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Instruments of Violence: Pain and Value in Guantanamo Bay

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Instruments of Violence:

Pain and Value in Guantanamo Bay

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by

Satish S. Kunisi

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ABSTRACT OF THE THESIS

Instruments of Violence:

Pain and Value in Guantanamo Bay

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Satish S. Kunisi

Master of Arts in Asian American Studies

University of California, Los Angeles, 2012

Professor Purnima Mankekar, Chair

This thesis examines the methods and meanings of violence within the detention center in Guantánamo Bay. I propose that the violence perpetrated by U.S. agents against detainees is guided by an ethical rationality rooted in liberal definitions of freedom as well as peculiarly neoliberal commensurability between certain modes of pain and the purported 'value' of intelligence. Through an exploration of government reports as well as journalistic accounts of the detention center, I articulate this rationality by describing the way intelligence is produced and commodified in Guantanamo, reviewing the ethical structure of interrogation conducted by U.S. agents and by investigating the ethical subject-hood of detainees.

The thesis of Satish S. Kunisi is approved.

C. Jason Throop

Thu-huong Nguyen-Vo

Purnima Mankekar, Committee Chair

University of California, Los Angeles

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I.

Introduction

They are artists of torture,
They are artists of pain and fatigue,
They are artists of insults and humiliations
- Hunger Strike Poem, Adnan Farhan Abdul Latif [1]

In this thesis I want to examine the methods and meanings of violence within the detention center in Guantánamo Bay. Specifically, how do the historically-particular institutional imperatives of the U.S. security agencies interface with the forms of violence enacted at the detention facility at the U.S. Naval Station in Guantánamo Bay, Cuba?

Within the detention facility inside Guantánamo Bay, hundreds of Middle Easterners and South Asians are detained in the name of the War on Terror. There has been a longstanding public debate about the use of 'torture' in the facility that has created a certain commensurability between what kind of violence the agents of the U.S., as a liberal, capitalist, democratic society may commit in order to prosecute the so-called War on Terror. A central aim in this paper will be to situate this violence within the institutions by which it is enabled, regulated and committed. Drawing on the work of cultural critic Susan Willis, I view the violence in Guantánamo as institutionally motivated by the need to extract "intelligence," or information useful for the War on Terror, from detainees.[2] I am not suggesting that this intelligence is real or that those detained in Guantánamo actually possess any 'useful' information. Rather, following Willis, I suggest this intelligence, be it verifiable or not, fuel a symbolic economy of government institutions, private

[1] Marc Falkoff, ed., *Poems from Guantanamo: The Detainees Speak*
(Iowa City: University of Iowa, 2007), 51.
[2] Susan Willis, "Guantánamo's Symbolic Economy," New Left Review, no. 39 (June 2006), 123-4.

corporations and global media that affect a sense of 'national security'. The violent extraction of information commodifies the pain of detainees and renders it commensurate with the 'value' of intelligence, creating an 'economy of pain'.

In light of this structure, how can the idea of 'human rights' and 'humane treatment,' so often used by critics and defenders of Guantánamo and other interrogation sites, be reconciled? Torture runs contrary to both public opinion and internationa law.[3] While it is possible to read acts of violence in Guantánamo solely in terms of legal argumentation, that is not my intention in this paper. Also, I recognize that 'human rights' are historically-emergent in ways that both overlap and contradict the emergence of capitalism. I propose an ethical rationality in liberal-humanist notions of human rights and freedom that both contradicts and complements the imperatives of national security. Freedom simultaneously, if unevenly, constitutes: the promise of liberal-democratic subjecthood, the ideal that must be protected by national security, and the governing principle of the marketplace.

Though freedom is held as an ideal and is continually articulated as the *raison d'etat* of the U.S. through government proclamations, its supposed universality is brought into crisis by the forced detention of the boys and men in Guantánamo Bay. The legal status of detainees is precarious in that they are denied *habeaus corpus* and other basic political rights purportedly guaranteed by democratic rule. Such exceptions to the purported universality of human rights highlights one fracture (among many) in the ideal of a liberal subject, whose freedom may only be suspended through proper legal mechanisms.

This disjuncture between liberal subjecthood and the legal liminality of detainees shapes the contested ethical terrain of interrogation tactics in Guantanamo. From this terrain, a

[3] Talal Asad, "On Torture, or Cruel, Inhuman, and Degrading Treatment," in Social Suffering (Berkeley: University of California Press, 1997), 269.

proscriptive ethics emerges through which the state and Guantánamo interrogators determine the forms of violence that may and may not be used to extract intelligence and from which detainees. More 'valuable' detainees—that is, those presumed to have more valuable intelligence—are subjected to more painful tactics. However, interrogators are careful to ensure detainees' continued biological life, even as they are subjected to intense pain and violence. Interrogation tactics are simultaneously informed by consideration of what kinds of violence are inhumane and how much pain is 'too much'. Thus there is both an ethics and an economy to pain in Guantanamo.

The violence in Guantanamo and the contestation over its scope and intensity produces a particular ethical subject among detainees. The forms of violence that are systematically instituted in Guantánamo—tactics of social isolation, self-inflicted punishment and cultural humiliation—reflect denials of particular social and moral ontologies. 'Rights' to prayer, to religious self-fashioning or sexual autonomy are deprived as the detained purportedly deprive interrogators of intelligence. Thus, an ethical subject is produced whose own will (or 'unwillingness') to cede information is fashioned as the cause of one self's pain. The very ideologies of rights and freedom through which violent interrogation is rationalized, and through which this economy of pain is created, come to bear in this ethical subject.

As an entry point into this analysis I would like to begin with the legal subject position of detainees. Scholarship and public discourse have been grappling with the legal questions, such as whether indefinite detentions are compliant with international law, since Guantanamo's inception. Such debates, along with torture, continually shape shifting public opinions and government policy regarding the facility. While legal analysis is not the central focus of this paper, any discussion of ethics or human rights within the Guantanamo must also grapple with

the peculiar legal space that the facility occupies. To this end I will discuss the work of Giorgio Agamben, whose work engages this peculiarity in Guantanamo and other modern 'exceptions' to the law.

The Law

At the outset of *Homo Sacer*, Agamben describes the "sacred man" "who may be killed but not sacrificed"; this figure is excluded both from divine and juridical law.[4] Cultural geographer Derek Gregory writes that for Agamben, detainees are "not legal subjects but 'legally unnamable and unclassifiable being[s]', 'the object of a pure de facto rule' or a 'raw power' whose modalities are 'entirely removed from the law and from juridical oversight'. In the detainee at Guantanamo, he concludes, 'bare life reaches its maximum indeterminacy.' "[5] For Agamben, the detention facility in Guantanamo is a quintessential reflection of "the state of exception." This category, found in modern totalitarian states and later in democratic states, "can be defined as the establishment…of a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some reason cannot be integrated into the political system."[6] A good question to begin consideration of Agamben's project in relation to the one I will advance in this paper is the following: does the U.S. military seek the "physical elimination" of detainees? And what does "physical elimination" entail?

In *Homo Sacer*, Agamben writes, "[t]he fundamental biopolitical structure of modernity—the decision on the value (or nonvalue) of life as such— […] finds its first juridical articulation in a well-intentioned pamphlet in favor of euthanasia."[7] The pamphlet, written by Karl Binding, a

[4] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), 8.
[5] Derek Gregory, "The Black Flag: Guantánamo Bay and the Space of Exception," Human Geography 88, no. 4 (2006), 409.
[6] Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago, 2004), 2.
[7] Agamben, *Homo Sacer*, 137.

German penal specialist writing in 1920, asserts the sovereignty a living man has over his own existence to explain the "unpunishability" of suicide."[8] The "juridical order…does not claim to have the power to forbid it." For Agamben, this legal recognition of the right to take one's own life eventually enables the forced euthanization of others whose lives are deemed to be of no value.[9] Thus, for Agamben "physical elimination" refers not just to geographic displacement, but rather, clearly refers to death.

