s] this unqualified undertaking, that the "five techniques" will not in any circumstances be reintroduced as an aid to interrogation" (Ireland v. United Kingdom 102, p. 36). This became, in effect, a consent decree. Britain promised not to do it again, and the Court found Britain not guilty of torture by a vote of thirteen to four, but only inhuman treatment, unanimously (Ireland v. United Kingdom, Holdings of the Court on Article 3, p. 86). The court later repudiated the principle in *Selmouni v. France* (Application no. 25803/94) July 28, 1999, where it found similar treatment to constitute torture. Although it may seem a distinction without a difference, the Ireland ruling looms large in current U.S. policies and practices of torture. It opened the door to making torture an ambiguous term. Its claimed ambiguity allows U.S. officials to aver that the United States does not torture. At the same time, the U.S. regime sought and got legislation that permits torture by assuring its secrecy and lack of legal recourse under the Military Commissions Act of 2006.

The United States did not export the techniques outlined in Kubark only to its special ally and former world colonial power—Britain. It also disseminated them to countries that became the battlefield of the Cold War—that is, the Third World. Nowhere is this better documented than in Latin America (Chomsky and Herman 1979).

The Cuban Revolution of January 1959 and Khrushchev's avowed support for wars of national liberation in January 1961 led the United States to view Latin America as the new battleground of the Cold War (Loveman and Davies 1997:20; Hilsman 1961; Rostow 1962). Soon after Khrushchev's declaration, President Kennedy announced the Alliance for Progress as the U.S. response. The idea was to fight communism in two ways: counterinsurgency and social support programs for the poor to make communism less attractive to them. The second method ensured the first. The Alliance for Progress raised expectations and threatened the local elites (Loveman and Davies 1997:23). Agitation by the masses led to crackdowns by Latin American governments. It also prompted large landowners and industrialists to hire private militias. Both the masses and the elites began to believe that governments could no longer govern. These trends culminated in a series of right-wing coups typically led by elements of the military. The age of the junta was the fruit of the liberal program of anti-Communism in Latin America.

Brazil, in 1964, was the first (Archdiocese of São Paulo 1986). Others followed. Soon, military dictatorships ruled most of South America. They used torture freely to come to and keep power. Many of the torturers learned their trade at the School of the Americas run by the U.S. Army in Panama. Now known as the Western Hemisphere Institute for Security Cooperation, it moved to Fort Benning, Georgia, in 1984. Prior to the U.S. Army taking over in 1963, it was the Latin American Ground School. Its purpose under all its names was to ensure U.S. influence among cadres of Latin American military, police, and state security officials. Kubark, its 1983 update, Human Resource Exploitation Training Manual, and subsequent editions put out by the Army were standard textbooks for students at the School of the Americas. They were withdrawn in 1991 because of adverse publicity (Haugaard 1997). Under actual conditions, Latin American officials augmented the psychological techniques favored by the CIA with physical violence. One reason for the addition was that torture did not serve a purely interrogatory function. It was part of regimes of terror. The juntas used assassinations, death squads, disappearances, and even genocide to rule the masses. These police state regimes made sure people knew they could expect torture if they came to the attention of the authorities.

Torture serves several purposes. Christopher Tindale (1996) identified a torture typology. Interrogational torture is used to extract information. Deterrent torture discourages (or encourages) a population regarding certain activities. Dehumanizing torture changes the victim's self-conception. For this last type—dehumanizing torture—Tindale adverts to Bruno Bettelheim (1979) and Primo Levi (1989), and their descriptions of the Nazi camps during the Second World War. Tindale explained that the purpose of dehumanizing torture is to “break people as individuals and change them into docile masses” (Tindale 1996: 351). His conception brings to mind the torture described in George Orwell's 1984. Elaine Scarry noted that torture's goal is betrayal as the torturer has “a covert disdain for confession.” Therefore, confession is not the goal, as “[t]he nature of confession is falsified . . . one betrays oneself and all those aspects of the world— friend, family, country, cause—that the self is made up of ” (1985: 29).

