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Interrogating States: Torture as a Form of Liberal Democratic Governance

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by

Em D Rosner

Committee in charge:

Professor Charmaine Chua, University of California Berkeley, Co-Chair

Professor Bishnupriya Ghosh, Co-Chair

Professor Lisa Hajjar

June 2026

The dissertation of Em D Rosner is approved.

Lisa Hajjar

Bishnupriya Ghosh, Committee Co-Chair

Charmaine Chua, Committee Co-Chair

May 2026

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VITA OF EM D ROSNER

May 2014

EDUCATION

Doctor of Philosophy in Global Studies, University of California, Santa Barbara, June 2026 (expected)

Bachelor of Arts in Human Rights and Gender Studies, Barnard College, Columbia University, June 2020

PROFESSIONAL EMPLOYMENT

2025-2026: Lead Teaching Assistant, Department of Global Studies, University of California, Santa Barbara

2022-2025: Teaching Associate/Assistant, Department of Global Studies, University of California, Santa Barbara

2023-2024: Colloquium Program Assistant, Department of Global Studies, University of California, Santa Barbara

2021-2023: Research Assistant, Orfalea Center, University of California, Santa Barbara

PUBLICATIONS

Rosner, Em. “Reshaping Subjects through Torture: State Power and the Production of Fragmented Minds.” *New Political Science* 47, no. 2 (2025): 268–82. <https://doi.org/10.1215/07393148-11830572>.

Rosner, Em. “Abu Ghraib, Homonationalism, and the Rationalization of Modern Torture.” *Inquiries Journal* 12, no. 9 (2020). <http://www.inquiriesjournal.com/a?id=1801>.

AWARDS

Chancellor’s Fellowship, University of California, 2021–2026

Queer Studies Award, Columbia University Institute for Research on Women, Gender and Sexuality, New York, 2020

FIELDS OF STUDY

Global Governance, Civil Society, and Human Rights

State Violence

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ABSTRACT

Interrogating States: Torture as a Form of Liberal Democratic Governance

by

Em D Rosner

This dissertation project centers on the persistent use of torture by liberal democratic states and the institutional and ideological logics that perpetuate it. While it is commonly assumed that torture perpetrated by liberal democracies represents a momentary, uncharacteristic lapse of morality amidst an otherwise unshakable commitment to the rule of law, this research seeks to illuminate consistent, deeply entrenched ties between liberal ideology, democratic statehood, and torture. This dissertation approaches the issue through an analysis of torture perpetrated in the twenty-first century by the United States and Israel. These two countries present themselves as exemplars of liberal morality, while also maintaining particularly extensive and entrenched practices of torture. The dialectic of these seemingly contradictory characteristics illuminates the extent to which liberal democratic governance accommodates and rationalizes torture. Close analysis of torture survivor testimonies, as well as news media and official statements justifying the use of torture, illuminates how torture often functions to uphold and naturalize relations of occupation and domination, both domestic and international. This usage is consistent with the historical perpetration of torture by colonial European states as a way to demobilize and dehumanize colonized populations in order to preemptively undermine anti-colonial solidarity and

resistance. This dissertation argues that the use of torture as a tool for administering populations and upholding the social and political hierarchies of perpetrating states makes torture a key tool of liberal democratic governance, not only in times of war and emergency, but on a perpetual basis.

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Introduction: An Exceptional and Uniquely Legitimate Instance

Torture has long been considered antithetical to modern liberal society. Despite repeated high-profile leaks and revelations of its use, particularly in the past 25 years, public observers and commentators have consistently treated torture by liberal democratic states as a momentary, uncharacteristic lapse of morality amidst an otherwise unshakable commitment to the rule of law. Official justifications and strategic scapegoating of “a few bad apples” who allegedly bear sole responsibility for torture have reinforced the assumption that torture by liberal democracies, when it occurs, is either an accidental departure from the status quo or a carefully calculated and therefore uniquely legitimate occurrence. Likewise, scholars from across social scientific fields have consistently responded to instances of liberal torture in the past several decades by theorizing the exceptional legal, social, and geopolitical circumstances that led to their perpetration.¹ Despite consistent assumptions to the contrary, torture remains widespread in liberal democratic states throughout the world today. This dissertation project seeks to analyze the endemic use of torture by liberal democratic governments and the institutional and ideological logics of its persistence. My research responds to the seemingly paradoxical ongoing use of torture by theorizing what I argue are consistent, entrenched ties between liberal democratic statehood and torture.

The driving question of my project is: why has a form of horrific violence that has long

¹ David Luban, “Liberalism, Torture, and the Ticking Bomb,” *Virginia Law Review* 91, no. 6 (2005): 1425–61. I use the term “liberal torture” throughout this dissertation as a shorthand for torture perpetrated by liberal democratic states. This terminology draws on Luban’s canonical theorization of a “liberal ideology of torture,” which refers to the popular and official rationalization of certain kinds of torture on the basis that they are necessary to eliminate future threats to the liberal state.

proven itself to be ineffective at its stated uses, and is allegedly universally prohibited by liberal ideology, persisted as a tool of modern liberal democratic governance? My investigation of this question is twofold, seeking to understand both why torture is still useful to contemporary democracies and also how they continue to justify and, at times, normalize its use. I approach this set of inquiries through an analysis of the persistent use of torture by the United States and Israel. These two countries present themselves as exemplars of liberal morality, while also maintaining particularly extensive and entrenched practices of torture. The dialectic of these seemingly contradictory characteristics illuminates the extent to which liberal democratic governance accommodates and rationalizes torture, and thus facilitates further investigation into the reasoning behind that accommodation.

This dissertation project represents an effort to explain the persistence of torture in liberal democracies by analyzing its institutional entrenchment and rationalizing logics that extend beyond seemingly exceptional moments of public visibility. I begin in Chapter 1 by discussing historical accounts of how liberal colonizing governments used torture to reinforce social and racial hierarchies. In Chapters 2 through 4 I analyze contemporary narratives written by survivors of torture perpetrated by the US and Israel, as well as torture-justifying media published by the two states, in order to trace the persistent dehumanizing colonial logics that continue to animate liberal governance. My research suggests that, despite pervasive assumptions about the linear progression away from torture in modern liberal societies, torture has not been eliminated but merely sublimated, and increasingly used in sequestered contexts in order to regulate oppressive social hierarchies. As I will demonstrate in the following chapters, because modern democracies have increasingly used

torture to govern, rather than to interrogate or punish, it is endemic to liberal state power.

A. Contribution to Existing Literature

Although there exists extensive social scientific research on the use of torture in various contexts, relatively few of those studies look beyond the logics that supposedly prompt liberal democratic states to “resort” to torture in moments of emergency or exception.² These analyses generally follow three empirical trends, which I will discuss in greater detail below: tracing the genealogies of torture techniques used by liberal democratic states, dissecting the legal machinations formulated to justify liberal torture, and identifying forms of societal corruption or conflict that create opportunities for torture. Although these studies provide invaluable insight into many dynamics of liberal torture, they mostly stop short of critiquing the violence of liberal democracy itself, as a form of governance that has long been used to justify colonial, imperial, and other forms of harm. In contrast, my dissertation project seeks to understand the persistence of liberal torture by analyzing how liberal democratic statehood and classical liberal ideology not only allow for, but may be deeply tied to torture as a practice of governance and statecraft.

The first category of existing research I’ve identified is historical genealogies of torture

² The vast majority of texts focusing on liberal torture use the United States as a primary case study because of the numerous high profile instances of US torture over the past 25 years. Sustained engagements with Israeli torture are few and far between due to decades of official suppression of evidence and propaganda that strategically undermines trust in Palestinian survivors. Accounts of Israeli torture have also been systemically silenced and prevented from circulating within the US. See Edward W. Said, *The Question of Palestine* (Vintage Books, 1992), 42–3.

techniques used by liberal democratic states.³ As I will discuss in greater detail in Chapter 1, canonical histories of Western torture such as Edward Peters' *Torture* largely attribute the alleged resurgence of torture in the twentieth century to its revival by fascist and authoritarian regimes and the subsequent adoption by liberal democratic states of techniques "honed" by the Nazis and Soviets. This is a common assumption, which implicitly ties liberal torture to illiberal histories, rather than liberalism's own consistent legacy of violence. Within this category, Darius Rejali's *Torture and Democracy* stands out for its paradigm-shifting research on the origins of "clean" or non-scarring torture techniques commonly used by modern democracies.⁴ Through painstaking historical research, Rejali breaks with

³ Susan Derwin, "What Nazi Crimes Against Humanity Can Tell Us about Torture Today," in *Speaking about Torture*, ed. Julie A. Carlson and Elisabeth Weber (Fordham University Press, 2012); Alfred W. McCoy, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror* (Metropolitan Books/Henry Holt, 2006); Edward Peters, *Torture* (University of Pennsylvania Press, 1985); Darius Rejali, *Torture and Democracy* (Princeton University Press, 2007); Elisabeth Weber, *Kill Boxes: Facing the Legacy of US-Sponsored Torture, Indefinite Detention, and Drone Warfare* (Punctum Books, 2017).

⁴ It is not an exaggeration to suggest that Rejali wrote "the book" on liberal torture. His encyclopedic text has influenced countless subsequent studies of the dynamics of democratic transparency, global impacts of human rights discourse, logics and objectives of torture, corrupting effects of torture on perpetrating institutions, among other areas of inquiry. See, as a small sampling, Ruth Blakeley, *State Terrorism and Neoliberalism: The North in the South* (Routledge, 2009); Victoria Canning, *Gendered Harm and Structural Violence in the British Asylum System* (Routledge, 2017); Courtenay Ryals Conrad and Will H. Moore, "What Stops the Torture?," *American Journal of Political Science* 54, no. 2 (2010): 459–76; Emilie M. Hafner-Burton and James Ron, "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes," *World Politics* 61, no. 2 (2009): 360–401; James R. Hollyer et al., "Democracy and Transparency," *The Journal of Politics* 73, no. 4 (2011); James Raymond Vreeland, "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture," *International Organization* 62, no. 1 (2008): 65–101; Geoffrey P. R. Wallace, "International Law and Public Attitudes Toward Torture: An Experimental Study," *International Organization* 67, no. 1 (2013): 105–40.

longstanding assumptions about the origins of liberal torture and demonstrates that many modern forms of torture were actually developed by French colonial governments, in British prisons, and on American plantations.⁵ Despite this compellingly novel analysis, which seems to reject the common belief that democracies “inherited” torture from dictatorships, Rejali’s brief discussion of why torture occurs in democracies theorizes an implicit link between torture and illiberal political and social developments, such as the unchecked growth of security bureaucracies, “unsound judicial practices,” and public anxiety about crime.⁶ Therefore, even though his genealogical analysis ties torture to historical patterns of liberal violence, he still theorizes torture as arising from authoritarian political and social influences. This assumption is characteristic of the texts in this category, which largely forgo a deeper analysis of endemic liberal torture by tying it to fascist precedents or present-day liberal ideological decline. In contrast, my project seeks to make explicit the extent to which torture has consistently been a core element of liberal governance since its ideological inception, negating the possibility that liberal democratic states only torture because of illiberal influences and techniques.

Another notable grouping of studies of liberal torture are sociolegal analyses of the role

⁵ Rejali, *Torture and Democracy*, 4.

⁶ Rejali, 22.

law plays in protecting against or selectively allowing torture.⁷ This significant literature traces legal manipulations that create spaces of exception in which torture can flourish with impunity, analyzes the strategic exploitation of ambiguous and limited definitions of torture in international law, and debates the extent to which legal protections act as effective mechanisms to prevent torture. In particular, revelations in the early 2000s about the War on Terror-era CIA torture program gave rise to numerous analyses that attempted to explain how such a policy could have been implemented. This area of literature is perhaps most thoroughly and notably represented by the contributions of sociologist Lisa Hajjar, whose research on the legal edifice constructed by the Bush Administration to rationalize torture, as well as attempts by civilians to use legal means to fight it, offers a tremendously important understanding of the complex relationship between torture and liberal legal systems.⁸ Her earlier ethnographic research on the Israeli military court system also represents one of few

⁷ Adam S. Chilton and Mila Versteeg, “The Failure of Constitutional Torture Prohibitions,” *The Journal of Legal Studies* 44, no. 2 (2015): 417–52; Colin Dayan, *The Story of Cruel and Unusual* (MIT Press, 2007); Karen J. Greenberg and Joshua L. Dratel, *The Torture Papers: The Road to Abu Ghraib* (Cambridge University Press, 2005); Lisa Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza* (University of California Press, 2005); Lisa Hajjar, *The War in Court: Inside the Long Fight Against Torture* (University of California Press, 2022); Lisa Hajjar, *Torture: A Sociology of Violence and Human Rights* (Routledge, 2013); Paul W. Kahn, *Sacred Violence: Torture, Terror, and Sovereignty* (University of Michigan Press, 2009); Jinee Lokaneeta, *Transnational Torture: Law, Violence, and State Power in the United States and India* (New York University Press, 2011); Luban, “Liberalism, Torture, and the Ticking Bomb”; David Luban and Henry Shue, “Mental Torture: A Critique of Erasures in U.S. Law,” *Georgetown Law Journal* 100, no. 3 (2012): 823–64; John T. Parry, “Escalation and Necessity: Defining Torture at Home and Abroad,” in *Torture: A Collection*, 2nd ed., ed. Sanford Levinson (Oxford University Press, 2006).

⁸ Hajjar, *The War in Court*.

extended engagements with Israeli torture, and is therefore indispensable to my project.⁹

Although sociolegal analyses have advanced influential and valuable theorizations of modern liberal torture, for the most part they implicitly assume that legal manipulations designed to undermine otherwise protective liberal democratic processes are the original harm that allows torture to occur in liberal democratic states. Thus, my contribution differs from the sociolegal approach because it attempts to identify deeper historical and ongoing trajectories of liberal violence, of which modern legal systems themselves are a symptom.

The final trend I have observed in studies of liberal torture is the tendency to theorize its occurrence as stemming from democratic decay or wartime exceptionalism.¹⁰ In other words, even texts, such as Rejali's, that directly deal with instances of torture perpetrated by liberal states often attribute such instances to the infiltration of authoritarian dynamics into liberal democratic societies. This attribution implicitly upholds the assumption that torture is incompatible with or antithetical to liberal democracy and therefore only occurs as a result of illiberal corruption or conflict. A number of the sources I include in this category also

⁹ Hajjar, *Courting Conflict*.

¹⁰ Carlos González Castresana, "Torture as a Greater Evil," *South Central Review* 24, no. 1 (2007): 119–30; Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York Review Books, 2004); Christopher J. Einolf, "The Fall and Rise of Torture: A Comparative and Historical Analysis," *Sociological Theory* 25, no. 2 (2007): 101–21; Yanilda María González, *Authoritarian Police in Democracy: Contested Security in Latin America* (Cambridge University Press, 2021); Erin M. Kearns and Joseph K. Young, *Tortured Logic: Why Some Americans Support the Use of Torture in Counterterrorism* (Columbia University Press, 2020); Alex Lubin, *Never-Ending War on Terror* (University of California Press, 2021); Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (Anchor Books, 2008); Peters, *Torture*; Joshua E. S. Phillips, *None of Us Were Like This Before: American Soldiers and Torture* (Verso, 2010); Rejali, *Torture and Democracy*; Weber, *Kill Boxes*.

implicitly or explicitly locate liberal torture narrowly within the context of War on Terror conflicts, without acknowledging centuries of precedents.¹¹ By treating War on Terror torture as a singular occurrence, even critical texts implicitly exceptionalize it.¹² One particularly illustrative example of assuming torture arises out of liberal democratic corruption is Yanilda María González's *Authoritarian Police in Democracy*, which theorizes police torture as a symptom of "the persistence of authoritarian modes of coercion in democracies."¹³ González repeatedly refers to police torture as being "incompatible" with democracy. However, the fact that such violent institutions of law enforcement so commonly exist within democracies (as González herself centrally argues) suggests they are not only compatible, but may not even be foreign to the structure of democracy. This kind of uncritical conflation of torture and authoritarianism is widespread, even among literature on liberal torture. My project diverges from analyses of liberal democratic decay because it seeks to theorize the capacity for torture that is innate to the dynamics of liberal governance when functioning as expected.

¹¹ Eric Bonds, "Indirect Violence and Legitimation: Torture, Surrogacy, and the U.S. War on Terror," *Societies Without Borders* 7, no. 3 (2012): 295–325; Danner, *Torture and Truth*; Stephen F. Eisenman, *The Abu Ghraib Effect* (Reaktion Books, 2007); Ivan Greenberg, "From Surveillance to Torture: The Evolution of US Interrogation Practices during the War on Terror," *Security Journal* 28, no. 2 (2015): 165–83; Lubin, *Never-Ending War on Terror*; Phillips, *None of Us Were Like This Before*; Jerome Slater, "Tragic Choices in the War on Terrorism: Should We Try to Regulate and Control Torture?," *Political Science Quarterly* (Oxford, UK) 121, no. 2 (2006): 191–215; Weber, *Kill Boxes*.

¹² For a more detailed analysis of this trend, see Sherene H. Razack, "'We Didn't Kill 'em, We Didn't Cut Their Heads Off': Torture and the Making of American Innocence," in *Nothing Has to Make Sense: Upholding White Supremacy through Anti-Muslim Racism* (University of Minnesota Press, 2022), 145–75.

¹³ González, *Authoritarian Police in Democracy*, 3.

In addition to the torture-specific literature discussed above, throughout this dissertation I draw on three principle theoretical strands: political theories of liberal democratic governance and its longstanding ties to colonialism and systemic violence,¹⁴ psychoanalytic, postcolonial, and feminist theories of racialized violence,¹⁵ and historical sociologies of

¹⁴ Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford University Press, 2003); Talal Asad, “On Torture, or Cruel, Inhuman, and Degrading Treatment,” *Social Research* 63, no. 4 (1996): 1081–1109; Caroline Elkins, *Legacy of Violence: A History of the British Empire* (Alfred A. Knopf, 2022); Allen Feldman, *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland* (University of Chicago Press, 1991); Laleh Khalili, *Time in the Shadows: Confinement in Counterinsurgencies* (Stanford University Press, 2013); Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad*, Human Rights and Crimes against Humanity (Princeton University Press, 2008); Lisa Lowe, *The Intimacies of Four Continents* (Duke University Press, 2015); Achille Mbembe, *Necropolitics* (Duke University Press, 2019); Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford University Press, 2015); Elizabeth A. Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Duke University Press, 2011); Stuart Schrader, *Badges without Borders: How Global Counterinsurgency Transformed American Policing* (University of California Press, 2019); Michael Taussig, “Culture of Terror—Space of Death. Roger Casement’s Putumayo Report and the Explanation of Torture,” *Comparative Studies in Society and History* 26, no. 3 (1984): 467–97; Charles Tilly, “War Making and State Making as Organized Crime,” in *Bringing the State Back In*, ed. Peter B. Evans et al. (Cambridge University Press, 1985).

¹⁵ Cathy Caruth, *Unclaimed Experience: Trauma, Narrative, and History* (Johns Hopkins University Press, 1996); Patrice Douglass and Frank Wilderson, “The Violence of Presence: Metaphysics in a Blackened World,” *The Black Scholar* 43, no. 4 (2013): 117–23; Veena Das, “Language and Body: Transactions in the Construction of Pain,” *Daedalus* 125, no. 1 (1996): 67–91; Veena Das, “The Act of Witnessing: Violence, Poisonous Knowledge, and Subjectivity,” in *Violence and Subjectivity*, ed. Veena Das et al. (University of California Press, 2000); Frantz Fanon, *Black Skin, White Masks* (Grove Press, [1952] 2008); Frantz Fanon, *The Wretched of the Earth* (Grove Press, [1961] 2021); Paul Gilroy, “Fanon and Améry,” *Theory, Culture & Society* 27, no. 7–8 (2010): 16–32; Eric A. Stanley, *Atmospheres of Violence: Structuring Antagonism and the Trans/Queer Ungovernable* (Duke University Press, 2021); Ann Laura Stoler, “Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies,” *The Journal of American History* 88, no. 3 (2001): 829–65; Lana Tatour and Ronit Lenčin, *Race and the Question of Palestine* (Stanford University Press, 2025).

torture in Cold War-era dictatorships.¹⁶ Approaching torture from a variety of disciplinary perspectives allows for an analysis of both its personal and political dimensions, which together paint a more complete picture of its persistent logics and impacts.¹⁷ While texts focusing specifically on liberal torture often do not reckon deeply with the centuries of historical precedents of liberal violence, literatures discussing the dynamics of liberal governance more broadly offer incisive critiques of the capacity for harm within liberal governance itself, often explicitly connecting contemporary violence to histories of colonialism and imperialism. This could be because torture is widely considered so fundamentally incompatible with liberal democracy that texts specifically addressing it struggle to prove their consistent coexistence, especially through traditional social scientific

¹⁶ William T. Cavanaugh, *Torture and Eucharist: Theology, Politics, and the Body of Christ* (Blackwell Publishers, 1998); Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (Oxford University Press, 2011); Lessie Jo Frazier, *Desired States: Sex, Gender, and Political Culture in Chile* (Rutgers University Press, 2020); Macarena Gómez-Barris, *Where Memory Dwells: Culture and State Violence in Chile* (University of California Press, 2009); Martha K. Huggins, *Political Policing: The United States and Latin America* (Duke University Press, 1998); Martha K. Huggins, *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities*, with Mika Haritos-Fatouros and Philip G. Zimbardo (University of California Press, 2002); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Picador, 2007); Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Duke University Press, 2014); Lawrence Weschler, *A Miracle, a Universe: Settling Accounts with Torturers* (The University of Chicago Press, 1998).

¹⁷ Françoise Sironi and Raphaëlle Branche, “Torture and the Borders of Humanity,” *International Social Science Journal* 54, no. 174 (2002): 539. Psychologist Françoise Sironi and historian Raphaëlle Branche present a compelling argument for the importance of interdisciplinarity in the study of torture. They argue, “When the history of the group violently crosses the path of the history of the individual, that process calls for...an interdisciplinary approach, which turns out to yield undeniable benefits for the study of the deliberate injuring of one human being by another.” This project seeks to investigate torture through analyses of both individual survivors and group justifications.

means. Other forms of historical and contemporary liberal violence are more demonstrable and therefore more critically documented and theorized. The considerable body of scholarship on torture in Cold War-era dictatorships also provides essential insight into the experiences of survivors of torture and the often complex relational web between torturing states and their victims. Although authoritarian state torture is in many ways distinct from liberal state torture, because a significant portion of research on torture is primarily focused on dictatorship regimes it is necessary to selectively apply its findings to our understanding of liberal torture. My research brings together threads from these various areas of scholarship to theorize why and how liberal democratic states use torture, by pushing beyond conventional logics for its perpetration and justification, and attempting to situate it within extensive historical precedents.

B. Case Studies

My empirical research focuses on two present-day or very recent case studies: the United States' War on Terror-era torture program and Israeli torture of incarcerated Palestinians. Because the aim of my project is to push beyond the logics and justifications that allege torture emerges only in isolated moments of exception, I situate these two case studies within long histories of liberal torture, while drawing on present-day examples to illustrate continuities in how and why torture is used. I have chosen to focus on the US and Israel because they present themselves as enduring manifestations of liberal democratic ideals and global arbiters of liberal morality. Meanwhile, these two nations maintain longstanding practices of systemic torture, both within their borders and in satellite prisons. The seemingly

contradictory intensity of both their moralizing liberal positioning and their longstanding systemic torture practices makes the US and Israel particularly relevant case studies for analyzing the role of torture within liberal democratic governance.

