
on torture

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Torture, Archetypes and the Speculative Press

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Ehab Elmaghraby, a New York restaurant owner who had lived in the US for 13 years, was rounded up with hundreds of Muslim and Arab immigrants in the days after September 11. He was held in the Metropolitan Detention Center of Brooklyn, and like many, after nearly a year there he was finally charged only with financial crimes unrelated to terrorism and was deported. A 2003 Department of Justice review denounced “widespread abuse of noncitizen detainees” at the facility. In 2006, the government settled with Elmaghraby for \$300,000 on charges of kicking, bloody beatings and what the *New York Times* called “multiple unnecessary body-cavity searches, including one in which correction officers inserted a flashlight into [Elmaghraby’s] rectum, making him bleed.”¹

Rape in detention by corrections officers qualifies as state torture according to the UN Convention: acts by persons who, with the authority or acquiescence of the state, inflict severe pain or suffering, physical or mental, on persons in custody. Rape is a routine form of torture, and historically, a “search” is a common alibi for rape. Still, the location, perpetrators, and act itself place it in a universe of violations the US is accustomed to

recognize as “police brutality” or abuse rather than “torture.” The use of one term instead of another is more than euphemism or language crafted to evade prosecution. It is also indicative of how the press and public imagine torture, what they have come to believe torture is and what it is not.

The flashlight too is important. It is both a practical and conceptual prop, part of the symbolic structure of Elmaghraby’s torture. While it violates the prisoner it also diverts attention to the prisoner’s latent violence, the weapon or secret contained in his anus. Armed with a flashlight, the perpetrators may appear truly committed to nothing more than a “search.” The flashlight rape offers a clear example of the way in which the very tools, rituals and methods of torture establish their own alibi. Such an alibi may not make torture publicly acceptable; it can serve to misconstrue and rename it. That the *New York Times* termed the rape an “unnecessary body cavity search” goes a long way to proving this point.

The press may be an index to the public imagination, but it also cultivates that imagination and adjusts our focus. Novelist James Coetzee once put bluntly the moral and political problem at stake. In representing

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torture, “The true challenge is how not to play the game by the rules of the state.” Tales revealing “the dark chamber” can easily assist the state by reinforcing and spreading terror: they may simply paralyze the viewer or infatuate the audience with the torturer’s power.² Neither response makes for organized political action; neither promotes perpetrator accountability.

The journalist, like the novelist, is also drawn to the dark chamber.

Beginning in mid-September 2001, dozens of US news analyses, commentaries and feature stories began to debate the utility of torture in the war on terror. While these speculative news arguments for and against torture achieved critical mass well before the Abu Ghraib photos of 2004, only six investigative stories on actual detainee treatment appeared across the same period according to American Journalism Review.³ Hypothetical torture was a big story while actual torture went unreported. The speculative press was busily defining torture and imagining its uses, in advance of and alongside the classified torture memos quietly being drawn up in the Executive Branch.

The early speculative debate on torture across 2001 - 2004 in places like the *New York Times*, *Washington Post*, *Wall Street Journal*, *Newsweek*, *Time*, *Atlantic*, and *New Yorker* was broadly influential. It struck narrative postures, anointed experts and lent terminology, premises and anecdotal evidence that were taken up in legal reviews, philosophical treatises, and other arenas. What is more, the speculative debate had an impact on interrogators themselves. Mark Bowden’s 2003 feature in the *Atlantic*, for instance—“The Dark Art of Interrogation”—was read as a type of underground guidebook by Tony Lagouranis who admits he tortured

prisoners in Mosul, Iraq.⁴ Recurring narrative frameworks and a pervasive depiction of torture in this writing are worth considering.