Perhaps a fourth type, or possibly a combinatory category, is what Daniel Rothenberg calls “public presentational torture,” which he says is a form of state terrorism (Rothenberg 2003). His illustrative case is Guatemala, where a thirty-six-year history of internal armed conflict is called La Violencia. He couches the history in the Cold War and severe domestic inequity. Guatemala is one of the better-known targets of CIA intervention beginning with the regime change of President Arbenz in 1954. Jacobo Arbenz Guzman (1913–1971) served as president 1951–1954 through Guatemala's first ever universal suffrage election. United Fruit enlisted the assistance of the CIA, which initiated Operation PBFORTUNE. Later, the United States supported a line of dictators by, inter alia, training police in counterinsurgency and torture techniques at the School of the Americas. A tactic of state forces was to leave mutilated corpses in public places.

Counter-insurgency strategies, including the “the appearance of corpses bearing signs of torture” defined a situation of brutal intimidation and overwhelming violence: “the horror was so massive and so flagrant that it defied the imagination.” The Guatemalan state's reliance on institutionalized human rights violations became the central mechanism of daily rule.

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[T]orture defines the most primary component of an individual—his or her body—as a site for state action. This is done against the will of the individual and in a manner that deprives him/her of the most basic respect for autonomy, freedom, and self-protection. . . . [T]orture turns responsible government on its head . . . the state is transformed from being the key guarantor of social stability to an agent of intimate brutality.

(Rothenberg 2003:482)

What these displays left ambiguous was whether the person had been tortured or the body mutilated after death to suggest torture. In cases of actual torture, the torturers might have sought information from the victim, but not necessarily. As Elizabeth Stanley (2004:13) says regarding another regime supported by the United States, Chile under Pinochet. Despite the common idea that torture is used solely as a means to extract information, Chilean torturers often knew all about their victims' lives and used torture

as a way to demonstrate the ‘all-seeing-eye’ and the power of the state. Officials engaged in torture to demonstrate to the victim and associates that they are watching, that they are in charge and can act at will.

This seems to have been the purpose at Abu Ghraib, because the torture revealed in the U.S. media in spring 2004 (Hersh 2004) was not part of interrogations. Erroll Morris’ documentary movie, *Standard Operating Procedure* (2008) shows the main objective was domination and humiliation.

The Domestic Groundwork for Abu Ghraib

Torture regimes do not fall from the sky. Modern mass societies do not allow their state apparatuses to do just any old thing, including torture. The political system need not be democratic. The Nazi regime, even in wartime, had to bow to public opinion when it stopped its euthanasia campaign (Friedlander 1995) and released Jewish husbands of “Aryan” wives (Stoltzfus 1996).

The people have to be prepared. During the Cold War, the United States exported torture. It relied on proxy regimes to use the torture techniques they had learned from the United States. It tried to keep secret the pedagogical relation. In the last decades of the twentieth century, American public sensibilities changed. Mass incarceration, a policy of incapacitation, and increasingly punitive penal systems produced a public ready to consider, if not fully countenance, torture. As Ronald Crelinsten explained, “the torture regime must endeavor to ensure that it is reflected in all aspects of social and political life. . . . [T]he techniques used to train torturers . . . are but a reflection of a much wider process: the transformation of society” (2003:295).

An important part of transforming societies is transforming how people in those societies perceive them. How do Americans perceive America? How do they perceive one another? How do they perceive its main institutions? Before getting knee-deep in social-construction-of reality diversions (Berger and Luckmann 1966), it is useful to recall how Americans thought about the world—in say, 1945—and compare it to how they thought about it in 1950–1955. In a few years, and it took longer for some than others, the people Americans wanted to slaughter in 1945—Germans and Japanese—became bosom buddies (or at least confederates in the case of Japanese). At the same time, those Russian pals, Chinese innocents, and Korean victims were out to get Americans. This did not occur as part of some inchoate groundswell, a mystical sea change in the conscience collectif. Deliberate public policies brought it about. There is an essential ingredient. “A central feature of this reality construction is the creation of a dangerous enemy that threatens the social fabric. Laws are directed against this enemy” (Crelinsten 2003:296).

