

Made in the U.S.A.: A Postmodern Critique

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The pictures that came out of Iraq told a brutal story. No, not the ones to which the public has grown disturbingly apathetic, those of American soldiers in action against Iraqi insurgents, or of the flag-draped caskets arriving at Dover Air Force Base. I refer instead to the photographs taken inside Abu Ghraib prison on the outskirts of Baghdad showing American military police in their roles as prison guards torturing and abusing Iraqi prisoners. In one of the more disquieting pictures, a hooded prisoner is shown standing on a small box with electrodes attached to both hands, presumably as a means of delivering electrical shocks should he not cooperate with his interrogators. Several others show guards forcing prisoners to form what appears to be a disordered rugby scrum while naked, to perform simulated sex acts with each other, and to stand in line naked while guards point to their genitals and laugh derisively. Other reports detail coerced public masturbation. The abuse is amplified by the presence of women among the guards, a violation of one of Islam's strictest taboos. Indeed, in two of the photographs, women appear to take a leading role in the abuse, which quite naturally has increased the fury and anti-American sentiment in the Muslim world.

The horrendous stories that emerged were corroborated by newly released prisoners. National Public Radio's *Morning Edition* (May 5, 2004) interviewed an Egyptian-born Canadian citizen who had gone to Iraq shortly before the war began to try to convince Saddam Hussein to cooperate with the United States. He was subsequently detained by American forces and confined at Camp Bucca, where he encountered a female sergeant in charge of the guard detail. According to the Canadian's account, the sergeant slapped him repeatedly, kicked him in the groin, verbally abused him, and demanded that he remember her name. He did. In the same interview, NPR gave the former guard an opportunity to respond. She claimed that she always tried to help the prisoners and accused the Canadian of lying.¹

The response to these episodes among Iraqis has been intense, as might be expected among a people to whom the United States promised a return of individual rights and personal dignity. Perhaps the most graphic example of their response was the mortar barrage directed against the Abu Ghraib prison by Iraqi guerrillas, which killed twenty-one prisoners. Coalition forces were at a loss to explain why Iraqis would launch an assault that would in all probability kill their own citizens. In early May, an explanation came: the prisoners themselves had asked for the attack (*Morning*, May 8,

2004). Female prisoners at Abu Ghraib had smuggled out letters detailing rape by their captors as a method of intimidation. According to a report in the *Boston Herald* (Straub, 2004), a sequestered videotape shows American soldiers raping a female prisoner and Iraqi guards raping young boys. The Iraqi prisoners therefore requested the bombardment as a form of suicide because they could no longer live with the humiliation inflicted on them by their American guards.

As the allegations and scandal grew, the military played defense. The Chairman of the Joint Chiefs, General Richard Myers, stated that he believed that such brutality represents isolated incidents, apparently relying on an earlier military report that denied any systematic abuse in any prison administered by coalition forces (*Morning*, May 11, 2004). But that position shifted. When asked at a press conference about General Antonio Taguba's internal report substantiating allegations of abuse, the Chairman said that he had not seen it, although the report had been available since February (Myers, May 1, 2004).² Secretary of Defense Donald Rumsfeld has likewise denied having seen the report (*Morning*, May 4), although it should be an easy matter for either man to pick up the phone and have the report on his desk in a matter of minutes. General Taguba's fifty-three-page summary document was subsequently parsed by Seymour Hersh (Hersh, May 10, 2004), an investigative journalist for *The New Yorker* magazine. In Taguba's summary, minus approximately six thousand pages in an appendix that the Pentagon did not furnish Congress, the military admits that the abuse shown in the photographs qualifies as "sadistic, blatant and wanton criminal abuses," which are *not* confined to isolated incidents. The types of mistreatment verified by General Taguba include beatings with sticks and chairs, threats of rape, and the use of dogs to intimidate the prisoners. In one case, a prisoner was actually sodomized with an electric light (*Day to Day*, May 3, 2004). The report concludes: "Several US Army soldiers have committed egregious acts and grave breaches of international law [and] senior leaders...failed to comply with established regulations, policies, and command directives in preventing detainee abuses at Abu Ghraib (BCCF) and at Camp Bucca during the period August 2003 to February 2004" (*Day to Day*, p.53).