While the US and Israel are distinctive case studies in the sense that the magnitude of their respective torture programs over the past several decades is exceptional among similarly situated states, this does not distinguish them ideologically from other self-proclaimed liberal democracies. Rather, these are two states that illuminate the broader incongruences of liberalism by taking them to their furthest possible limit. Any state that bears the mantle of liberalism implicitly situates itself within a set of historical contradictions that include the perpetration and justification of violence on the basis of universal moral benefit—a contradiction that, as I will discuss in Chapter 1, lies at the very heart of liberal ideology. Most other liberal democracies do not currently torture to the same flagrant, enthusiastic extent as the US and Israel. However, periodic NGO reports and news media exposés gesture toward the persistence of liberal colonial dynamics of violence, including torture, in many liberal democratic states. Australia, France, and Italy have been investigated repeatedly over evidence of systemic torture in their migrant detention facilities;¹⁸ British security agencies

¹⁸ See “Anti-Torture Committee Once Again Deplores Prison Overcrowding and Worsening Detention Conditions in France,” European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment, January 22, 2026; United Nations Human Rights Office of the High Commissioner, “Australia: Offshore and Prolonged Detention Exposed Iranian Asylum Seeker to Torture, UN Committee Finds,” United Nations, January 14, 2026; Euro-Med Human Rights Monitor, “France’s Imprisonment of Migrants in Dehumanising Conditions Is Deeply Concerning,” Euro-Med Human Rights Monitor, May 2, 2023; Giada Zampano, “Europe’s Anti-Torture Watchdog Slams Italy over Migrant Detention Abuses,” *The Independent*, December 13, 2024.

were “intimately involved” in War on Terror torture;¹⁹ reports and testimonies of evidently widespread torture in India (particularly in Kashmir and perpetrated against Muslims throughout the country) have circulated for decades.²⁰ Such evidence illuminates persistent manifestations of a pattern that haunts liberal democracies as a category. The US and Israel are, thus, not exceptions to the ideological rule. Rather, the heightened intensity and visibility of their respective torture programs facilitate a thorough investigation into the core dynamics of liberal governance.

In the aftermath of the 9/11 attacks in the US, statements from Bush Administration officials alluding to a willingness to torture propelled it into the public discourse. In subsequent years, leaks of the so-called “Torture Memos,” brutal photographs of military torture at Abu Ghraib, and details of the international CIA-run Black Sites torture network, garnered both national and global outrage, along with determined justifications. Amidst the profusion of journalism, scholarship, and general discussion, the impulse to exceptionalize torture perpetrated by a nation strategically situated as a paragon of liberalism was widespread throughout the West. Despite some public mobilization against the CIA’s and US military’s use of torture, it was viewed by many as the circumstantial outcome of fighting a strange and frightening new kind of war. The US’ self-appointed role as global moral

¹⁹ Ruth Blakeley and Sam Raphael, “British Torture in the ‘War on Terror,’” Unredacted, June 8, 2025.

²⁰ See, for example, Arun Ferreira, *Colors of the Cage: A Memoir of an Indian Prison* (Common Notions, 2021); Kashmir Action, *Torture: Indian State’s Instrument of Control in Indian Administered Jammu and Kashmir* (Association of Parents of Disappeared Persons and Jammu Kashmir Coalition of Civil Society, 2019); South Asia Justice Campaign, *Torture and Impunity in India: Case Studies of Custodial Torture Against Muslims* (South Asia Justice Campaign, 2025).

authority and arbiter of human rights adherence has, for decades, provided a strategic deflection away from its own profound, longstanding pattern of abuses. Despite extensive official and unofficial protestations that the torture program was an isolated, necessary, and legitimate exception, US violence in the War on Terror offers a paradigmatic case study on how deeply the use of torture is embedded within liberal governance.

Like the US, Israel has long sought to legitimize torture through liberal means of statecraft—namely, legal manipulations, calibration of pain, and discourses of emergency and exception. As I will discuss more in depth in Chapter 1, a national scandal involving the Israeli police torture and murder of two Palestinian hijackers in the 1980s led to the formation of the Landau Commission, whose 1987 report sanctioned state torture under the euphemistic label of “physical and psychological means of pressure.”²¹ Since the Landau Commission, Israeli courts have consistently upheld the right of security agents to use torture in the interest of national security.²² The legal and discursive scaffolding put in place by Israeli courts has legitimized systemic torture while dismantling checks on its use. Despite this, Israel is widely considered to be a lone bastion of liberal democracy in the Middle East, and its unique political, financial, and security relationship with the US provides Israel with

²¹ “Commission of Inquiry into the Methods of Investigation of the General Security Service Regarding Hostile Terrorist Activity,” *Israel Law Review* (Cambridge, UK) 23, nos. 2–3 (1989): 175.

²² See, for example, Supreme Court of Israel, “Judgement Concerning the Legality of the General Security Service’s Interrogation Methods (September 6, 1999),” in *Torture: A Collection*, ed. Sanford Levinson (Oxford University Press, 2004).

unparalleled legitimization as a liberal state.²³ Despite assertions in recent years that Israel has taken a fascist turn, its current, renewed genocidal offensive in Gaza does not undermine my analysis of it as a liberal state, but rather emphasizes the extent to which certain frameworks of violence coexist with liberal ideology, and may even be innate to it. It is this very coexistence and its driving logics that I probe in my research.

Although the US and Israel are just two of numerous liberal democratic states whose contemporary governance includes the use of torture to varying degrees, they are two countries that sit at the forefront of the so-called War on Terror, which has leaned heavily on colonial rhetorics of civilizational threat as a way to justify decades of horrific Western violence against often amorphous, discursively Orientalized enemies. For the US and Israel, the use of colonial rhetoric is not simply an abstract renewal of past dynamics, but reflects the extent to which the two states are actively engaged in contemporary projects of colonial domination—the US’ multi-decade occupation of Afghanistan, along with other destructive offensives waged throughout the Middle East, have been explicitly justified as civilizing missions, while the State of Israel remains a settler colonial nation actively in the process of violently dispossessing indigenous Palestinians of their lands through campaigns of displacement and elimination.

These contemporary colonial projects are perhaps distinct from historical ones in circumstantial ways, but their justification through assertions of moral necessity and the dichotomization of good and evil reveal their profoundly liberal historical continuities.

²³ Ilan Pappé, *The Idea of Israel: A History of Power and Knowledge*, 2nd edition (Verso, 2025). See Pappé’s analysis of the strategic and concerted commodification of Israel as a consummate outpost of Western civilization.

Although the US and Israel have been at the forefront of many violent twenty-first century offensives, their ongoing colonial entanglements are not unique among other Western, liberal democratic states. Once again, these two case studies illuminate the broader dynamics of contemporary liberalism, which is still widely mobilized to justify projects of domination and oppression. The waging of the War on Terror has, seemingly contradictorily, both prompted liberal democratic nations to double down on assertions of their own moral and ideological superiority, while simultaneously leading to a heightened investment in torture and securitization by the same states.

C. Notes on Terminology

Here I will attempt to elucidate a few terms that are essential to my project and often used in ambiguous or contradictory ways.

I. Torture

Torture is notoriously difficult to define. To a significant extent, however, that struggle to define torture clearly and consistently serves those who capitalize on its ambiguity in order to justify or obfuscate its use. The most commonly cited interpretation of torture is its international legal definition enshrined in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which describes torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of

having committed, or intimidating or coercing him or a third person.”²⁴ Here, torture is defined by the specification of its particular motivations. In other words, torture is only torture if it is in service of interrogation, punishment, or intimidation. Therefore, under this legal definition, poor prison conditions do not rise to the level of torture because they are allegedly not directly in the service of one of three possible rationales.

Because of its focus on motivations, the CAT definition does not actually elucidate torture itself but dictates the scenarios in which violence becomes torture.²⁵ According to international law, a particular form of violence may be torture in one scenario but not in another, according to the intent with which that act is perpetrated. The failure to define what kinds or levels of physical and psychological harm amount to torture has allowed for every state government to individually debate, determine, and defend its own self serving boundaries. These official semantic imprecisions have given rise to euphemisms such as “enhanced interrogation” (in the US) and “moderate physical pressure” (in Israel), which allegedly denote forms of productive coercion that do not meet the legal criteria of torture.

An essential element of this legal definition of torture is that it exclusively pertains to harm perpetrated against those in custody, which specifically marks torture as something done by an agent of a state. As Lisa Hajjar explains, when someone is tortured by an assailant

²⁴ United Nations General Assembly, “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” United Nations, December 10, 1984.

²⁵ Forms of ill-treatment that do not rise to the official definition of torture may fall under the category of “cruel, inhuman, and degrading treatment” (CIDT) according to Article 16 of the CAT. However, like torture, CIDT is defined ambiguously in international law, which leaves opportunities for its designation to be sidelined.

who is not a state agent, the victim is not “in custody,” but is simply not free.²⁶ Thus, legally speaking, the official designation of torture requires the involvement or acquiescence of agents of a state. Violence may be legally considered torture if it is not perpetrated by state agents, only if it can be proven that state agents were in some way complicit in its perpetration, such as if a police officer turned an informant over to a gang with the understanding that the informant would be tortured.

While the CAT definition of torture is widely cited, it also reveals a number of immediate limitations. A major, and perhaps obvious, point of contention is that the need to identify a particular and direct motivation for specific acts of torture does not allow for scenarios in which entire institutions, atmospheres, and societies are built around the infliction of torture as a governing principle—or, as Colin Dayan writes about Gaza, when “nothing in daily life can be seen or touched that is not a reminder of degradation.”²⁷ As I will discuss in Chapter 1, colonial relations of occupation have relied to a significant extent on the maintenance of control over colonized populations through the generalization of torture into everyday spheres of life. Likewise, in any prison in which detainees suffer in poor conditions, those poor conditions are not incidental but serve a purpose. Forcing prisoners to live in filth, to starve, to endure physical discomforts that prevent them from sleeping, to face uncertainties about their futures—all of these measures are strategic abuses that contribute to physically

²⁶ Hajjar, *Torture*, 40.

²⁷ Colin Dayan, “Reasonable Torture, or the Sanctities,” in *Speaking about Torture*, ed. Julie A. Carlson and Elisabeth Weber (Fordham University Press, 2012), 284.

and psychologically weakening victims.²⁸ The restriction of torture to isolated moments of identifiable violence with clear motivations therefore severely limits its legal conception. This narrow and ambiguous legal definition benefits perpetrating states—particularly those whose professed commitments to liberal democracy demand the strategic obfuscation of torture.

Given the politically calculated use of defining torture narrowly, for the purposes of my own study of torture I align myself with sociologist Marnia Lazreg’s more inclusive definition: “torture is the deliberate and willful infliction of various degrees of pain using a number of methods and devices, psychological as well as physical, on a defenseless, and powerless person.”²⁹ Although in many ways this definition is still ambiguous, instead of defining torture by the intentions of its perpetrators it identifies torture based on the defenseless status of the victim, as well as their experience of pain. This centers the victim in its definition, depriving the perpetrating state of some authority to legislate what does and does not count as torture.

Lazreg continues her definition by arguing that torture is not simply a prisoner and a

²⁸ Francesca Albanese, *Torture and Genocide* (United Nations, 2026), 6. UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, notes that legal scrutiny “considers the cumulative effects of the carceral environment, including overcrowding, inadequate sanitation, restricted access to food and medical care and the deliberate prolonged use of sleep disruption or humiliation to cultivate fear and uncertainty” in cases where such practices are calculated and used to inflict “predictable consequences.” This suggests that the specific purpose of the abusive conditions of a carceral environment must still be demonstrated in order to meet the legal criteria for torture.

²⁹ Lazreg, *Torture and the Twilight of Empire*, 6.

torturer in a room together with instruments of pain, but “a structured environment with a texture of its own, a configuration of meanings, a logic and rationale without which physical, let alone, psychic, pain is incomprehensible and ineffective.”³⁰ This element of the definition is equally important, as it captures the extent to which torture is not an isolated incident of violence, but is contiguous with the generalization of logics of oppression throughout society as a whole. Lazreg’s theorization of torture illustrates how it can become suffused within the workings of a nation and instilled in the machinery of bureaucracy, the maintenance of racialized hierarchies, and so on. In essence, while the CAT definition of torture is ambiguous in ways that allow it to be sidelined and negotiated around, Lazreg’s definition is ambiguous in the service of encompassing and acknowledging multitudes of violence. Viewed through the lens of Lazreg’s definition, torture is not only the direct infliction of pain but the production of a state of absolute powerlessness and vulnerability in the victim.

II. Liberal Democracy

Similarly to torture, “liberalism,” “democracy,” and “liberal democracy” are terms that are often used in imprecise ways. Here I will define these terms both separately and in conjunction. As I will discuss in greater depth in Chapter 1, Enlightenment liberalism is commonly associated with figures such as John Locke and John Stuart Mill, whose canonical works of political theory argue that the basis for government should be a mutually beneficial

³⁰ Lazreg, 6.

system of law to which both citizens and rulers are equally bound.³¹ The belief that humans existed in a fundamentally just state of nature and came together to enshrine preexisting rules of mutual conduct into an organized system of governance was a significant departure from the orthodoxy of the time, which assumed that people were innately evil and required the unimpeachable civilizing force of a divinely ordained monarch to curb their vicious natures.

Liberal ideals emphasized the protection of individual rights and freedoms of all kinds—most famously, the right to life, liberty, and property. As a result of this centering of property rights as a core element of freedom, and the belief by thinkers such as Locke that people achieved and exercised liberty through the unrestrained pursuit of status and material wealth, the free market has been a cornerstone of liberalism since its inception, represented by various philosophers as either a manifestation of freedom in itself or as a pathway to the equalization of society.³² In an analysis of the history of American liberalism, cultural theorist Nikhil Pal Singh points out that this simultaneous emphasis on market liberalism and personal freedom and equality represents a fundamental paradox because accumulation by some is by definition at the expense of others. The unequal nature of property rights in Locke's time, at which only white European men could even legally own property, gave rise to a political ideology based on the concepts of liberty and equality, in which only a small fraction of the world's population had a stake. Liberal ideology has thus long attempted to

³¹ John Locke, "The Second Treatise of Government," in *Two Treatises of Government*, ed. Peter Laslett, Cambridge Texts in the History of Political Thought (Cambridge University Press, [1689] 1988); John Stuart Mill, *On Liberty* (Project Gutenberg, [1859] 2011); John Stuart Mill, *Considerations on Representative Government* (Project Gutenberg, [1861] 2013).

³² See Mill, *On Liberty*; Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (The Modern Library, [1776] 1937).

“give a ‘commonsense’ cast to what is in fact a contradictory and unstable cohabitation” between private ownership and individual liberty, between the universality of rights and the exclusivity of their provision, and between the promise of freedom and the subjugation of those considered undeserving of it.³³

These original, unresolved paradoxes of liberalism can perhaps be credited as having spawned a cascade of violent inconsistencies that have structured the modern world. Attempts to protect and expand the free market have led many generations of prospectors to occupy and tyrannize non-European peoples under the guise of spreading freedom and equality. The self-righteous, false flag political mission of liberalism has provided a smoke screen for an infinite number of economically motivated extractive ventures and civilizing missions. Propelled by the moralizing, universalist pretensions of liberalism, European colonial occupations leaned heavily on discourses of civilizational and racial hierarchy,

³³ Nikhil Pal Singh, “Liberalism,” in *Keywords for American Cultural Studies*, 2nd ed., ed. Bruce Burgett and Glenn Hendler (New York University Press, 2020). Accessed online.

which served to resolve “the tensions between illiberal methods and liberal discourse.”³⁴ The dehumanization of large swathes of the world’s population on the basis of racialized projections was (and, in many ways, is) one of the core structuring features of liberal political philosophy.

While often implicitly tied to liberalism, democracy itself is not innately liberal, and preceded the theorization of liberalism by many centuries. Rather, it simply refers to a political formation based on a system of representative government or collective decision-making. A participatory system implies that governing authority is drawn from the consent of the governed. Despite the enthusiasm and certainty with which the concept of democracy is often mobilized, its core facets are constantly under scrutiny, as “who counts as the people,

³⁴ Khalili, *Time in the Shadows*, 5. Khalili’s designation of “illiberal methods” raises the question of how to define illiberalism in relation to liberalism. Many politicians, commentators, and political theorists use the term “illiberal” ambiguously, often as a way to gesture to something vague and evil “outside” of liberalism. Fareed Zakaria popularized the concept of illiberalism in his 1997 article “The Rise of Illiberal Democracy,” and since then various right-wing quasi-dictators have embraced it. While disagreements remain about whether the designation of illiberalism refers to an ideology or a regime type (and whether or not it is compatible with democracy), it is most commonly understood as a reactionary stance characterized by the restriction of individual liberties. This conception of illiberalism relies on a normative understanding of liberalism as a political doctrine that guarantees individual rights and freedoms—in other words, in order to define illiberalism as the concrete ideological inverse of liberalism, one must assume that liberalism is what it claims to be. As I will discuss more thoroughly in Chapter 1, I understand liberalism and illiberalism to be discursively produced in relation to each other. The claim to liberalism by liberal democratic states matters because it is a way of gaining the ideological upper hand over whatever amorphously illiberal enemies of the moment exist out there and demand their own destruction. See Hadas Aron and Jack Snyder, “The International Politics of Illiberalism,” in *The Oxford Handbook of Illiberalism*, ed. Marlene Laruelle (Oxford University Press, 2024); Fareed Zakaria, “The Rise of Illiberal Democracy,” *Foreign Affairs*, 1997.

how they rule, and where they do so remain eternally up for debate.”³⁵ Democracy’s early theorization and implementation in Athens in the fifth century BCE incorporated the input of men from a wide economic spectrum, but excluded women and enslaved people from the demos.³⁶ Many subsequent iterations of democratic government have struggled with similar questions of who is included in processes of collective decision-making, and how. As evident in Ancient Greece, these questions have often been reconciled by instilling the social and political hierarchies of the moment into the contemporary democratic political system—those who are seen as rational, agentive subjects have a voice and those who are considered non-agentive or subhuman do not.

Amidst the multitude of ambiguities and inconsistencies that plague both liberalism and democracy, the enshrining of liberal ideology into a concrete mode of government called liberal democracy represented a gradual attempt to resolve the question of how to instill expansive individual freedoms within a cohesive social and political structure. Liberal democracy as a framework implies a political system in which representative government goes hand in hand with the protection of individual rights—hypothetically, people’s rights are safeguarded so that they may participate equally in the process of collective decision-making. However, liberal democracy as a form of government does little to resolve the multitude of contradictions that animate both liberalism (as an ideology) and democracy (as a political structure).

³⁵ Astra Taylor, *Democracy May Not Exist, but We’ll Miss It When It’s Gone* (Metropolitan Books, 2019), 2.

³⁶ Taylor, 7.

Instead, liberal democracy has enshrined the universalist, moralizing pretensions of liberalism within a system of government that seeks to manufacture consent in order to establish its own absolute superiority, which in turn allows it to consolidate power, extract wealth, and oppress with impunity. Where it cannot secure the consent of the governed through ideological persuasion, it turns to torture and other violent means to enforce submission. Despite this, liberal democracy is still presented as the only possible alternative to global forces of authoritarian evil that are constantly on the brink of gaining the upper hand. Liberal democracy can thus be defined as a system of pseudo-representative government based on the provision of individual rights and liberties for some, in which the consent of the governed is produced through self-serving claims of moral superiority and, when necessary, consolidated through violence.

D. Research Methodology and Chapter Overview

Given the paucity of official government documentation on torture and its institutional logics, much of the work of planning this dissertation has been trying to find ways to peer into the workings of the state without having access to traditional archival evidence. I have therefore sought to identify moments in which the US and Israel openly rationalized or justified their use of torture, and then used public sources to unpack the strategic falsehoods of those justifications and the affective work performed by their public display. The ongoing genocide in Gaza, which has coincided with my research for this project, has made the possibility of doing interviews with torture survivors logistically unlikely and ethically fraught. Therefore, my research on the state logics of torture in relation to the experiences of

survivors primarily draws on written narratives.³⁷ These include writings and memoirs by Guantánamo survivors,³⁸ survivor testimonies published in recent Israeli and Palestinian NGO reports,³⁹ and texts written by incarcerated Palestinians and smuggled out of Israeli prisons.⁴⁰ News media generated in moments of public discourse on torture also provides an important opportunity to analyze how torture and its victims are portrayed, what claims states

³⁷ See Barbara Harlow, *Resistance Literature* (Routledge, 1987); Dominick LaCapra, *Writing History, Writing Trauma* (Johns Hopkins University Press, 2014); Laliv Melamed, *Sovereign Intimacy: Private Media and the Traces of Colonial Violence* (University of California Press, 2023); Michael Richardson, *Gestures of Testimony: Torture, Trauma, and Affect in Literature* (Bloomsbury Academic, 2016).

³⁸ Mansoor Adayfi, “Did We Survive Torture?,” in *Witnessing Torture: Perspectives of Torture Survivors and Human Rights Workers*, ed. Elizabeth Swanson and Alexandra S. Moore (Palgrave Macmillan, n.d.), 231–36; Mansoor Adayfi, *Don’t Forget Us Here: Lost and Found at Guantánamo*, with Antonio Aiello (Hachette Books, 2021); Moazzam Begg, *Enemy Combatant: A British Muslim’s Journey to Guantánamo and Back* (The New Press, 2006); Lakhdar Boumediene and Mustafa Ait Idir, *Witnesses of the Unseen: Seven Years in Guantanamo*, ed. Daniel Hartnett Norland et al. (Stanford University Press, 2017); Ahmed Errachidi, *The General: The Ordinary Man Who Challenged Guantanamo*, with Gillian Slovo (Chatto & Windus, 2013); Murat Kurnaz, *Five Years of My Life: An Innocent Man in Guantanamo* (Palgrave Macmillan, 2009); Mohamedou Ould Slahi, *Guantánamo Diary*, Restored edition., ed. Larry Siems (Back Bay Books, 2017).

³⁹ Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees* (Addameer Prisoner Support and Human Rights Association, July 10, 2024); Albanese, *Torture and Genocide*; B’Tselem, *Living Hell: The Israeli Prison System as a Network of Torture Camps* (B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, 2026); B’Tselem, *Welcome to Hell: The Israeli Prison System as a Network of Torture Camps* (B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, August 2024).

⁴⁰ Walid Daqqa and Dalia Taha, “‘A Place Without a Door’ and ‘Uncle Give Me a Cigarette’—Two Essays by Palestinian Political Prisoner, Walid Daqqah,” *Middle East Research and Information Project*, July 11, 2023; Walid Daka, “Consciousness Molded or the Re-Identification of Torture,” in *Threat: Palestinian Political Prisoners in Israel*, ed. Abeer Baker and Anat Matar (Pluto Press, 2011).

put forth about their use of torture, and what both of those things may say about the logics and objectives that animate torture.⁴¹

I have organized my four main chapters into two parts, which align with the dual objectives of this dissertation to theorize both why torture is useful to perpetrating liberal states and how they justify its use. Part 1, “Perpetrating Torture,” includes two chapters that together trace Western histories of torture and the contemporary persistence of its colonial logics. These chapters seek to undermine established beliefs about the trajectory of liberal governance away from torture, arguing instead that torture has not been eliminated but simply channeled into less visible functions. I open in Chapter 1 with a historical and theoretical overview of the longstanding relationship between Western governance and torture. This provides key grounding for both Part 1 and the dissertation as a whole, setting the stage for analyzing the contemporary role of torture in liberal democratic governance by demonstrating that torture has been a consistent presence from the very origins of both modern statehood and, later, liberal ideological consolidation. Contrary to conventional histories of Western torture, processes of governance were not humanized in the 18th and 19th centuries. Rather, the violence inherent to modern governance was increasingly administered out of the public eye or exported to colonial regimes, in ways that actually

⁴¹ See Wendy S. Hesford, *Spectacular Rhetorics: Human Rights Visions, Recognitions, Feminisms* (Duke University Press, 2011); Sherene H. Razack, “The Manufacture of Torture as Public Truth: The Case of Omar Khadr,” in *At the Limits of Justice: Women of Colour on Terror*, ed. Sherene H. Razack and Suvendrini Perera (University of Toronto Press, 2014); Razack, *Nothing Has to Make Sense*; Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*, Revised Edition (Vintage Books, 1997); Edward Said, “Permission to Narrate,” *Journal of Palestine Studies* 13, no. 3 (1984): 27–48.

allowed it to become more discreetly and intrinsically embedded within global society.

In Chapter 2 I shift to empirical research on how and why torture is used in liberal democratic states, focusing on contemporary case studies. This investigation is animated by a core contradiction: liberal democracies that use torture often publicly rationalize its use by arguing it is necessary for obtaining actionable intelligence, but it has been widely known for hundreds of years that torture is not an effective means of eliciting information. If torture has long proven ineffective at gathering intelligence, but continues to be practiced, then logically it must be doing something else politically desirable or productive that motivates its use. My research on this issue is primarily focused on liberal torture from the perspective of survivor experiences, on the basis that understanding how torture alters the very lives and subjectivities of survivors and their communities provides key insight into why torture continues to be “useful” to liberal democratic states. The ways individual survivors are affected by torture can speak volumes about the forms of systemic power that are expressed or reinforced through its use.