Beginning in 1933, Franklin Delano Roosevelt’s presidency resonated with reassurance. He began his four terms in office with an inaugural address assuring Americans that we have nothing to fear but fear itself. After the Second World War, the preferred theme of political discourse shifted to inducing fear. The first project was the Cold War and Red Scare. Richard Nixon cobbled together the next project in his run for the presidency in 1968. He made crime in the streets a campaign slogan. The slogan coded racial antagonisms, political dissent against the Vietnam War, and a raft of lifestyle images roughly conveyed by sex, drugs, and rock-n-roll. Although the drug war and crime control measures leveled off during the Carter administration, they came back with a vengeance under Reagan. During the entire period beginning in the late 1960s, a backlash militated against social changes connected to the extension of civil rights as a broadly construed concept. These include antidiscrimination laws and policies based on race, gender, age, and disabilities along with exposure and eventual reduction of repressive government tactics such as surveillance and interference with political dissent. The backlash was a reaction that increasingly took the form of criminalizing deviant behavior.

David Altheide (2002) said fear is cumulatively integrated over time and in the process becomes associated with certain topics. Those topics are then associated with terms, as if there were an invisible hyphen. Eventually, the fear becomes implied and unstated. Altheide went on to link fear of crime with fear about major events, such as the 9/11 attacks. Especially since the mid 1960s, a growing fear linked outsiders and deviants to challenges to, and eventual loosening of formerly rock solid values and norms about, sex and gender, race, and America as the land of opportunity. A main part of the fear concerned crime. Specific discourses and public policies focused the unease arising from social change.

Over roughly the last thirty years, a discourse of fear in the United States has focused on crime. Such discourses trickle down from the top levels of ivory towers to popular culture outlets. They culminated in several books. Harvard academics such as James Q. Wilson and Richard J. Herrnstein (1985), revived a thinly disguised racist criminology rooted in a nineteenth century vulgar Darwinism of Cesare Lombroso. Michael Gottfredson and Travis Hirschi (1990) tiptoe around a biological argument opting for parent blaming instead. They asserted that parents are to blame for delinquent children, because they fail to instill self-control. The lack of self-control does not just manifest as law breaking. It includes other acts they say are equivalent to crimes such as smoking, drinking, and out-of-wedlock sex and pregnancy. The resemblance to culture of poverty ideas of Oscar Lewis (1961 and 1966) and Daniel Patrick Moynihan (1965) is not happenstance.

Paralleling these pseudoscholarly discourses, public policy poured resources into policing, crime (especially drug control) proliferating criminal laws (especially federal crimes) (American Bar Association 1998), and incarceration (Mauer 2006). All the while, popular media kept pumping up fear of criminals who were inevitably portrayed as impoverished minorities—the dangerous classes (Beckett and Sasson 2000; Best 1999; Glassner 1999; and Kappeler and Potter 2005). Two results follow that are essential for a regime of torture: first, acquiescent public opinion, and second, a supply of potential torturers. Physician and medical ethicist Steven Miles noted, “a torturing nation uses fear, persuasion, and propaganda to secure the assent to torture from society in general and from members of its legal, academic, journalistic, and medical professions” (Miles 2006: xii). He went on to observe that “[m]oral responsibility in a torturing society is broadly shared” (p. 6).

In her critique of the ticking-time-bomb excuse for torture, Jessica Wolfendale (2006) pointed out that most torturers are soldiers or military police trained in elite units. Among Western imperialist states, she cites the British and Australian Special Air Services (SAS) and the U.S. Army’s Delta Force and Green Berets as illustrative. She explains that the basic training for such units includes brutalization, which inures the soldiers to their own suffering, and by the same token, that of others. Further, their training involves interrogation, survival, and resistance. Citing the Web site for the British SAS, <http://geocities.com/sascenter/train.htm>, Wolfendale explained that the training includes blindfolding, sleep deprivation, stress positions, reduced food and water, and noise, matching the “five techniques” that the European Court of Human Rights found “inhuman.” Consequences for trainees are stressful and can produce mental disruption such as dissociation. Wolfendale cited the John F. Kennedy Special Warfare Center at Fort Bragg, http://training.sfhq.com.com/survival_training.htm.