This is affirmed again when Agamben writes of the, often deadly, experiments conducted on prisoners in Holocaust camps and the trials of Nazi physicians in Nuremberg. Starting with descriptions of the experiments themselves and ending with the defense employed by lawyers of the physicians, Agamben illustrates the hypocrisy of the mostly American judges who were critical of the heinous experiments in Nazi camps but approving of similar trials conducted in democracies.[10] The judges "were forced to dedicate interminable discussions to the identification of criteria that might render scientific experiments on human guinea pigs admissible. The final criterion…was the necessity of an explicit and voluntary consent on the part of the subject who was to be submitted to the experiment."[11] Agamben, rightly in my view, argues that this is a nonsensical stance—how could any 'consent' given in a death camp be considered legitimate? And moreover, would such an agreement make the experiments any less horrific?

Agamben's point is well-taken. However, to return the specifics of the ruling, it important to note that the court was presided by American judges, enmeshed in an ethics that idealizes freedom. While the presence or absence of informed consent in such situations says nothing of the will of "human guinea pigs," or the guilt of the experimenter, it says much about the contours

[8] Ibid.
[9] Ibid.
[10] Ibid., 155-157.
[11] Ibid.

of specific systems of violence as well as the idiosyncrasies of pain and suffering wrought through interrogation. In other words, there is a relationship between historically-specific political formations and the forms of violence that are prosecuted by agents within them. In this paper I would like to explore the structure of this relationship.

My intention in this critique of Agamben is not to suggest that detentions in Guantánamo Bay are more humane than reported or that the government institutions treatment of detainees are "just" or fair. Rather, my point here is to illustrate the specific historical and political conditions in which detention and violent interrogation take place. The tendency I work against here is the equation of the particular actions undertaken by the current political regime, such as violent interrogation, with the actions of other distinct political regimes, such as the deadly use of human experimental subjects in Holocaust camps. However, the elision of Guantánamo with the holocaust camp (or to use the death camp as a model for the contemporary arrangements taking place at Guantánamo) is, I think, out of step with the particular forms of violence that occur in each.

It is true that detainees are stripped of the protections against 'inhumane' treatment and that interrogation tactics used in Guantanamo, such as isolation and self-inflicted violence, are enabled by the legal indeterminacy of detainees. However, it would be simplistic to elide the microphysics of interrogation tactics with the death, particularly because death, so prevalent in Nazi camps, is neither a goal nor an acceptable outcome of interrogation. In chapter 3, I will discuss reactions to hunger strikes in Guantanamo, and demonstrate the prohibition on death at the detention facility. It may be true that interrogators and the U.S. security agencies consider the boys and men detained in Guantanamo to be, in the words of Agamben, "life unworthy of being

lived."[12] But it is also true that the imperatives of 'national security' *insist* that they do. As, I will illustrate, the U.S. state has constructed an instrumental valuation of detainees' lives. Further, since I have set out to examine the form and meaning of violence in Guantanamo Bay, I must set aside Agamben's implicit suggestion that detainees 'may be killed but not sacrificed.'

Ethics

In Agamben's articulation of modern biopolitics, he describes the right of habeaus corpus as the basis of modern democracy. Agamben cites Article 29 of the Magna Carta "whose task it was to guarantee the physical freedom of the subjects: 'No free man…may be arrested, imprisoned, dispossessed of his goods, or placed outside the law…or molested in any way; we will not place our hands on him nor will have others place their hands on him…except after a legal judgement by his peers according to the law of the realm.' "[13] Agamben focuses on the role of 'the body' in formulations of habeas corpus and how this focus embodies both the main "strength" and "contradiction" of modern democracy. The law must care for the body by recognizing individual liberty, but that same recognition gives the law and its purveyors in the juridical order (the courts, lawmakers, and, crucially in the case of Guantanamo, the President) the power to suspend such liberties. Thus "corpus is a two-faced being, the bearer both of subjection to sovereign power and of individual liberties."[14]

Having rejected Guantanamo as a "state of exception," I have only partially accepted Agamben's claims about the reach of the sovereign within the detention facility. However, this articulation of habeas corpus is useful for analyzing violence in Guantanamo. The suspension of habeas corpus rights among detainees is, in my view, a critical part of the ethical terrain in which

[12] Ibid., 139.
[13] Ibid., 123.
[14] Ibid., 125.

the state and interrogators design and implement regimes of violence. The rights of the body extend beyond habeas corpus into other types, of what are commonly understood as, 'human rights.' Human rights, according to philosopher Alain Badiou "assume the existence of universally recognizable human subject possessing 'rights' that are in some sense natural: the right to live, to avoid abusive treatment, to enjoy 'fundamental liberties".[15] These liberties include the "rights not to be offended or mistreated with respect to one's life (the horrors of murder and execution), one's body (the horrors of torture, cruelty, and famine), or one's cultural identify (the horrors of the humiliation of women, of minorities, etc.)."[16] If habeas corpus ensures the freedom of the body and provide basic protections against wrongful imprisonment then what does its suspension mean for these other rights? If the law has no obligation to 'care for the body of the detained' then do protections against "the horrors of torture" still apply? Thus, the legal liminality of detainees leads to uncertainties about purportedly universal human rights.

Ethics, Badiou writes, "relates above all to the domain of human rights."[17] In this paper I will argue that violent interrogation tactics emerge from this disjuncture between modern democratic notions of human rights and the peculiar legal space of Guantanamo. I propose that there is an ethical rationality at work among Guantanamo interrogators and policy-makers and that this rationality is both prescriptive and positive. Allow me to address each sequentially; first, by prescriptive, I mean that this ethical rationality is used to identify what forms of violence may be used and what forms would be, in Asad's words, "gratuitous."[18] Asad writes that while "pain is not always regarded as insufferable in modern Euro-American societies…when transitive pain

[15] Alain Badiou, Ethics: *An Essay on the Understanding of Evil*, trans. Peter Hallward (Verso, 2002), 4.
[16] Ibid., 9.
[17] Ibid., 4.
[18] Talal Asad, "On Torture," 296.

is described as 'cruel and inhuman,' it is it is often referred to as 'torture.' And torture itself is condemned by public opinion and prohibited by international law." [19]

These conventions on torture contribute to the seemingly arbitrary lines drawn between various kinds of violent tactics within Guantanamo. However, I would argue that the threshold between what is 'gratuitous' and what is 'humane' is not arbitrary at all. As I will discuss in chapter 3, military legal counsel have developed a hierarchy of interrogation tactics which institutes a kind of commensurability between the supposed value of particular detainees and the intensity of pain he may be subjected to. To elucidate an ethics of such commensurability I will turn to Nietzsche, who argues that there is a largely forgotten historical relationship between notions of 'guilt', 'debt', and 'suffering'.[20] The pain of detainees is acceptable up to a particular threshold and this threshold is defined by their relative complicity with so-called Islamic terrorism.

Concurrent with this ethics is an orientation, among interrogators and the state, towards the death of detainees. The value of the information that detainees purportedly possess and the function of this information in service of 'national security' results in an institutional commitment, among U.S. security agencies and the military, to keeping detainees alive. Even as interrogators inflict simulated deaths, through water-boarding, social isolation and cultural humiliation, there is a careful attendance to the physical health of detainees. In Chapter 3, I point to the harsh reaction and response of Guantanamo administrators towards hunger-striking detainees as evidence of this complex governance of detainee health.

[19] Ibid.
[20] Friedrich Nietzsche, *On the Genealogy of Morality*, trans. Walter Kaufmann and R.J. Hollingdale (New York: Random House, 1967), 63.

The second type ethical formation in Guantanamo is a positive ethics, interrogators and administrators produce certain kinds of ethical subjects among detainees and compel a relationship between the detainee and his body in pain. Drawing on Foucault's system of ethics as well as Elaine Scarry's theorization of pain, I argue that specific forms of violence used by interrogators produce a subject whose agency becomes the source of his own pain. For instance, when interrogators force non-compliant (e.g. non-confessing) detainees to stand up for long periods of time, they create a situation in which the detainees body "in its physical strengths" is "made to betray him on behalf of the enemy."[21] Thus, tactics employed by interrogators engender a mode of neoliberal subjectification in which detainees' 'freedom' to confess or not becomes the source of their own suffering.