Part 2, “Justifying Torture,” moves to an analysis of how liberal states publicly rationalize, exceptionalize, and downplay their use of torture. This capacity of liberal states to justify torture is an essential component of its modern persistence, especially given the presumed incompatibility between liberal governance and torture. In Chapters 3 and 4, I discuss another seemingly contradictory element of the use of torture by liberal democracies: the frequent complicity of the media in justifying torture despite its supposedly inherently illiberal nature. I look at a number of instances in which the US and Israeli governments have intentionally publicized evidence of torture, as well as the public responses to those

instances, in order to understand how torture is incorporated into practices of liberal governance through the endless reiteration of racist rhetoric. Such rhetoric draws on centuries of colonial precedents, citing civilizational hierarchies and the innate moral superiority of the liberal West, in order to present torture as necessary and appropriate in the face of an immoral, premodern enemy. In these chapters I use close readings of news media objects to understand how revelations of the use of torture by liberal states can actually lead to the consolidation of support for those states and their violent actions, as public voices rally to defend the righteousness of the West. Like the question in Chapter 2 of why torture is useful to liberal democratic states, the issue of how it is ideologically incorporated into practices of liberal governance is an essential element of understanding the relationship between modern liberal statehood and torture.

E. Conclusion

Since the Enlightenment era, torture has been publicly discussed as something that is steadily disappearing from use as a result of the liberal humanization of government. Despite this, torture has remained omnipresent. A variety of common misunderstandings about what torture is, how it is used, and what effects it produces, as well as the strategic concealment of its use by perpetrating governments, undermine a wider reckoning with its pervasiveness. This lack of understanding has been facilitated by ambiguous standards for the legal definition of torture, which allow states to individually define it in ways that serve their own agendas. Likewise, the widespread belief that torture is incompatible with liberal democratic governance and only occurs in exceptional situations preemptively exonerates many

significant offenders. In short, torture is a particular form of violence that continues to have an immense impact on our world today, in ways that are often ignored altogether.

While one could rightly argue that many reprehensible forms of violence shape our world today, torture specifically provides an important window into the core logics of liberal governance because it lends itself to sequestration and therefore can be hidden, selectively revealed, and discursively manipulated to align with moralizing liberal objectives. The nature of torture, its effects, and how they are publicly justified, are thus windows into the unevenly distributed oppressive dynamics of liberal democratic governance, which are often concealed beneath its outward presentation of moral goodness. The unique potential of torture to alter, rather than kill survivors, requires us to rethink conventional liberal logics of inclusion, and ask whether some people and groups are considered so antithetical to the project of liberalism that their very selfhoods must be expunged in order for them to be absorbed by the liberal democratic state. My research takes on this under-theorized inquiry of how the terrorizing modern liberal state makes use of torture, in all its unsettling specificity, in ways that actually attempt to reproduce the twisted liberal order.

Part 1: Perpetrating Torture

1. Torture and the West

“This society—what we call modern society, what we always think of as the most important time the world has ever known, simply because we are in it—is just the sausage made by grinding up history.”

Ray Nayler¹

The history of the modern world is often viewed—or at least presented—as a slow but steady progression toward liberty and justice. The shift away from absolute monarchies, the subjection of modern governments to legal standards, and the alleged humanization of disciplinary procedures have long been touted as evidence of an overall decline in violence throughout the world. Modern European states have touted Enlightenment philosophies with universalist moralizing ambitions in an attempt to characterize themselves as embodying “a linear temporal progression...to liberal freedom.”² Although liberalism is widely viewed as an unequivocal good—a political philosophy dedicated to defending personal freedoms—closer analysis of its history, and the boundaries of the freedoms it promises, reveals a deep and enduring intimacy between liberal ideology and the justification of horrific forms of violence. Within this long and prolific history of violence, torture represents a particularly consistent thread that provides an important window into the power dynamics upon which Western states are structured. In order to thoroughly comprehend the modern use of torture in liberal democracies, we must first unpack the fundamental violence of modern statehood and its eventual development in the image of Enlightenment philosophy, or what Lisa Lowe

¹ Ray Nayler, *The Mountain in the Sea* (Picador, 2022), 325.

² Lisa Lowe, *The Intimacies of Four Continents* (Duke University Press, 2015), 16.

refers to as the “economy of affirmation and forgetting that characterizes liberal humanist understanding.”³

I begin here, with a historical and theoretical overview of the development of Western modernity and its consistent, constitutive ties to torture, in an effort to locate the contemporary case studies I will analyze in the following empirical chapters within extensive precedents. Because so much literature on Western torture treats recent high profile instances as anomalies, against a backdrop of liberal freedoms and legal protections, it is essential to reframe such contemporary instances as not only unexceptional but actually representative of a deeply entrenched set of processes. In short, the development of modern Western statehood and society is a history that has been both shaped by torture and that has strategically used torture in order to establish its global standing. Despite the widespread glorification of liberalism as the ideological foundation of a more just society and civilization, the pretensions of liberal philosophy have been at the root of much modern violence.

In this chapter I draw on theoretical and historical texts to trace a critical history of the use of torture in and by Western states, and the relationship between torture and the development of modern forms of governance. I begin by intervening in the dominant narrative of the history of Western torture, arguing that any understanding of torture and the West is incomplete without an analysis of how torture was used in colonies administered by European states. I then specifically discuss the role of torture in colonial governance, as well as the Enlightenment liberal philosophy that has long justified its use on those considered less than human. Finally, I turn to the present-day case studies that will be the subject of the

³ Lowe, 39.

following empirical chapters, connecting contemporary systemic torture in the United States and Israel to long trajectories and logics of liberal colonial torture. Contextualizing contemporary torture within centuries of global precedents allows us to view it, not as an aberration of an otherwise functional and humane system, but as the most recent manifestation of a system that has, from its creation, sought to govern through violence while positioning itself as a source of universal liberation.

As I briefly prefaced in the Introduction, liberal ideology is commonly associated with figures such as John Locke and John Stuart Mill, and their canonical works of political theory, which provided an ideological grounding for many modern Western liberal democracies. Liberalism is often gestured to in amorphous ways but primarily it is associated with the principle of noninterference as the primary logic of governance. This principle of noninterference applies to both economic as well as personal freedoms, which together hypothetically pave the way for a more equal and just society. Despite the prioritization of freedom, another core narrative of classical liberal ideology is that it represents a gradual but steady progression away from violence. Like other paradoxical elements of liberal doctrine, the simultaneous emphasis on freedom from regulation and freedom from violence sets the stage for a set of deeply entrenched social and political power dynamics in which only some can be free from regulations and therefore only some can be free from violence.

Such paradoxes have given rise to a significant body of scholarship unpacking the instability of Enlightenment liberalism as a political and social doctrine. Responding to the ambiguities and contradictions of liberalism, political philosopher Domenico Losurdo and anthropologist Talal Asad have suggested that the task of defining specifically what is and is

not ideologically liberal is an impossibility—an exercise in peeling away layers of tangled falsehoods, which appear to conceal only further inconsistencies.⁴ Asad reflects on political theorist Margaret Canovan’s defense of liberalism as a usefully aspirational ideology in a dark world, “which needs redemption by the light of a myth.”⁵ In response, Asad asserts that Canovan’s discussion of liberalism as a guiding light is itself part of the myth—a myth which serves to explain and justify “the violence lying at the heart of a political doctrine that has disavowed violence on principle.”⁶ Instead of categorically renouncing violence, liberalism functions as a tool of differentiation and exceptionalization. Violence “required by the cultivation of enlightenment” is discursively distinguished from all other violence because it represents a continuous effort to defend a space of order and good against the darkness always transgressing its bounds.⁷

Losurdo demonstrates that what exists within this supposed realm of order and good also does not adhere to logical philosophical or political trends. On the contrary, liberal and illiberal subjects are discursively produced in relation to each other and to their respective temporal and political contexts. To illustrate the absurdity of liberalism as an ideological

⁴ Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford University Press, 2003); Domenico Losurdo, *Liberalism: A Counter-History*, trans. Gregory Elliott (Verso Books, 2011).

⁵ Margaret Canovan, “On Being Economical with the Truth: Some Liberal Reflections,” *Political Studies* 38, no. 1 (1990): 16.

⁶ Asad, *Formations of the Secular*, 59.

⁷ Asad, 60.

marker, Losurdo questions at length whether American statesman John C. Calhoun, who championed liberty in order to defend his own right to enslave others, could be considered more liberal than philosopher Adam Smith, who suggested that an authoritarian government might be better equipped to abolish slavery. Wading through the thorny history of liberal ideology's "twin birth" alongside modern slavery, Losurdo concludes that attempts to "'explain' or repress the surprising tangle of freedom and oppression" that characterizes the historical development of liberalism "is fruitless."⁸

Despite its resistance to straightforward characterization, liberal ideology can be viewed, broadly, as a self-aggrandizing and self-justifying discursive regime of Western domination—what Hamid Dabashi variously refers to as a "calamitous ideology of conquest" and a "delusional malaise."⁹ Because torture is one of the most seemingly illiberal forms of violence imaginable, its consistent usage in modern liberal societies is a key case study in ideological absurdity. A critical approach to the history of Western torture undermines conventional assumptions about the linear humanization of governance and instead reveals the extent to which torture as a mode of terrorizing populations has been inscribed within modern state power through a process of sequestration and sublimation.¹⁰

⁸ Losurdo, *Liberalism*, 34–5.

⁹ Hamid Dabashi, *After Savagery: Gaza, Genocide, and the Illusion of Western Civilization* (Haymarket Books, 2025), xx, 31.

¹⁰ For a thorough explanation of the different "types" of torture commonly practiced, see Henry Shue, "Torture," in *Torture: A Collection*, 2nd ed., ed. Sanford Levinson (Oxford University Press, 2006).

A. The Dominant History of Western Torture

Revisiting the history of European torture—a history characterized not by the progressive elimination of torture but the increasingly invisible incorporation of torture into practices of liberal governance—provides both an important window into the political and ideological development of the West and a revealing contextualization of torture as a modern practice. This history has been written a number of times, from within various disciplinary frameworks and focusing on different eras and geographies.¹¹ Previous analyses largely articulate a consistent historical trajectory: Greeks and then Romans used torture as an official element of their judicial systems;¹² the rediscovery and revival of Roman legal doctrines in twelfth century Europe led to the enshrining of torture in medieval European judicial processes;¹³ this continued until the eighteenth century, when Enlightenment reforms contributed to a humanization of processes of law and punishment and largely eliminated state-sanctioned torture in Europe;¹⁴ in the twentieth century, fascist and authoritarian

¹¹ See Christopher J. Einolf, “The Fall and Rise of Torture: A Comparative and Historical Analysis,” *Sociological Theory* 25, no. 2 (2007): 101–21; Lisa Hajjar, *Torture: A Sociology of Violence and Human Rights* (Routledge, 2013); John H. Langbein, “The Legal History of Torture,” in *Torture: A Collection*, 2nd ed., ed. Sanford Levinson (Oxford University Press, 2006); John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime* (University of Chicago Press, 2006); Edward Peters, *Torture*, 2nd ed. (University of Pennsylvania Press, 1996); Darius Rejali, *Torture and Democracy* (Princeton University Press, 2007).

¹² Page duBois, *Torture and Truth* (Routledge, 1991); Peters, *Torture*, 14–15, 18.

¹³ Peters, *Torture*, 41.

¹⁴ Peters, 89–91.

regimes (especially Nazi Germany and the USSR) once again revived torture from the depths of European history and reintroduced it (perhaps even honed it) as a tool of modern governance;¹⁵ because fascist governments had normalized the modern use of torture, liberal Western states began again to adopt it, leading to a global resurgence.¹⁶ Although naturally this is an oversimplification, canonical narratives of Western torture such as Edward Peters' *Torture* detail roughly this historical arc.¹⁷

Historian Edward Peters' monograph *Torture* was an early but significant contribution to the burgeoning study of torture as a specific form of violence with its own historical trajectory.¹⁸ *Torture* has remained a key text, both because it offers an incredibly thorough discussion of primary and secondary sources on the history of Western torture, and because it spans an unusually large geographical region and lengthy timeline. Peters' analysis of torture focuses specifically on its judicial history, although he argues all torture is essentially judicial in nature, "whether administered by an official judiciary or by other instruments of the state."¹⁹ This is because he views torture as being either in service to the law itself (as in

¹⁵ Peters, 105, 125, 131.

¹⁶ Peters, 132–134.

¹⁷ See note 11 for additional sources.

¹⁸ Judith Shklar, "Torturers," *London Review of Books*, October 9, 1986. *Torture* was originally published the same year as Elaine Scarry's *The Body in Pain* and was touted in an unforgiving review by Shklar as a valuably concrete and informative counterpoint to Scarry's "speculative" text.

¹⁹ Peters, *Torture*, 7.

medieval and Renaissance Europe) or acting as “an engine of the law” in situations when the law is bent to the will of the state (such as in the USSR).²⁰ Although he complicates some aspects of the dominant narrative of the history of Western torture, including the assumption that Enlightenment humanism was the primary cause of the supposed elimination of torture as judicial proceeding in Western Europe in the 18th and 19th centuries, Peters’ analysis largely adheres to the broad trends I described above. Because he focuses on torture within Europe itself, his analysis of torture perpetrated by Europeans elsewhere in the world is limited to a few brief mentions of colonial power dynamics.

Three primary issues arise within the dominant narrative of the history of Western torture, as exemplified by Peters’ text. These three points of clarification are significant for understanding the ways in and extent to which the history of modern civilization is intimately tied to systemic practices of torture. First, Peters treats “the second half of the thirteenth century to the end of the 18th” as a relatively undifferentiated swathe of time in which torture was endemic to the criminal proceedings of most European states.²¹ Because this period precedes the supposed Enlightenment humanization of the European criminal justice system it is essentially regarded as a fixed, premodern entity. However, this period of nearly 500 years was marked by stratospheric political, economic, and social shifts—the transition from feudalism to capitalism, the rise of the autonomous bureaucratic state entity, and the beginnings of colonial expansion—all of which mark the birth of the modern era and all of

²⁰ Peters, 108.

²¹ Peters, 54.

which involved, in different and specific ways, the systemic use of torture.²² Peters' generalizing about this lengthy period ignores a significant shift in how, where, and why torture was used.

Although Peters goes into detail about the differences between how torture was incorporated into judicial systems in various parts of Europe during this period, his analysis does not acknowledge the extent to which the birth of colonialism gave rise to new uses of torture. Cultural anthropologist Irene Silverblatt's analysis of the political and social dynamics of the Spanish Inquisition provides a corrective understanding of the relationship between colonial governance and torture. Her theorization of the ways in which the violence of the Inquisition significantly contributed to the process of cementing the modern bureaucratic state usefully demonstrates how, in the sixteenth century, European colonial governments increasingly used torture as a way to administer populations. This represented a significant shift from torture's previous primary use as a mode of extracting confessions for judicial proceedings. Drawing on Hannah Arendt's theorization of "race thinking" as a foundational and enduring logic of Western governance and society, Silverblatt argues that the Spanish Inquisition in colonial Peru was "party to the creation of the modern world" because of its solidification of bureaucracies designed to violently administer populations along racialized categories.²³

²² See Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (Autonomedia, 2004); Irene Silverblatt, *Modern Inquisitions: Peru and the Colonial Origins of the Civilized World* (Duke University Press, 2004).

²³ Silverblatt, *Modern Inquisitions*, 4.

Although hypothetically the Inquisition was a judicial process (Peters notes as much),²⁴ the ways in which torture was used during this period, and the racialized logic behind it, are evidence of a shift toward terroristic torture, or torture used to silence or intimidate the wider population. The rise of secretive communities in which targeted populations practiced religious or cultural traditions in fear and under cover demonstrates the extent to which Inquisition torture functioned to terrorize society. In this instance, as in many others, terroristic torture was used to dehumanize and demonize certain sectors of a population under the guise of weeding out perceived security threats. As a result, the use of torture during the Spanish Inquisition functioned as a deeply racialized way of shaping the population of colonial Peruvian society and relations between colonizers and colonized. Inquisitors determined “membership in a human community.”²⁵ Silverblatt argues this process of differentiating humans and subhumans through torture, alongside building the bureaucratic capacity to execute such a large-scale system of terror, gave rise to the modern state.

As I will discuss below in greater depth, this type and logic of torture was a major organizing factor for the governing bureaucracies of many European colonial regimes through the twentieth century and beyond. Peters’ treatment of the 500 years preceding the supposed abolition of torture in Europe as a relatively undifferentiated field of judicial violence neglects to acknowledge the role colonialism played in shifting how torture was used by European governments. Given the prevalence of colonial torture in the centuries after the Spanish Inquisition, recognizing this shift is essential for grappling with the longstanding

²⁴ Peters, *Torture*, 62–7.

²⁵ Silverblatt, *Modern Inquisitions*, 18.

historical ties between modern state making and torture.

This brings me to my second point of intervention: Peters makes the assertion that most European states more or less ceased to torture (at least systemically and officially) after the eighteenth century. Although he is appropriately cautious about assumptions that humanistic reforms truly eliminated torture as an expression of state power, similarly to Foucault he views the Enlightenment and post-Enlightenment periods as ones in which overt state violence was channeled into (allegedly) less overtly violent means of governance, such as organized policing. Contrary to this assumption, historians and theorists of colonialism demonstrate that during this period of reform, European countries were simply “exporting” torture to their colonies with tremendous brutality.²⁶ Like Spanish Inquisition torture in Peru, colonial torture broadly represented a break from strictly judicial applications and was most often used to both justify and enforce racialized social hierarchies. The significance of this practice cannot be overstated in terms of the modern global body politic it informed. Peters does briefly mention that torture was “re-instituted” in some colonial empires after the late nineteenth century.²⁷ However this assertion still implies that torture had previously ceased and therefore was incidental to colonial governance, rather than intrinsic.

Instead of progressing to less violent forms of governance, Western states concentrated it

²⁶ See Caroline Elkins, *Legacy of Violence: A History of the British Empire* (Alfred A. Knopf, 2022); Frantz Fanon, *Black Skin, White Masks* (Grove Press, [1952] 2008); Deana Heath, *Colonial Terror: Torture and State Violence in Colonial India* (Oxford University Press, 2021); Achille Mbembe, *Necropolitics*, trans. Steve Corcoran (Duke University Press, 2019); Michael Taussig, “Culture of Terror—Space of Death. Roger Casement’s Putumayo Report and the Explanation of Torture,” *Comparative Studies in Society and History* 26, no. 3 (1984): 467–97.

²⁷ Peters, *Torture*, 5.

within their colonies in order to maintain an illusion of humanization in the metropole.

Political theorist Achille Mbembe articulates the exportation of torture to colonies, while European nations allegedly ceased to torture, as a “bifurcation” of modern states that enabled them to tout their liberal humanistic ideology and claim superiority over the rest of the world while violently oppressing it.²⁸ This bifurcation was, from the start, rationalized and upheld by law. Mbembe posits that liberal democracies are fundamentally based on a “quasi-mythological structure,” and therefore, in order to publicly uphold that myth, they must exteriorize the violence that lies at the core of their state formations onto faraway colonies.²⁹ Although early in the colonial period most colonizing European states were not yet liberal democracies, Mbembe’s analysis articulates the extent to which the gradual shift toward liberalization and democratization actually allowed for colonial violence to become more deeply embedded within Western governance. Thus, if we approach the Enlightenment and post-Enlightenment periods from a global perspective it cannot be reasonably argued that European states ceased to torture. Rather, the animating logic of torture shifted, along with its geographical concentration.

It is worth noting that torture did not truly cease within Europe either. The consolidation of violent bureaucratic rule in the colonies in the 18th and 19th centuries, buttressed by the ideological balm of liberalism, coincided with a significant shift in prison administration in

²⁸ Mbembe, *Necropolitics*, 17

²⁹ Mbembe, 23.

the metropole.³⁰ Although this shift is often characterized as the humanization of incarceration, its motivating logic was not so much the easing of pain as its systematization—prison reformers rejected the longstanding practice of running prisons as private miniature cities, in which wardens wielded significant discretionary power in shaping restrictions and allowances to their own benefit.³¹ To combat arbitrary prison regulations, reformers sought to establish a more consistent set of punitive practices, administered by the state. The forms of violence instilled within European prisons in this period of reform increasingly resembled categories of abuse that are familiar to us today. Solitary confinement was on the rise, and was widely considered to be an ideal tactic for both disciplining and reforming prisoners.³² Intentional starvation through the withholding of food, strict limitations on when prisoners could use bathroom facilities, and minimal access to medical care, among other strategic indignities, became the hallmarks of an increasingly bureaucratized prison system that emphasized consistent dehumanization over intermittent spectacle. The consolidation of colonial governance went hand in hand with the systematization of violence within Europe,

³⁰ David Garland, *Punishment and Modern Society: A Study in Social Theory* (University of Chicago Press, 1993), 180–1.

³¹ Randal McGowen, “The Well-Ordered Prison: England, 1780–1865,” in *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford University Press, 1995).

³² McGowen, 85.

and these quiet forms of torture became endemic to Western prisons.³³

Lastly, another common assumption Peters cites is that torture was “revived” in the twentieth century by fascist regimes that not only brought torture back from the depths of Western extinction but also “transformed it into a medical speciality.”³⁴ He sees this fascist revival as the origin of a broader twentieth century shift that normalized torture to the point that even liberal democratic Western states once again viewed it as a legitimate tool of governance. For example, Peters views systemic French torture in Algeria as a direct result of the rationalization of torture by the Third Reich.³⁵ This analysis is misleading for a number of reasons. The assertion that torture was revived in the twentieth century implicitly assumes that torture had died out at some point before that. As I have discussed above, even if torture was not an official part of European judicial systems after the eighteenth century, systemic torture was still practiced extensively within European prisons as well as by colonial bureaucrats, military forces, and police officers abroad. Thus, during this period torture continued to be a significant presence within European society globally and cannot truly be said to have ever gone away.

What is more, contrary to popular belief, authoritarian governments did not invent torture techniques that were subsequently adopted by democracies. Meticulous historical research by

³³ For a more contemporary and helpfully illustrative example of this dynamic of simultaneous internal and external consolidation of systems of oppression, see Stuart Schrader, *Badges without Borders: How Global Counterinsurgency Transformed American Policing* (University of California Press, 2019).

³⁴ Peters, *Torture*, 125.

³⁵ Peters, 133.

political scientist Darius Rejali demonstrates that authoritarian and liberal forms of torture have distinct genealogies, in large part because democracies torture in ways that are designed to minimize the visibility of abuse in order to evade international and humanitarian censure. These so-called clean techniques “appeared first...among British lists of [military] punishments; in the context of American slavery; in penal institutions; or during policing and military operations in French and British colonies.”³⁶ Because authoritarian governments have no need to conceal evidence of their use of torture or justify it through legal means, it stands to reason that the specific techniques they use would be animated by different goals and therefore materially distinct. The continuity between colonial and contemporary liberal torture techniques is therefore even more concretely articulated. Thus, Peters’ assertion that torture was revived in the twentieth century by fascistic regimes, normalized, and adopted by liberal democratic states is inaccurate, both because the specific forms of torture they used were different than those used by authoritarian states, and because liberal democratic states had never stopped torturing in the first place.

These three interventions into the dominant history of Western torture, as exemplified by Peters’ text, highlight the extent to which the long process of European modernization was marked not by progressive humanization but by the gradual concealment of torture and its burgeoning use as a tool of population management. Despite the assumption that European states ceased to torture after the official elimination of judicial abuse, this elimination went hand in hand with a shift toward the use of torture as a tactic of systemic social and political control to manage populations both within Europe and in European-administered colonies. In

³⁶ Rejali, *Torture and Democracy*, 4.

all three of these interventions it is clear that colonialism is a core reason for the perpetuation of torture as a form of governance in the modern period. European colonialism globalized the particular use of torture as a mode of producing dehumanized and incapacitated colonial subjects, therefore instilling the colonizer/colonized hierarchy within both local and international social and political dynamics. In the following section I will discuss in greater detail how colonial torture was used to produce subjects and why this was so significant to the formation of the modern global political order.