Torture also needs routinization, as Herbert Kelman (1993) called it. Torturers have to be socialized in the profession beyond learning particular torture techniques (Conroy 2000; Huggins et al 2002). Torture requires institutionalization, a network of organizations cooperating to share information, methods, and personnel (Arrigo 2004). Cold War counter insurgency prepared the national military and intelligence apparatuses. Crime hysteria and the rise of a network of criminal justice apparatuses prepared public opinion. Both lead to social control of the nonmarginal parts of the populace as they prepare people to accept control and put control apparatuses in place (Chevigny 2003). Finally, the expansive criminal justice apparatuses created a pool of potential torturers. The crime control industry began growing by leaps and bounds in the 1970s (Chambliss 1994; Christie 1993; Gordon 1990). The growth spurt had a reciprocal relation to political racial polarization (Beckett 1997; Edsall and Edsall 1991). Its model was Nixon’s Southern strategy engineered by Kevin Philipps (1969). It also managed to control a burgeoning pool of redundant workers (Davey 1995; Parenti 1999). As the welfare apparatus shrank, crime control replaced informal social controls or capillary control mechanisms as Foucault put it (1975). Crime control drew down potentially dangerous concentrations of minority youths in central cities, removing them to prisons in rural areas (Wacquant 2000). Perhaps the main contribution to constructing the professional institution of torture in the United States was the production of a supply of personnel trained and socialized to use force to control others. Most were relatively unskilled workers, the common laborers in the vineyards of torture, such as Corporal Graner of Abu Ghraib infamy who had been a prison guard in civilian life (Williams 2006).

The Vietnam War ended in 1975, just about the time the crime control industry took off. The volunteer military replaced the draft, resulting in a self-selected cohort of youths who favored employment in total institutions (Goffman 1961). The military, police, and corrections establishments crossrecruited, and their personnel entered revolving-door employment among the various uniformed organizations. A number of anecdotal accounts link employment in U.S. prisons with personnel assigned to prisons in Iraq and Afghanistan (Gordon 2006; Finkel and Davenport 2004; Bastian et al. 2004). As yet, there is no systematic study of brutal practices in U.S. civilian law enforcement and corrections with torture in overseas operations. Nonetheless, Peter Kraska and Victor Kappeler (1997) have studied one part of the obverse—the militarization of police. The central point is that police, prisons, and the military are all armed control organizations. Their personnel are schooled in obedience. When their commanders expect or allow for brutality, they will produce it (Cornwell 2006).

Imperialism and Torture

The populism of fear is an enormously successful policy because it serves to intimidate and demonize some, and at the same time to discipline the rest who are taught to be afraid of those demons. Since 11 September 2001, the focus has shifted toward international crime. It is easy to demonize foreign terrorists as criminals, to combine the fear of crime with the fear of the foreign invader.

(Chevigny 2003:81)

Paul Chevigny’s analysis in the preceding quotation needs elaboration. The U.S. government mobilized popular fear against external and internal communists during the Cold War. The Nixon political machine mobilized and focused fear of crime by linking it to traditions of American racism and Puritanism. Ronald Reagan’s political ploy directed that racism and religious intolerance

outward, toward so-called international terrorism in Iran and Lebanon, but he linked it to his determination to destroy the Soviet Union as the ultimate source of all terrorism (Evans and Novak 1981; Wills 2003). The collapse of the Soviet Union created a crisis in the U.S. national security state with its massive military and related industries. During the 1990s, the United States pursued a policy of gradualism in extending its hegemony. No one enemy could give it focus. For a while, international crime was a contender—as John Kerry argued in his 1997 book, *The New War: The Web of Crime That Threatens America's Security*. Four years later, attacks on the World Trade Center and Pentagon rescued the U.S. security state from its doldrums.