The recurring frameworks for speculation I refer to as Hypothetical, Historical and Heart of Darkness. The early Hypothetical group records student, community, or “specialist” responses to a “should we or shouldn’t we” dilemma purported to be vexing the public mind, though in each case the subject of torture is introduced by the journalist.⁵

In the Selective-Historical framework, the commentator routinely and tellingly draws lessons from really only two historical models, both campaigns against Muslim populations, Israel in Palestine and France in Algeria.⁶ A third approach draws core elements from the Hypothetical and Selective-Historical frameworks, fusing them into a larger “Heart of Darkness” narrative. Here, a lone feature writer sets forth and, exuding a calculated moral ambivalence, seeks out the torturer and examines his tools. The feature’s fascination with “dark arts” and “unthinkable choices,” the sheer lyricism, often the title, all signal a foregone conclusion. Bowden’s full title: “The Dark Art of Interrogation: The most effective way to gather intelligence and thwart terrorism can be a direct route into morally repugnant terrain.”⁷

Most obvious in these formulaic structures are the distortions and confluences of history. Less obvious are the narrative postures that enlist the reader in a community ostensibly protected by torture, never subject to it. Survivor voices by and large are shut out of this debate.

Photos from Abu Ghraib in 2004 finally jumpstarted investigative reporting on torture. They also sharply curtailed the popularity of

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the Hypothetical and Selective-Historical modes of speculative writing. However, the Heart of Darkness framework remains a resilient formula for feature writing. For instance, the bizarre recent features in which a journalist submits to waterboarding—Kaz Larsen of Current TV, Steve Harrigan on Fox News, Christopher Hitchens in *Vanity Fair*—follow in this vein. The sensational premise only casts in greater relief the absence of survivors: A supposedly “objective” party who travels into the realm of experience to render a verdict on the practice is deemed more credible and interesting than the survivor who has already been there.

Across these modes of speculative news writing, a single archetypal imaging of torture is pervasive. Its ubiquity makes it invisible as a device. Torture is everywhere imagined as a two-person encounter, a scene of “interrogation” played as an ahistorical, metaphysical and intimate battle of wills. Manichean, atmospheric in tone, it dramatizes the torturer’s dire urgency or the victim’s world of pain, or both. A focus on specific techniques accents the progress of pain, suggesting a definite beginning, a specific duration, an incremental increase (one doesn’t murder the subject outright nor begin with the most extreme pain). Once this particular scene has been invoked, torture has been named, looked in the face. We know what it’s made of. The scene is so common, one element can imply another: the victim in “the fetid basement cell” and the injury or technique—“the teeth extracted,” “limbs broken,”—invokes the torturer and his demands. The dual agonists, of course, are reinforced by sidebar illustrations—the long shadow leaning in a cell door, a single set of wrists dangling from shackles.

This iconic scenario is similar to what, with enhancements to motive and setting, has been showcased as the ticking time-bomb, but they are not identical. The time-bomb artfully recombines these features, to create a stylized illustration of “torture,” ultimately to justify it. Yet even those who reject torture absolutely often cast the practice in this mold, imagining the same duo locked in the same elemental battle, though they cast their lot with the victim. Amnesty International’s groundbreaking 1973 campaign to abolish torture opened its appeal to the public with selections from a Turkish victim’s testimony which closely followed this formula: an isolated victim, a torturer, an array of graphic techniques. Amnesty reassessed its representational strategy a decade later, to incorporate an empowered spectator acting to prevent torture, but the point here is the power and recurrence of the archetype.⁸

Elaine Scarry’s work draws on the full complexity of Amnesty documentation from the 1970s, in order—quite importantly and memorably—to dismiss “interrogation” as merely a “false motive” and alibi for torture. Yet her analysis keeps torture structurally bound to the charade of interrogation. For Scarry, “the structure of torture” is “essentially a two-person event... premised on one-directional injuring”(20). To delineate its features, she lifts the players out of historical and cultural space and time: “Torture has a structure that is as narrow and consistent as its geographical incidence is widespread.” (19) “That structure entails three events: the infliction of pain; the objectification of attributes of pain, and the translation of those attributes into the insignia of the regime.”(19) For her, torture is the “condensed case” or “absolute model” of destruction, beyond even

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war. Torture is civilization deliberately reversed, unmade.⁹

Many provocative legal and philosophical arguments against the time-bomb dismiss the hypothetical as too limited and stylized, yet ironically, pull us back to this same archetypal view to better understand the “nature” of “torture.”