B. Colonial Torture and Social Control

A critical historicization of Western torture demonstrates the extent to which colonial governance was a key factor in perpetuating the use of torture. Thus, it stands to reason that the specific ways in which torture was used in colonial contexts would have significant implications for understanding both past and present logics of liberal torture. As I briefly discussed above, the violent administration of colonial holdings increasingly led to the development of novel uses for torture—most notably, as a tool of population administration and differentiation between humans and nonhumans, or citizens and noncitizens. This use of torture as a form of governance for the enforcement of social and political hierarchies, rather than strictly as a tool of interrogation or punishment, became deeply instilled within liberal democratic state functions. Here and in the following chapter, I will discuss the extent to which the reshaping of colonized individuals and communities was, and continues to be, a core logic and driving use of liberal torture.

There is a robust existing body of literature analyzing how torture was strategically

employed in the context of European colonialism, as a way for liberal colonial states to govern colonized subjects through the administration of dehumanizing and incapacitating violence.³⁷ Systemic torture by liberal colonial powers, while often framed as a tool of counterinsurgency or punishment, was a powerful way in which colonial narratives of European dominance and “native” savagery were instilled, upheld, and justified. This process of colonial violation and meaning-making was cyclical—torture and other forms of violence functioned to enforce, again and again, social myths of differentiation that were “ceaselessly derealized,” and therefore required “unceasing violence” to reproduce their truth.³⁸ It is therefore not an exaggeration to assert that torture was a key way in which civilizational and other hierarchies upon which the supposed logics of colonialism rested were asserted and maintained.

Few have advanced and shaped global understandings of colonial violence and subject formation as significantly as Frantz Fanon. Both his political and psychiatric writings engage

³⁷ See Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* (Henry Holt and Co., 2005); Frantz Fanon, *The Wretched of the Earth* (Grove Press, [1961] 2021); Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad* (Princeton University Press, 2008); Mbembe, *Necropolitics*; Stephen Morton, “Torture, Terrorism and Colonial Sovereignty,” in *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society*, ed. Stephen Morton and Stephen Bygrave (Palgrave Macmillan, 2008), 183–95; Diane M. Nelson, “Bodies That Splatter: Gender, 'Race,' and the Discourses of Mestizaje,” in *A Finger in the Wound: Body Politics in Quincentennial Guatemala* (University of California Press, 1999), 206–44; Anupama Rao, “Problems of Violence, States of Terror: Torture in Colonial India,” in *Discipline and the Other Body: Correction, Corporeality, Colonialism*, ed. Anupama Rao and Steven Pierce (Duke University Press, 2006), 151–86; Elizabeth Stanley, “Torture and Terror,” in *The Critical Criminology Companion*, ed. Thalia Anthony and Chris Cunneen (Hawkins Press, 2008), 158–68; Taussig, “Culture of Terror—Space of Death.”

³⁸ Mbembe, *Necropolitics*, 138.

deeply with the impacts of colonial violence on the self-images and community relations of colonized subjects. The forms of abuse he discusses include and extend beyond torture specifically, to map the systemic dehumanization of both individuals and the colonized collective—a process that was often inflicted in veiled, normalized ways and became visible in moments of extraordinary violence. Fanon’s work powerfully articulates the simultaneously physical and psychological violations that inflict, uphold, and seek to justify racialized colonial regimes. Writing from France and French Colonial Algeria, Fanon’s social, political, and psychological analyses both directly and indirectly demonstrate the extent to which classical liberal ideology has long served as a justification for racialized and civilizational hierarchies and their violent enforcement.

While I cannot do justice here to Fanon’s immense body of work and scholarly legacy, for the purposes of this analysis his writings on the psychiatric case studies of torture survivors are instructive, in part because they highlight the extent to which torture was used in colonial contexts to dictate the social and political standings of both “the perpetrators of ‘pacification’ and the ‘pacified’ population.”³⁹ In other words, Fanon describes torture as something that solidifies the respective positions of the torturer and torture victim within the colonial hierarchy. Fanon organizes his case studies on Algerian torture survivors into categories based on the kinds of torture experienced, one of which he refers to as “brainwashing.” Fanon describes the brainwashing inflicted by French troops as involving lengthy imprisonment and interrogation alongside intellectual roleplaying exercises. These exercises often took the form of forcing prisoners to make detailed statements and arguments

³⁹ Fanon, *The Wretched of the Earth*, 181.

defending the merits of colonization and honoring French accomplishments, “to attack from the inside those elements that constitute the national consciousness.”⁴⁰ In this way prisoners were “broken” by being forced to ideologically and intellectually collaborate with their torturers. Fanon observes these tactics were so effective that patients who had experienced them found it afterward intolerable to participate in “any collective discussion,” and were unable to “explain and defend a given viewpoint.”⁴¹ In her study of torture in French Colonial Algeria, Marnia Lazreg notes that French interrogators explicitly viewed torture as a way to convince Algerians of the justness of French occupation.⁴² This example is illustrative of the effectiveness of torture techniques in undermining the ability of colonized subjects to resist their oppressors, thus upholding the colonial system.

Fanon’s “brainwashing” example is illustrative of a key logic of colonial torture and governance as a whole: demobilization, or the strategic disabling of individual and communal capacities for resistance. Through both physical and psychological means of violence, the demobilization of colonized subjects ensured their passive complicity with or acquiescence to oppressive regimes, or their inability to protest. Political theorist Dinesh Wadiwel asserts that demobilization is not simply a process of “creating ‘impairment’ through injury,” but a way in which “manifold relations of power...mould social and political landscapes...to politically demobilize the resistive force of those who are the target of

⁴⁰ Fanon, 213–214.

⁴¹ Fanon, 215.

⁴² Lazreg, *Torture and the Twilight of Empire*, 120.

violence.”⁴³ Torture was used by liberal colonial regimes to achieve these ends by instilling collective terror, pitting would-be allies against each other, and unmooring survivors from their political commitments, among other means. Fanon’s example of his “brainwashed” patients in Algeria illustrates the extent to which a common and certainly desirable outcome of torture was the undermining of anti-colonial political beliefs, which neutralized threats to colonial rule.

Demobilization as an outcome remains deeply engrained within liberal torture. In his analysis of clean torture techniques employed by liberal democratic states, Darius Rejali suggests that, because clean torture “encourages misrecognition” and facilitates public apathy by shrouding violence in mystery, its “effects are demobilizing and depoliticizing.”⁴⁴ In other words, because clean torture is designed to resist detection and communal acknowledgment, instead of facilitating a sense of shared suffering or collective respect for survivors, it isolates them from their communities. This was, and continues to be, a core motivating logic of liberal torture. Although demobilization as an objective of state violence is not exclusive to liberal democracies, Rejali demonstrates that the specific torture techniques liberal states use are especially conducive to producing demobilizing outcomes. Such outcomes are also particularly desirable for liberal states, given that demobilization is a powerful tool for crushing resistance without using highly visible forms of violence. As I will discuss in greater depth below and in the following chapter, this use of clean torture to demobilize is as

⁴³ Dinesh Wadiwel, “Disability and Torture: Exception, Epistemology and ‘Black Sites,’” *Continuum* 31, no. 3 (2017): 392.

⁴⁴ Rejali, *Torture and Democracy*, 58.

evident in contemporary US and Israeli torture regimes as it was in French Colonial Algeria.

In colonial regimes, demobilization through torture is not only effected through isolated moments of violence, but also operates as a generalized logic of governance. Beyond the specific case studies of torture Fanon discusses, his work has also been influential in part for its incisive critique of the diffuse atmosphere of warfare under which colonized people live, and which itself shapes the individual and collective identities of the colonized. Fanon notes in his medical case studies that psychiatric treatment often focuses on the isolation of a specific “triggering” event that leads directly to a patient’s subsequent aberrant (“reactive”) behavior. Contrary to this standard, Fanon believed his patients were not reacting to an isolated trigger, but that the impetus for their psychological decline was “principally the bloody, pitiless atmosphere, the generalization of inhuman practices.”⁴⁵ This theorization highlights the extent to which torture as a governing logic extended to all elements of colonial life—torture was not only a discreet event in a prison or police station but also a generally inflicted sense of helplessness, lack of agency, dehumanization, and demobilization that pervaded everyday life. Fanon likewise pushed back against the general psychiatric assumption that such lapses in mental health were temporary, arguing instead that many were “cases where the entire personality has been definitely dislocated.”⁴⁶ He viewed this manner of individual and collective psychological dislocation as fulfilling the ultimate objective of colonialism, or the enforcement of mythical racialized hierarchies.

The broader systemic dynamics of colonial torture, both in their acute and diffuse

⁴⁵ Fanon, *The Wretched of the Earth*, 183.

⁴⁶ Fanon, 184.

manifestations, facilitated the creation and enforcement of narratives upholding civilizational hierarchy through the violent proximity of colonizers and colonized. This dynamic is usefully articulated by anthropologist Michael Taussig's theorization of the "space of death," an environment structured around the premise of dislocating and dismantling the personhoods of colonized subjects.⁴⁷ Discussing the terrorization of indigenous peoples of the Putumayo region (now the Department of Putumayo in southern Colombia) by the British-backed Peruvian Amazon Company, Taussig argues that the systemic use of torture and other terroristic violence constructs regimes of transformation through the forced "loss of self and conformity to a new reality."⁴⁸ In Taussig's theorization, the "space of death is crucial to the creation of meaning and consciousness, nowhere more so than in societies where torture is endemic and where the culture of terror flourishes."⁴⁹ Particularly in the context of European colonization, spaces of death produced and organized "key signifiers or caption points binding the culture of the conqueror with that of the conquered."⁵⁰ This points to the significance of the role of torture in the manipulation, construction, and enforcement of particular narratives elaborating and justifying the respective statuses of colonizers and colonized. Thus, the "space of death" Taussig theorizes as the animating logic of colonial states was a regime of mutually productive physical brutality and discursive manipulation,

⁴⁷ Taussig, "Culture of Terror—Space of Death."

⁴⁸ Taussig, 468.

⁴⁹ Taussig, 467.

⁵⁰ Taussig, 468.

which together both manifested and naturalized the racialized oppression upon which colonialism rested.

The intimacies between systemic torture and the production of discourses of civilizational differentiation are usefully illustrated by the British campaign of terror carried out against anti-colonial Mau Mau rebels in Kenya in the 1950s. In this period, thousands of Kikuyu militants and civilians alike were “screened,” or subjected to interrogation and horrific torture in both official and unofficial “screening centers” across the country.⁵¹ British perpetrators, and the colonial institution at large, consistently defended their actions through assertions that British colonizers and Mau Mau antagonists were “polar opposites,” and that insurgents forced the hands of otherwise well-meaning colonizers who were “compelled to do the unthinkable” in the face of barbarity.⁵² The close proximity between colonizers and colonized enabled British settlers to explicitly cast themselves as the victims of Mau Mau terror, tightly controlling the narrative to present their alleged attackers as the sole instigators of violence. In the process of subjecting suspected Mau Mau militants to horrific, dehumanizing violence, British colonizers found confirmation that the Kikuyu were subhuman and that they themselves were “paragons of civility”— in other words, through torture and imprisonment they reduced victims to the condition of animals, thus producing the justification for their own self-serving comparison.⁵³ Such strategic narrative

⁵¹ Elkins, *Imperial Reckoning*, 63.

⁵² Elkins, 89.

⁵³ Elkins, 90.

manipulation was, and remains, a key component of liberal colonial governance, which relies on the projection and production of native barbarity in order to cast genocidal regimes of occupation and extraction as civilizing missions with universal moral benefit.

A number of scholars have pointed out that the relationship between isolated moments of torture and generalized systems of violence is particularly significant in highly racialized contexts of occupation and enslavement. In a coauthored article Patrice Douglass and Frank B. Wilderson III specifically critique Elaine Scarry's canonical theorization of the mind-altering effects of torture for assuming "the universality of metaphysical presence in all victims of torture."⁵⁴ Although Wilderson writes from an Afropessimistic framework rather than a broadly colonial one, his theorization of the violent logics and conditions of enslavement articulate another way in which European torture has been rationalized and excused through profoundly racialized processes of differentiation between humans and subhumans. Drawing on Fanon, Douglass and Wilderson argue that Black detainees entering a torture chamber already exist in a state of profound and enduring violation, and therefore torture does not represent a relational departure from the institutional violence that "precedes and anticipates the performative moment of torture."⁵⁵

The assumption that people arrive at the threshold of a torture chamber and experience a complete break with the prior conditions of their lives ignores the fact that, in order to be detained and tortured in the first place, those people have already been subjected to material

⁵⁴ Patrice Douglass and Frank Wilderson, "The Violence of Presence: Metaphysics in a Blackened World," *The Black Scholar* 43, no. 4 (2013): 119.

⁵⁵ Douglass and Wilderson, 121.

and discursive conditions that render them subhuman, and therefore torturable, in the eyes of their perpetrators. As Hamid Dabashi succinctly argues, “the history of European colonialism is the history of the physical elimination of what had already been metaphysically...marked as troublesome.”⁵⁶ This articulation of the relationship between torture and generalized conditions of violence reaffirms the significance of torture as not only an isolated form of violence but also a logic of governance that shaped the twin systems of colonialism and enslavement.

Although, as Edward Peters’ narrative of the history of Western torture makes clear, European states had been using torture in official capacities for hundreds of years before they set out to colonize the rest of the world, it is evident that colonialism both facilitated and was facilitated by what Lazreg describes as “the emergence of torture as a method of control.”⁵⁷ This differed from previous uses of torture, which were primarily for purposes of punishment and interrogation, because it increasingly became a tool of population management. In colonial contexts, torture was used to both assert and reinforce the dehumanization of colonized subjects, incapacitate them or otherwise prevent them from resisting their oppressors, inflict psychological instability, and in numerous other ways simultaneously enforce and justify the racialized hierarchies of the colonial system.⁵⁸ Because, as Mbembe

⁵⁶ Dabashi, *After Savagery*, xxii.

⁵⁷ Lazreg, *Torture and the Twilight of Empire*, 218.

⁵⁸ Francesca Albanese, *Torture and Genocide* (United Nations, 2026), 7. Albanese asserts that dehumanization remains a key function of colonial governance because it “underpins policies of colonial and racially ordered regimes by legitimizing torture, humiliation and erasure as necessary to ‘regular’ administrative processes.”

theorizes, colonial systems relied on the continual reinforcement of myths of European superiority, torture became a generalized logic of governance designed to systematically wear down colonized populations. However, the actual implementation of torture is only part of this story—in order for torture to become systemic it must be sustained by a system of beliefs that rationalizes its use. To understand the animating logic of colonial torture we must turn to the ideological function of liberalism.

C. The Liberal Logic of Torture

From its earliest theorization, liberal ideology provided colonizing European states with a self-serving rationalization for both colonialism as a whole and the systemic violence necessary to uphold global European supremacy. Despite the official waning of judicial torture in the early modern period, the rise of modern state formations rested, both in theory and practice, on the assumption that violence was necessary and appropriate for the maintenance of the state. The core capacity of the state to wield violence is the power both to wage war externally and to punish or reform civilians internally. The right to punish was theorized by early philosophers of liberalism as an essential, foundational element of the modern state since the time of its development. As discussed above, Silverblatt's analysis of torture in the Spanish Inquisition goes even further, suggesting that building power to implement a regime of systemic torture was the very process by which early state formations became discreet, autonomous bureaucratic entities.

While the power to punish does not necessarily or exclusively indicate torture, state violence always has the capacity to become torture because of its custodial nature. Therefore,

when we talk about the authority of the state to punish, we must view this as an opening for torture. What is more, although punishment and torture are not indistinguishable, “they are grounded in the same fundamental practice: the infliction of pain... Torture, then, is not incidental to punishment, it is at its core.”⁵⁹ In his canonical early theorization of liberalism, John Locke conceived of liberal state power as fundamentally tied to the ability to punish citizens.

Locke’s “Second Treatise of Government” is one of the most foundational texts of early liberalism. Because of the historical context in which Locke and other Enlightenment political philosophers theorized liberal governance, it is necessary to understand liberalism as fundamentally entwined with processes of global European domination and oppression.⁶⁰ Close analysis of Locke’s theorization of the necessity and structuring power of punishment provides insight into the extent to which violence haunts the philosophical basis of liberal democracy. Locke’s articulation of a mutually beneficial and agreed-upon form of government that brings humans out of a “state of nature” was unique among others of his period in that it did not presume a condition of absolute chaos or cruelty. Rather, the state of nature Locke describes is one in which no one person has more power than any other, but every individual is subject to the law of nature. However, because all are equal and no governing body exists to enforce that law, each person has the power to subjectively interpret

⁵⁹ Michelle Brown, “‘Setting the Conditions’ for Abu Ghraib: The Prison Nation Abroad,” *American Quarterly* 57, no. 3 (2005): 991.

⁶⁰ See also John Stuart Mill, *On Liberty* (Project Gutenberg, 2011 [1859]); John Stuart Mill, *Considerations on Representative Government* (Project Gutenberg, 2013 [1861]).

it, as long as they do not “harm another in his Life, Health, Liberty, or Possessions.”⁶¹

The right (and necessity) to punish those who break the law of nature is, for Locke, one of the foundational aspects of the state of nature, and therefore one of the innate and essential elements of both law and community. Because all are equal, “if any one in the State of Nature may punish another, for any evil he has done, every one may do so.”⁶² However, Locke recognizes that “Ill Nature, Passion and Revenge” may cause people to become overly zealous in their punishments, and therefore government is created to “restrain the partiality and violence of Men,” not necessarily to prevent them from punishing others but to systematize that punishment into a supposedly neutral and regulated process.⁶³ This is consistent with the Enlightenment era shifts in European prison administration I briefly described above. Although Locke does not specifically discuss torture in his theorization of liberal governance, he views the punishment of fellow citizens in general as a core tenet of modern liberal law and society.

A close reading of Locke’s discussion of punishment by political theorist Andrew Dilts offers useful insight into the extent to which punishment provides the structuring logic of the social and political order Locke describes. Dilts argues that the Lockean figure of the “thief,” or the social and political outsider, plays a core role in the logic of liberal governance. Instead of gaining coherence and legitimacy through internal unity, Dilts theorizes that “the

⁶¹ John Locke, “The Second Treatise of Government,” in *Two Treatises of Government*, ed. Peter Laslett, (Cambridge University Press, 1988), 271.

⁶² Locke, 217–272.

⁶³ Locke, 275–276.

foundation of the commonwealth and the right to rebellion are driven by the liminal figures that haunt the boundaries of membership and the border between...the human and the animal.”⁶⁴ He describes the “thieves” (both literal and figurative) of Locke’s treatise as those who “manage the inside and outside by simultaneously marking and obscuring its boundary.”⁶⁵ In essence, the fundamental instability of the social contract and state formation is resolved (or at least mitigated) through the stabilization of the figure of the outsider and the process of their systemic violation.

This analysis has significant implications for liberal democratic governance as a concrete phenomenon. Dilts’ theorization shifts Locke’s conception of liberalism from a system designed to regulate human interaction and prevent emotion from leading to excessive retribution to one created to define and violently defend the boundaries of legitimate community and perhaps even humanity. To contextualize this shift one must consider that, at the time when Locke was writing his influential modern political theory, European nations were deeply intertwined with external colonial holdings. Numerous scholars have speculated on whether Locke’s theorization of liberal governance and defense of private property served (intentionally or unintentionally) as a justification for British colonialism at the time, especially considering his patron, the 1st Earl of Shaftsbury, was proprietor of a large region

⁶⁴ Andrew Dilts, “To Kill a Thief: Punishment, Proportionality, and Criminal Subjectivity in Locke’s ‘Second Treatise,’” *Political Theory* 40, no. 1 (2012): 61.

⁶⁵ Dilts, 61.

of what is now North and South Carolina.⁶⁶ Locke was known to have assisted the Earl in drawing up an initial plan of settlement and administration for the region, which instilled a strict social hierarchy, chattel slavery, and broad right to self defense into the very foundation of local government.⁶⁷

Like other Enlightenment philosophers Locke was shaped by a world in which the categories of citizen and human were formulated in opposition to foreign colonies, whose existence served to define the boundaries between rational, civilized European citizens and the rest of the world. Liberal ideology did not only serve as a convenient justification for colonialism, but colonial expansion was “inherent to liberalism’s ideology of universalistic notions of progress, the extension of capitalism, and moral claims.”⁶⁸ Colonial holdings provided the ultimate civilizational foil for modernizing European states, whose progressive humanization was marked by the exportation of violence onto what Mbembe refers to as the

⁶⁶ See David Armitage, “John Locke, Carolina, and the Two Treatises of Government,” *Political Theory* 32, no. 5 (2004): 602–27; Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Clarendon Press, 1996); Paul Corcoran, “John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*,” *The European Legacy* 23, no. 3 (2018): 225–50; Losurdo, *Liberalism*; Lowe, *Intimacies of Four Continents*, 9–11; Calum Murray, “John Locke’s Theory of Property, and the Dispossession of Indigenous Peoples in the Settler-Colony,” *American Indian Law Journal* 10, no. 1 (2022): 55–67.

⁶⁷ Lowe, *Intimacies of Four Continents*, 9; Thomas D. Wilson, “The Carolina Grand Model,” in *The Ashley Cooper Plan: The Founding of Carolina and the Origins of Southern Political Culture* (University of North Carolina Press, 2016).

⁶⁸ Elkins, *Legacy of Violence*, 50.

“nocturnal face” of democracy.⁶⁹ This process of exporting oppression and abuse while presenting them as forces of progress allowed European countries to justify centuries of state violence on moral grounds. Just as colonialism was not incidental to liberalism, the perpetration and strategic rationalization of violence through racialized discourses of civilizational superiority were (and are) core features of liberal ideology and governance.

Such discourses of civilizational superiority not only created hierarchies of people, but also served to distinguish violence perpetrated by Europeans, allegedly in service of moral betterment, from violence perpetrated by lesser colonial subjects. Talal Asad’s analysis of torture as a specific form of violence that has been used to cement discursive differentiations between superior and inferior civilizations provides important insight into the key role torture has long played in colonial administration. Liberal societies, both historically and today, have gone to great pains to present themselves as embodying a “dedication to eliminating pain and suffering.”⁷⁰ Asad posits that what is presented by liberal states as their “record of the progressive prohibition of cruel, inhuman, and degrading practices” is more accurately perceived as the solidification of a “complex story of the modern secular concept of what it means to be truly human.”⁷¹ In other words, rather than eliminating forms of ostensibly illiberal violence like torture, liberal societies have cemented categorical differentiations between the kinds of violence inflicted by civilized European states and those practiced by

⁶⁹ Mbembe, *Necropolitics*, 27.

⁷⁰ Talal Asad, “On Torture, or Cruel, Inhuman, and Degrading Treatment,” *Social Research* 63, no. 4 (1996): 1082.

⁷¹ Asad, 1082.

societies considered fundamentally external, antimodern, or subhuman.

This discursive differentiation between civilized violence and uncivilized violence has long been used by colonial states to seek justification for the horrors they inflict in “the alleged barbarity of the enemy.”⁷² Asad asserts that, because torture is not primarily a disciplinary tool but rather a mode of controlling non-citizen populations, it is “integral to the maintenance of the nation state’s sovereignty.”⁷³ Locke theorizes the ability to punish as a key feature of modern governance, but that ability is not only about the concrete infliction of violence—it is also about its public rationalization and exceptionalization. If violence is a core element of modern governance then so too is the drawing of lines between who is violable and who is not.

D. Terroristic Torture in the Modern Era

The set of governing practices that arose in the modern era and, in many ways, cohered through the administration of colonial regimes and the enforcement of racialized hierarchies throughout the world, not only enabled European states to export violence, but also facilitated the spread of specific forms of abuse. The various factors contributing to and uses of modern torture I have discussed in this chapter—the persistence of torture even after judicial torture in Europe was no longer the norm, the function of torture in colonial contexts, and the justification of torture through the universalist civilizing ambitions of liberal ideology—all point to a fundamental shift in how torture has been used in the modern era. As Edward

⁷² Lazreg, *Torture and the Twilight of Empire*, 5.