Terrorism combines all the elements tapped by preceding governments. It has foreign and domestic enemies who are racially and religiously set off. The war on terrorism is both a military and internal security endeavor. The crime control apparatus can be folded into a Homeland Security Department to extend control over Chevigny's demons and the mass of Americans. Anyone who has traveled by air since 9/11, has experienced the control firsthand. All this security tumult blurs the extension of U.S. imperialism. The target of that expansion has been central Asia. U.S. military bases now dot southeastern Europe, which had been Soviet satellites, and new states surrounding the Caspian and Aral Seas, which had been part of the Soviet Union. Of course, the best known are the U.S. invasions of Afghanistan and Iraq. All of these imperialist forays are justified by the Global War on Terrorism.

The U.S. terror laws are linchpins articulating this global war on terrorism. Imperialism is what connects them. The Global War on Terrorism was not inevitable. Without the attacks of 9/11, torture would still be covert and limited to a few selected individuals, the lumpen masses would still be fodder for the domestic crime control industry, U.S. imperialism would still be extending global hegemony through neoliberal economic institutions and collaborative but contained military intrusions such as in the former Yugoslavia. But 9/11 did occur. The United States seconded by Britain and Australia—other countries participated because of arm-twisting and opportunism—embarked on a twenty-first century imperial expansion. Led by the United States, those countries generated mountains of terror legislation. U.S. terror legislation has added laws every year since the USA Patriot Act in November 2001. At the same time, the United States used torture immediately with almost punctilious attention to legal justifications—for example the Yoo memoranda of September 25, 2001, January 9, 2002, and August 1, 2002; the Bybee memoranda of January 22, 7 February, and August 1, 2002; the Gonzales memorandum of January 25, 2002; and the Ashcroft memorandum of February 1, 2002 (Greenberg and Dratel 2005). U.S. forces tortured prisoners in Afghanistan and then Iraq, but covertly until the revelations of the Abu Ghraib photographs. Nonetheless, the news accounts of John Walker Lindh's capture contained enough information to lead attentive people to learn about the torture. A video showed a CIA officer questioning him, threatening his life, making medical attention contingent on confession and information, and news accounts said he had been transported naked in a freezing plane to the United States (Doran 2002; Stanley 2001).

Torture is a form of what Mark Brown (2002) called penal excess. Brown used the British Empire in nineteenth-century India as his case in point. Two examples illustrate: execution by cannon of the Sepoy mutineers/revolutionaries of 1857 and a law of the Indian Penal Code of 1871 criminalizing certain tribes without proof of particular criminal acts.

The execution by cannon was terrorism. It was a spectacle and terrifying retribution to any who would defy British authority. Brown described it. One British officer, Sir John Lawrence, wrote "Our object is to make an example to terrify others" (Brown 2002:408). Citing Malleson (1897: 367–368), Brown gave the following quotation of Sir John: "I think sufficient example will then be made. . . . The Sipahis will see that we punish to deter, and not for vengeance. . . . [O]therwise they will fight desperately to the last" (Brown 2002:409). Brown's point is to show the modern state using penal excess as exemplary punishment. Deterrence relies on terrifying spectacle much as modern deterrence uses long prison terms, capital punishment, three strikes laws, sexual predator laws, and so on—a far cry from Cesare Beccaria's (1764) minimalist brand of punishment: to punish only enough to deter.

The next example fits better as analogy with current terror laws, which criminalize membership and association along with intention, rather than illegal acts. The Criminal Tribes Act of 1871 targeted traditional, seminomadic tribes that fit Hobsbawm's (1981) definition of bandits—groups

opposing central authorities and fitting with social structures to keep traditional values and norms. The 1871 Act required tribal registration, and confined them to their home villages or forcibly settled them in special areas. It resembled the reservation system for American Indians. Three time violation of the Act carried a mandatory seven-year prison sentence or penal transportation. It precluded the state having to prove guilt for a particular criminal act.