Philosopher David Sussman defines torture in its elemental “two-ness” and diabolical intimacy for the *Case Western J of International Law*. “For torture to occur,” the antagonists must be “standing in a particular kind of relationship with one another, and understand that the other understands this as well.” This perverse relationship is a “natural slavery,”¹⁰ a “living death,” a kind of “anti-life.” For Sussman, torture inverts, at the highest level of intensity, the very principle of human dignity in social relations.¹¹

In a brilliant piece for the *Virginia Law Review* in 2005, David Luban attacks the time-bomb as “jejune,” a “cheat,” and “intellectual fraud.” He urges us to look away from the mesmerizing time-bomb toward the “torture lawyers of Washington” and the legal apparatus they’ve established. He points directly to social networks that *would be needed* to sustain torture, but in the end defines torture by its duality. Why is torture more repugnant than killing or war?

The answer lies in the relationship between torturer and victim,” that is, “a torturer, who inflicts pain one-on-one, up close and personal... to tyrannize and dominate the victim. The relationship...becomes a perverse parody of friendship...Intimacy transformed into its inverse image ...the torturer focuses...with the intensity of a lover,

except...At bottom all torture is rape, and all rape is tyranny” (39).

Says Luban, “Torture is a microcosm (raised to the highest level of intensity) of the tyrannical political relationships that liberalism hates the most”(39).¹²

Marcy Strauss, in her 2004 essay “Torture” in *New York Law School Law Review*, demonstrates how image and definition are linked. She notes that the media rarely define it and American case law “at best...make[s] passing reference to police behavior as ‘torture’ or like a ‘rack and screw.’ “It’s as though,” she says, “we all have the same working definition or conception of torture in mind. Do we?” She goes on: “The quintessential picture of torture in the United States” involves whipping or beating a suspect to secure confession. While she tests that “picture” against an array of incidents drawn equally from Supreme Court decisions and from the highly imaginative speculative press I’ve discussed, the picture she too arranges reflects the familiar aspects of the archetype. Ultimately her working definition rests on this shared mental image though she admits it’s conflicted and “surprisingly blurry”:

I will...only use ..“torture” as a generic term when a more precise delineation is not necessary...In those cases, the reader should simply bear in mind the type of abuse that most people would agree constitutes torture” (216).¹³

For Scarry, torture is the inverse of human labor and creation, for Sussman and Luban it is the inverse of human dignity and the democratic social bond, and for Jeremy Waldron, torture is the inverse of law itself. In his *Columbia Law Review* article of October

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2005, Waldron argues that the relation between torturer and victim is a brutal violation so fundamental it is the basis of all legal prohibitions. Torture plays, in his terms, an archetypal and imagistic function within law. The “vividly emblematic” instance of torture functions everywhere in the “background” of legal discourse, persistently communicating “the spirit...of the entire legal enterprise.” “It sums up or makes vivid to us” “our determination to sever the link between law and brutality, between law and terror and the enterprise of breaking a person’s will.”¹⁴

To identify the elemental, these arguments and others lift the practice out of its historical, social, and institutional complexity and continuities. They reduce torture to a “basic structure,” emblem, or model the better to enlarge it as a theory of pain and civilization, liberal dignity and democracy, or law.

Of course, all of these authors—journalists, jurists, and academics—mobilize a stylized image of “torture,” a one-on-one interrogation encounter, an archetype presented repeatedly to the public in the news commentary since 2001. What is fascinating is how far afield this depiction is from actual interrogation, let alone torture. Even non-coercive questioning is not a one-on-one encounter. It involves questioners, translators, military guards and other observers.

Nor is torture a single act or secluded one-on-one practice. The wealth of military investigations, interrogator memoirs, detainee statements, and reporting details from the current conflict routinely indicate multiple persons at the scene. What is more, the “interrogation” alibi persists in the face of group activities that more closely approximate recreation: such as the “High Five Paintball

Club” of Camp Nama,¹⁵ or the soldiers at Camp Mercury who lined up to strike prisoners knees with a baseball bat and assembled human pyramids.¹⁶ The guards at Bagram used severely painful kneeling in the thigh because they were amused to hear ‘Allah!’ with each strike.¹⁷