Freedom

The call for freedom has been a constant refrain of the Bush Administration throughout the invasions following 9/11. On the one-year anniversary of 9/11, George W. Bush stated that "[h]umanity holds in its hands the historic opportunity to offer freedom's triumph over all its age-old foes."[22] Such cadence resonates with Badiou's comment that "Evil is that from which the Good is derived, not the other way around"; after all this proclamation came just as the U.S. military was forcibly imprisoning and deporting hundreds of boys and men to Guantanamo Bay. By this logic, military intervention, indefinite detention, and violent interrogation are justified by the goals of protecting and spreading 'freedom'. This rational, who lives and who dies, what is Good and Bad is embodied in the discourse surround the 'War on Terror.' In a news conference

[21] Elaine Scarry, *The Body in Pain*: The Making and Unmaking of the World (New York: Oxford University Press, 1985), 48.
[22] David Harvey, A Brief History of Neoliberalism (Oxford: Oxford University Press, 2005), 6.

months after two months after 9/11 Bush stated "[y]ou're either with us or against us in the fight against terror."[23]

In the opening pages of *A Brief History of Neoliberalism* David Harvey argues that "freedom" was used as the operating logic for the invasion of Iraq and that this so-called freedom was realized in the creation of a neoliberal state.[24] Harvey states that on September 19th, 2003, "Paul Bremer, head of the Coalition Provisional Authority, promulgated four orders that included the full privatization of public enterprises, full ownership rights by foreign firms of Iraqi businesses, full repatriation of foreign profits" and dozens of other acts in service of capital.[25] Viewed through this very a recent history the ideologies of freedom can be seen as operating in the service of both the War on Terror and as the centerpiece of neoliberal state policies.

Badiou argues that the ethics of human rights is imbricated with both the logic of military intervention (hence, the U.S. invaded Iraq in the name of freedom) and the logic of capital. Ethics reflects "the interweaving of an unbridled and impassive economy with a discourse of law."[26] Within Badiou's work there is a relevant, if still cloudy, moral framework that situates the violence that occurs in detention and interrogation, within a broader political economic framework. This project will attempt to flesh out this relationship by attending to both the institutional imperatives of interrogation and the ethical rationality by which interrogators orchestrates its extraction. While I would like to avoid articulating a deterministic relationship between 'the economy' and forms of violence, I will attempt to reveal the influence of political economic power in the context of interrogation. Drawing on the work of cultural critic Susan Willis, I will establish that detention and interrogation are part of what she calls "Guantanamo's

[23] CNN. "'You are either with us or against us'." CNN, November 6, 2001. http://archives.cnn.com/2001/US/11/06/gen.attack.on.terror/.
[24] Harvey, 6-7.
[25] Ibid., 6.
[26] Badiou, 38.

symbolic economy," the complex of government agencies and private contractors that produce 'national security'.[27] In Chapter 2, I will show how the defense of freedom or 'national security' is produced using intelligence extracted from detainees in Guantanamo.

Writing on Pain and Other Methodological Challenges

I would like to sketch out a preliminary formulation of pain that will explain some of the methodological and epistemological difficulties in approaching the topic. My understanding of pain draws mainly on philosophical mediations found in the anthropological literature on social suffering. No singular understanding of pain emerges from this genre, and this fact alone indicates that social context must be accounted for in any reading of pain. Thus I am faced with an initial set of methodological problems; how do I employ analytical strategies that emerge from ethnography for a largely archival project? There are some obvious limitations in my approach. I do not have access to interview data that may be interpreted through narrative or discourse analysis. Moreover, while I attempt to reconstruct Guantánamo in a way an ethnographer might, the lacunae in primary data requires me to depend on government reports, leaked documents and other sources that any critic of government policy would be skeptical of. I am, however, reaffirmed by the strong oppositional research developed by civil rights organizations such as the Center for Constitutional Rights and the American Civil Liberties Union. Reports from civil rights groups that are highly critical of U.S. policy have made use of many of the same materials that I am analyzing. These groups are responsible for forcing the U.S. military to release internal documents and have worked from day one to intervene in the "War on Terror".

[27] Willis, 123.

However, considering the terms of debate within the suffering literature, perhaps it is fitting that I rely on redacted internal memos and other speculative sources in writing about pain. Much like these documents, reading and writing pain is complicated by uncertainties. While understanding pain may seem intuitive, and though most critics, philosophers and ethnographers would agree that the feeling we describe as pain is a human universal, any precision on the topic is confounded by the ways in which sensation is enmeshed in semiotics. Reviewing the anthropological literature on pain, Throop writes that "while noting that culture can play an important role in shaping pain along a number of dimensions...many anthropologists have pointed to pain's tendency to actively resist the cultural patterning of linguistic and interpretive frames...[T]hese anthropological studies point to an inherent ambiguity in the experience of pain that may often defy conceptualization, while also succumbing to culturally shaped systems of categorization, classification, and narrativization."[28]

Considering this variability in definition, I will avoid attempting to employ a universal definition of pain but rather attempt to work through the varying positions within the literature. More than any other writer, Elaine Scarry's work is the most relevant to the project I will undertake in this thesis. Scarry's work engages in many of the same topics as this work. Her work has provided a critical bridge for developing this framework. The theoretical connection between Willis's symbolic economy and the form of interrogation tactics can both be understood as objectifications of pain. Scarry writes that "the written or tape-recorded confession that can be carried away on a piece of paper or on a tape is…the most concrete exhibition of the torturer's attempt to induce sounds so that they can be broken off from their speaker so that they can be

[28] C. Jason Throop, "From Pain to Virtue: Dysphoric Sensations and Moral Sensibilities in Yap (Waqab), Federated States of Micronesia," Forthcoming (2008), 3.

taken off and made the property of the regime."[29] This description dovetails with the notion that intelligence is a 'symbolic commodity' used by U.S. security agencies. Similarly, Daniels, citing an ex-torturer informant writes, " '[y]ou have got to beat them…in such a way until they tell you exactly what happened, no more, no less. Then you know the beatings [pain] were *just right.*' "[30] In Chapter 2, I will use these readings of pain to interpret the simulated death that occurs in Guantanamo. In Chapter 3, I will draw on Scarry's work to illustrate the subjectification of detainees that occurs in the midst of self-inflicted violence.

[29] Scarry, 31.
[30] E. Valentine Daniels, Charred Lullabies: Chapters in an Anthropography of Violence. (New Jersey: Princeton University Press, 1996), 137.

II.

National Security and "Guantánamo's Symbolic Economy"

> Could it be that Guantánamo, in its mutation from military base to televised torture camp, designates a new point on the world's symbolic-economy map; that the practices here reveal the rest stages of an emerging security industry, one based on quite different principles to those of existing systems; on producing a new sort of security 'intelligence' for a globalized media age? [31]

Willis's conceptualization of Guantánamo and its symbolic economy, figures the site not merely as an "exceptional space", demonstrative of certain exclusions in political citizenship, but also as a productive site for contemporary political economic formations. Viewed through this framework, the violence that takes place in Guantánamo becomes a mode of extraction, collecting and producing the 'intelligence' that is supposedly possessed by detainees. Though it would be highly problematic to assert a deterministic relation between capital and Guantánamo (much less, the forms of violence that take place there), Willis's formulation provides a nuanced way to contextualize the violence of interrogation tactics. Also, though Willis does not specifically argue for the pertinence of neoliberalism within Guantánamo, I think her model is demonstrative of the intersections between an imperialistic military policy, private military institutions and a global media. In this section, I will map out the "agencies and institutions", public and private alike that constitute Guantánamo's symbolic economy in order to illustrate the imperatives that drive the economy. Through this process, I illustrate the role "intelligence" plays in creating 'national security', as well as the material stakes of intelligence for security

[31] Susan Willis, "Guantánamo's Symbolic Economy," New Left Review, no. 39 (June 2006), 123-4.

agencies and military contractors. Finally, I'll discuss how the symbolic economy structures violence and interfaces with neoliberal ethics.

Intelligence as Symbolic Commodity.