Brown makes an explicit comparison. "The members of the USA's underclass represent a contemporary analogue of the 'suspect' groups brought under the criminal tribes policy in 19th-century India: groups who stood outside and in opposition to the new extractive colonial economy" (Brown 2002:417). He went on to cite a campaign platform of George W. Bush as the governor "of the killing state, Texas" (418). A more precise analogy, however, is with U.S. treatment of its native inhabitants in the nineteenth century and also with current treatment of outsiders associated with terrorism. The latter group includes ethnic-religious minorities

within the United States who are Muslim, Near or Middle Eastern, or otherwise associated in collective imagery with such social categories. The foregoing description is cumbersome and even vague, because it captures a sensibility and set of images and icons instead of discursively defined categories. In addition, the 1871 Act and British policy resemble U.S. laws and policies about those groups and individuals outside the United States who are also associated with terrorism under law. It includes “Al Qaeda,” questionably any sort of organization, perhaps a network, but most likely merely a movement. The U.S. terror laws target people who fall into these categories. Within the United States, they are liable to prosecution and imprisonment. Outside U.S. borders, they are subject to assassination or imprisonment and torture.

Another example of imperial policy is that of the British designation of the Mau Mau as a terrorist organization in 1950s Kenya. “To define ‘terrorism’ or ‘terrorist acts’ as crimes creates a process of reification which may produce undesired and unanticipated consequences. . . . The a priori definition of ‘terrorism’ as evil assumes . . . that terrorism is a zero sum game” (Anderson-Sherman 1982:87). Arnold Anderson-Sherman traced British imperial policy and the Kikuyu’s response, resistance, and adaptations to it. He argued that it was the terror laws themselves that portrayed these Kikuyu responses as terrorism, and brought about violent conflict in 1950s Kenya. He concluded by observing that the British-Kikuyu conflict might have been resolved otherwise “what is needed is less reification of particularistic self-interest and more adequate diagnosis of the alternative possibilities contained within particular historical contexts” (Anderson-Sherman 1982:99).

The reification of terrorism and terrorists is analogous to the reification of criminality. The U.S. criminal justice system reifies and recursively defines crime as something criminals do. Criminals are members of subordinate social categories who are redundant to the production and profit-making political economy. Criminals, according to these definitions, are also statistically associated with racial minorities. The infamous Willie Horton television ads during the 1988 presidential campaign capture in iconic form these reifying processes. Criminalization processes in the 1970s aimed at controlling insurgent masses in the United States who threatened the structural stability and social hierarchy. Part of the criminalization process molded and manipulated public opinion to redirect fears toward a criminal class and support expansion of state control, especially police and corrections. Criminalization of terrorism beginning in the 1980s mirrored the criminalization process begun ten years before. Terrorism laws built on fertile ground. They combined a well-established public fear of the internal-external enemy of communism with a colonialist racism deeply embedded in America’s history. After the attacks of 9/11, terror laws and terror fears coincided with a U.S. imperialist thrust into central Asia. Those in the way became subject to the terror laws.

Torture had largely disappeared from the U.S. criminal justice system by the 1970s, mainly because of U.S. Supreme Court decisions extending Bill of Rights restrictions to state governments. Another part of the U.S. state went in the other direction. The U.S. military and intelligence apparatuses had been building a covert torture capability since the end of the Second World War. First developing modern torture techniques, they then exported and taught them as part of Cold War imperialism in the Third World. Coming full circle, the CIA has used extraordinary rendition to countries practicing torture, often learned from the United States (Grey 2006). By the beginning of the twenty-first century, the United States had techniques and a leadership cadre of torturers in place.

Imperial expansion and invasions brought about a convergence of organizations, personnel, knowledge, and law to produce the torture regime in the United States. It included a public prepared for compliance, personnel in police and corrections for deployment in conquered territories, and terror laws that, arguably, legitimized torture procedures.

Public Opinion and Torture

The American public may have been prepared for compliance with a regime of torture, but the relation between the public and government is not a one-way street. In mass societies the relation between public opinion and the government is dialectic. The originator of public relations,

Edward L. Bernays, recognized and exploited the phenomenon. According to Bernays, shaping public opinion requires constant monitoring, and it is always a matter of shaping, not creating (1934, 1955). With the advent of universal White suffrage in the United States after the First World War and Nineteenth Amendment, racial minorities remained largely excluded until the 1965 Voting Rights Act, when managing and measuring public opinion took on crucial political importance. Polling became a new profession and grew increasingly scientific. While never completely capturing what people believe, modern poll results reveal a public that interacts with government policies and practices.