Sexual assault masquerading as a “security measure” is another group undertaking and persistent feature of detention. Mr. Elmaghraby’s flashlight rape echoes a pattern of “unnecessary anal searches” and sodomy reported by detainees freed from Guantánamo, Abu Ghraib, and Kandahar and confirmed by military personnel. Interrogator “Chris Mackey” says probes at Bagram were preceded by the shout “Cavity Search!” meant to further humiliate the individual and intimidate the group.¹⁸ Some released detainees described actual questioning as a period of respite from the daily “care” of MPs who function in pairs and teams—“controlling,” caging, feeding, “escorting,” attending bathing and bathroom trips.¹⁹

When torture poses more closely as interrogation, it too is a group event. Homicide victim Manadel Al- Jamadi was “interrogated in a rough manner” by several Navy SEALs and CIA before transfer to Abu Ghraib, where two MPs, a CIA interrogator and translator worked together to lift and steady the battered prisoner into a “Palestinian hanging” position where he died.²⁰ Indeed the shackling, overhead or otherwise, as well as forced standing, sleep deprivation, not to mention waterboarding or beatings always require teamwork: to restrain, lift, position, or revive the prisoner to consciousness.

My points are two-fold. One: isolating a technique, a moment, or “basic structure” that

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constitutes torture is challenging in these accounts.

Two: torture occurs in contexts marked by complicated group dynamics, though the archetype routinely, artfully diverts our thinking and analysis from this fact. These accounts exist because spectators are present. Interrogators Chris Mackey, Tony Lagouranis, linguist Erik Saar, chaplain James Yee writing respectively about their time at Kandahar and Bagram, Mosul, and Guantánamo describe the populated detention camp as a setting organized by rank and a clear division of labor, as well as intersecting hierarchies, a variety of intelligence services, and complex sets of mixed agendas. Professional identities are formed and asserted in the context of peer groups that are cooperative and highly competitive. Groups are attuned to their impact on detainees and how that impact might impress each other and their commanders. Time with prisoners is anything but isolated and frequently seen or overheard by other soldiers, civilians and prisoners.

In the face of this it can only seem strange that so many news features and other arguments scrub from the scene all onlookers, co-participants, and captives, leaving only the dyad of torturer and tortured in place.

Simply reintroducing other players opens torture to different paths of analysis and political action. It may be clear that the dyadic view or “basic structure” does not make a chain of command basic to that structure, although it certainly is. In fact it closes off from scrutiny all political, social, and economic networks that support the activity, for instance the institutional and social arrangements that train and condition “violence workers.” Or the supply chain that manufactures and equips

personnel with, say, electric tasers that burned captives at Camp Nama. In 2003, a single story in *US News and World Report*, noted more than 60 American companies had obtained the annual approvals to export stun batons, stun guns, thumb cuffs and other devices to 39 countries known to torture dissidents. But there are other devices, special and mundane, that come from somewhere at a profit: restraint chairs for forced feeding, the trained dogs, shackles, flexicuffs, goggles, hoods.²¹

Torture may produce a fiction of state power, as Scarry has it, but it produces as well a communal dynamics, group identities, and individual subjectivities for perpetrators, bystanders, and victims. Victims are not simply “isolated in their pain” but often assaulted together or forced to hear or witness the terror and shaming of others. To depict assault on groups or aggregates obviously lays open to view relations between torture and racism, misogyny, religious persecution and other oppressions which have been enacted historically through torture but rendered absent from the “basic structure.” That the Abu Ghraib tortures were community-building events was captured in some of the writing in 2004.²² But the insight was fleeting. Our archetype wasn’t remade to accommodate an understanding of torture as a communal rite instead of “interrogation gone wild.” Abu Ghraib’s crowded events have been memorialized visually on book jackets and elsewhere in the silhouette of a single hooded man, not a naked human pyramid or a masturbation circle including captors.