It is necessary at this point to distinguish between a combat response to an enemy who has recently attempted to kill soldiers and a response that inflicts the abuse and the gratuitous punishment casually meted out by prison guards' intent on alleviating boredom or exercising a personal

need to humiliate their wards. What happened in Abu Ghraib was not an adrenalin-fueled combat reaction. The guards inside the prison had never seen any of the fighting and were therefore never threatened physically on the battlefield by the men and women they abused. Whether the torture and humiliation came as a spontaneous exercise on the part of the guards or as a result of direct orders down the chain of command is irrelevant; there has been absolutely no evidence that the guards were responding to any physical threat. As the pictures clearly show, they were simply amusing themselves.

Although Bush administration officials denied any knowledge of the abuse until May 2004, accusations of torture were filed as early as a year previously. Both Amnesty International and the Red Cross began objecting to the treatment of Iraqi prisoners months prior to the latest disclosures, including the cover-up of at least one death, with ten more suspicious deaths now under investigation. Jakob Kellenberger, head of the International Committee of the Red Cross, complained in the fall of 2003 to Secretary of State Colin Powell and Deputy Defense Secretary Paul Wolfowitz about treatment at Abu Ghraib, and Senator Patrick Leahy personally contacted the CIA, FBI, and the Pentagon about allegations of abuse (*Dead Man Walking*, 2004). The military's initial response to the ICRC's complaints was to restrict its representatives' access to prisoners, including a demand that the ICRC announce its visits in advance, a practice described by military investigators as a "violation of international law" (Higham, White, and Davenport, 2004). Later reports confirm the ICRC's fears describing two murders committed by Americans, one by an Army enlisted man and the other by a private contract employee of the CIA. The enlisted man was discharged, and the private contractor was fired; neither faced criminal prosecution or got any jail time (Miga, 2004).

The administration's persistent claim of ignorance is contradicted by Paul Bremer, head of the Coalition Provisional Authority, and Secretary Powell, both of whom subsequently cited instances of abuse and urged the military to intervene to stop the pattern. Bremer then advised the Vice President, the Secretary of Defense, and Bush's National Security Advisor that guards were abusing prisoners at Abu Ghraib. Yet, there was no official reaction until the story broke in the international news media (Slevin and Wright, 2004).

Non-governmental organization (NGO) concerns have also been validated by the recent revelations in Sgt. Ivan Frederick's journal, a meticulously

detailed narrative of ten pages, in which the 37 year-old reservist assigned to the prison describes torture, abuse, and the choreographed death of one prisoner that included a spurious IV drip to make it appear that he had died of natural causes. Sgt. Frederick claims that military intelligence (MI) and the criminal investigations division (CID) approved and encouraged the abuse of Iraqi detainees (Shave, 2004). In attempting to defend himself against charges of brutality, Sgt. Frederick, a twenty-year veteran of the National Guard who worked in the United States as a prison guard at the Buckingham Correctional Center in Virginia before deploying to Iraq, stated that he had no guidelines with respect to how he was supposed to treat his prisoners (*Morning*, May 3, 2004). Either this individual had no idea that torturing prisoners was illegal, in which case his behavior at the Virginia prison needs careful examination, or he knew it was and did it anyway. In either case, he should not be permitted to hold any custodial position in which the treatment of prisoners would be left to his discretion. And yet, in the face of the numerous cases of brutality and torture, the commander (or warden) of the prison, Brigadier General Janis Karpinski, stated on ABC's *Good Morning, America* (2004) that she had no idea such abuse was taking place.

Senator John McCain (R-AZ) knows a lot about abusive guards, having spent five and one-half years in a North Vietnamese prison as a POW. And yet, this intelligent, sincere man still believes that it is “not plausible that soldiers would abuse prisoners without being instructed to do so” (Peterson, 2004). With all due respect to the senator, he is wrong. When soldiers become prison guards, or when prison guards become soldiers, those “sadistic impulses” that are part of our atavistic complement tend to rise to the surface and express themselves as torture and abuse. A failure to recognize this phenomenon by cloaking excuses in patriotic chauvinism does nothing to alleviate the suffering or prevent its recurrence, either on foreign soil or on our own. Thus, a systemic pattern of mistreatment prevailed inside Abu Ghraib prison, aided and abetted by commanding officers that either refused to admit the problem existed or attempted to minimize its frequency and severity.