Willis writes that intelligence "is cycled into the various agencies and institutions which produce security both in a material sense, along with infrastructures of personnel and weaponry, and as an ideology that suffuses our daily discourse."[32] The material aspect of this circulation, the "infrastructures of personnel and weaponry," refers to government agencies, as well as to the private contractors. Private contractors have played a role in military functions since long before the advent of late capitalism, but their scope has grown massively of in recent years and the types of work these contractors perform are now critical.[33] One such instance of this growth is evident in the training of Guantánamo interrogators. Nearly $20 billion—roughly half of the amalgamated budget of U.S. intelligence agencies—was used to hire private contractors in 2005.[34] Singer writes that the firms that supply military expertise "offer strategic, operational, and organizational analysis that is often integral to the function or restructuring of armed forces. Their ability to bring to bear a greater amount of experience and expertise than almost any standing force can delegate on its own represents the primary advantage of military consulting firms over in-house operations."[35]

In the case of Guantánamo this expertise was developed and sold by corporations such as Anteon. The highly successful Virginia-based company described themselves as an "information technology" company.[36] The technology that Anteon sold was largely comprised of the

[32] Ibid.
[33] P.W. Singer, "Corporate Warriros: The Rise of the Privatized Military Industry and Its ramifications for International Security," International Security 26, no. 3 (2002), 200.
[34] Pratap Chaterjee, "Interrogators for Hire," IPS News, http://www.ipsnews.net/interna.asp?idnews=27860.
[35] Singer, 201.
[36] Chaterjee. Anteon was recently purchased by IT giant, General Dynamics.

knowledge and expertise of intelligence-extraction. The company offered "a wide variety of courses for the Initial Entry Training (IET) in the intelligence school: ranging from the basic course to the more specialized Advanced Individual Training (AIT) courses such as counter-intelligence training, interrogation, signals intelligence, electronic intelligence and signal identification."[37] In other words, Anteon sold the methodical application of mental and physical anguish, the 'technologies of pain', to government agencies that institute them in Guantánamo.[38]

Anteon and other military contractors comprise, in the words of one government official, a shadow intelligence organization.[39] They are funded through taxpayer dollars but, as private corporations, have even less accountability than institutions that fall directly under government funding. Despite their private status companies like Anteon still hold significant lobbying power in Washington. The paper trail for their influence can be seen in their political contributions. In 2006, Anteon contributed over $145,000 to members of congress, many on the House Armed Services Committee, which oversees military spending.[40] These contributions buy the contractors political power in Washington and they become one of many hands massaging security-based legislative priorities.

U.S. Security Agencies

Despite the growth in private contractors, U.S. security agencies are still the backbone of the 'U.S. security complex'. While the expansion of neoliberal policy has often meant the privatization of "infrastructures of personnel and weaponry", government agencies are still the public face of security. The push to privatize has meant that securing public budgets requires even more maneuvering. Rather than working in concert, pursuing a monolithic agenda, these

[37] Chaterjee,
[38] Ibid.
[39] Ibid.
[40] Ibid.

various agencies actually compete for security knowledge and the resources that accompany it. This is born out by right-wing critics of U.S. intelligence agencies who note that "culture clashes" in the past have prevented inter-agency intelligence sharing. [41] Specifically, the competition for funding through the federal budget between the CIA and Department of Defense is cited as a barrier to greater cooperation between the two entities.[42] Former interrogator Erik Saar, in a text co-written by journalist Viveca Novak, writes that during his time in Guantánamo it "quickly became obvious...that there were some hammer-and-tongs turf wars going on in the camp among the different agencies questioning detainees. The FBI, DIA, and OGA fought with one another and with the military interrogators over who would get access to a captive. They didn't trust each other..."[43]

This competition suggests that there are financial and political stakes for the agencies involved in intelligence production. Subject to federal budgets, each agency must prove its usefulness by affecting a sense of effectiveness against 'terrorism' and its surrogates—insurgents in Iraq and Afghanistan, real or imagined transnational threats to American assets, and incarcerated subjects at Guantánamo and other detention facilities. Willis argues that the "quality" of intelligence gathered is of no importance to agencies such as the CIA, NSA, FBI, and Department of Defense.[44] If these agencies are ultimately seeking to better their own market-position in the security industry and intelligence itself is not held up to any standards of veracity, then proving efficacy is not done simply by 'being right'. Rather, if creating news coverage is the goal then one can assume that the types of information such agencies desire; the names of

[41] Ibid., 125.
[42] Dana Dillon, "Breaking Down Intelligence Barriers for Homeland Security." The Heritage Foundation, April 10, 2002. http://www.heritage.org/Research/HomelandSecurity/BG1536.cfm.
[43] Erik Saar and Viveca Novak, Inside the Wire: A Military Intelligence Soldier's Eyewitness Account of Life at Guantanamo (New York: Penguin Press, 2005), 201.
[44] Ibid., 125.

collaborators, the whereabouts of leadership, the nature of future plots and plans of attack—in short, the kinds of fear-inducing tidbits that drive spectacular news coverage and justify military action.

Thus, intelligence is used to create spectacles that affect a sense of danger and threats to 'national security'. De Lint writes of the "the bureaucratic function" of 'security productions': "To stage the appearance of effectiveness and efficiency leaders must show that something is being done with the tools that are readily available: police saturation, restrictions on access to critical infrastructure, surveillance, walls, fences, rendition."[45] Such productions however, are enacted in the media as well. De Lint adds, "[i]n a short period during the early summer of 2006, police in the United States, Great Britain and Canada made headline news with three unrelated high-profile counter-terrorist arrests...'The number one news story in the world' was the arrest of 17 Muslim-Canadians in Toronto on charges related to their alleged intent on using explosives to blow up one or more Toronto landmarks." [46]

And these productions are not merely obfuscations or mystifications, operating in service of government bureaucracy but rather constitute, at least partially, the optics through which life in the neoliberal state is experienced. Mankekar writes that 9/11 "demonstrated devastingly clearly the ubiquity of spectacle as a political tactic and military maneuver...[T]he spectacularizaiton of suffering and ruin after 9/11 thus tells its own story of the mass mediation of life in contexts of advanced capitalism, such that media-based spectacles become a primary source of apprehending the world." [47]

Defending Freedom

[45] de Lint, "The Security Double Take: The Political, Simulation and the Border." 181.
[46] Ibid.
[47] Purnima Mankekar, "Spectacular Violence: Emergent Maps of Asian America after September 11, 2001," Forthcoming, 9.

Spectacles of security, be they bombings of dangerous Muslims who threaten the 'freedom' of the West, or the discovery of supposed terror plots that would rationalize military aggression enhance, are crucial to maintaining the War on Terror. If "freedom must be defended," then these spectacles provide the public evidence of its defense.[48] Furthermore, the profitability of private contractors and the viability of security agencies depend on the continual threats to national sercurity. Contractors and agencies depend public financing and public support for military action.

What then, does this suggest about the use of violence in Guantánamo? First, as I have argued in this section, the extraction of intelligence is necessary to enact a sense of 'national security'. The material and symbolic uses of intelligence require that interrogations produce certain kinds of intelligence and thus dictate the specific ways detainees and the violence inflicted upon are valued. As the source for the symbolic commodity of intelligence, the lives of the detained are not expendable, but rather are crucial to the reproduction of the system.

Moreover, if, as government sources and the media suggest, 'national security' is necessary for the protection of 'freedom', then the indefinite imprisonment of detainees in Guantanamo becomes a paradox. How can the U.S. as a liberal democratic state principled on freedom, deprive detainees of basic protections against imprisonment without a fair trial? Further, the fact that 'freedom' is historically imbricated with certain rights, such as 'human rights' gives new valence to the questions of torture in Guantanamo. As I will illustrate in the next section, the ethical implications of interrogative torture, plays out in the hierarchy of interrogation tactics in Guantanamo.

[48] Harvey, 6.

III.

An Economy and Ethics of Pain

In Talal Asad's formulation of the genealogy of torture, he writes that "...the remarkable feature of the Israeli case...is the scrupulous concern of a liberal-democratic state with calibrating the amount of pain that is legally allowable. There is evidently a concern that too much pain should not be applied; it is assumed that 'moderate physical and psychological pressure' is at once necessary and sufficient to secure a confession. Beyond that quantity, pressure is held to be excessive (gratuitous) and therefore presumably it becomes torture".[49] Considering the strong military links between the U.S. and Israel, the similarities between the two states' respective policies on torture is unsurprising. Further, both liberal states expound the 'freedom' of their citizens and work in coalition in the War on Terror, the military campaign to 'wage freedom'.