If a “shared image” of torture plays a powerful background function in policy and legal discourse, as Professors Strauss and Waldron argue it does, it’s past time to contest the pervasive image. To remove suppliers,

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commanders, multiple participants and victims from view diverts attention from networks that prepare for and sustain torture. So too, to remove spectators from our “basic” representation closes off avenues of thought that lead back to theories of complicity, that is to ourselves as fascinated news and television consumers or participants in the policy and the debate. Luc Boltanski’s work on morality, media and politics argues that media can shape positive moral and emotional responses to suffering by mobilizing specific rhetorical forms, vignettes that “nourish the imagination and coordinate political response” across populations.²³ The representation of torture I’ve been talking about might be likened to one such vignette: a subject of suffering, an agent of pain, but minus the reflective spectator that Boltanski takes to be crucial to political response. Ervin Staub has argued that entire societies prepare in advance to commit the violence of genocide or torture.²⁴ The iconic image circulated in the speculative news and larger debate has been a powerful “vignette,” at worst a form of preparation for violence, at best a dead-end for analytical thought and political response.

Consider two such dead-ends. The dyadic archetype has so artfully reinforced “intelligence-gathering” as the underlying goal and central “case” we must argue, that we’ve lost Scarry’s fundamental insight that “intelligence-gathering” is a false motive, an alibi. As in all the examples here, torture masquerades as “interrogation,” but ritual questioning while beating or freezing or hanging a prisoner is no more related to “information-gathering” than a flashlight in the anus is related to a “search.” As the Intelligence Science Board’s 2006 report belatedly concluded, questioning prisoners for

information is an entirely separate undertaking, requiring different skills.²⁵ We need representational strategies that dispense with the alibi and direct us instead to look at torture’s repressive and communal functions.

So too, the debate persistently frames torture as a new choice for the US.

But we do not need to cast back far in the *New York Times* to find the US involved in torture of al-Qaeda suspects: for instance, in 1995 and 2000 against WTC bombers and embassy bombing suspects.²⁶ Even as the speculative press geared up in 2001 and 2002 broaching torture as an unspeakable new idea whose time may be right, news of US police torture ran alongside it: Abner Louima’s last assailant was being retried and sentenced, and John Conroy continued his dogged reporting on Chicago’s Area 2 police torture team, led by John Burge, who brought electroshock tactics home from his tour in Vietnam. It is indeed bizarre that the news writing I’ve discussed seeks its torture track record in Israel and France not Latin America, the Philippines, or Vietnam.

In this regard, the recurring narrative frameworks and ahistorical archetype collude to obscure three important US lines of descent: torture’s use in lynching and racial repression; in U.S. colonial wars and counter-insurgency programs in cold war client states; and in policing contexts and prisons. Oddly and sadly, the fact that Ehab Elmaghraby’s flashlight rape in Brooklyn stands at the intersection of those three (obscured) strands of torture practice may make it more difficult to recognize his torture rather than less. No executive orders or legal memoranda were necessary to initiate his ordeal. As one of the first war on terror detainees, Elmaghraby was to learn that no

matter how “new” the war, it would draw on old routines of suppression and violence.

This is all to say that the iconic imagining of torture in the speculative press and elsewhere closes off the social nature and function of torture and its historical contexts and continuities. But in this regard, the US has a dual history to consider: its long history of torture and its long history of tolerance for it. The way we imagine torture—our habits of storytelling, archetypes, and anecdotes—are certainly of a piece with that history, supporting that tolerance or fighting against it.

¹ My thanks to Tom Hilde and the Heinrich Boll Foundation for convening the symposium, “On Torture.” This paper revises a discussion of the press and recurring representations of torture first published as “Torture: Alibi and Archetype in US News and Law since 2001,” *Culture, Trauma and Conflict: Cultural Studies Perspectives on War*, ed. Nico Carpentier, Cambridge Scholars Press, 2007. For Elmaghraby’s settlement see Nina Bernstein, “U.S. Is Settling Detainee’s Suit In 9/11 Sweep.” *New York Times* February 28, 2006.

² James Coetzee, “Into the Dark Chamber: The Novelist and South Africa” *New York Times Magazine*, 12 January, 1986.

³ Sherry Ricchiardi, “Missed Signals.” *American Journalism Review*. August-September 2004. See also, Eric Umansky, “Failures of Imagination.” *Columbia Journalism Review*. September 2006.

⁴ Tony Lagouranis, *Fear Up Harsh: An Army Interrogator’s Dark Journey Through Iraq*. New York: New American Library, 2007.