Of course, once the abuse became public, various defenses have been offered in the way of explanation for the torture of Iraqi prisoners. One of the more creative efforts, as illustrated by Sgt. Fredrick's account, was that the guards had no practical experience in how to treat their wards. This is a bizarre claim for a number of reasons. The military police unit charged

with guarding prisoners at Abu Ghraib intentionally employed a substantial contingent of troops who were prison guards or police officers in civilian life. As General Taguba's report emphasizes, many of the guards at Abu Ghraib were chosen specifically because they had worked as prison guards or corrections officers in their civilian jobs (Taguba, 2004: 25). Specialist Charles Graner, the supervisor of Cellblock 1A and one of the guards who appears in many of the pictures, is an example. Graner's employment history includes a five-year stint as a jail guard before moving to the maximum-security prison at Waynesburg, Pennsylvania. He was fired in 2000 but later reinstated, and his employment record includes three suspensions and three reprimands. His ex-wife has lodged three restraining orders against him for beating her (Cauchon, 2004). Inside the Waynesburg prison, his professional behavior was invariant from his private life.

Among the complaints filed against Graner by prisoners were descriptions of routine beatings, taunting Muslim prisoners for not eating pork, and failure to follow orders. An ex-death row prisoner, exonerated after twenty-two years by DNA evidence, testified that Graner spat in prisoners' food, made gay jokes during strip searches, and "relished withholding privileges such as exercise" (Cauchon, 2004: 7A). A federal lawsuit filed against Graner alleged that he assaulted a handcuffed prisoner by lifting him off his feet, slamming his head on the floor, and shouting racial slurs at him. Graner is on record as bragging that "the correctional officer in me says, I love to make a grown man piss himself" (Higham and Stephens, 2004). This attitude is confirmed by one former guard (Conover) who worked at a New York prison: "Many [officers] judged themselves and their peers on the degree of control they were able to maintain over inmates" (Conover, 2001: 31). Small wonder, then, that cellblock 1A at Abu Ghraib entrusted to Graner's supervision was described as a "breeding ground for racism and a widespread conviction" that the detainees deserved punishment (Smith, 2004). And yet, there was no public outrage in response to the episodes of maltreatment of *American* prisoners.

This kind of studied disinterest enabled Graner and the other guards in Abu Ghraib prison. Assuming they had the same governmental imprimatur to do whatever they wanted, they committed their illegal acts with the same casual disregard for prisoners' rights as they and others did in prisons across the United States and were no doubt astonished by the reactions once the reports of abuse found their way into the public domain. After all, they had gotten away with it so often in the United States that surely no one would

care if they exported their work ethic and abused prisoners who did not even speak the same language.³

When the 372nd Military Police Company assumed responsibility for guarding the Abu Ghraib prisoners, the unit was made up of reservists largely untrained as prison guards (Higham and Stephens, 2004). According to General Taguba's (2004) report, the men and women who had never worked inside a prison deferred to the members who had civilian prison backgrounds, and the treatment of the prisoners developed with a reliance on the guidance from those same unit members. Even if many of the guards had no practical experience in a prison environment when they got to Abu Ghraib, the members of the unit who worked in prisons in the United States did, and they, more than anyone else, should have known that torture and sexual humiliation were beyond the pale.

Graner's behavior in Virginia and Iraq is hardly the aberration that the government would have us believe. Case law is replete with incidents of physical abuse, often sexual in nature, in America's prisons, and periodicals such as **Prison Legal News** published by prisoners at the state prison in Washington, enumerate in each monthly issue cases in which prison guards have been arrested, convicted, or fired for systematically abusing prisoners. **The Journal of Prisoners on Prisons** has often treated the same subject, including prison guards in Florida beating and kicking a death-row prisoner to death in his cell (Van Poyck, 2003). With respect to the sexual assault of one prisoner in Abu Ghraib, recall the case of Abner Louima, who was similarly raped by police in the bathroom of a New York precinct house. Continuing the pattern that criminal justice officials insist on characterizing as isolated incidents, an FBI agent admitted that detainees in U.S. prisons were routinely tortured, including beatings and sodomy with a flashlight at the Brooklyn Detention Center (Cockburn, 2004).