In this section I would like to call attention to the forms of violence within Guantánamo and the ethical structure of that violence. There are two main claims I will make in regards to the hierarchy of interrogation tactics at Guantánamo: first, that there are equivalences made between the severity of pain used in interrogation and the value of the intelligence the detainee is presumed to possess. Using Nietzsche model of pain and debt, I will illustrate how the structure of this hierarchy reflect an economy of pain. Secondly, I will argue that there is a paradoxical aversion to death within Guantanamo. This is evident in the forceful reaction of Guantanamo administrators to hunger-striking detainees as well as the rehearsal of death that occurs in interrogation tactics. Both processes reflect a prescriptive ethical rationality that structures violence in Guantanamo.

[49] Asad, "On Torture," 296.

An Economy of Pain

This prescriptive ethics is evident in the accounts of violence within FBI and other government documents that categorize violence both as acts of excess and as part of institution interrogation regimes. Rarely is the rationale behind a particular interrogation or intimidation tactic discussed within internal government documents. Nonetheless, there is evidence that government agents consider certain tactics that inflict pain to be excessive while others are part of protocol. A civil rights group, the Center for Constitutional Rights, cites a memo that implicitly articulates this distinction between acceptable and excessive interrogation techniques. The group points to an internal memo sent between an FBI investigator and an army General. [50] The author of letter, T.J Harrington, writes to "alert" the general of certain "highly aggressive interrogation techniques".[51] The FBI description of these tactics include a female interrogator "apparently whispering in the detainee's ear, caressing and applying lotion to his arms (this was during Ramadan when physical contact with a woman would have been particularly offensive to a Moslem male)."[52] While the document contains no specific critique of the tactic, the mere act of alerting a high-ranking official about certain techniques being used suggests that there is an enforced framework for the forms of violence that are allowable at Guantánamo and the forms that are not.

While there is a refusal, even among the most avid supporters of the extra-legal project of Guantánamo, to admit that "torture" is practiced during interrogations, it is clear that the infliction of physical, psychological and emotional pain with the goal of harvesting information

[50] Center for Constitutional Rights, Report on Torture and Cruel, Inhuman, and Degrading Treatment of Prisoners at Guantanamo Bay, http://ccrjustice.org/files/Report_ReportOnTorture.pdf, 15.
[51] Federal Bureau of Investigation, "FBI Document 4622," July 14, 2004, http://www1.umn.edu/humanrts/OathBetrayed/FBI%204622-4624.pdf.
[52] Ibid.

Category	Techniques

1	• *Yelling at the detainee (not directly in his ear or to the level it would cause physical pain or hearing problems.*
	• *Techniques of deception*
	  ○ *Multiple interrogator techniques.*
	  ○ *Interrogator identity. The interviewer may identify himself as a citizen of a foreign nation or as an interrogator from a country with a reputation for harsh treatment of detainees.*

2	• *The use of stress-positions (like standing), for a maximum of four hours.* • *Use of isolation facility for up to 30 days; Extensions allowed if approved by Commanding Officer.* • *Interrogating the detainee in an environment other than the standard interrogation booth.* • *Deprivation of light and auditory stimuli* • *The detainee may also have a hood placed over his head during transportation and questioning. The hood should not restrict breathing in any way and the detainee should be under direct observation when hooded.* • *The use of 20-hour interrogations.* • *Removal of all comfort items including religious items.* • *Switching the detainee from hot rations to MREs [Meals, Ready-to-eat; designed for soldiers in combat situations and presumably less appealing than "hot rations"]* • *Removal of clothing.* • *Forced grooming (shaving of facial hair)* • *Using detainees individual phobias (such as fear of dogs) to induce stress*
3	• *The use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family.* • *Exposure to cold weather or water (with appropriate medical monitoring).* • *Use of a wet towel and dripping water to induce the misperception of suffocation* • *Use of mild non-injurious physical contact such as grabbing, poking in the chest with finger and light pushing*

Figure 1. [53]

One unclassified government memorandum describes three categories of interrogation tactics, with the third being the most psychologically and physically painful. In the memo—a legal review of interrogation tactics—the specifics are described (see Figure 1). Gregory writes, "[t]his memorandum had been prepared with CIA rather than military interrogations in mind, but the lines were already becoming blurred. In October 2002 the Joint Chiefs of Staff were presented with recommendations from the Joint Task Force charged with conducting 'Department of Defense/ Interagency' interrogations at Guantánamo to allow a graduated series

[53] William Haynes, ""Counter-Resistance Techniques: Department of Defense Memorandum," December 2, 2002, http://www.yirmeyahureview.com/archive/documents/gwot/prisoner_abuse/dod_sc_021011.pdf.

of increasingly 'aggressive' techniques to be used against prisoners who had 'tenaciously resisted' current methods".[54] This distinction between certain forms of violence provides a clear articulation of a hierarchy of tactics, organized through the potential pain that each inflicts and weighed against the value of information that may be gathered from the incarcerated subject.

This valuation of certain individuals and the pain allowable may be better understood through some of Nietzsche's thoughts regarding the value of punishment. Nietzsche writes that "[t]hroughout the greater part of human history punishment was *not* imposed *because* one held the wrongdoer responsible for his deed, thus *not* on the presupposition that only the guilty one should be punished: rather, as parents still punish their children, from anger at some harm or injury, vented on the one who caused it—but this anger is held in check and modified by the idea that every injury has its *equivalent* and can actually be paid back, even if only through the *pain* of the culprit."[55] The notion of "paying back" has some clear resonances for the infliction pain in the name of intelligence farming. While the guilt of those incarcerated at Guantánamo is questionable, they are positioned as recipients of punishment because of a valuation made regarding the crimes they have purportedly committed. Because they are supposedly implicated in certain terrorist acts or relations, they are assumed to possess certain valuable kinds of intelligence, and thus may be subject to more painful interrogation tactics. For instance, the interrogation of Mohammed Al Qahtani involved the approval of tactics because he supposedly resisted more basic techniques (presumably Categories 1 and 2) and held valuable information regarding Al Qaeda and the 9/11 plot.[56]

[54] Gregory, 415-418.
[55] Nietzsche, 63.
[56] Philippe Sands, "Philippe Sands on The Al Qahtani Debacle," Bill Moyers Journal, May 16, 2008, http://www.pbs.org/moyers/journal/05162008/sandsessay.html.

Viewed in this light, Guantánamo's regime of violence becomes not only, as many reasonably argue, a racist program and a massive assault on the lives of thousands of South Asian and Middle Eastern men. The violence of interrogation tactics, be it labeled torture or not, is simultaneously an instrument of extraction and an interpellation of the detained as a kind of debitor. Rather than being mere chattel as Willis proposes, or as individual whose life is expendable—as Agamben's *Homo Sacer*—this view articulates a different type of positionality for the incarcerated.[57] As I discussed earlier in this paper, detainees are denied certain political rights, such as habeas corpus, and we can imagine that interrogators must adapt a certain amount of indifference to the lives of detainees. However, as Nietzsche's notion of the debitor implies, there are certain rules ensuring that detainees remain alive. The creditor is allowed to inflict pain on the debitor in accordance with that individual's debt but not necessarily beyond it.

This valuation is evident in detainee claims that "information is the camp currency, and interrogators control access to medical care based on prisoners' level of cooperation in interrogations. Othman Abdulraheem Mohammad [a detainee,] reported that he had a rash on his back and was told it would not be treated until he cooperated with interrogators."[58] The pain of a rash, presumably considerable but not life-threatening is positioned as commensurable with certain intelligence. Similarly, the use of "stress positions" (see Figure 1) is notable in that it is limited to very specific amount of time, beyond which it is presumably gratuitous as well as a threat to the life, and thus, value of the detainee.