⁵ For quizzes and surveys, see Amy Argetsinger, “At Colleges, Students are Facing a Big Test.” *Washington Post*, September 17, 2001, B1. Abraham McLaughlin, “How Far Americans Would Go to Fight Terror.” *Christian Science Monitor*, November 14, 2001, 1. Other pieces in the Hypothetical vein are John Blake, “Seeking A Moral Compass While Chasing Terrorists: How to React to Enemies Raises Tough Issues for People of Faith.” *Atlanta Journal Constitution*, September 22, 2001, 1B. Jay

Winik, “Security Comes Before Liberty.” *Wall Street Journal*, October 23, 2001, A26. Jonathan Alter, “Time To Think About Torture.” *Newsweek*, November 5, 2001, 45. Jim Rutenberg, “Torture Seeps into Discussion by News Media.” *New York Times*. November 5, 2001, C1. Sandi Dolbee, “Agonizing Over Torture: Can Deliberate Hurt Be Justified in Times of Terror?” *San Diego Union-Tribune*. November 23, 2001, D1. Jess Bravin, “Interrogation School Tells Army Recruits How Grilling Works—30 Techniques in 16 Weeks, Just Short Of Torture; Do They Yield Much?” *Wall Street Journal*, April 26, 2002, A1. E.V. Kantorovich, “Make Them Talk.” *Wall Street Journal*, June 18, 2002, A16. Peter Maas. “Torture, Tough or Lite: If A Terror Suspect Won’t Talk, Should He Be Made To?” *The New York Times*, March 9, 2003. Week In Review, 4. ⁶ See Steve Chapman, “No Tortured Dilemma.” *Washington Times*, November 5, 2001, A18. Bruce Hoffman, “Nasty Business.” *Atlantic Monthly* (January 2002): 49-52. Michael T. Kaufman, “The World: Film Studies: What Does The Pentagon See In “Battle Of Algiers?”” *New York Times*, September 7, 2003. Drake Bennett, “The War in The Mind. Psychology and Psychiatry Have Long Had an Uneasy Relationship with the Dark Art Of Interrogation. But What, if Anything, Can Psychologists and Psychiatrists Tell Us about the Effectiveness, and The Effects, Of Coercive Interrogations—and The Moral Questions They Raise.” *Boston Globe*, November 27, 2005, K1, K5 and Mark Bowden, “The Dark Art Of Interrogation. The Most Effective Way to Gather Intelligence and Thwart Terrorism Can Also Be a Direct Route into Morally Repugnant Terrain—A Survey of The Landscape Of Persuasion.” *Atlantic Monthly* (October 2003): 51-70. In variations on this Israel-and-France pattern, Hoffman also discusses Sri Lanka’s fight against the Muslim Tamil Tigers. Bowden discusses Israel and France and then reviews aspects of England’s torture of IRA suspects in the 1970s. ⁷ For examples of Heart of Darkness narratives see Hoffman, “Nasty Business.” Also “Psychology and Sometimes A Slap: The Man Who Made Prisoners Talk.” *New York Times*, December 12, 2004, Section 4, 7, as well as Bowden, “The Dark Art,” and Joseph Lelyveld, “Interrogating Ourselves.” *New York Times Magazine*, June 12, 2005.

<http://www.nytimes.com/2005/06/12/magazine/12TORTURE.html>, Accessed June 15, 2005.

⁸Eric Prokosch, "Amnesty International's Anti-Torture Campaigns." In *A Glimpse Of Hell: Reports on Torture Worldwide*. New York: Amnesty International/New York University, 1996. 26-35.

⁹Elaine Scarry, *The Body in Pain: The Making and Unmaking of The World*. New York: Oxford University Press, 1985.

¹⁰David Sussman, "What's Wrong with Torture," in *The Phenomenon of Torture* William Schulz, ed. Philadelphia: University of Pennsylvania Press, 2007. 178-179.

¹¹David Sussman, "Defining Torture," *Case Western Reserve Journal of International Law* 37 (2005): 225-230.

¹²David Luban, "Liberalism, Torture and the Ticking Bomb." *The Torture Debate in America*. Ed. Karen J. Greenberg. New York: Cambridge UP, 2006. 35-83

¹³Emphasis mine. Marcy Strauss, "Torture," *New York Law School Law Review*, 2004.