⁷³ Asad, “On Torture, or Cruel, Inhuman, and Degrading Treatment,” 1095.

Peters describes, before the Enlightenment judicial torture had been enshrined in much of Europe since the revival of Roman legal practices in the twelfth century. This use of torture was fundamentally interrogational in nature; eliciting a confession was the top priority. Peters suggests that torture in its more recent iterations represents “a new anthropology,” in which “[i]t is not primarily the victim’s information, but the victim, that torture needs to win—or reduce to powerlessness.”⁷⁴ Torture in the modern era is therefore not simply a continuation of medieval torture, but is marked by a shift from judicial to primarily terroristic torture.

While terroristic torture is generally seen as a form of social control practiced in isolated circumstances (such as by authoritarian regimes targeting their own civilian populations), here I use the term terroristic torture more broadly, to signify a shift toward a global practice of torture as a mode of subduing and administering colonial populations, asserting and justifying European dominance, and enforcing the racialized hierarchies that structured the system as a whole. This form of terroristic torture was not official policy, in the way that judicial torture had been perpetrated on the books throughout Europe for centuries. Official torture in service of legal proceedings was indeed delegitimized in Europe in the 17th and 18th centuries, for a variety of reasons. However, the shift that occurred during this period was not from torture to no torture, but rather from blatant judicial torture to sequestered terroristic torture, used to uphold and legitimize large-scale governing systems through the dehumanization and demobilization of lesser subjects.

The shift from primarily judicial to primarily terroristic torture corresponded with a gradual transition in how governing power as a whole was exercised. In an analysis of the

⁷⁴ Peters, *Torture*, 164.

history of modern torture, Lisa Hajjar argues that the delegitimization of judicial torture in the period in question was primarily due to “changing models of sovereign statehood.”⁷⁵ As modern state formations began to coalesce, sovereignty gradually shifted away from the absolute wielding of power toward increasingly bureaucratic forms of governance, which relied less on outright force but enshrined depersonalized, coercive violence into everyday functions of government.⁷⁶

In colonial settings this shift away from absolute sovereignty and outright force had a slower trajectory. However, in the late nineteenth century, tactics of colonial counterinsurgency became increasingly liberalized, utilizing mass confinement instead of slaughter in order to outwardly legitimize colonial wars and occupations by presenting an illusion of humaneness. In her analysis of the impact of colonial counterinsurgency tactics on the global rise of incarceration as a tool of population management, political scientist Laleh Khalili demonstrates that the “liberalization” of colonial warfare in this period represented an attempt both to outwardly sanitize colonial violence and to exert even greater control over colonial subjects. Khalili argues that new forms of liberal counterinsurgency emphasized infiltration and “gradual reengineering” of indigenous governing and social structures in order to logistically facilitate colonial war making and suppress dissent through less overtly

⁷⁵ Hajjar, *Torture*, 19.

⁷⁶ See Zygmunt Bauman, *Modernity and the Holocaust* (Polity, 1989); David Graeber, *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy* (Melville House, 2015); Martha K. Huggins, “State Torture: Interviewing Perpetrators, Discovering Facilitators, Theorizing Cross-Nationally—Proposing ‘Torture 101,’” *State Crime Journal* 1, no. 1 (2012): 45–69; Laleh Khalili, *Time in the Shadows: Confinement in Counterinsurgencies* (Stanford University Press, 2013); Silverblatt, *Modern Inquisitions*.

violent means.⁷⁷ Counterinsurgent police action and incarceration often involved torture, ostensibly for interrogational purposes but also (perhaps primarily) as a mode of population control.

As I discussed at the beginning of this chapter, Irene Silverblatt's analysis of the Spanish Inquisition in Peru demonstrates that terroristic torture was a core feature of colonial governance long before its concerted liberalization. However, in the era of attempts to outwardly sanitize colonial rule, torture presented a usefully sequestered alternative to more visible modes of violence, allowing European governments to terrorize colonized populations into cooperation, thereby demobilizing subjects while still publicly adhering to their own liberal values. Liberalized forms of counterinsurgency, such as torture, were also extensively justified through highly racialized logics of differentiation, which served to further normalize violence against those considered innately inferior.

As noted above, such racialized justifications have long been an essential piece of liberal practices of torture, whose passive acceptance by bystanders largely rests on the assumption that victims are not fully human and therefore either deserve violence or are indifferent to it. Shifts in modern state sovereignty that eventually led to the rise of "humane" counterinsurgency tactics illustrate the extent to which modern governance is fundamentally concerned with administering and engineering populations, colonial or otherwise. The profound applicability of torture in achieving these ends has inscribed sequestered, terroristic torture as a key tool of governance. Modern state torture is innately a project of shaping victims and their communities, while also justifying its own use through dehumanizing

⁷⁷ Khalili, *Time in the Shadows*, 24.

racialized logics.

Foucault's canonical theorization of the transition to modern disciplinary societies provides a useful articulation of the shifts in state sovereignty and violence I am analyzing.⁷⁸ Some scholars of torture have reasonably critiqued Foucault's assertion, in *Discipline & Punish*, that physical torture ceased to exist after the eighteenth century.⁷⁹ Despite this, Foucault's analysis of the shift from expressions of sovereignty through spectacular forms of bodily violence to the targeting of the "modern soul" in disciplinary institutions provides important insight into how sequestered, terroristic torture functions as an element of modern governance. He argues that not just prisons, but other institutions as well, became focused on surveilling individuals, disciplining and reshaping them, and dominating them through increasingly normalized measures of control. The "entire economy of punishment was redistributed" and "a few decades saw the disappearance of the tortured, dismembered, amputated body, symbolically branded on face or shoulder, exposed alive or dead to public view."⁸⁰

⁷⁸ Michel Foucault, *Discipline & Punish: The Birth of the Prison* (Vintage Books, 1995).

⁷⁹ See, for example, Asad, *Formations of the Secular*, 104; Asad, "On Torture, or Cruel, Inhuman, and Degrading Treatment," 1085; duBois, *Torture and Truth*, 153–57; Garland, *Punishment and Modern Society*, 157–75; Darius Rejali, *Torture & Modernity: Self, Society, and State in Modern Iran* (Westview Press, 1994); Elisabeth Weber, *Kill Boxes: Facing the Legacy of US-Sponsored Torture, Indefinite Detention, and Drone Warfare* (Punctum Books, 2017), 95.

⁸⁰ Foucault, *Discipline & Punish*, 7–8. Although Foucault uses the term "punishment" throughout his text to describe modern forms of societal and prison violence, this is somewhat misleading because what he is describing is more akin to preemptive, terroristic torture than retributive punishment. For the sake of consistency I use Foucault's terminology in this section, but mostly as a general way to indicate state sponsored torture.

Although it is undeniable that public displays of torture largely disappeared in the eighteenth century, Foucault's assertion that the move away from public, scarring bodily torture signified a move away from torture altogether presents a falsely exclusionary logic. Rather than shifting away from the body entirely, torture instead became "clean" and sequestered—less traceable and more terroristic. Despite Foucault's claim that states ceased to torture in the eighteenth century, the shift to sequestered, terroristic torture actually aligns closely with the objectives of modern disciplinary societies that he describes. He posits that the goal of modern disciplinary tactics is to "reach something other than the body itself."⁸¹ In other words, modern disciplinary societies function by reforming people's "souls" or subjectivities through subtler, normalized forms of violence, forming new kinds of humans by turning them into "objects of power."⁸² Because terroristic torture is designed to have a profound psychological impact, rather than a permanent physical one, the tortured body becomes a conduit for accessing, breaking, and altering the minds of survivors. Torture, then, can be understood as a logical manifestation of the modern disciplinary governance Foucault theorizes. This held as true in European prisons as it did in colonial societies; as discussed briefly above, the systematization of prison administration within Europe and the rise of modern "clean" forms of prison torture in the nineteenth century were specifically in service of newfound efforts to reform and reshape prisoners.

In his theorization of the shift away from public torture, Foucault posits that

⁸¹ Foucault, 11.

⁸² Peters, *Torture*, 88.

“punishment...will tend to become the most hidden part of the penal process.”⁸³ Among the consequences of this hiddenness are the new reality that state violence is no longer perceived on a daily basis but enters the realm of “abstract consciousness,” and maintains its deterring power not through its visible horror but rather its systematic internalization into the normalized functions of the state.⁸⁴ This new secrecy around the processes of punishment allows for penalties to be carried out by “an autonomous sector,” which facilitates “a bureaucratic concealment of the penalty itself.”⁸⁵ The growth of this autonomous sector, Foucault argues, created roles for “a whole army of technicians...wardens, doctors, chaplains, psychiatrists, psychologists, educationalists.”⁸⁶ Although these technicians exist to carry out disciplinary procedures, albeit discreetly, their existence also serves to “sing the praises that the law needs” and “reassure it that the body and pain are not the ultimate objects of its punitive action.”⁸⁷

Arguably, this strategic misdirection has enabled torture to become even more deeply entrenched within modern disciplinary practices, as there are few repercussions for abusive governments when their violence is nearly invisible, perpetrated diffusely, and buttressed by legalities. Within the modern, liberal systems whose power Foucault analyzes, torture does

⁸³ Foucault, *Discipline & Punish*, 9.

⁸⁴ Foucault, 9.

⁸⁵ Foucault, 10.

⁸⁶ Foucault, 11.

⁸⁷ Foucault, 11.

not recede but rather is simultaneously concealed and normalized. Violence increasingly pervades every aspect and realm of daily life through technologies of surveillance and the internalization of disciplinary norms. Bureaucracy as the epitome of modern governance allows for torture and other forms of state violence to be routinized, portrayed as procedural, and therefore justified—torture has become simply the inevitable (and largely invisible) churn of state machinery. Although it is no longer officially enshrined in the judicial and governing procedures of Western nations, today torture is “no less essential to the state’s notion of order.”⁸⁸

E. Framing Contemporary Conflicts

At the risk of running roughshod over several centuries of modern history, in this final section of the chapter I will shift forward in time to provide more immediate background for the contemporary case studies that will be the subject of the next three chapters. As I have established above, torture has been a key function of liberal democratic governance throughout its history. The enduring reliance of liberal states on torture as an administrative tool has been, in part, a result of centuries of colonial domination, which necessitated the violent subjugation of much of the world’s population through the enforcement of racialized social and political hierarchies. This led to a widespread shift from the perpetration of judicial to primarily terroristic torture. The sequestration of liberal torture, as well as its justification through the universalistic, moralizing pretensions of liberal ideology, has facilitated its proliferation and perpetuation.

⁸⁸ Peters, *Torture*, 7.

Although, as I discussed in the introduction, recent high-profile instances of torture have largely been discussed as isolated and exceptional instances, the reality is they cannot be thoroughly grasped outside the context of centuries of European colonial abuses. The United States and Israel offer two profoundly relevant examples of contemporary use of torture by liberal democratic states, in part because the various conflicts in which they have been respectively engaged over the past several decades have been either explicitly or implicitly colonial in nature. The State of Israel has, throughout its nearly 80 years of existence, waged a settler colonial campaign of genocidal domination over Palestinians. The US' violent forays into the Middle East since 2001, in the name of the so-called War on Terror, have been implicitly colonial in the sense that official justifications for violence and occupation have consistently rested on discourses of civilizational superiority. Thus, both nations maintain systemic torture regimes that demonstrate the extent to which liberal logics of colonial torture continue to animate modern governance. For each of the two case studies I will discuss below how their current or recent uses of torture align with how colonial regimes historically tortured—or, primarily as a way to perpetuate the dominance of the oppressing power and “manage” the oppressed population through tactics of demobilization.

I. Legacies of American Mind Control

Although, as I have suggested, liberal torture has been a fairly continuous phenomenon throughout the modern period, US torture in the War on Terror era also has specific and direct

roots in Cold War conflicts. American torture is as old as America itself.⁸⁹ However, the US government and military establishments began to invest significant resources into studying torture during the Korean War as a result of the misunderstood threat of brainwashing. The concept of brainwashing rose to prominence early in the Cold War due to fears within the US military and political establishments that the Soviets and their allies had found rapid, scientifically precise ways to “wash” clean the minds of American prisoners of war and re-fill them with communist propaganda. The supposed “evidence was the fact that American GIs taken captive in Korea were going before cameras, seemingly willingly, and denouncing capitalism and imperialism.”⁹⁰ The urgent need to discover the supposed miraculous brainwashing techniques used by communists gave rise to the top-secret CIA project MK Ultra, which “would spend several billion dollars over the next decade to probe...the effects of coercion on individual consciousness.”⁹¹

The US government and military believed the complete undoing and rebuilding of the minds of POWs was the only possible explanation for how American soldiers ended up on camera, denouncing capitalism, or signing false confessions in prison. This common conception of communist brainwashing was illustrated by the popular post-Korean War film

⁸⁹ See W. Fitzhugh Brundage, *Civilizing Torture: An American Tradition* (Harvard University Press, 2018); Colin Dayan, *The Story of Cruel and Unusual* (MIT Press, 2007). It is beyond the scope of this project to recount a complete history of US torture.

⁹⁰ Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Picador, 2007), 40.

⁹¹ Alfred W. McCoy, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror* (Metropolitan Books/Henry Holt, 2006), 25.

The Manchurian Candidate, a campy portrayal of an American soldier whose platoon is captured by the Chinese military in war-torn Korea.⁹² Within three days of his capture, Soviet scientists are able to meticulously unravel the soldier's mind and turn him into a precision instrument to assassinate American politicians. *The Manchurian Candidate* parodied the obsessive Cold War paranoia about the possibility of a communist puppet infiltrating American politics in the body of a formerly loyal service member. The conception of brainwashing it portrayed is a highly literal and mostly fictive one, in which victims' "memories of certain events are scrubbed clean and in their place new ones are inscribed."⁹³

Believing, for a time, that this was how brainwashing truly worked, the CIA poured resources into unlocking the secrets of psychological reprogramming techniques. In CIA-backed brainwashing experiments, psychiatric hospital patients were often unwillingly and unknowingly subjected to hallucinogenic drugs, extended periods in sensory deprivation chambers with no external contact, and extraordinary levels of electric shock, before attempts were made to redesign their psyches. While subjects of MK Ultra experiments were indeed reduced to a state of infantile helplessness, attempts to subsequently reconstruct their identities and subjectivities failed utterly. Survivors of experimental brainwashing "treatments" often lost access to their own memories, histories, and personalities, and could not be reprogrammed and rebuilt as new people. Instead, the "emptiness" that remained in

⁹² John Frankenheimer, dir. *The Manchurian Candidate* (West Hollywood, CA: Metro-Goldwyn-Mayer, Inc., 1962).

⁹³ Lisa Hajjar, "From The Manchurian Candidate to Zero Dark Thirty: Reading the CIA's History of Torture through Hollywood Thrillers," *Film & History* 47, no. 2 (2017): 46.

the wake of these devastating experiments “represented an irreplaceable loss.”⁹⁴ Rather than using torture as a prelude to brainwashing, the CIA learned that such techniques could be used to induce a state of extraordinary helplessness and incoherent detachment from the world.

Alongside CIA attempts to recreate forms of torture they believed the Korean and Chinese militaries were using to elicit startling false confessions from American service members, the US military likewise studied the experiences of former POWs in an effort to understand how such torture was so effective. Extensive interviews carried out with survivors suggested that, contrary to previous assumptions, psychological torture was even more damaging for captives than physical torture, both because it inflicted a gradual mental unraveling and because the lack of bodily evidence for their pain led survivors to feel misunderstood upon their release, contributing to further psychological distress. Based on these revealing testimonies, the military engineered a new program of torture resistance training for service members, called Survival, Evasion, Resistance, and Escape (SERE). Through attempts to hone the training program by recreating and learning from the experiences of former POW torture survivors, SERE became what journalist Jane Mayer refers to as “a repository of the world’s knowledge about torture.”⁹⁵

It is by now widely known that in 2001, when the CIA hired contractors and former SERE program psychologists James Mitchell and Bruce Jessen to formulate a new torture

⁹⁴ Klein, *The Shock Doctrine*, 37.

⁹⁵ Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (Anchor Books, 2008), 158.

protocol for post-9/11 interrogations, they turned to the teachings of the SERE program as a source of instruction on how to effectively “break” enemy prisoners. Where SERE had once reverse engineered the experiences of torture survivors in order to train others to withstand torture, Mitchell and Jessen reverse engineered those teachings in order to establish a new regime of torture. Psychologist Maria Hartwig and former counterintelligence officer Mark Fallon suggest that, in designing the new War on Terror torture program, CIA and military officials actively ignored the advice of professional interrogators to use rapport-based methods for gaining access to information, in favor of harsh Cold War style tactics long proven to manipulate and erode the minds of survivors.⁹⁶ The outcome of these tactics was not, as the Bush Administration so adamantly claimed, the extraction of actionable intelligence, but the complete incapacitation of survivors. Such techniques and outcomes are consistent with the torture experienced by American POWs in the Korean War, which gave rise to the both the CIA’s MK Ultra experiments and the military’s SERE training manual, and in effect led to the honing of a psychologically devastating American torture program.

The development of the torture program, as well as the legal justification sculpted to give its usage a sheen of liberal rationality, represented only one facet of a global, multi-pronged system of kidnapping, rendition, and systemic torture the US government put into place after 9/11, which ensnared thousands of innocents from throughout Europe, Asia, and the Middle East. As I will discuss in greater depth in the following chapter, although the official logic of this set of programs was the global hunt for intelligence on al-Qaeda, the forms of torture

⁹⁶ Maria Hartwig and Mark Fallon, “The Manipulation of Minds: Reckoning with the Legacy of the American Post 9/11 Torture Program,” *Torture Journal* 32, no. 3 (2022): 74–5.

used were not designed to elicit confessions but rather, in line with their Korean War origins, to break the minds of survivors in order to demobilize them. This form of torture is remarkably consistent with those used in European colonies, where, for centuries, torture was a tool of asserting Western dominance over colonized communities, upholding racial hierarchies, and undermining resistance.

A significant piece of the global regime of terror put in place by the US—where ostensibly all other elements of the regime cohered—was the military prison camp at Guantánamo Bay Naval Base.⁹⁷ The Guantánamo Bay detention camp, located on land seized by the United States for military usage in 1898 and then formally (albeit coercively) leased from the Cuban government in 1903, opened to receive shipments of alleged enemy combatants flown from military installations in Afghanistan in January 2002. The base had been outfitted in the 1980s and 90s as a center for processing Cuban and Haitian refugees, and outdoor cages erected to “house” refugees became the temporary imprisonment for dozens and then hundreds of men and boys, arriving injured and disoriented from across the world. Many had already suffered torture at the hands of their American captors; most would suffer infinitely more in their months and years in Guantánamo. Although by this time the CIA had already set up numerous “black sites,” or secret detention centers in strategic

⁹⁷ For a more thorough discussion of the origins of the prison at Guantánamo Bay, see Laurel E. Fletcher and Eric Stover, *The Guantánamo Effect: Exposing the Consequences of U.S. Detention and Interrogation Practices* (University of California Press, 2009); Lisa Hajjar, *The War in Court: Inside the Long Fight Against Torture* (University of California Press, 2022); Amy Kaplan, “Where Is Guantánamo?,” *American Quarterly* 57, no. 3 (2005): 831–58; Mayer, *The Dark Side*; Andy Worthington, *The Guantánamo Files: The Stories of the 774 Detainees in America’s Illegal Prison* (Pluto Press, 2007); Khalili, *Time in the Shadows*.

locations around the world, as prisoners piled up the Bush Administration needed a more permanent location where allegedly high-profile and high-value detainees could be kept, hidden from the world and in a legally ambiguous zone.

The setting of Guantánamo Bay provided the perfect liminal space in which to indefinitely sequester and torture kidnapping victims far from prying eyes. Laleh Khalili suggests that the location of the detention camp at Guantánamo follows a long tradition of island prisons administered by Western colonial governments as a way to take advantage of the “practical inaccessibility and legal anomaly” of such spaces.⁹⁸ Likewise, Amy Kaplan points out that the very existence of Guantánamo as a space of legal liminality rests on its imperial history; Guantánamo “occupies a transitional political space, where a prison housed in a communist nation against whom the U.S. is still fighting the cold war has become an epicenter for the new ‘war on terror.’”⁹⁹ Such a space is not one of lawlessness, as many have suggested, but one in which legal excess, created by the layering of sovereignties through colonial conquest, thwarts procedure.¹⁰⁰ Although it is tempting to call Guantánamo “illiberal,” the colonial histories that both preceded and immediately facilitated the existence of such a prison demonstrate its profoundly liberal nature. If liberal ideology has served to dehumanize vast swaths of the world in order to justify their subjugation, and part of that

⁹⁸ Khalili, *Time in the Shadows*, 73. See also Derek Gregory, “The Black Flag: Guantánamo Bay and the Space of Exception,” *Geografiska Annaler: Series B, Human Geography* 88, no. 4 (2006): 405–27.

⁹⁹ Kaplan, “Where is Guantánamo?”, 831–2.

¹⁰⁰ Khalili, *Time in the Shadows*, 67.

subjugation has involved governing through torture and secluding dissidents on island prisons, then Guantánamo is the epitome of liberalism, taken to its furthest and most hideous logical conclusion.

II. Legacies of Israeli Impunity

While the use of torture by the United States government holds many prevailing mysteries, significantly less is publicly known about the institutional development and implementation of Israeli torture. Most public information on Israeli torture has come to light through successive court cases over the past 40 years, which have essentially enshrined torture as a semi-legal practice by minimally-accountable security apparatuses such as the Shin Bet. Despite the paucity of official documentation on the history, implementation, and objectives of Israeli torture, a few high-profile incidents, a host of testimonial evidence, and a number of statements by prison and military officials in the early 2000s provide rare windows into the state's widespread systemic use of torture as a tool to dominate and demobilize Palestinians.

Similarly to the US, as a settler colony Israel's existence and domination has been asserted from the start through forms of violent coercion, including torture. In a 2023 report, UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, notes that the legal edifice underpinning the mass incarceration of Palestinians in the occupied territories is rooted in previous iterations of colonial domination, including "British emergency and counter-insurgency legislation."¹⁰¹

¹⁰¹ Francesca Albanese, *Arbitrary Deprivation of Liberty in the Occupied Palestinian Territory: The Palestinian Experience behind and beyond Bars* (United Nations, 2023), 7.

Given the centrality of torture to nineteenth century colonial counterinsurgency, despite the suppression of official evidence there can be little doubt that early Israeli rule included incidental and/or systemic uses of torture. Since the Israeli occupation of Palestinian territories in 1967, the systemic use of torture has been more evident, and likely increased in scale. Similarly to Guantánamo, the layering of sovereignties through colonization and occupation has created a space of legal anomaly, which Israel has long used to argue that neither Israeli nor international laws apply in the “disputed” regions of the Occupied Palestinian Territories (OPT).¹⁰²

The creation of the Israeli military court system in 1967, as part of the governing apparatus of the OPT, led to an even greater reliance on torture as a way to administer Palestinian society. In her extensive study of the military courts, Lisa Hajjar writes that abusive interrogation practices were central to the system from the start. In 1970 the Israeli military embarked on a “pacification” campaign in Gaza (the first of many) in an effort to crush resistance in the enclave, leading to the intensification of Palestinian criminalization. The military court system was expanded as a result, increasing the demand for evidence with which to convict people, and leading to a significant uptick in reports of “beatings, electric shock, death threats, position abuse, cold showers, sexual abuse, and denial of access to toilets.”¹⁰³ The apparent escalation and systematization of torture alongside the intensification of occupation is in line with longstanding colonial practices of using torture as

¹⁰² Albanese, 6.

¹⁰³ Lisa Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza* (University of California Press, 2005), 69.

a mode of asserting dominance and superiority through the use of terror, as well as “to deter people from engaging in resistance or even aspiring to liberation.”¹⁰⁴

Although torture perpetrated in service of the military court system is ostensibly judicial torture, because of the extent and arbitrariness of its use against large portions of the Palestinian population, judicial torture in this instance functions equally as terroristic torture. What is more, because the criminalization of Palestinians through the military court system essentially functions to “strip Palestinians of their rights to move freely, work, gather peacefully, express their identity, culture and opinions, pursue their education and live their economic, social and political life,” the entire structure of the court system can be viewed as more terroristic than judicial.¹⁰⁵ Criminal justice proceedings are also by no means the only scenario in which Palestinians may be subjected to torture by the various Israeli security and military agencies. Many Palestinians, especially in recent years, have simply been picked up off the street or at checkpoints and abused while detained without trial or charge. However, as Hajjar notes, because of the widespread use of torture to (at least ostensibly) elicit confessions for trials, the military court system is one of the only places where evidence of Israeli torture can be found in public records. Litigation from the 1980s and 90s over the “right” of security agents to use torture in such circumstances have also been revealing.