The unit's commanding officer at the prison Lt. Colonel Jerry L. Phillabaum likewise dismissed the inexperience excuses. He insisted that "The acts of a couple of demented Reserve MP guards, who are prison corrections officers at home, were their own idea" (Higham and Stephens, 2004). General Taguba (2004), however, cast a much broader net, describing Phillabaum as an ineffective leader who did little to control the guards' abuse of prisoners.

A more offensive rationale for the abuse is advanced by Cal Thomas, an administration cheerleader who tends to view every social issue through the lens of Christian fundamentalism. Thomas stated in a recent column

that “We don’t know the identity and intentions of the allegedly abused prisoners” (Thomas, 2004:19). Just so. By U.S. estimates, 70 to 90 percent of the detainees are innocent of any charges and will subsequently be freed (*Morning*, May 14, 2004), so the chances are great that the innocent as well as the guilty are being tortured, a possibility that seems not to trouble Thomas at all. As for the need to determine either identity or intent of the victims before criticizing the torture and humiliation being inflicted, the treatment is *mala in se*, abuse that does not require explication prior to condemnation. Ignoring the presumption of innocence, Thomas closes his insulting screed by placing the blame for the abuse squarely where he thinks it belongs: on the shoulders of the victims. “If there has been humiliation, it isn’t the fault of the West. It is Muslims’ fault” (Thomas, 2004:19). Just as it was the Jews’ fault sixty years ago.

For most rational human beings the claimed ignorance of moral and legal constraints and the shifting of blame to victims stretch the bounds of credulity and civility. It does not require a degree in criminal justice or an IQ much above eighty to acknowledge a moral imperative to refrain from torture, gratuitous assaults on individual dignity, and homicide in any situation, not just in prisons. A former Army interrogator and the current CEO of Team Delta, a Pennsylvania organization that trains interrogators for the police and military, said recently that the Iraqi prisoners were entitled to their rights under the Geneva Convention, which means that interrogators and guards were not entitled to touch them in any way or force them to perform degrading acts (*Day to Day*, 2004). This approach was dismissed by White House General Counsel Alberto Gonzalez in a memorandum to President Bush, in which he maintained that the safeguards enumerated by the various Geneva conventions are now obsolete and “quaint” in the new war against terrorism (Hersh, May 17, 2004). If such a cavalier attitude permeates the highest levels of government, including the White House, then it should come as no surprise that governmental representatives should view prisoners as little more than the bottom of the food chain.

Even so, as a result of the recent photos, six of the guards are facing court martial and seven more commissioned and noncommissioned officers have received reprimands. This does not, however, diminish the repercussions among the Arab population in the Middle East. Neither does it address the overarching question of precisely why those men and women representing the United States thought it was their privilege to inflict both physical and psychological torture on helpless prisoners, notwithstanding the tacit

collusion of superior officers. If all of this sounds vaguely familiar, it is because it happens more frequently than the government's representatives will admit or the public will acknowledge, not in a declared war thousands of miles from America's shores but in an undeclared domestic battle behind prison walls.

Inside America's barred fortresses, guards go about their business with the same sense of callous detachment, the same arrogation of absolute right, that inspired the abuse in Iraq that now outrages so many people, and the outcomes are identical: prisoners are routinely subjected to psychological and physical abuse, often descending to the level of torture, and the persons responsible usually escape punishment. Think what would have happened to these allegations had the Abu Ghraib guards not been stupid enough to incriminate themselves by taking pictures of their activities. It would have become another contest between the testimony of the keepers versus the kept, and that is always a no-win situation for those wearing the chains.

The mistreatment of American prisoners is not restricted to maximum-security prisons like those haunted by the Graners of the correctional industry. For example, it extends even to less infamous facilities under U.S.A. jurisdiction. A recent federal investigation into conditions in the U.S.A. prison system uncovered "abuse, neglect and inhumane conditions" that may have contributed to several deaths (Johnson, 2004:1A). So the abuse of prisoners, including homicide, by governmental representatives is hardly a novel concept except when it reaches a wider audience and compromises the government's ability to accomplish its stated goal.