¹⁴Jeremy Waldron, "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review*. 105.6 (2005): 1681-1750.

¹⁵Eric Schmitt and Carolyn Marshall, "In Secret Unit's 'Black Room,' A Grim Portrait of U.S. Abuse." <http://www.nytimes.com> March 19, 2006.

¹⁶Human Rights Watch. 2005. *Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees By US Army 82nd Airborne Division*. <http://hrw.org/reports/2005/us0905>. Michael Hirsch, "Truth about Torture: A Courageous Soldier and a Determined Senator Demand Clear Standards." *Newsweek* November 7, 2005.

¹⁷Tim Golden, "Years After Two Afghans Died, Abuse Case Falters." *New York Times*, February 13, 2006. A1, A11.

¹⁸The "Tipton Three" detainees released from Guantánamo make this point in their joint statement: "Detention in Afghanistan and Guantánamo," Statement of Shafiq Rasul, Ruhuél Ahmed, and Asif Iqbal. Statement released August 4, 2004. <<http://www.ccr-ny.org>.> Guantánamo chaplain James Yee describes detainees provoked by "credit card swipes" of fingers along the anus as a pretext for beatings delivered by the Immediate Reaction Force. Yee, *For God and Country: Faith and Patriotism Under Fire*. Chris Mackey (pseudonym), *Interrogator's War: Inside The Secret War On Al Qaeda*. Boston: Little Brown. 2004.

¹⁹Rasul, Ahmed, and Iqbal, "Detention" <<http://www.ccr-ny.org>.>

²⁰There with six broken ribs, hanging from wrists shackles behind his back, he was asphyxiated "as in a crucifixion" according to Dr. Michael Baden, chief forensic pathologist for the New York State Police. (Jane Mayer, "A Deadly Interrogation" *New Yorker* 81.36 November 15, 2005. 44)

²¹Danielle Knight, "Trade in Tools of Torture." *US News and World Report*. November 24, 2003. "US has permitted American companies to sleep electric-shock weapons and mechanical restraints to 39 countries accused of torturing dissidents." The US Commerce Department grants annual permissions for export of such devices to countries other than Canada. The 2002 total export of shock tools and restraints approved amounted to \$19 million dollars.

²²Susan Sontag, "Regarding the Torture Of Others." *New York Times Magazine*, May 23 2004. Allen Feldman, "Abu Ghraib: Ceremonies of Nostalgia." 18 October 2004.

<http://www.openDemocracy.com>; Hazel Carby, "A Strange and Bitter Crop: The Spectacle Of Torture"; 11 October 2004.

<http://www.openDemocracy.net>. Joanna Bourke, "Sexy Snaps." *Index on Censorship* 1 (2005): 39-45

²³Luc Boltanski, *Distant Suffering: Media, Morality, and Politics*. New York: Cambridge University Press, 1999.

²⁴Ervin Staub, "Torture: Psychological and Cultural Origins." In *The Politics Of Pain: Torturers and Their Masters*. Eds. Ronald Crelinsten and Alex P. Schmid, San Francisco: Westview Press, 1995. 99-112

²⁵Intelligence Science Board. *Educating information: Interrogation, Science and Art. Foundations for the Future. Phase 1 Report*. Washington, DC: National Defense Intelligence College. 2006. Retrieved from <http://www.fas.org/irp/dni/educing.pdf>. This is not a fringe view among interrogation practitioners.

²⁶The torture of terrorist Abdul Hakim Murad in 1995 has been widely used since 9/11 to demonstrate "torture works," a contention that readily falls apart under scrutiny of his case. For a discussion of this case see Tom Hilde, ed. *On Torture*, Johns Hopkins University Press, 2008. So too, in 2000, three of the four defendants brought to trial for the 1998 embassy bombings in Kenya and Tanzania argued they had signed confessions only after physical coercion. See

reporting by Benjamin Weiser, "Asserting Coercion, Embassy Bombing Suspect Tries to Suppress Statements." *New York Times*, July 13 2000, B3; "US Faces Tough Challenge To Statements In Terrorism Case." *New York Times*, January 25, 2001, B3.