In her column in *The Nation*, Patricia Williams (2001 cited in Welch 2006) referred to a CNN poll taken shortly after 9/11, which showed that 45 percent of Americans would not object to torture if it provided information about terrorism. Public opinion has changed little subsequently. In contrast, more than 80 percent of people in Western Europe reject torture under any circumstances

(Pew 2007:25; World Public Opinion 2008). Revelations of torture—including graphic imagery from Abu Ghraib, televised on 60 Minutes II April 28, 2004—became public in the intervening years. Nonetheless, the stability of sentiment suggests a deep-seated viewpoint. These data raise several questions. First, why do so many Americans accept torture? Second, how do such sentiments fit with democratic values? Third, what has been the dynamic between the sentiment and the practice of torture by military and intelligence apparatuses?

October 7, 2001, Karl Rove, President George W. Bush's political guide, conveyed a message to him from Roger Ailes. Ailes had been the political adviser of the senior Bush, George H. W., and was at the time head of FOX News. He told the president that the American public expected their president to use "the harshest measures possible. Support would dissipate if the public did not see Bush acting harshly" (Woodward 2002: 207). The incident reveals a crucial third actor, articulating the relation between the government and the people—mass media. The media are more than a simple conduit. The media shape and channel public opinion. The government relies on the media to build and sustain compliance.

The media designated the attacks of 9/11 on the World Trade Center and Pentagon as an "attack on America." The government designed a war on terror as its reaction.

The war on terror . . . is a violent rejection of the unthinkable and intolerable. It is a disgusting revulsion against something (that America calls 'terror' or 'evil') that does not make sense, that was/is still horrifying, that allegedly comes from 'elsewhere' (although it was and may still be within 'us'), that cannot be identified as a traditional object of geopolitics. . . . As media pundits and intellectuals of statecraft have reminded Americans, the war on terror is a different war, with no really distinguishable home and away fronts.)

(DeBrix 2008:75)

With erasure of a distinction between home and away fronts, an irrational revulsion, free-floating fear, and pervasive rage, the government embarked on a war against evil. The "attack on America" represented a mystical evil. The government called on the people to support a messianic crusade (Welch 2006:8). The post-9/11 war on terror resonated with, and built on, fear of and war against crime. Just as the crime wars of the preceding decades shifted the focus from crime to criminals (Welch 2006:41), so the war on terror shifted from the problem of terrorism to evildoers employing terrorist tactics. "[T]he war on terror is a sustained illusion and mythic cleansing—of terrorists, of evil, of our own fear" (Welch 2006:61 citing Lifton 2003). In this media-fueled and government-orchestrated crusade, mass psychology turns away from focused, rational anger against a threatening enemy—such as the mass anger against Japan following Pearl Harbor. Instead, the mass psychology in the age of terror has become narcissistic rage. The government and media turned the attacks of 9/11 into attacks against the collective self.

Aggression, when employed in the pursuit of maturely experienced causes, is not limitless. However vigorously this aggression is mobilized, its aim is limited and definite: the defeat of the enemy who blocks the way to a cherished goal. As soon as the aim is reached, the rage is gone.

The narcissistically injured on the other hand, cannot rest until he has blotted out a vaguely experienced offender who dared to oppose him, to disagree with him, or to outshine him. It can never find rest because it can never wipe out the evidence that has contradicted its conviction it is unique and perfect. This archaic rage goes on and on and on. Furthermore, the enemy who calls forth the archaic rage of the narcissistically vulnerable is seen by him not as an autonomous source of impulses, but as a flaw in a narcissistically perceived reality. The enemy is experienced as a recalcitrant part of an expanded self over which the narcissistically vulnerable person had expected to exercise full control.

(Wolf 2001:2)

Consider how the mass media might otherwise have designated the 9/11 attacks. Instead of an "attack on America," it could have been an attack on the command and control center of world capitalism or international business and corporations and an attack on the command and control center of global militarism or the central U.S. military headquarters.

Such constructions would militate against narcissistic rage, and encourage reasoned and focused aggressive action. In contrast, the war on terror has become endless and global in which any means, including torture, are justified.