The discussion and turmoil surrounding these incidents, however, continue to ignore the question of why otherwise normal men and women engage in the abuse of other human beings when placed with positions of power over them, and this returns us to the often debated question regarding the personalities of prison guards in general: are they naturally sadistic and gravitate toward prison work so they can indulge their psychopathologies, or do they become that way as a part of a desensitization process that prison work requires? An illuminating study by Philip Zimbardo provides insight and suggests answers for precisely those questions.

To test the dispositional hypothesis, Zimbardo (1973) recruited students at Stanford University and divided them into two groups, one designated prisoners and the other designated guards. They were then allowed to interact in a restricted setting. After two days, each group assumed the roles assigned to them. Specifically, the prisoners became progressively

more dejected, traumatized and dehumanized. The daily torment increased to include verbal abuse and commands such as cleaning toilets with bare hands, until Zimbardo and his colleagues felt the need to stop the study after six days. In subsequent interviews, the students functioning as guards were uniformly surprised at their own brutality and lack of concern for the “prisoners”. One student guard admitted that he considered the student prisoners as no more than cattle. As Zimbardo’s study demonstrated, the origins of brutal relationships can often be found in the destructive roles assigned to the persons in the relationships.

A corroborating commentary by a contemporary psychologist describes “atrocities-producing situations”, structured environments in which ordinary men and women can regularly commit atrocities when their victims are viewed as “others” or less human and less deserving of fundamental consideration. “In environments where sanctioned brutality becomes the norm, sadistic impulses, dormant in all of us, are likely to be expressed.” And of course, “atrocities-producing situation[s] can exist...in ordinary civilian prisons” (Lifton, 2004: 4-5). Indeed they do. As the events in Abu Ghraib reveal, this is precisely what happens when groups of people are assigned to guard other, whether in military or domestic environments.

In both situations, often there is no thought for the consequences of one’s actions. The gloating guards in the photographs from Iraq clearly show that they had no sense of violating anyone’s rights, or if they were aware of the violations, they simply did not care. The identical attitude obtains when civilian prison guards in the United States routinely abuse their prisoners, even after they are arrested or dismissed for that abuse. The standard excuse is the Cal Thomas defense: they are only convicts. The unrestrained authority of prison staff confers an unmitigated license to treat prisoners in any manner the guards want, including inflicting physical mistreatment, up to and including homicide. There is precious little concern for the prisoner’s rights because the guards have come to believe that American prisoners, like the Iraqi detainees, are subhuman and unworthy of fundamental consideration. If graduates of correctional training facilities were to speak candidly, they would admit that they are taught that prisoners are “the lowest of the low, the scum of the earth,” who are thus unworthy of the same consideration extended to free citizens (Conover, 2001: 33).

Exacerbating the potential for abuse is a we versus them attitude cultivated and nourished in the prison environment, usually sanctioned from the top down. Recent revelations (*Morning*, May 19, 2004) of approved

interrogation techniques for Al-Qaeda suspects confirm that the methods were developed and authorized at the highest levels in both the Pentagon and the Justice Department.⁴ If prisoners are perceived as the enemy, if they are somehow less than citizens deserving fundamental consideration, then the guards will act without concern for their welfare, which is precisely what has occurred in Abu Ghraib and at Guantanamo Bay — and inside America's prisons.

The supreme irony is that America's prison guards can abuse their prisoners with virtual impunity because the public is complicit in the abuse. Whereas in Iraq, a disclosure of abuse inside the country's prisons raised a moral outcry, citizens in the United States are consistently silent when the same thing happens inside their prisons, usually offering the rationalization that since the victims are prisoners, they are obviously guilty or must have done something to provoke the guards, who are decent men and women doing a difficult job. They refuse to acknowledge that in Iraq *and* America, as Zimbardo's study demonstrated, the institutionalization of punishment, with its assigned roles of prisoner and guard, breeds the kind of abuse and denial of fundamental rights that currently has the public's moral conscience so exercised elsewhere.