Further, while certain supposedly high-level detainees are subject to military trial and the death penalty, such a sentence is—in the symbolic economy of Guantánamo—presumed to be commensurate with grave crimes. Whereas in labor camps the value of those incarcerated is

[57] Willis, "Guantánamo's Symbolic Economy," 124.
[58] Center for Constitutional Rights, *Report on Torture*, 22.

based upon the work they perform—and thus the pain and death that occurs with this extraction of labor comes to signify their value—in Guantánamo there is a symbolic commodity produced by psychological suffering. To continue the extraction of intelligence, the detainee, still capable of speech, must be kept alive.

Simulating Death

As I have mentioned previously in this thesis, my insistence that the death of detainees is not a desirable outcome for Guantanamo's administrators and interrogators, does not mean that I view interrogation practices as humane or just. Rather, the insistence that detainees be kept alive at the same time that other horrific forms of violence are illustrate the fractures contained within the ethics of interrogation. As I shall illustrate, the violence of simulated deaths provides a supposedly humane method for punishing detainees. The crisis of human rights and the legal liminality of detainees sheds some light on the administrative reaction to hunger-striking detainees.

The hunger strikes which, left three detainees dead and pirison officials scrambling for a response, were "dismissed [by Commander Jay Hood] as 'not an act of desperation but an act of asymmetric warfare against us.' "[59] The fact that Hood was forced to explain the deaths aggravated the already acute concerns about conditions within the detention facility; hence, his insistence that the non-violent suicides of three men had nothing to do with interrogative violence and was an 'act of war.' The same men were part of a group of detainees that had earlier gone on hunger strike. In reaction to this first strike, force-feeding was implemented at the base to prevent any deaths among the strikers. Citing again from CCR:

> These large tubes – the thickness of a finger, he estimated – were viewed by the detainees as objects of torture. They were forcibly shoved up the detainees' noses and down into

[59] Gregory, "The Black Flag," 405.

> their stomachs. No anesthesia or sedative was provided to alleviate the obvious trauma of the procedure. Yousef said that he could not breath with this thick tube inserted into his nose (which was so large it caused his nostril to distend). When the tube was removed, it was even more painful, and blood came gushing out of him. He fainted, and several of the other detainees also lost consciousness. The detainees were told by the guards: "we did this on purpose to make you stop the hunger strike. [60]

Such a severe reaction to the hunger strikes suggests that the goals of force-feeding functioned in more ways than simply preventing the deaths of detainees by starvation. The lack of anesthetics as well as the size of the tube suggest that administrators were trying to punish the hunger-strikers. If we take the claims of the detainees as fact, then there is no need for guesswork; the guards stated that the intense pain inflicted by the act of force-feeding itself was "done on purpose to make you stop the hunger strike."[61]

There are two simultaneous processes occurring in this type of punishment. First, it reflects the instrumental valuation of detainees that I have described throughout this chapter. But secondly, this reaction reveals the cracks in the ethical structure of Guantanamo. Violent force-feeding provides Guantanamo's administrators with the opportunity to punish detainees in a virtuous manner. Under the guise of saving lives and stopping death, force-feeding allows for a punishment of detainees that is difficult to construe as torture. Though the biological deaths of detainees are prohibited, the infliction of intense pain that may simulate death is permissible. The loss of consciousness among detainees during force-feeding suggests a kind of rehearsal of death. Such simulations occur through the form of interrogation tactics as well; detainees are subject to very specific forms of simulated political, cultural and physical deaths for specific kinds of debt. Sensory deprivation is a sort of cognitive death; the use of isolation, can be seen as a social death and 'water-boarding' which invokes the feeling of drowning is a rehearsal of

[60] Center for Constitutional Rights, *Report on Torture*, 34.
[61] Ibid.

physical death.

These three modalities of simulated death reflect what Elaine Scarry calls the "the kinship between pain and death, both of which are radical and absolute, found only at the boundaries they themselves create. That pain is so frequently used as a symbolic substitute for death in the initiation rites of many tribes is surely attributable to an intuitive human recognition that pain is the equivalent in felt-experience of what is unfeelable in death"[62]. Physical pain, Scarry writes, "is always a mock execution"[63].

Moreover, these tactics fit into the long tradition of torture techniques that are designed to leave no evidence of their occurrence. McCoy writes that "psychological torture afforded intelligence agencies everywhere an additional advantage: leaving none of the usual signs, the practice easily eluded even the strictest human rights protections."[64] In pointing the the radical individuating effects of pain Daniels notes the physical trouble in identifiying the marks of torture on victims body.[65] Guantanamo administrators and interrogators rely on this uncertainty in the use of simulated death. By "nullyfing the claims of the world" through psychological violence, interrogators can both extract intelligence and inflict great pain despite the bureaucractic wrangling over the threshhold of torture.

Such a view fits within the economy and ethics of pain I have mapped out in this chapter. The 'mock execution' can be seen as a way of realizing the supposed 'value' of the detained's crimes. The functions of interrogation are imbued in this mock execution. The detainee's body, still capable of yielding intelligence is kept alive, even as their cognitive, social, and physical lives are nullified. Further, these simulated deaths, unlike actual death or physical beatings, are

[62] Scarry, 31.
[63] Ibid.
[64] McCoy, *A Question of Torture*, 53.
[65] Daniels, 140.

less likely to be considered torture by the courts and thus avoids the public's aversion to gratuitous violence.

IV.

The Self, Pain and Freedom

In this section I will argue that a neoliberal ethical subject is produced through violent interrogation. This chapter constitutes the second part of Guantanamo's ethical rationality—a positive ethics of pain. I will gesture toward three relationships that are created by acts of violence in Guantanamo. First, I will discuss Elaine Scarry's work and the betrayal of the body in pain in relation to the will of the subject. Second, I will discuss Foucault's system of ethics to illustrate the mode subjectification that takes place through violent interrogation in Guantanamo. Finally, I will work through Judith Butler's work on sexual torture and argue that the neoliberal subject precludes the possibility of other ethical formations.

Betraying the Self

For Scarry, torture-induced confession is a three-pronged betrayal of the self. The first and most general betrayal occurs when the body in pain betrays the self. Scarry argues that pain, regardless of the cause, forces the sufferer to "experience his own body as an agent of his agony."[66] She writes that"[i]f self-hatred, self-alienation and self-betrayal…were translated out of the psychological realm…into the unspeakable and contentless realm of physical sensation it would be intense pain."[67] The person in pain "experiences his own body as the agent of his

[66] Scarry, 47.
[67] Ibid.

agony."[68] Writing of ascetic practices, Scarry states, "self-flagellation…is not (as is often asserted) an act of denying the body, eliminating its claims for attention, but a way of so emphasizing the body that the contents of the world are cancelled and the path is clear for the entry of an unworldly contentless force."[69]

However, Scarry is careful to note the difference between a religious ascetic who "enters or leaves the pain of a Good Friday meditation" and the torture victim, whose pain is inflicted by another.[70] The torture victim, whose body has been compelled by this other into betrayal, must also commit treachery by producing knowledge about friends, family or associates. Further, such knowledge is induced while the sufferer is aware of the destructive intentions of her captors. This constitutes the second betrayal of confession. Just as pain makes the sufferer the source of his own pain, the interrogator forces the interrogated to betray her family, her community and herself by yielding 'intelligence.'

Moreover, there is a third betrayal of self, enacted through the specific kinds of violence used by torturers. In one common type of interrogation tactic, torturers force prisoners to place their bodies in stressful positions for long periods of time. These tactics are just as violent as other forms of torture; "[s]tanding rigidly for eleven hours can produce as violent muscle and spine pain as can injury from elaborate equipment and apparatus."[71] Even seemingly insignificant acts, those "small and moving gestures of friendship [of the body] toward itself" such as the tendency for an individual to keep her hands close her body during sleep are manipulated by torturers. Through self-inflicted violence "[t]he prisoner's body—in its physical strengths, in its sensory powers, in its needs and wants, in its ways of self-delight[…]—is, like the prisoner's

[68] Ibid.
[69] Ibid., 34.
[70] Ibid.
[71] Scarry, 48.

voice, made a weapon against him, made to betray him on behalf of the enemy, made to be the enemy."[72]

All three types of betrayals of self are employed by Guantanamo's interrogators. Turning back to Figure 1 in the previous section, Category 2 lists the use of forced standing. Such tactics, like those described by Scarry, are informed by the counter-intuitive notion that the most damaging and, from the perspective of intelligence agencies, successful tactics are not necessarily the most *physically* violent, but rather are the ones that do the most psychological harm. In response to a question about forced standing, Donald Rumsfeld questioned the four-hour limit that had been imposed by the military legal review, facetiously stating that he stood he stood at his desk for over 8 hours a day.[73] However, McCoy, citing the U.S. military's *Kubark* manual, writes, "whereas pain inflicted on a person from outside himself may actually focus or intensify his will to resist, his resistance is likelier to be sapped by pain which he seems to inflict upon himself."[74] The results confirm Scarry's theorization of the topic; more effective than actually inflicting violence are directives that address and manipulate the agency of the subject.