A national scandal involving the torture and summary execution of two Palestinian detainees by Israeli security agents in 1984 lead to the formation of the Landau Commission,

¹⁰⁴ Lisa Hajjar and Basil Farraj, “Israel Is Waging War on Palestinian Prisoners,” *MERIP*, October 16, 2024.

¹⁰⁵ Albanese, *Arbitrary Deprivation of Liberty in the Occupied Palestinian Territory*, 10.

whose 1987 investigative report concluded with controversial recommendations that “censured ‘torture’ but authorized ‘moderate physical and psychological pressure.’”¹⁰⁶ Hajjar notes that the report “argued that national security imperatives required coercion (physical and psychological) in the interrogation of Palestinians and that the state should sanction such tactics.”¹⁰⁷ Since the Landau Commission, Israeli courts have consistently permitted torture, allegedly only in “certain” circumstances. However, in 1999 the Israeli Supreme Court explicitly exempted security agents from criminal prosecution, or even investigation, for the use of “physical pressure.” The result of this and subsequent court rulings has been “near-blanket impunity: over 1,300 torture complaints between 2001–2020 produced two investigations and no indictments.”¹⁰⁸ The legal and discursive scaffolding gradually built by Israeli courts has not only legitimized state torture, but explicitly embedded it within Israeli governance.

Although these public incidents demonstrate the use of torture, they give relatively little insight into its state logic, or what the Israeli government hopes to achieve through its widespread use. Some information can be gleaned, and intentions inferred, from press interviews and public statements of former IDF Chief of Staff Moshe Ya’alon. A longtime right-wing politician, Ya’alon is known for making many controversial remarks. His statements in a 2002 interview he gave soon after assuming the Chief of Staff position are

¹⁰⁶ Khalili, *Time in the Shadows*, 164.

¹⁰⁷ Hajjar, *Courting Conflict*, 71.

¹⁰⁸ Albanese, *Torture and Genocide*, 8.

representative of his general attitude over the years, and provide a meaningful glimpse into the aims of Israeli strategies of violence and control. In response to a question about what an Israeli victory over Palestinians would look like, he stated,

I defined it from the beginning of the confrontation: the very deep internalization by the Palestinians that terrorism and violence will not defeat us, will not make us fold. If that deep internalization does not exist at the end of the confrontation, we will have a strategic problem with an existential threat to Israel. If that [lesson] is not burned into the Palestinian and Arab consciousness, there will be no end to their demands of us.¹⁰⁹

Published in the midst of the Second Intifada, Ya'alon's response, as well as similar statements he made at that time,¹¹⁰ are revealing in their focus on the desired psychological impacts of the intense campaign of violence Israel was then inflicting. Although Ya'alon is speaking from a broad military perspective, rather than specifically discussing prisons or torture, his statements are telling because they demonstrate that, as part of its central offensive strategy, the Israeli state hopes to reform the consciousness of Palestinian society as a whole. He does not say that Israeli victory would be achieved through the disarming or elimination of Palestinian resistance fighters, but rather through a change in the mentality of the Palestinian people. This implied objective is thoroughly consistent with historical colonial counterinsurgency practices, including torture, which were used to instill widespread terror and demobilize populations as a whole.

Interestingly, Ya'alon not only refers to Israel's offensive strategy as attempting to reform consciousness, but also describes the threat to Israel itself as an existential one. Rather than

¹⁰⁹ Ari Shavit, "The Enemy Within," *Haaretz*, August 29, 2002.

¹¹⁰ Ewen MacAskill, "We Must Destroy Palestinian Threat, Army Chief Says," *The Guardian*, August 26, 2002. Some of Ya'alon's statements from this period have been widely misquoted.

directly acknowledging the physical threats from which Israel alleges to be defending itself, he sets up the ongoing conflict as one waged between minds. According to this logic, the belief amongst Palestinians that they could fight back against their occupation would threaten the conceptual security of Israel, and thus in order for Israelis to experience a sense of permanence Palestinian consciousness must be amended. More recently, far-right Finance Minister Bezalel Smotrich has echoed these sentiments, suggesting that the ideal outcome of the post-October 7th Israeli massacre of Gaza would be the strategic production of a Palestinian population that is “totally despairing, understanding that there is no hope and nothing to look for in Gaza.”¹¹¹ In the same statement Smotrich asserted that this sense of despair would propel Gazans to abandon their land and clear the way for Israeli settlement.

An episode described by late Palestinian prisoner Walid Daka usefully demonstrates how this strategy of instilling despair more directly pertains to prisons and the use of torture.¹¹² Daka extensively describes and theorizes the “gradual, creeping, coordinated brainwashing of the political collective”—an attempt to crush Palestinian resistance which he argues has informed Israeli strategy in its prisons for the past several decades.¹¹³ He relates an

¹¹¹ Jeremy Sharon, “Smotrich Says Gaza to Be ‘Totally Destroyed,’ Population ‘Concentrated’ in Small Area,” *The Times of Israel*, May 6, 2025.

¹¹² Daka’s name is more commonly transliterated as “Daqqa” but I have chosen to use the first version for the sake of consistency because that is how it appears in the book *Threat*, in which his essay “Consciousness Molded or the Re-identification of Torture” was published in English.

¹¹³ Walid Daka, “Consciousness Molded or the Re-Identification of Torture,” in *Threat: Palestinian Political Prisoners in Israel*, ed. Abeer Baker and Anat Matar (Pluto Press, 2011), 252.

interaction that took place in 2006, in which Yaakov Ganot, the former head of the Israeli Prison Service, addressed the new Minister of Internal Security Gideon Ezra in the courtyard of the Jalbu'a Prison. Daka describes how, within easy earshot of the prisoners, Ganot pronounced, "[d]on't worry, you can trust me that I'll make them raise the Israeli flag and sing Hatikva."¹¹⁴ The sinister implication of this pronouncement is that, through torture and other forms of prison abuse, the Israeli prison system will subdue and alter Palestinian prisoners to such an extent that they will praise their occupiers. Like Ya'alon's statements, this assertion highlights an apparent Israeli strategy that uses physical and psychological violence (in this case, imprisonment and torture) to achieve consciousness-altering ends. While these declarations could be written off as euphemisms delivered by public figures to conceal the more explicitly genocidal aims of Israeli occupation, they elucidate the complex objectives of a vast machinery of occupation and violence whose campaigns of destruction are not only bent on death, but also on the reshaping of minds.

The pronouncement made by Ganot in the prison courtyard is strongly reminiscent of Fanon's analysis, discussed above, of colonial "brainwashing" and its impacts.¹¹⁵ Fanon describes a French colonial torture tactic, used in Algeria, which forced prisoners to "collaborate" with their torturers by making speeches praising France and debunking arguments in favor of Algerian independence. Fanon notes that this technique was an attempt to attack the national consciousness, and that bodily forms of torture could also be used to break collective political spirit. Survivors of these forms of torture found it incredibly

¹¹⁴ Daka, 252.

¹¹⁵ Fanon, *The Wretched of the Earth*, 213–6.

difficult to politically reengage in collective struggle. Ganot's assertion that Israeli prisons can break Palestinian prisoners to the point of praising their oppressors is not identical to the French tactic of forcing Algerian prisoners to praise their oppressors in order to break them. However, both follow the deeply colonial logic of targeting collective political consciousness and the will to resist, with the aim of subduing a population through systemic torture. Though highly secretive, Israel has made clear in recent decades that its campaign of occupation and control includes the infliction of its political reality onto the minds of Palestinians, at the expense of their own national consciousness.

F. Conclusion

My primary objective in this chapter has been to demonstrate that torture is not only present in modern liberal democracies, but has actually been a constitutive element of Western state formation and liberal governance from their respective inceptions. The vast majority of existing literature on Western torture, particularly texts that have emerged from the post-Abu Ghraib political and scholarly environment of the War on Terror, take for granted that liberal governance and torture are fundamentally incompatible. Thus, when leaked revelations of torture by liberal democratic states occur, they are treated as exceptional moments of weakness, error, or emergency in which liberal states do illiberal things. Tracing a critical history of Western torture reveals that torture is not intrinsically illiberal but is actually a long established and deeply entrenched liberal tool of governance. Assertions that Western states "progressed" away from brutal forms of discipline such as torture, toward more modern and humanistic forms, offer self-serving narratives used to justify European

projects of colonial and imperial domination and oppression. Instead of humanizing governance and discipline, Western states systematized and sequestered their more graphic uses of violence and incorporated them into the normalized bureaucratic apparatuses of the state.

My two primary case studies in this dissertation, the US and Israel, demonstrate the extent to which the situations in and logics by which liberal democratic states institute widespread systems of torture have remained relatively consistent over the past several centuries. Namely, torture is often used to maintain and justify relations of occupation and domination, both domestic and international. Although such relations are not the only circumstances in which Western liberal democracies torture, because the modern state cohered around colonial governance, and colonialism has continued to be a globally structuring political, social, and economic phenomenon, it is one of the core circumstances through which torture came to be embedded within liberal governance, and remains so to this day. In the following empirical chapters I will use these two case studies to explore more specifically how torture functions as a method of demobilizing oppressed communities, and how torture is justified to bystanders by perpetrating governments—two key components of torture’s modern Western usage.

2. The Uses of Destruction¹

“‘Does he know his sentence?’ ‘No,’ said the officer, and wanted to proceed with his explanations, but the traveler interrupted him: ‘He doesn’t know his own sentence?’ ‘No,’ said the officer again...and then went on: ‘It would be useless to tell him. It will be put to him physically.’”

— Franz Kafka²

In November 2023, a few weeks after October 7th, and in the midst of renewed and intensified Israeli genocidal assaults on Gaza, 59-year-old Rafiq was arrested from northern Gaza and transferred to the notorious Sde Teiman detention camp in the Negev desert. At Sde Teiman, Rafiq and his fellow detainees were shackled 24/7 and forced to kneel, causing them to lose feeling in their limbs for long periods.³ After a week at Sde Teiman, Rafiq was transferred to Ofer detention camp, a supposedly temporary holding location set up by the Israeli Prison Service (IPS) next to Ofer Prison because of the extraordinary number of Palestinians currently being arrested and transferred between prisons by the IDF. At Ofer, Rafiq was, again, shackled and kept in stress positions for all but half an hour a week, when he and his fellow detainees were briefly unchained for showers. He suffered “torture,

¹ An earlier version of this chapter was previously published under the title “Reshaping Subjects through Torture: State Power and the Production of Fragmented Minds,” *New Political Science* 47, no. 2 (2025): 268–82.

² Franz Kafka, “In the Penal Colony,” in *Metamorphosis and Other Stories* (Penguin Classics, 2007), 154–5.

³ Oren Ziv, “‘My Hands Are Paralyzed from Torture’: Gazans Reveal Horrors of Ofer Camp,” *+972 Magazine*, December 19, 2024.

humiliation, and insults,” witnessed the murder by soldiers of another detainee who had been arrested alongside him, was told that he too would die there and never see his family again, and lost 43 kilograms (almost 95 pounds) in a month due to starvation.⁴

Upon Rafiq’s release from detention and return to Gaza he reported suffering greatly in the aftermath of his imprisonment. He testified to journalists, “[m]y hands are paralyzed because of the torture, and I am taking heavy psychiatric medications. I walk dozens of kilometers every day to exhaust myself so I can sleep. I lost my life because of that detention.”⁵ Rafiq’s description of his post-imprisonment experiences illustrates the extraordinarily detrimental, lasting impacts of his detainment. He suffers from both physical impairments and psychological wounds that prevent him from reengaging in daily activities; he is, by his own description, consumed with trying to stave off memories of prison. And although he was, technically, returned alive to his family in Gaza, he still feels that he has lost his life. Rafiq’s experiences and testimony are representative of those of thousands of other Gazans who have been arrested for weeks at a time in the aftermath of October 7th, brutally tortured with beatings, electric shocks, stress positions, sexual assaults, and other forms of abuse, and then returned to Gaza without having any charges filed against them.⁶ Many do not undergo any organized interrogations, but are simply picked up, imprisoned and subjected to horrific violence for seemingly arbitrary lengths of time, often physically and

⁴ Ziv.

⁵ Ziv.

⁶ B’Tselem, *Welcome to Hell: The Israeli Prison System as a Network of Torture Camps* (B’Tselem, August 2024).

psychologically wounded in lasting ways, and then released.

As I will discuss below, numerous former detainees, like Rafiq, have provided testimonies about the life-altering impacts of the abuse they suffered in relatively short periods in Israeli camps and prisons. A number of before-and-after photos circulated in the media have graphically illustrated the effects imprisonment has had on the bodies of detainees.⁷ The evidently systemic nature of this pattern of arrest without cause, torture, and release without charge raises a number of pressing questions about why the Israeli state is pouring resources into detaining and abusing ordinary Palestinian civilians. Although the Israeli government has often claimed that everyone it arrests has connections to Hamas and can be reliably pressed for “actionable intelligence,” it is evident from Rafiq’s testimony that interrogation is not necessarily even a central component of Israeli detention. He, like many detainees, spent 23.5 hours a week shackled and kneeling in his cell.

If, as I argued in Chapter 1, torture is a politically and socially structuring process within the modern liberal state, logically that is the case not only because of the nature of the state but also because of the effects produced by torture that perform a beneficial function for the state. In the past several decades it has been common for liberal democratic governments to publicly justify their use of torture by arguing that it is necessary and reasonable in order to produce actionable intelligence in situations of profound political uncertainty and fear. David Luban theorizes that this rationale is often mobilized by liberal democratic governments

⁷ See, for example, Vera Sajrawi, “In Israel’s Prisons, Skin Diseases Are a Method of Punishment,” *+972 Magazine*, September 25, 2024; Fayha Shalash, “Palestinian Prisoners Released from Israeli Jails Tell of Terrible Impact of Abuse,” *Middle East Eye*, April 24, 2024.

because the specter of future threats to state security, and the belief that torture could eliminate them, provides a relatively easily justifiable use case for torture.⁸ Despite frequent recourse to that excuse, it has been widely acknowledged over the course of several centuries that torture does not produce reliable truths, and is in fact likely to “[overwhelm] investigators with misleading information.”⁹ This contradiction between torture’s stated utility and its ineffectiveness toward that end points to an important quandary in the study of modern liberal torture: if states publicly justify their torture by citing a bad-faith excuse, then what is torture actually producing that is of such use to liberal democratic governments? In other words, if torture cannot reliably function in the way states purport to use it, but those states continue to use it, then it must be performing another useful function of governance.

In this chapter I seek to articulate the “usefulness” of state torture for liberal democracies through an analysis of how it alters survivor subjectivities and physical abilities. As I discussed in the previous chapter, subject formation and alteration are a core logic of the modern liberal state and a key use case for torture. The capacity of torture to dehumanize and demobilize survivors without killing them makes it an indispensable tool of governance for states whose reputations require the illusion of good will but whose social and political structures rest on the maintenance of violent hierarchies. Rafiq’s testimony painfully illustrates the extent to which injury and impairment are themselves key outcomes of Israeli torture. As I will discuss below, Palestinian testimonial materials from the past several years

⁸ David Luban, “Liberalism, Torture, and the Ticking Bomb,” *Virginia Law Review* 91, no. 6 (2005): 1436.

⁹ Darius Rejali, *Torture and Democracy* (Princeton University Press, 2007), 461.

paint a picture of a system of Israeli torture whose primary objective is to devastate Palestinian civilians in ways that are deeply impactful for both individuals and their communities. These debilitating outcomes effectively demobilize survivors without killing them, allowing Israel to incapacitate Palestinians by the thousands without having to report additional casualties. Profound similarities between forms and outcomes of torture described in Palestinian testimonies and the memoirs of former Guantánamo detainees suggest a consistent playbook of liberal torture whose goal is to mentally and physically incapacitate those considered threatening to liberal society.¹⁰

Although many scholarly texts on torture, systemic violence, and colonialism touch on the subjectivity-shaping capacity of torture, to varying degrees, these engagements are often brief or make vague allusions to under-explained processes.¹¹ In part, I view this lack of

¹⁰ David Luban and Katherine S. Newell, “Personality Disruption as Mental Torture: The CIA, Interrogational Abuse, and the U.S. Torture Act,” *The Georgetown Law Journal* (Washington) 108, no. 2 (2019): 352. In a discussion of whether what they refer to as “personality torture” legally counts as torture under US law, Luban and Newell point out that leaked CIA documents reveal many detainees in US custody were not even given opportunities to volunteer information before being subjected to “enhanced interrogation techniques.” This focus on impairment over information gathering is reminiscent of the experiences of Rafiq and his fellow captives.

¹¹ See William T. Cavanaugh, *Torture and Eucharist: Theology, Politics, and the Body of Christ* (Blackwell Publishers, 1998); Walid Daka, “Consciousness Molded or the Re-identification of Torture,” in *Threat: Palestinian Political Prisoners in Israel*, ed. Abeer Baker and Anat Matar (Pluto Press, 2011), 234–252; Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (Autonomedia, 2004); Macarena Gómez-Barris, *Where Memory Dwells: Culture and State Violence in Chile* (University of California Press, 2009); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*, 1st ed. (Picador, 2007); Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad* (Princeton University Press, 2008); Sherene H. Razack, *Nothing Has to Make Sense: Upholding White Supremacy through Anti-Muslim Racism* (University of Minnesota Press, 2022).

thorough explanation as symptomatic of the difficulties of studying the mechanisms of torture in concrete detail. Particularly from a social scientific perspective, individual changes in political and social affiliation, lifestyle, and opinion, as a result of specific forms of harm in torture chambers, are extremely difficult to quantify. Because of these methodological constraints, I view an interdisciplinary approach to this issue as highly necessary. The intensified publication in the past fifteen years of memoirs and testimonies from survivors of US and Israeli torture has provided a significant and somewhat unusual opportunity to understand specifically how torture is used to elicit short and longterm demobilizing effects. In this chapter I use literary analysis to gain insight into the mechanisms and outcomes of liberal torture, focusing on the six published memoirs of former Guantánamo detainees,¹²

¹² Mansoor Adayfi, *Don't Forget Us Here: Lost and Found at Guantánamo* (Hachette Books, 2021); Moazzam Begg, *Enemy Combatant: A British Muslim's Journey to Guantánamo and Back* (The New Press, 2006); Lakhdar Boumediene and Mustafa Ait Idir, *Witnesses of the Unseen: Seven Years in Guantánamo*, ed. Daniel Hartnett Norland, Jeffrey Rose, and Kathleen List (Stanford University Press, 2017); Ahmed Errachidi, *The General: The Ordinary Man Who Challenged Guantánamo* (Chatto & Windus, 2013); Murat Kurnaz, *Five Years of My Life: An Innocent Man in Guantánamo* (Palgrave Macmillan, 2009); Mohamedou Ould Slahi, *Guantánamo Diary*, ed. Larry Siems, Restored edition. (Back Bay Books, 2017). Former detainee David Hicks also published a memoir but the text is not widely available due to an Australian lawsuit that attempted to prevent him from profiting off an autobiography of criminal proceedings (*Guantánamo: My Journey* [Random House, 2010]). The lawsuit failed but the text remains out of print.

testimonies of former Palestinian prisoners of Israel published in NGO reports,¹³ and news sources that include testimonial materials. The experiences of torture survivors provide essential insight into how liberal democratic states use torture to systematically demobilize individuals and communities considered politically or socially threatening to the state.

Torture as a mode of systemic subjectivity alteration and widespread political demobilization has been, and continues to be, the core logic of torture by liberal democratic states. A broad range of scholars and journalists have analyzed the resonances between the optics and tactics of colonial torture and present day War on Terror torture carried out by the US and Israel.¹⁴ Furthering their analyses, I assert that contemporary torture by liberal democratic states does not only bear echos of colonial torture, but that the systemic dehumanization and demobilization of oppressed subjects continues to be the structuring

¹³ Addameer, *The Systematic Use of Torture and Ill-Treatment at Israeli Interrogation Centers: Cases of Torture Committed at al-Mascobiyya Interrogation Center* (Addameer Prisoner Support and Human Rights Association); Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees* (Addameer Prisoner Support and Human Rights Association, July 10, 2024); Amnesty International, *Israel/OPT: Horrifying Cases of Torture and Degrading Treatment of Palestinian Detainees amid Spike in Arbitrary Arrests* (Amnesty International, November 8, 2023); B'Tselem, *Backed by the System: Abuse and Torture at the Shikma Interrogation Facility* (B'Tselem, December 2015); B'Tselem, *Welcome to Hell*; B'Tselem, *Unleashed: Abuse of Palestinians by Israeli Soldiers in the Center of Hebron* (B'Tselem, December 2024); Euro-Med Human Rights Monitor, *Hostages of Israeli Revenge in the Gaza Strip: Testimonies of 100 Released Palestinian Detainees Reveal Crimes of Torture, Cruel Treatment* (Euro-Med Human Rights Monitor, May 21, 2024).

¹⁴ See Deepa Kumar, *Islamophobia and the Politics of Empire* (Haymarket Books, 2012); Lazreg, *Torture and the Twilight of Empire*; Achille Mbembe, *Necropolitics*, with Steve Corcoran (Duke University Press, 2019).; Stephen Morton, "Torture, Terrorism and Colonial Sovereignty," in *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society*, ed. Stephen Morton and Stephen Bygrave (Palgrave Macmillan UK, 2008), 183–95; Susan Sontag, "Regarding The Torture Of Others," *The New York Times*, May 23, 2004.

logic of liberal torture and governance as a whole. This logic allows liberal states to maintain the public illusion of moral superiority while still violently incapacitating perceived threats to the liberal status quo. I begin below by reviewing relevant literature on torture and subjectivity alteration before shifting to a discussion of empirical research on the experiences of survivors of US and Israeli torture.

A. Unmaking is Remaking

In a modern world of increasingly distanced, precision warfare, torture is unique in that it requires lengthy, face-to-face, often one-on-one interactions between prisoner and torturer. Because of this, it has long been a powerful tool for disciplining, regulating, subduing, or in other ways altering the individual and collective subjectivities of civilians and so-called enemy combatants. Torturing regimes often use these confrontations to manipulate the subjectivities of torture survivors themselves, and through them their wider communities. The tortured body becomes a powerful site of narrative production and contestation, in which internally and publicly held truths are shattered and remade by the torturing regime. Marnia Lazreg explains, “in the social situation of torture, memory, identity, and culture weave a network of ideas and perceptions, experiences and ideals that define a genuine battle between two embodied realities.”¹⁵ The process of imposing one embodied reality onto another involves the violent disintegration of the victim’s subjectivity. While arguably this function of torture is present in illiberal torturing regimes as well as liberal ones, as I discussed in the previous chapter, the subjectivity-altering use of torture by liberal states draws on a particular

¹⁵ Lazreg, *Torture and the Twilight of Empire*, 6.

historical lineage of European colonial empires torturing colonized subjects in order to instill and uphold dehumanizing racial and political regimes through relatively untraceable means.

Several decades before torture was a major topic of public inquiry and discussion in the United States, literary theorist Elaine Scarry's analysis of modern uses of torture and its bodily impacts initiated a scholarly conversation about how torture so thoroughly incapacitates the mind and body.¹⁶ Although thoughtful critics have challenged aspects of Scarry's argument over the years,¹⁷ her theorization of torture remains a useful starting point for understanding how torture functions to disorient its victims and unmoor them from their everyday frames of reference. While Scarry does not explicitly refer to the alteration of survivor subjectivity through torture, I interpret her theorization of the "unmaking" of the torture victim's world as an articulation of torture's capacity to shatter minds and subjectivities. She describes torture as a "display of agency" on the part of torturers that supplements the prisoner's reality with the regime's.¹⁸ This description alludes to the implementation of a new reality, version of truth, and experience of living in the world that is forced onto the survivor. Thus, through the unmaking of the prisoner's world, their individual subjectivity is fundamentally altered. Scarry's articulation of the unmaking of the victim's

¹⁶ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford University Press, 1985).