The Iraqi-American equivalence of attitudes toward the incarcerated therefore explains the treatment of Iraqi prisoners under both Saddam Hussein's guards and American military police. The treatment meted out by Saddam's thugs differed only in degree from the treatment administered by America's representatives, which is only marginally different from the treatment prisoners receive in America's prisons. When Donald Rumsfeld (May 4, 2004) disingenuously lectured the world on America's values, stating that physical abuse of prisoners was not the way "America does business," he ignored the institutionalized racism and brutality of American criminal justice. When Colin Powell (2004) insisted that the Iraqi abuse was "inconsistent with our value system," he turned a blind eye on the same system that until recently permitted the execution of juvenile offenders and the mentally incompetent, often after the evidence has been manufactured by the collusion of police and prosecutors (Mulvihill, 2004). When President Bush (May 4, 2004) claimed that the behavior of the prison guards was not reflective of the "America we know," he was, as in so many other areas of public policy, egregiously mistaken — and perhaps duplicitous — because there are now two Americas: the synthetic America advocated by the Bush administration as the world's moral paradigm and the other, authentic

America of class distinction, divine right and almost feudal treatment of the powerless.

If “a military establishment tends to reflect the qualities of the civil society of which it is a part,” as some scholars claim (Machiavelli, 1965: xlvii), then the actions of the guards at Abu Ghraib clearly demonstrated that President Bush and his administration are deeply out of touch with the troubling ethos that routinely governs the treatment of both military and civilian prisoners, or else they do not care unless the publicity surrounding instances of abuse jeopardizes their political positions.

The founders of the Republic did their utmost to anticipate and remedy such a situation, specifically by limiting the amount and type of coercion a government could apply to its citizens. In adding the Bill of Rights to the Constitution three years after ratification, they recognized a need for the Fifth and Eighth Amendments that forbid tortured confessions and cruel and unusual punishments. Implicit in these amendments is the acknowledgment that unrestricted governmental power will inevitably lead to abuse, a proposition consistently validated throughout history. Nearly two hundred years after the birth of the Bill of Rights, the Supreme Court of the United States reinforced the philosophy of protecting citizens from governmental excess with an opinion that unambiguously circumscribed coercive techniques, including physical abuse, then employed by law enforcement officials to extract incriminating statements from criminal defendants (*Miranda*, 1966).

To put the recent Abu Ghraib incidents in historical perspective, James Madison was correct: individual rights, at least at this stage of our social and psychological evolution, require a degree of protection from governments and the agents acting on their behalf.⁵ It is fine to talk about freedom and democracy, but in point of fact, both can be extraordinarily precarious when fallible human beings are given absolute power over others for whom they have little respect or empathy.⁶ There is no more effective laboratory for demonstrating that benighted tendency than inside a prison, whether in Iraq or in the United States.

Michel Foucault (1975) explored the question of whether imprisonment was a more humane form of punishment than torture, anticipating a choice between the two methods. The situation in many prison environments today sadly demonstrates that in some ostensibly civilized societies a confluence of imprisonment and torture, where the government inflicts both on its prisoners, renders Foucault's insights sterile. If prisons are a necessary

evil in today's world of serial killers and predatory gangs, if they remain indispensable for public protection, abuses will occur, if for no other reason than they provide an outlet for those darker predispositions we carry around from prehistory. The feigned shock of governmental officials will not solve the problem of abuse. Instead of establishing accountability and control, it merely encourages those who engage in the practices to be more circumspect next time. Until those entrusted with the custodial care and treatment of prisoners of any persuasion are adequately educated, trained, and supervised to a degree that prevents gratuitous infliction of pain and suffering, events in both Abu Ghraib and America's prisons will consistently be indistinguishable.

ENDNOTES

- ¹ She was found guilty at a military hearing of abusing prisoners and forcibly discharged. She then returned to her job as a state trooper in Pennsylvania.
- ² General Taguba's report was classified *Top Secret: No Foreign Dissemination*.
- ³ To illustrate the confluence of military and civilian attitudes towards the incarcerated the State of New Hampshire recently selected Brigadier General Steven Curry to head its Department of Corrections. General Curry's previous post was at Fort Leonard Wood, Missouri, where he was in charge of all training for military police, including the detachment of guards at the Abu Ghraib prison.
- ⁴ Techniques include subjecting prisoners to extreme heat and cold; depriving them of sleep, food, and water; and keeping them naked.
- ⁵ Madison was responsible for sponsoring the Bill of Rights and, along with Jefferson, fought vigorously for its adoption in the face of intense opposition by Alexander Hamilton and many others.
- ⁶ Cf. Toqueville's *Democracy in America*.

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