Similarly, sensory deprivation leads to disorientation, hallucinations, and ultimately psychological breakdown. So the often written of reports of playing Britney Spears at extremely high volumes are not merely attempts at annoying individuals into consent, but rather are a systematic attempt to overload the individuals senses. These forms of interrogation are, as McCoy puts it a" total assault on the existential platforms of human identity and existence."[75] In other words, they engage in a denial of the ontological basis of subjecthood. Isolation and self-

[72] Scarry, 48.
[73] Donald Rumsfeld, "Rumsfeld OK'd harsh treatment," USA Today, June 22, 2004, http://www.usatoday.com/news/washington/2004-06-22-rumsfeld-abuse-usat_x.htm.
[74] McCoy, *A Question of Torture*, 52.
[75] Amy Goodman, "Professor McCoy Exposes the History of CIA Interrogation, From the Cold War to the War on Terror," Democracy Now, February 17, 2006, http://www.democracynow.org/2006/2/17/ professor_mccoy_exposes_the_history_of.

inflicted violence disrupt the sensorial and social ways that subjects use to locate themselves in the world. Like the modalities of torture described by Scarry, these ontological denials induce a betrayal of self among detainees.

Pain and Freedom

These conditions make it hard to doubt Scarry's claim that the intense pain of interrogative torture is anything less than "world-destroying". However, I would argue that there is another, not entirely contradictory process at work within interrogation. The manipulation of agency—Scarry's betrayals of self—produce a particular kind of ethical subject among detainees. While, I have already established that a proscriptive ethics is at work within Guantanamo, there is also a "positive" ethics enacted through interrogation tactics. Foucault's system of ethics accounts for the proscriptive ethics I have described in previous chapters, but he is far more concerned with the way ethics informs "the kind of relationship you [as an ethical subject,] ought to have with [yourself]."[76] To elucidate such an ethics I think it would be useful to turn to Foucault's consideration of ascetic exercises. These exercises involve pain-inducing feats of abstinence such as bearing cold for long periods of time and abstaining from eating among others. Foucault writes of the importance of freedom in the ethical 'work' of such practices: "we should not forget that all this is not taking place within the framework of a rule of life but of a *tekhne tou bio* (an art of living)...Making one's life the object of a *tekhne,* making one's life a work—a beautiful and good work […]—necessarily entails the freedom and choice of the person employing this *tekhne.*"[77] So, it is precisely the lack of regimentation that enables the creation of this ethical subject.

[76] Michel Foucault, *The Hermeneutics of the Subject: Lectures at the College de France, 1982-1982*, trans. Graham Burchell (New York: Picador, 2006), 238.
[77] Foucault, *Hermeneutics*, 424.

I agree with Scarry when she argues for a distinction in the pain of ascetics who choose to pray and the pain of tortured prisoners who have no such choice. While I would argue that there are similarities in the subjectification of the ascetics and the subjectification of detainees, I am not suggesting that ascetic and detainees are identical ethical subjects. The key point in this comparison is that the apparent practice of agency, the ascetic's choice to abstain or not, resonates with the rehearsal of agency within interrogation tactics.

Asad, reading Foucault's analysis of monastic practices, writes, "pain was necessary because the involuntary connection of the self with sensations, feelings, and desires required a constant labor of inspection and of testing the body lest the soul be betrayed [by the Other, by Satan]."[78] For both Foucault and Asad, the self-inflicted pain in an ascetic context functioned to "confront the body's desires" with a "suspicious will." Similarly, the betrayals of self that Scarry describes involve pitting the "suspicious will" of the detainee who refuses to "confess," against the desires of the detainees body.

I am not arguing that detainees forced 'participation' in interrogation constitutes an ethical practice. This coercion alone does not establish any relationship between the detainee and himself and, as Foucault writes, "all moral action involves…a relationship with the self."[79] However, if we accept Scarry's claim that interrogative torture induces betrayals of self, then such a relationship can be deduced. If the detainee refuses to 'yield information', resists the will of interrogators, and is then subjected to a physical beating, then no moral conduct performed by the detainee. However, when the detainee 'experiences his own body as the agent of his own agony' and such agony may be stopped through an exertion of agency—that is, confession—then

[78] Talal Asad, "Pain and Truth in Medieval Christian Ritual," in *Geneaologies of Religion: Discipline and Reasons of Power in Christianity and Islam* , 110.
[79] Michel Foucault, *The History of Sexuality: The Use of Pleasure*, trans. Robert Hurley, vol. 2, 3 vols. (New York: Pantheon, 1985), 28.

there is a transformation in the detainees relationship with himself. In other words, the violence of interrogation establishes a relationship between the detainee's 'self', his willingness to "confess" and his body in pain.

Self-inflicted violence can be thought of as a proposition: you, the detained, relinquish your will to I, the American Interrogator, and I will then set you, and your body's desires, free. I do not mean to imply that there is an actually guarantee between the interrogator and the detainee. Rather, in the moment of pain, the implicit or explicit suggestion that the detainee is 'doing this to himself' transforms interrogation into a negotiation over the detainee's freedom.

Though many of tactics used by interrogators are not specific to the democratic political regimes, the historical context in which this self-inflicted violence occurs lends a certain idiosyncracy to the system. Because this system of ethics is both engaged with the detained's freedom and is emergent from the War on Terror, a defense of 'freedom,' I would term this system a 'neoliberal ethics.'

Freedom and Annihilation

In Judith Butler's reading of sexual torture there are some similar processes articulated. Butler argues for the salience of a particular notion of an Arab subject, imagined through anthropological texts such as Raphael Patais's *The Arab Mind,* in acts of sexual torture.[80] She writes, "torture was also a way to coercively produce the Arab subject and the Arab mind. That means that regardless of the complex cultural formations of the prisoners, they were compelled to embody the cultural reduction described by this anthropological text."[81] Thus sexual torture, such as the massage described at the beginning of Chapter 2, or the numerous violations depicted in the Abu Grahib photos, constructs an Arab subject that would find such acts taboo. That is, in

[80] Judith Butler, "Sexual Politics, Torture, and Secular Time," The British Journal of Sociology 59, no. 1 (2008), 15.
[81] Ibid.

the mind of torturers, such acts are only offensive if the detainee has 'pre-modern' views on sexuality. The message of sexual torture is that " 'we embody that freedom, you do not; therefore, we are free to coerce you, and so to exercise our freedom, you will manifest your unfreedom to us, and that spectacle will serve as the visual justification for our onslaught against you.' " [82]

What I find compelling in Butler's argument is the way in which this pre-modern Arab subject is not just the way it is produced by the acts of sexual torture, but also how that tortuers annihilate other subjectivities through their violence. When torturers force sexual acts onto detainees they pre-empt any legitimate sexual, moral or cultural practices precisely by violating the body of the detainee. Moreover, such acts are performed because of the supposedly backward attitudes towards personal liberty that detainees are presumed to have.