¹⁷ See, for instance, Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford University Press, 2003); Samuel Moyn, "Torture and Taboo: On Elaine Scarry," *The Nation*, February 5, 2013; Rejali, *Torture and Democracy*; Elisabeth Weber, *Kill Boxes: Facing the Legacy of US-Sponsored Torture, Indefinite Detention, and Drone Warfare* (Punctum Books, 2017), 64–6.

¹⁸ Scarry, *The Body in Pain*, 27.

world while torture is ongoing illustrates how torture can forcibly facilitate a breakdown in individual meaning and personhood.

Scarry theorizes torture as an event and space in which the body is entirely consumed by the experience of pain and subjection. Her view that torture is an “unmaking” of the world rests on the central assertion that “physical pain does not simply resist language but actively destroys it.”¹⁹ She argues that bodily pain is an experience of intense isolation because it is impossible to express or describe to another human. In the case of torture, Scarry posits that the point of interrogation is to “deconstruct the prisoner’s voice” by inflicting pain that cannot be verbalized but rather reduces the prisoner to preverbal vocalizations.²⁰ Among the many impacts of this narrative breakdown, one significant dimension Scarry theorizes is that when the tortured prisoner loses the capacity to verbalize or narrate, this absence creates an opportunity for perpetrators to impose an altered self and version of reality onto the prisoner.

Although Scarry conceptualizes torture as a form of “unmaking,” the unmaking of the prisoner’s world and body is, directly and explicitly, a “making” of the torturer’s world, and therefore a sort of “remaking” of the prisoner. Such “remaking” is not as literal as the Cold War conception of brainwashing but rather a figurative remaking through the violent detachment of the victim from the conventional logics that previously structured their lives. A contemporaneous *New York Times* reviewer of *The Body in Pain* posited that Scarry’s theorization of torture highlights ways in which torture is an act of “substitution or

¹⁹ Scarry, 4.

²⁰ Scarry, 20.

displacement, the process by which one thing comes to stand for something else.”²¹

Processes of substitution, whereby the torture of a prisoner is subsumed by alternate forms of meaning-making, illustrate how torture can be used as a productive force for altering the prisoner and their reality through the violent, intimate remaking of their internal world.

Through torture, perpetrators actively produce subjects.²²

One such form of substitution Scarry explores is the way that, in the process of torture, the bodily pain of the prisoner is used to cement the status of the torturing regime. Prisoners enduring torture are forced into a process by which their physical agony is transposed into tangible evidence of the legitimacy of the state. Scarry argues that the pain of torture is so incontestably real that it confers incontestable realness onto the power that enabled its infliction.²³ Torture itself is used to stabilize and reform the regime through the body of the prisoner, cementing new truths about the respective positions of torturer and victim. As I discussed in the previous chapter, this capacity of torture to cement hierarchies and grant

²¹ Susan Rubin Suleiman, “MISERY LOVES CREATIVITY,” *The New York Times*, January 5, 1986.

²² Monica Kim, *Interrogation Rooms of the Korean War: The Untold History* (Princeton University Press, 2019).

²³ Lawrence Weschler, *A Miracle, a Universe: Settling Accounts with Torturers* (The University of Chicago Press, 1998), 67. In his journalistic writings on Cold War-era South American military dictatorships, Weschler has pointed out the irony that torture is often a mode of carceral violence that is utilized by unstable regimes, whose power is contestable or contested. This observation is as relevant to liberal democratic states as to authoritarian ones, as torture is by nature a form of state power used to respond to situations of profound uncertainty or fear, when boundaries between “us” and “them” demand reinforcement.

legitimacy to oppressive regimes is particularly relevant to colonial states, in which torture is a key tool for reinforcing violent social orders.

Critiques of Scarry's text have raised a number of questions about her theorization of torture and bodily pain. Some have cast doubt on whether bodily pain truly engenders a breakdown of language, while others have proposed that Scarry's synchronic analysis of torture cannot represent the whole truth of how pain impacts the body, mind, and individual formulation of the world.²⁴ Still others, while not specifically responding to Scarry, indirectly complicate her argument. One significant limitation of Scarry's work is her singular focus on the moment of pain in the midst of torture itself. Due to the nature of torture and of social scientific study, Scarry's literary theorization of pain may have allowed her to make such an unconventionally synchronic analysis. While certainly innovative, this approach actually prevents her from addressing one of the most important aspects of the use of torture, for both the survivor and the perpetrating state: the extent to which the impacts of torture linger after its infliction.

Talal Asad and Darius Rejali respond directly to Scarry's text in ways that usefully expand her argument beyond the synchronic moment of torture. Asad addresses Scarry's formulation of inarticulable pain by arguing that pain—both the internal experience of it and its communicability—is always inherently relational. He disagrees that bodily pain is innately a matter of uncertainty and isolation, instead positing that “*when* one feels the urgent

²⁴ See Allen Feldman, *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland* (University of Chicago Press, 1991); Judith Shklar, “Torturers,” *London Review of Books*, October 9, 1986; Peter Singer, “Unspeakable Acts,” *The New York Review of Books*, February 27, 1986.

need to communicate one's pain, and the communication fails, *then* it may come to be thought of—with added anguish—as unshareable.”²⁵ This interpersonal dynamic of unshareability, Asad argues, compounds the initial experience of pain; conversely, the possibility of sharing one's pain with a sympathetic interlocutor can lessen its acuity. He asserts that the “ability to live sanely after a traumatic experience of pain is always dependent on the responses of others.”²⁶ Therefore pain is not necessarily an isolated, immovable reality but a relationally informed experience that is tangibly impacted by its degree of seclusion during the “recovery” process.

Reflecting a similar line of thought, Rejali argues that the problematic relationship between bodily pain and language is not so much that bodily pain directly causes an inability to speak coherently but rather that “difficulties arise when the conventions we count on to express ourselves breakdown, as they do in stealth torture.”²⁷ He argues that stealth or “clean” torture, which uses non-scarring techniques to deprive survivors of visible evidence of their original and enduring bodily violation, has altered the landscape of pain and tangled “victims and their communities in doubts, uncertainties, and illusions.”²⁸ While Rejali reaffirms Scarry's focus on the significance of expression in torture, he strongly asserts that the inexpressibility that stems from surviving torture in the modern world is “not the gap

²⁵ Asad, *Formations of the Secular*, 82–3.

²⁶ Asad, 82.

²⁷ Rejali, *Torture and Democracy*, 31.

²⁸ Rejali, 31.

between the brain and the tongue, but between victims and their communities, a gap that is cynically calculated.”²⁹ Because of the particular liberal democratic lineage of stealth torture, this “cynically calculated” gap is designed to prevent survivors of liberal torture from compromising the moral standing of liberal states by sharing evidence of their abuse. Therefore, like Asad, Rejali does not deny the inexpressibility of pain that Scarry theorizes, but argues that this inexpressibility is not an innate characteristic of the experience of pain, but rather a specifically relational predicament that arises in the aftermath of torture.

Reading Scarry’s theorization alongside analyses of torture’s aftermath, it is apparent that the longterm reality and aim of torture are not just an unmaking but a remaking of survivors—a reality that cannot be fully apprehended through a synchronic analysis. Studies by Argentinian-Italian psychologist Silvia Amati Sas, on ambiguity as a defensive mechanism in the aftermath of severe trauma such as torture, illustrate the ways torture as an instrument of political power provokes “unconscious adaptability, collusion and complicity with the torturing system” in the longterm.³⁰ Amati Sas argues this provocation is strategic, as “social conformism is the aim of every system that bases its method of government on institutionalized violence as a means of...avoiding public criticism or any form of rebellion.”³¹ The dynamics of ambiguity allow for the “intimate, vulnerable and dependent

²⁹ Rejali, 31.

³⁰ Silvia Amati Sas, “Ambiguity as a Defense in Extreme Trauma,” in *Bearing Witness*, ed. Andrés Gautier and Anna Sabatini Scalmati, European Federation for Psychoanalytic Psychotherapy (Karnac Books, 2010), 4.

³¹ Amati Sas, 4.

aspects of subjectivity” to be reached by external forces that wish to manufacture and enforce blanket cooperation and demobilization.³² Survivors of torture, thus, become malleable in ways that can be exploited by torturers imposing themselves on the inner worlds of severely traumatized people. The widespread blankness and ambiguity generated by torture are not simply byproducts but part of a strategic social and political campaign of enforced conformism on the part of torturing states. As Françoise Sironi and Raphaëlle Branche pithily assert, “the real aim of torture is not to make people talk, but to make them keep quiet.”³³ As a campaign of state-sponsored terrorism, torture has the perverse power to expel groups of people from the realm of life and community, fracturing their sense of belonging and their ability to communicate.

The post-torture impacts of physical and psychological fragmentation, as articulated by Amati Sas, Asad, and Rejali, are an essential piece of the analytical puzzle of why torture continues to be useful to the many states that employ it. Previous analyses of the political and systemic ends of torture have largely focused on dictatorship regimes that inflict highly visible forms of terror that often impact a significant segment of society. Scholars such as Naomi Klein, William Cavanaugh, and Macarena Gómez-Barris have generatively analyzed the role of torture during the Pinochet Regime in the formation of a new Chilean state and

³² Amati Sas, 5.

³³ Françoise Sironi and Raphaëlle Branche, “Torture and the Borders of Humanity,” *International Social Science Journal* 54, no. 174 (2002): 539.

society through the fragmentation of individual psyches.³⁴ Although these texts offer invaluable insights into how torture impacts individuals, and how those impacts filter into societies at large, their overall findings are only limitedly applicable to liberal democratic contexts, in which torture can be brutal and widespread, but is designed to be difficult to trace in the aftermath. The significance and utility of torture implemented to strategically alter subjectivity remains an important and under-theorized piece of the puzzle of torture in modern liberal democracies.

B. Mechanisms of Demobilization

In order to more deeply understand how subjectivity-altering effects are inflicted, as well as what impacts they have, I closely read published memoirs by former Guantánamo detainees and testimonies of Palestinian prisoners tortured in Israeli prisons, many of whom have been interviewed by journalists and NGOs in the past decade. In reading these materials I have looked for moments in which survivors describe both specific forms of torture inflicted on them and the physical or emotional responses elicited by those abuses. I view these moments as providing significant insight into the logics of state torture because the patterns of techniques and impacts that emerge across dozens of testimonies reveal particular outcomes states systematically provoke through torture. Through the identification of these patterns it is possible to gain insight into what motivates perpetrating liberal states to torture, not just in these immediate instances, but across extended legacies of consistent, systemic abuse. As I will discuss below, the logics of torture that are made apparent by survivor

³⁴ Cavanaugh, *Torture and Eucharist*; Klein, *The Shock Doctrine*; Gómez-Barris, *Where Memory Dwells*.

testimonies from the post-9/11 period demonstrate remarkable consistencies with colonial logics of violence and oppression.

Although, as I briefly discussed in the Introduction, I have chosen to use written testimonials in my research partly for ethical reasons, archival research on violence is itself certainly not without ethical pitfalls. In an incisive exploration of the ethics of archival research on state violence, human rights scholar Teresa Macías asserts that, just as the process of accounting for violence in the recording of testimonies is one of selective legitimization of individual traumas, archival research that interfaces with such testimonies inevitably reproduces the violence of their initial documentation.³⁵ Similarly to the selective and sometimes exploitative process of archiving testimonies, in sifting through those archives we perpetuate “the violence of representation embedded in the representation of violence.”³⁶ The violence of carrying out such research is, as Macías points out, perpetually at odds with the necessity of its execution.

Beyond the evident hazards of archiving and reproduction, testimonies themselves are complex and imperfect mediums. The nature of testimony as a form of first person narrativization of past or present traumas is fundamentally at odds with theorizations of

³⁵ Teresa Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories,” *Intersectionalities: A Global Journal of Social Work Analysis, Research, Polity, and Practice* 5, no. 1 (2016): 20–45.

³⁶ Macías, 30.

traumatic events as ones that resist, if not destroy, narrative capabilities.³⁷ Because of this incompatibility, the process of testifying is a narrowly self-selecting one—only individuals who have the capacity to speak about their experiences in particular, formally established ways are recorded and entered into the archive. What is more, the process of testifying is not a neutral one but often is done in service of some desired outcome: legal justice, official acknowledgement, demonstration of eligibility for reparations, or simply legibility to others.³⁸ In the case of the Guantánamo memoirs, it is evident, particularly when reading all of them as a set, that one of their primary objectives is to prove the innocence of the memoirists to the American public. They contrast the consistent, extravagant, and unprovoked brutality of the CIA and US military forces with details of the former detainees' exceptionally peaceful and morally upstanding lives prior to their arrests, as well as highlighting the detrimental impacts of imprisonment on their psyches and post-Guantánamo lives.

Because reports of Israeli torture, and accounts by Palestinian survivors themselves, have long been stifled and discredited, testimonial materials from former Palestinian prisoners seek to legitimize and make legible their experiences of systemic torture. Their primary objective is to demonstrate, through recounting concrete moments and forms of violence, that violence occurred at all. Consequently, these testimonies often focus primarily on what happened, and less on what impact those events had on their survivors. Because of the format

³⁷ Cathy Caruth, *Unclaimed Experience: Trauma, Narrative, and History* (Johns Hopkins University Press, 1996).

³⁸ Macías, "Between Violence and Its Representation," 27–8.

of news articles and NGO reports, Palestinian testimonies are also largely restricted to snippets of interviews. This presents a significant imbalance with the thousands of pages of reflections offered by Guantánamo survivor memoirists, in addition to numerous secondary texts and official sources detailing CIA and US military abuses at Guantánamo and other significant War on Terror prison sites. Likewise, the circumstances of imprisonment are distinct, as most Guantánamo detainees were (or still are) incarcerated for years, while Palestinian prisoners interviewed for recent reports on Israeli torture are being arrested and shuttled in and out of detention centers often for periods of a few days or weeks at a time. Because of the comparatively small quantity of Palestinian testimonial materials available, and the immediate proximity of those testimonies to experiences of imprisonment, evidence of the longterm effects of torture in this particular context are somewhat limited. This has presented some methodological difficulties, as my analysis centers on the use of torture to demobilize survivors in the aftermath of imprisonment.

In my discussion below I have included examples of testimonies in which former detainees explicitly mention suffering after detention, as a result of their torture. However, in other cases I have had to make some inferences about how particular forms of torture described may physically or emotionally impact survivors. The process of speculating to fill significant gaps in archives is an established methodological practice, especially when dealing with records of systemically marginalized communities. In the introduction to a special journal issue on speculative methods, media scholar Allyson Nadia Field asserts that “[s]peculation as a strategy” allows for the possibility of engaging with the past in a way that is not as constrained by “the vicissitudes of chance survival” of concrete objects—a chance

that is always shaped by the systemic devaluation of particular histories and experiences.³⁹ In the case of testimonies, careful inference offers a way to read into experiences or events that are not legitimized by the archive, or not communicated for fear they will not be validated, but are “nonetheless powerfully real.”⁴⁰ While I do not attempt to speculate on what individual survivors feel, I view the forms of torture I analyze below as elements of a systemic effort to fracture and violate the Palestinian people as a population under continuous siege. Therefore, the impacts I occasionally infer pertain to a general understanding of how the forms of torture described are intended to destabilize Palestinian society, based on extensive review of other testimonial materials and secondary sources.

Despite these limitations and the circumstantial differences between the two case studies, survivor testimonies of US and Israeli torture reveal striking similarities between the tactics used by two liberal democracies to physically and psychologically break down their perceived enemies. After whistleblower images and testimonies of the heinous conditions at Israel’s Sde Teiman military-base-turned-detention-center were published by CNN in May 2024,⁴¹ former Guantánamo detainee Mansoor Adayfi wrote an op-ed expressing dismay at the evident similarities between Guantánamo and the Israeli detention system. He notes that the forms of physical and psychological abuse described by the Israeli whistleblowers

³⁹ Allyson Nadia Field, “Editor’s Introduction: Sites of Speculative Encounter,” *Feminist Media Histories* 8, no. 2 (2022): 3.

⁴⁰ Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination*, 2nd Edition (University of Minnesota Press, 2008), 42.

⁴¹ CNN’s International Investigations and Visuals Teams, “Israeli Whistleblowers Detail Horror of Shadowy Detention Facility for Palestinians,” *CNN*, May 10, 2024.

instantly transported him back to Guantánamo, arguing that such similarities represent the actions of two states that “do whatever they please to human beings they perceive as a threat in the name of ‘national security.’”⁴² This assertion is illustrative of the shared liberal state logic of preemptive demobilization that animates systems of torture in the US and Israel.

Amidst the myriad of abuses used at Guantánamo and in Israeli prisons to attack the selfhoods, communal ties, and ideological commitments of detainees, I will discuss three categories of torture that are particularly prevalent and impactful:

1. Targeting sources of detainee identification or personal significance, such as religious practice and its attendant values (e.g. modesty and specific forms of cleanliness).

Detainee identification is also attacked by forcing them to insult their own belief systems or communities and praise those of their oppressors.

2. Manufacturing profound disorientation, both psychological and political. Psychological disorientation is achieved through forms of torture such as long-term solitary confinement, arbitrary punishments for invented infractions, and use of loud noises or other distractions to inhibit concentration. Political disorientation is instilled through the use of informants to erode trust between prisoners.
3. Deliberately maiming prisoners or inflicting longterm medical and psychological harm in prison and then releasing them to places where they cannot receive treatment for financial, bureaucratic, or logistical reasons. In addition to the literally demobilizing

⁴² Mansoor Adayfi, “Israel’s Sde Teiman is so similar to Guantanamo for a reason,” *Al Jazeera*, July 4, 2024.

impacts of such abuse, longterm debilitation has significant detrimental impacts on survivor subjectivities.

All of these forms of torture are widespread and effectively serve to isolate and incapacitate prisoners in ways that linger far beyond the direct experience of imprisonment, creating effects that strategically prevent prisoners from functionally reentering their lives and reengaging with communal commitments. These tactics elucidate a consistent playbook of specifically liberal torture, which aims to incapacitate survivors in ways that are persistent but difficult to trace.

I. Targeting Identification

Throughout the testimonies I have analyzed, the single most widespread forms of abuse reported from Guantánamo and Israeli prisons are those that target detainees' religious practices and values. This includes disallowing or punishing prayer or inflicting conditions that make it indirectly impossible, such as removing clothing or preventing access to sanitation facilities; routine desecration of the Qur'an; and targeting religious customs or values, particularly by forcing prisoners to remain in immodest states of dress, subjecting prisoners to sexual abuse, shaving their facial hair, and attacking them with dogs. These tactics are used on a daily basis, by both US and Israeli forces, to profoundly humiliate and demoralize prisoners. The extensive use of religious abuse not only creates immense distress in the moment, but many former prisoners have reported that these humiliating effects linger beyond prison and, in some cases, isolate them from their communities after their release. Visible forms of abuse (such as forced shaving of facial hair), as well as invisible harm (such

as sexual assault), can inflict deeply shameful psychic wounds, which create lasting internal and external barriers to community reintegration. Because of these longterm impacts, the extraordinary focus on religious degradation in US and Israeli prisons represents a strategic attack on prisoner identity and interpersonal connections through the systemic undermining of ideological and communal commitments.

Another significant form of ideological or identity-based abuse is forcing prisoners to insult their own cultural, political, or national affiliations. While this is evident to a lesser extent in testimonies of Guantánamo torture, it is especially prevalent in Israeli prisons, where soldiers and guards routinely force Palestinian detainees to insult Hamas, recite Zionist political slogans, kiss the Israeli flag, pose for photographs with Israeli flags, and endure other forms of strategic degradation. This treatment is seemingly in line with the overall campaign of psychological destruction waged by the Israeli military and prison system, which aims to fracture Palestinian political consciousness by attacking sources of group identification and commitment. As with torture targeting religious beliefs, such forms of abuse are calculated to cause significant and lasting shame in survivors.

Identity-focused torture is one of many common forms of abuse used by the US and Israel that realistically could have no strategic information-gathering relevance. The stated Israeli goal of reforming Palestinian consciousness, as well as the American emphasis on torture techniques that serve to humiliate and discombobulate rather than build rapport, suggest that the prolific use of religious and other identity-based torture intentionally serves to alter the subjectivities of detainees in ways that fragment their selfhoods and erode their interpersonal commitments. This logic is consistent with centuries of liberal colonial torture,

which served as a key tool for undermining existing forms of solidarity within colonized populations and unmooring people from their support systems and political frameworks in order to effectively oppress large groups. Like other forms of torture used by liberal governments, techniques targeting detainee identities are profoundly demobilizing but nearly impossible to trace or prove. Demobilization as a key logic and objective animates War on Terror-era US and Israeli torture; fragmenting the individual and communal commitments of prisoners functions to neutralize any ideological threat they may pose to the established political order.

While discussions of religious abuse in the memoirs of Guantánamo survivors could fill many dozens of pages, I will analyze here a number of representative examples. The availability and treatment of Qur'ans at Guantánamo is a source of significant distress for all former detainees whose memoirs I read. While Qur'ans were in fact provided to the general population in Guantánamo,⁴³ their ubiquitous presence was actually itself a form of religious abuse, as guards took every possible opportunity to desecrate detainees' sacred books. Because Islamic custom absolutely forbids any mistreatment of the Qur'an, including placing it on the ground or in any other way disrespecting it, in routine searches of detainee cells, guards threw the books around and intentionally tore them,⁴⁴ stepped or sat on them,⁴⁵ and

⁴³ This was not the case in solitary confinement and "secret camps," where any form of prayer or religious ritual was strictly forbidden and harshly punished. For instance, see Slahi, *Guantánamo Diary*, 262.

⁴⁴ Adayfi, *Don't Forget Us Here*, 74; Kurnaz, *Five Years of My Life*, 212.

⁴⁵ Boumediene and Ait Idir, *Witnesses of the Unseen*, 163; Kurnaz, *Five Years of My Life*, 149.

wrote obscene words on their pages.⁴⁶ These torments caused extraordinary distress amongst detainees, even leading to several attempted suicides. Lakhdar Boumediene details a representative instance:

I'd been in Camp Delta for a short while...when there was a tremendous commotion. I heard the shouts and wails of what sounded like dozens of prisoners. The screams were coming from the cells at the far end of my row, so I couldn't tell what had caused them. Later on, once everything had calmed down, I asked my neighbors what had happened. "I heard," one of them told me, "that a soldier went into someone's cell and flushed his Qur'an down the toilet."⁴⁷

Because of this pattern of desecration, at times detainees actually begged prison administrators to remove the books from their cells.⁴⁸ Former detainee Mohamedou Ould Slahi notes that even when a Qur'an was available to him, he did not ask for one because he "didn't want to be a reason for humiliating God's word."⁴⁹

This raises an important dynamic of the religious abuse perpetrated at Guantánamo—in the more publicly visible camps the administration made a show of providing religious texts to demonstrate the liberal humaneness and legal legitimacy of the prison, while this alleged privilege was used to torture detainees in ways that forced them to participate in their own abuse. Former detainee Ahmed Errachidi points out in his memoir that, despite the intentional project of a certain public image, the Guantánamo administration “used religion

⁴⁶ Boumediene and Ait Idir, *Witnesses of the Unseen*, 160.

⁴⁷ Boumediene and Ait Idir, 100–1.

⁴⁸ Errachidi, *The General*, 91–3.

⁴⁹ Slahi, *Guantánamo Diary*, 17. Murat Kurnaz makes a similar assertion; see *Five Years of my Life*, 151.

to extort and pressurize” detainees.⁵⁰ If they wanted to adhere to their religious commitments and seek comfort in scripture, they inadvertently made their holy text vulnerable to desecration simply by possessing it. Due to detainees’ repeated requests to have their Qur’ans removed from their cells, the camp administration eventually implemented a policy requiring them to keep the books in their cells, whether they wanted to or not. Mustafa Ait Idir notes that, at that point, “[i]f you said that you did not want a Qur’an, the soldiers would remove you from your cell, deposit a Qur’an in the cell, and then put you back in.”⁵¹ After that, renewed desecration was sure to follow. This policy enabled the US to make claims about its superior treatment of prisoners while inflicting a form of torture that forced devout religious adherents to be complicit in the daily desecration of their holiest object.⁵²

Forced nudity and sexual abuse of Guantánamo detainees by female guards were other prominent categories of religious violation. Arbitrarily confiscating detainees’ clothes was a strategic way guards could both humiliate them and indirectly prevent them from praying. Ait Idir explains the distressing implications of having his clothing confiscated by Guantánamo guards:

they [the soldiers] told us to remove our slacks and hand them over. We were unwilling to do that. Men are supposed to cover their *‘awrah*, the area from the navel to the knees, during prayers. If the soldiers took our slacks and did not return them, we would not be

⁵⁰ Errachidi, *The General*, 83.