Darius Rejali identified three uses of torture in democracies: national security, civic discipline, and judicial. These uses correspond to the three main purposes for governments' torture: intimidation, coercion, and interrogation (2007:22–23). Rejali argued that democracies rely on stealthy torture that does not leave marks to hide the torture or at least make it deniable. Most techniques used by U.S. military and intelligence personnel in the war on terror favor the stealthy type of torture. Stress positions, water boarding,

and sensory deprivation, for instance, leave no marks. There are no images of mangled bodies, and no disfigured torture victims to accuse their torturers.

Americans can accept torture—and even those who reject it are not trying to overthrow the government to stop it—because U.S. government officials keep assuring the public that America does not torture. “The gloves are off,” but the bruises are invisible. The public can know that the government is using the “harshest measures possible” without having to confront their reality. Mass narcissistic rage can be vented without shame or guilt.

Securing Fear through Torture

Torture and terror (and counterterrorism) go together. Historically, terror legislation and torture have coincided, as in Latin America in the 1970s and 1980s. Countries that have used torture as part of their justice systems—for example Turkey, Syria, China, and so on—also have fairly extensive terror laws. In contrast, those countries and political confederations, such as the European Union, that have eschewed reified terror legislation, have not employed torture.

The relationship between terror laws and torture is not a simple causal relation. One does not cause the other. Both are indicators of state control. Moreover, in mass societies such as the United States, communications media play a crucial role. Government, public consciousness, and media produce state policies. Recent U.S. history shows how this dialectic resulted in a moral panic (Cohen 2002) about crime in the late twentieth century, which overlapped and blended into a moral panic about terrorism.

Expansion of state control is a definitive part of imperialism. When states embark on imperialist projects, they employ terror legislation and torture. Security states, built in response to perceived threats against the social and political order, often use both terror laws and torture. Nonetheless, the history of Latin America links antiterrorism crusades and torture to U.S. imperialism. The imperialist effect may not include the government using torture but the result of imperialist influence by an outside force. Racism is also a common, though perhaps not necessary, factor. Racism helps to mark social categories as potential terrorists. It also promotes the dehumanization and distancing that is so much a part of the social psychology of torture. Of course, it is especially central to the U.S. case as part of the long history of torture of African Americans and Native Americans.

Writing in 1946 in an editorial entitled “The Century of Fear” in the once underground newspaper, *Combat*, Camus explained.

Our twentieth century is the century of fear. . . . My view, however, is that rather than blame our fear, we should regard it as a basic element of the situation and try to remedy it.

In order to come to terms with fear, we need to understand what it signifies and what it rejects. It signifies and rejects the same fact: a world in which murder is legitimate and human life is considered futile. . . . Before we can build anything, we need to ask two questions: “Yes or no, directly or indirectly, do you want to be killed or assaulted? Yes or no, directly or indirectly, do you want to kill or assault.

(Camus 1946:257–259)

In *The Origins of Totalitarianism* (1958), Hannah Arendt proffered the thesis that aggressive warfare against external foes coincides with totalitarian regimes’ treatment of their domestic population—that is, the regimes carry out warfare against both. Michael Stohl, in part, building from Arendt’s idea, carried out a historical study comparing domestic violence in the United States with states of war in which it participated. He found an unmistakable pattern: increased political violence at home accompanies warfare abroad (1976). Repressive political violence against dissenters and rebels played handmaiden in the United States during the Vietnam War. The U.S. military and intelligence apparatuses used torture and facilitated its use by allied South Vietnamese. Police used torture against dissident racial minorities in the United States. The case of the Black Panthers—accused of a 1973 bank robbery in San Francisco—is but one example. Convicted by tortured confessions, a federal court reversed the convictions (Algeria et al. 2007). The police surveilled, harassed, and jailed White dissidents. They tortured and murdered Black dissidents, as in the Cook County State Attorney’s Office murder of Fred Hampton and Mark Clark in Chicago, December 4, 1969 (Alk 1971, *Eyes on the Prize* II:13). Torture marks minorities and secures the fear of majorities.

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