Neoliberal subjectification is also annihilative of other ethical formations but works through an opposite process. Take, for example, the case of religious humiliation. Though only two religiously-based tactics are listed in the hierarchy of tactics—"forced grooming" and the "removal of comfort items including religious items"—other assaults targeted specifically at Islamic cultural practice, such as denial of prayer and sexual humiliation, were employed as well. One demonstrative example can be found in the interrogation of Mohammed al-Qahtani. Al Qahtani, described in the news media as the "20th hijacker," can be seen as the penultimate "high-value" detainee.[83] The civil rights group, the Center for Constitutional Rights (CCR) writes that the " humiliation of Mr. al Qahtani formed a central part of the interrogation plan, and

[82] Ibid., 19.
[83] Bill Dedman. "Can '20th hijacker' ever stand trial?" MSNBC, October 26, 2006. http://www.msnbc.msn.com/id/15361462/. This past year, al-Qahtani was charged for conspiring with the other agents of the 9/11 attacks and prosecutors planned on pursuing the death penalty. Perceived to have close ties to Al Qaeda leadership and intimate knowledge of advanced attacks. Then, suddenly the charges were dropped.

that interrogators subjected him to various types of treatment that involved humiliating him, particularly denigrating, either explicitly or implicitly, his religious beliefs:

Religious Humiliations

1. Constructing a shrine to Bin Laden and informing Mr. al-Qahtani that he could only pray to Bin Laden;
2. "Forced grooming," including forcibly shaving Mr. al-Qahtani's beard
3. Commandeering the call to prayer as a "call to interrogation"; and
4. Interrupting Mr. al Qahtani's prayer or attempting to control or deny his right to pray.

Notes: "When control entered booth, detainee stated in English "Excuse me sergeant, I want to pray." Control said *"Have you earned prayer? I know you have a lot to ask forgiveness for, but I already told you that you have to earn it."* Detainee says "Please, I want to pray here" (pointing to floor next to his chair). Control responds no." (11/28/2002 at 0630); "Detainee allowed to pray after promising to continue cooperating." (12/06/2002 at 1600); "Detainee's hands were cuffed at his sides to prevent him from conducting his prayer ritual." (12/14/2002 at 0001)"

[84]

When Al Qahtani asks the interrogator if he can pray the interrogator's by asking, "Have you earned prayer? I know you have a lot to ask forgiveness for, but I already told you that you have to earn it." The use of the term *earn* in this context is not incidental but, rather, has a distinct implications. Any access to a spiritual order is now mediated by the will of the interrogator. Turing back to the 'proposition' of self-inflicted violence, the interrogators response indicates that the interrogator will free the detainees spiritual desires (prayer) if the detained chooses to submit to his will to the interrogators desires (confession). Al Qahtani is made to believe that while he may not pray now, he is free to enter into an exchange with interrogator.

However, these 'items' are not, I would argue, commensurable. It may be banal to say that prayer is important to practicing Islam, but it is a relevant point here. Mahmood, in her discussion of the piety movement in Egypt argues that specific ritual practices is the mechanism by which this such a formation is enacted. Citing Sabiq, she writes, "the performance of ritual

[84] Center for Constitutional Rights, The Torture of Mohammed Al Qahtani, http://ccrjustice.org/files /Publication_DeclarationonAlQahtani.pdf.

prayer is considered so centrally important to Islam that the question of whether someone who does not pray regularly qualifies as a Muslim has been subject of intense debate among theologian."[85] Moreover, the proposition of this exchange—access to the spiritual in exchange for a betrayal of community—ensures a painful decision.

Whereas, in Butler's formation, coercion produces a pre-modern Arab subject, in neoliberal subjectification a theatrics of freedom destroys the possibility of an Islamic subject. This, neoliberal ethics produces a subject who is free to choose, but whose options are wrought by pain-- the pain of confession and the pain of religious guilt.

[85] Saba Mahmood, Politics of Piety: The Islamic Revival and the Feminist Subject (Princeton: Princeton University Press, 2005).

V.

Conclusion

An Amnesty International press notice posted to the group's website declares "[o]n the 12 June 2008 the US Supreme Court recognized, in the case of Boumediene v. Bush, the right of those detained at Guantánamo Bay, Cuba to challenge their detention in US civilian courts. Amnesty International described the ruling as an essential step towards restoring the rule of law to the USA's counter terrorism measures."[86] This ruling draws an apt question about this project: why now? If, at long last, the U.S. military is being moved towards recognizing the political rights of detainees, then what currency does this analysis have? If there ever was a sense of urgency, then surely this is a sign that it is subsiding.

Given the grave conditions and experiences I've outlined in this paper, it would be convenient, even pleasurable, to end on a hopeful note. There is no doubt that this is a positive development of for the hundreds detained in Guantanamo Bay, who have been ripped from their homes, caged for years, and subjected to the horrors of interrogation. However, if we are to take seriously the criticism of Western ethics and its co-optations, then the sources of this violence and the hope to be had in 'freedom' is misplaced. I must acknowledge, then, that those same freedoms and human rights —the freedom to not be detained, the freedom to not have your body abused—that I have attempted to locate in the structure of violence, motivate the appeals to justice salient in the legal work of Amnesty International and the Center for Constitutional

[86] Amnesty International, "Time for real change as Supreme Court rules on Guantánamo detentions," Amnesty International, June 18, 2008, http://www.amnesty.org/en/news-and-updates/time-for-real-change-as-supreme-court-rules-on-guantanamo-detentions-20080618.

Rights. We must also consider that 'freedom' for those currently detained may mean returning to an occupied country--a site of the 'War on Terror' thus moving from one site of war to another.

To return to Butler and her consideration of the sexual politics of torture, the coercions practiced in the name of freedom "places those of us who have conventionally understood ourselves as advocating a progressive sexual politics in a rather serious bind."[87] Substituting 'progressive politics' for 'progressive sexual politics,' Butler's anxiety is one that I share and to which there are no simple answers. How do we oppose detention and interrogation without appealing to the ideologies they are grounded in? What kind of ethics is just?

I have attempted to illustrate a strong web of relations between ideologies of freedom and human rights, the logic of capital, and violence. This constellation would, I think, reinforce suspicion in the notion that the Supreme Court can ensure that violence is only 'justly' served. After all, this is the same court that presides over the incarceration of millions of women and men in prisons and thousands more in immigrant detention centers. What of the violence done to them? Nor can I advocate a revolutionary claim that if the neoliberal structures of capital in addition to the symbolic and political economies of "security" are displaced that a 'real and just' system may emerge. Who is to say what violence is gratuitous and what isn't? Such are the dilemmas of critiquing a system while living within it.

The most I can do is insist on examining how and why notions of 'human rights' and 'freedom' are deployed and who such deployments benefit. Rather than participating in the discourse of Good and Bad violence—or even a discourse that claims to swear off violence—perhaps we can attend to context. By attempting to situate violence within in political, economic and ethical frames, I've tried to avoid the easy equivalences between the terror war and

[87] Butler, 3.

'totalitarianism' (be it Nazism or Communism).[88] Throughout this analysis, I've attempted to sketch a framework for understanding the violence of interrogations in Guantanamo Bay and the multiple registers through which it is structured. In augmenting the work of Susan Willis, I have attempted to map an institutional framework for interrogation and intelligence gathering. By outlining an economy and ethics of pain, I have tried to depict the ways in which 'intelligence,' collected in the name of freedom, is made commensurable with pain. In examining the ethics of violence and the sorts of subjects it creates, I hope to have contributed to an understanding of the reaches of neoliberalism and the 'War on Terror.'

Moreover, I've tried to tie acts of violence to institutions that we are also complicit with. It would be presumptuous and misguided to think that an analysis of this sort could provide the grounds for 'resistance.' But in locating ourselves within such a system perhaps we can start to think ourselves out of these paradoxes. And, by pointing to the ways 'freedom' is used, we might open space to consider how 'freedom' might be recuperated. In closing, I turn to the words of Siddiq Turkenstani, captured in Afghanistan, tortured by Al Qaeda and held until the U.S. invasion, only to be sent to Guantanamo:

> *Even if the pain of the wound increases,*
>
> *There must be a remedy to treat it.*
>
> *Even if the days in prison endure,*
> *There must be a day when we will get out.*
>
> - Siddiq Turkestani [89]

[88] Scott Shane, "Soviet-Style 'Torture' Becomes 'Interrogation' - New York Times," The New York Times, June 3, 2007, http://www.nytimes.com/2007/06/03/weekinreview/03shane.html.
[89] Falkoff, *Poems from Guantanamo: The Detainees Speak*, 68

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