⁵¹ Boumediene and Ait Idir, *Witnesses of the Unseen*, 163.

⁵² Additionally, there is evidence that interrogators pointedly desecrated Qur’ans in interrogation sessions in order to break detainees. See Slahi, *Guantánamo Diary*, 213.

able to pray as our religion instructs us to.⁵³

When the detainees refused to hand over their pants, soldiers brutally attacked them, “going into one cell after another, beating detainees and forcefully removing their pants.”⁵⁴ Ait Idir emphasizes the horror of standing in his cell, “listening to the screams and cries of my fellow detainees being savaged, disrobed, and humiliated.”⁵⁵ Former detainee Moazzam Begg notes that witnessing other prisoners forcibly stripped was its own form of torture, knowing that “everything I held sacred was being violated, and they must have felt the same.”⁵⁶ Similarly to the desecration of Qur’ans, forced nudity was a way in which Guantánamo guards could indirectly attack detainees’ religious commitments by putting them in agonizing binds where they had to either “choose” not to pray or risk violating sacred customs.⁵⁷

The use of female guards and soldiers to sexually abuse Guantánamo detainees has been investigated in official reports and covered widely by public media.⁵⁸ Nearly every memoir by a former Guantánamo detainee records at least one instance of sexual abuse by female soldiers as an “interrogation tactic,” and the profound humiliation and distress these episodes

⁵³ Boumediene and Ait Idir, *Witnesses of the Unseen*, 141.

⁵⁴ Boumediene and Ait Idir, 142.

⁵⁵ Boumediene and Ait Idir, 143.

⁵⁶ Begg, *Enemy Combatant*, 112.

⁵⁷ Adayfi, *Don’t Forget Us Here*, 144.

⁵⁸ Carol D. Leonnig and Dana Priest, “Detainees Accuse Female Interrogators,” *The Washington Post*, February 9, 2005.

caused.⁵⁹ Detainee descriptions of these interrogation sessions comment on the evident religious and customary targets of sexual torture, which was used to make detainees “feel like sinners.”⁶⁰ According to Jane Mayer, Guantánamo interrogator Dave Becker explicitly claimed he’d heard devout Muslims are unable to pray if they feel “unclean.”⁶¹ Becker concluded that if detainees were made to feel unclean by being touched by unfamiliar females they could not pray. When detainees refused to interact with their abusers, sometimes responding by reciting prayers aloud, they were punished with beatings or further religious violation. Slahi recalls, of an interrogation session in which he was sexually assaulted, “I refused to stop speaking my prayers, and after that, I was forbidden to perform my ritual prayers for about one year to come. I also was forbidden to fast during the sacred month of Ramadan October 2003, and fed by force.”⁶² Because he attempted to maintain his dignity and religious commitments while being tortured, further religious violations were inflicted on Slahi. This cyclical logic of torture served to humiliate and demoralize detainees through their years of captivity and beyond, strategically instilling lasting feelings of shame and uncleanness.

⁵⁹ See Adayfi, *Don’t Forget Us Here*, 190; Boumediene and Ait Idir, *Witnesses of the Unseen*, 97; Errachidi, *The General*, 129; Kurnaz, *Five Years of my Life*, 164; Slahi, *Guantánamo Diary*, 227–8.

⁶⁰ Boumediene and Ait Idir, *Witnesses of the Unseen*, 97.

⁶¹ Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (Anchor Books, 2008), 207.

⁶² Slahi, *Guantánamo Diary*, 228.

Similar forms of religious abuse are widely evident in Israeli prisons. In contrast to the religious violence at Guantánamo, which often was strategically deployed to maintain an illusion of respecting prisoners' rights, Israeli prisons typically utilize more direct forms of abuse and restriction. These direct abuses include physically attacking prisoners who attempt to pray,⁶³ forcibly removing hijabs,⁶⁴ shaving customary facial hair,⁶⁵ and assaulting prisoners with dogs.⁶⁶ Forced nudity and sexual violence (as well as threats of sexual violence against

⁶³ For example, see B'Tselem, *Welcome to Hell*, 40.

⁶⁴ Imad Abu Hawash, "'It Would've Been Better If They Shot Us': Palestinians Recount Prison Abuse," *+972 Magazine*, December 8, 2023; UNRWA, *Detention and Alleged Ill-Treatment of Detainees from Gaza During Israel-Hamas War*, April 16, 2024.

⁶⁵ B'Tselem, *Unleashed*, 19.

⁶⁶ Daka, "Consciousness Molded or the Re-Identification of Torture," 241. Daka explains the religious significance of using dogs to attack prisoners: "[t]he IPS [Israeli Prison Service] also used dogs to search prisoners and their possessions, and while transporting them between prisons, in order to humiliate them and hurt their religious feelings. In Islamic culture, dogs represent pollution, which requires purification. This policy left very grave moral and mental scars upon the prisoners."

prisoners and their family members) are also widely used to inspire terror and shame.⁶⁷ As in Guantánamo, consistently “poor hygiene conditions prevent detainees from practicing their religion” because ablution is required to perform daily prayers and other ritual acts.⁶⁸ The cumulative effects of these numerous and widespread forms of violence are profound humiliation and shame, which in many cases contribute to the impulse to self-isolate in the aftermath of imprisonment.

The use of dogs to attack detainees in prisons and in transit between or en route to detention sites has been particularly mentioned in many testimonials as having a profound impact on prisoners’ mental states. Because prisoners are almost universally not allowed to access necessary sanitation facilities, they are unable to cleanse themselves after coming into contact with animals considered theologically unclean. Being scratched and even sat on by dogs was described by one former prisoner as the one of the “worst experiences” in prison.⁶⁹

⁶⁷ See Ramy Abdu, “War on Gaza: How Israel Uses Humiliation as a Psychological Weapon against Palestinians,” *Middle East Eye*, December 21, 2023; Yuval Abraham, “Inside Israel’s Torture Camp for Gaza Detainees,” *+972 Magazine*, January 5, 2024; Steve Hendrix and Sufian Taha, “Young Palestinian Prisoners Describe Harsh Treatment in Israeli Jails,” *The Washington Post*, December 4, 2023; Monjed Jadou, “‘Systematic Torture’: To Be Palestinian in an Israeli Prison,” *Al Jazeera*, February 18, 2024; Tamara Qiblawi, “Strapped down, Blindfolded, Held in Diapers: Israeli Whistleblowers Detail Abuse of Palestinians in Shadowy Detention Center,” *CNN*, May 10, 2024; Raf Sanchez, “Inside Shin Bet’s Interrogation of 50 Hamas Fighters,” *NBC News*, November 19, 2023; Hagar Shezaf, “Cigarette Burns, Beatings, Attempted Sexual Assault: Settlers and Soldiers Abused Palestinians,” *Haaretz*, October 21, 2023; Lucy Williamson, “Released Palestinians Allege Abuse in Israeli Jails,” *BBC*, November 30, 2023.

⁶⁸ Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees*, 11.

⁶⁹ Addameer, 29–30. Testimony of K.F.

Another reported the distressing impact of being transported with a dog in the vehicle: “the soldiers had the dog sit on my body. I asked them to get it off me, but they refused. Dogs are considered unclean, and as someone who observes the commandments relating to prayers and fasting, this disturbed me greatly.”⁷⁰ Yet another prisoner recalled witnessing Israeli prison guards tell another man he was a dog before they “made the young man howl for five minutes, then told him to stop and ordered us to sit.”⁷¹ Although forcing prisoners to interact with or impersonate dogs does immediate psychological and religious harm, these tactics also represent an effort to instill a lasting sense of dirtiness in prisoners, which, similarly to religious violations inflicted at Guantánamo, strategically manufactures situations that force prisoners to compromise their own values or beliefs.

Forced shaving represents another form of torture that targets religious customs around bodily maintenance. Because many adult Muslim Palestinian men adhere to the custom of not shaving their beards, the infliction of forced shaving represents a direct attack on personal religious expression, with particularly visible results. In a testimony to human rights organization B’Tselem, former Palestinian prisoner Muhammad Farhat Jaber spoke of the trauma of being forced to shave himself and his nephew in prison:

They ordered us to undress, and then they gave me clippers and ordered me to shave Mahmoud’s hair, mustache and beard. At first I refused, but then they threatened that if I didn’t obey, they would do it their way. I obeyed and shaved Mahmoud’s hair, beard and mustache, while they laughed and made fun of us. When I was done shaving Mahmoud, they ordered me to shave my hair, mustache and beard as well, and threatened that they would do it themselves if I didn’t obey...I’ve never felt so humiliated and insulted in my

⁷⁰ B’Tselem, *Absolute Prohibition*, 34. Testimony of M.J.

⁷¹ Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees*, 38. Testimony of D.S.

life. I can't get over it and my mental health is suffering. When I got back to my neighborhood, all shaven, I was ashamed. I was too embarrassed to even host relatives who came to congratulate me on my release.⁷²

This narrative powerfully demonstrates the profound and lasting impact of being forcibly shaved, which affected not only Jaber himself but also his family, causing him deep distress that led him to isolate from his community after his release from prison. The fact that Jaber was forced to shave himself and his nephew also vividly demonstrates how abuse targeting religious and bodily customs is used by prison guards to undermine interpersonal ties by attacking shared belief systems in ways that violently implicate the believers themselves. Because religious customs around bodily care and presentation are often significant social touchpoints, forms of torture that attack those customs cause considerable internal and interpersonal distress.

In addition to specifically religious forms of attacking prisoner identities, testimonies of Palestinian prisoners also frequently refer to forms of torture that target political and national affiliations. In particular, Israeli soldiers frequently forced Palestinian prisoners to curse Hamas and its leaders,⁷³ praise Israel and express admiration for Israeli politicians,⁷⁴ sing the traditional Zionist propaganda song “Am Yisrael Chai” (“the people of Israel live”),⁷⁵ kiss

⁷² B’Tselem, *Unleashed*, 19.

⁷³ B’Tselem, 13–4. Testimony of Muhammad Abu Ramileh.

⁷⁴ Isma’il Jaber, “Isma’il Jaber, 22, from the Jaber Neighborhood in Central Hebron, Attacked by Soldiers on 30 May 2024,” B’Tselem.

⁷⁵ Jaber.

the Israeli flag,⁷⁶ and speak Hebrew.⁷⁷ If prisoners refused to cooperate they were beaten severely. In his essay on efforts by the Israeli Prison Service to mold Palestinian consciousness, Walid Daka describes conditions such as the ubiquity of the Israeli flag and Israeli national anthem in prisons as concerted efforts to demonstrate to prisoners how helpless they are in the face of the Israeli state.⁷⁸ Since Daka's essay was published in 2011, the escalation of arrests and the scale of abuse in the midst of Israel's renewed assault on Gaza have clearly led to an intensification of these tactics. This particular form of politically-targeted torture is highly reminiscent of Fanon's description of French torture tactics in Algeria, discussed in Chapter 1, which were similarly designed to force prisoners to betray their own values and affiliations, as well as those of their communities.

Prisoners were also abused simply for stating they are Palestinian in response to questions about their nationality, or for not naming "Israel" as their place of residence. Former prisoner Mu'tasem Da'na testified to B'Tselem that when he stated he lived in Hebron he was beaten and told, "it's called Israel," by soldiers who proceeded to dance to "songs of praise to Israel" played loudly on a speaker.⁷⁹ Similarly, Qutaybah Abu Ramileh reported, "one of them asked me: 'Are you Palestinian?' I said yes, and then he swore at me

⁷⁶ Abu Hawash, "It Would've Been Better If They Shot Us." Testimony of Foad Hasan.

⁷⁷ Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees*, 38. Testimony of D.S.

⁷⁸ Daka, "Consciousness Molded," 252.

⁷⁹ B'Tselem, *Unleashed*, 8.

and said, ‘There is no Palestine, only Israel.’ He ordered us to curse Palestine and Hamas. At first I refused, and when he threatened to beat me, I obeyed.”⁸⁰ Abu Ramileh’s testimony demonstrates how Israeli soldiers explicitly asked him to identify himself before directly refuting his identity. This exchange is representative of a kind of attempted reeducation, in which soldiers tortured Abu Ramileh to reinforce the premise that the way he identifies himself is not legitimate. Following Fanon’s analysis of similar colonial torture tactics, these Israeli abuses can be viewed as strategically undermining Palestinian political and community commitments by making it feel unsafe for former prisoners to identify themselves or express political convictions.

The forms and instances of identity-based torture discussed here represent only a sampling of such abuses perpetrated by US and Israeli prison guards and soldiers, which are widely used to demoralize prisoners, emphasize their restricted agency, shame and humiliate them, and cause lasting psychological damage that may impact their ability to reintegrate with their communities after imprisonment. It is evident that they are also designed to impact communities more widely by replacing feelings of solidarity with those of shame and division. These effects are not incidental, but can be seen as the outcome of concerted efforts by the US and Israel to torture perceived political outsiders in ways that demobilize them longterm. Utilizing “clean” torture techniques that impact survivor identification and compromise future community solidarity is a key way in which liberal democratic states

⁸⁰ Qutaybah Abu Ramileh, “Qutaybah Abu Ramileh, 25, from the a-Salaymeh Neighborhood in Central Hebron, Attacked by Soldiers along with His Brother Yazan, 22, on 8 July 2024,” B’Tselem.

violently incapacitate detainees without compromising the international optics of their prisons.

II. Manufacturing Disorientation

Another significant way the US and Israel strategically alter the subjectivities of torture survivors is through the manufacturing of intense disorientation. While the use of torture to disorient is certainly related to the use of torture to target identity, in the sense that undermining identity and instilling shame can cause intense feelings of disorientation, it is also an objective in itself, with a specific set of tactics and aims. Within this category I include techniques designed to cause both psychological disorientation (such as solitary confinement, arbitrary punishments, and forms of torture that specifically inhibit concentration) and political disorientation (in particular, the use of informants to erode political unity). Both the US and Israel have weaponized disorienting tactics extensively in their War on Terror-era carceral programs, although it is worth noting that Israel has made particular efforts to systematically unmoor Palestinian prisoners from their broader political context. Tactics intentionally undermining prisoners' mental stability and sense of political belonging can have severe and wide-ranging effects, including debilitating migraines, paranoia, inability to concentrate enough to hold a basic conversation, feelings of severe hopelessness leading to suicidal ideation, and even psychosis—all of which contribute to the social and political isolation of survivors. Such abuses represent another strategic effort to alter prisoner subjectivities in enduringly destabilizing and alienating ways.

This shattering of survivors' relationships with the world around them is expressive of

Scarry's theorization, discussed above, of torture as an "unmaking" of the self, in the sense that torture has the capacity to scramble perceived ordered expectations of human interaction and experience. The capacity of torture to dis-orient victims from themselves and their worlds is a core function of torture by liberal democracies because, like attacking identity, it allows perpetrating states to sever interpersonal connections and basic psychological processes in ways that demobilize survivors, without having to resort to physical incapacitation, executions, or other more traceable forms of violence. Although disorienting torture is present in authoritarian settings as well, there it is more likely to be accompanied by forms of scarring physical torture.⁸¹ For liberal states, disorientation is a logic and an objective unto itself.

Guantánamo is a notable case study in this category, as it is evident from the testimonies of many former prisoners the extent to which both dedicated torture and daily life there are structured around a central principle of strategic chaos and its psychologically deteriorating impacts.⁸² Such forms of disorienting torture, detailed extensively in all six available

⁸¹ See, for example, Jean Améry, "Torture," in *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and Its Realities*, trans. Sidney Rosenfeld and Stella P. Rosenfeld (Indiana University Press, 1980).

⁸² Tamsin Shaw and Martin Seligman, "'Learned Helplessness' & Torture: An Exchange," *The New York Review of Books*, April 21, 2016. The infliction of disorienting torture techniques as a way to elicit passivity and mental deterioration is commonly known as "learned helplessness." In her book *The War in Court*, Lisa Hajjar reports that CIA contractor and torture program architect James Mitchell testified in military court that studies on learned helplessness informed his understanding that torture could and should be used to demonstrate to a victim that the only thing they can do to save themselves is cooperate. Martin Seligman, the researcher who is commonly credited with developing the concept of learned helplessness, has attempted to distance himself and his research from the CIA torture program. Because of the ambiguity of and prevailing controversies around this term, I have chosen to simply describe disorienting torture for what it is.

Guantánamo survivor memoirs, include longterm and/or frequent stints in solitary confinement, with constant darkness or bright light making it impossible to know the time of day;⁸³ arbitrary punishments for invented infractions or based on rules that fluctuate almost daily;⁸⁴ forcing detainees to stay awake for extended periods of time,⁸⁵ sometimes through indirect methods such as forcing them to drink so much water they need to relieve themselves every few minutes;⁸⁶ frequently moving detainees between cells, sometimes while drugged and unconscious, to prevent them from geographically orienting themselves or establishing connections with neighboring detainees;⁸⁷ blindfolding and “kidnapping” detainees from their cells and taking them on hours-long plane or boat rides to nowhere, either with false promises that they are being flown home or to inspire terror that they are

⁸³ Adayfi, *Don't Forget Us Here*, 191; Slahi, *Guantánamo Diary*, 262. Preventing detainees from knowing the time has implications for religious expression as well, given that Muslim prayers take place at specific times throughout each day.

⁸⁴ Boumediene and Ait Idir, *Witnesses of the Unseen*, 98, 134, 164; Kurnaz, *Five Years of my Life*, 100. Kurnaz argues that inflicting arbitrary punishments was one way guards attempted to “break” resistant prisoners by instilling a sense of hopelessness.

⁸⁵ Adayfi, *Don't Forget Us Here*, 137; Boumediene and Ait Idir, *Witnesses of the Unseen*, 101. Adayfi recalls, “[t]o keep me awake, guards stormed my cell, beat me, restrained me, then ran me to a new cell in another block, where they’d leave me just long enough to fall asleep, then they’d storm into my cell again, beat me, restrain me, and run me to another cell. This could go on all night or for days and weeks.”

⁸⁶ Kurnaz, *Five Years of My Life*, 176–7; Slahi, *Guantánamo Diary*, 268. In the midst of being kept awake for months by forcibly consuming vast quantities of water everyday, Slahi reports that a guard bragged to him that “[p]sychologically it’s devastating to make somebody stay awake on his own, without ordering him.”

⁸⁷ Adayfi, *Don't Forget Us Here*, 61, 142; Errachidi, *The General*, 88; Kurnaz, *Five Years of My Life*, 153.

being taken out for execution;⁸⁸ liberally and frequently pepper spraying detainees to immobilize them and prevent them from seeing clearly;⁸⁹ and leaving loud vacuums outside of cells for months or even years at a time to inhibit concentration and communication.⁹⁰

While former detainee memoirists are sometimes reticent about the psychological effects of the tortures they experienced, these disorienting abuses are explicitly and widely described as having devastating, lasting, and wide-reaching impacts on the mental states of detainees.⁹¹

Although examples of these disorienting tortures and their impacts are numerous in the memoirs of Guantánamo survivors, here I wish to highlight as a case study the horrific treatment of Mohamed al-Qahtani, which exemplifies the level of systematized torture utilized to disorient and destabilize prisoners. al-Qahtani is known for allegedly having been the intended “20th hijacker” in the 9/11 attacks. After being detained at the US border in August 2001 and thus prevented from rendezvousing with the other attackers, he was

⁸⁸ Adayfi, *Don't Forget Us Here*, 188; Kurnaz, *Five Years of my Life*, 218; Slahi, *Guantánamo Diary*, 247–260.

⁸⁹ Adayfi, *Don't Forget Us Here*, 69, 91, 149; Boumediene and Ait Idir, *Witnesses of the Unseen*, 143, 146; Errachidi, *The General*, 94; Kurnaz, *Five Years of My Life*, 100, 161, 184, 212.

⁹⁰ Adayfi, *Don't Forget Us Here*, 130–1. Adayfi discusses this torture and its devastating mental and physical effects at length: “I thought that maybe the noise from the vacuums had permanently rewired my brain. I talked to my neighbors sometimes, but it was hard to think straight or even understand what brothers were saying to me. I had a hard time concentrating. I forgot things. I’d be talking to my neighbor and forget what I was talking about in the middle of my sentence. This was common with all of us who had spent time in November Block with the vacuums.”

⁹¹ Adayfi, *Don't Forget Us Here*, 188, 191; Boumediene and Ait Idir, *Witnesses of the Unseen*, 164; Kurnaz, *Five Years of my Life*, 218; Slahi, *Guantánamo Diary*, 269.

captured in 2002, rendered to Guantánamo, and subjected to a personalized program of torment. In an article on CIA mind-manipulation tactics employed in the War on Terror torture program, psychologist Maria Hartwig and former counterintelligence officer Mark Fallon quote at length from the official log of al-Qahtani's interrogation, arguing that the absurd torture tactics used on him could not possibly have had any information-gathering intent but rather evidenced a creatively architected program of psychological devastation.⁹²

Excerpts from the log of al-Qahtani's interrogation describe a litany of intentionally insane scenarios: guards threw him a birthday party in his cell (not on his birthday) and forced him to wear a party hat and eat cake, interrogators put on a puppet show for al-Qahtani in which they satirized his involvement with al-Qaeda, he was forced to wear a mask with a smiley face drawn on it, he was force-fed large amounts of liquid and then prevented from accessing a toilet, and interrogators inflated latex gloves and repeatedly slapped and poked him with the balloon hands.⁹³ These and many other abuses were inflicted while al-Qahtani was on a hunger strike, had been deprived of sleep and kept in solitary confinement, and was in such rapidly declining physical health that the notoriously negligent Guantánamo doctors recommended he should be given a break from his personalized torture regimen.⁹⁴

⁹² Maria Hartwig and Mark Fallon, "The Manipulation of Minds: Reckoning with the Legacy of the American Post 9/11 Torture Program," *Torture Journal* 32, no. 3 (2022): 77–81.

⁹³ Hartwig and Fallon, 78. Hartwig and Fallon quote a leaked interrogation log originally reported on by Adam Zagorin and Michael Duffy, "Inside the Interrogation of Detainee 063," *Time*, June 20, 2005. These are only a few examples from a log that continues for 83 pages. For the complete text see "INTERROGATION LOG: DETAINEE 063."

⁹⁴ Mayer, *The Dark Side*, 209.

What is more, al-Qahtani had a long preexisting history of mental impairment after suffering from a traumatic brain injury at age 8, which severely compromised his executive functioning and emotional regulation.

Despite these factors, al-Qahtani's high-profile status as an alleged intended hijacker made his imprisonment and interrogation an opportunity for the US government to advertise the necessity and success of its torture program—claims that were uncritically echoed by public news media sources. The *Time* article that originally reported on al-Qahtani's leaked interrogation log parroted official Pentagon claims that “most of the intelligence gleaned from those sessions was recorded in other documents,” and that “unlocking” al-Qahtani's mind “might save lives.”⁹⁵ Likewise, in the aftermath of Osama bin Laden's assassination in 2011, a number of news outlets erroneously reported that al-Qahtani had supplied important information under torture that had lead the US to bin Laden.⁹⁶ These unverifiable and, frankly, preposterous claims can be viewed as firmly in the realm of propaganda retroactively defending the US government's use of torture. This discourse is a highly illustrative and representative instance of how liberal democratic states publicly discuss torture in ways that implicitly justify it—torture is presented as a precision instrument to extract actionable intelligence from a key player, used in times of necessity to produce outcomes essential for maintaining national security.

⁹⁵ Zagorin and Duffy, “Inside the Interrogation of Detainee 063.”

⁹⁶ This claim also gained public traction because of its minimally disguised parallels in the plot of Kathryn Bigelow's controversial film *Zero Dark Thirty*. See, for example, Peter Bergen, “‘Zero Dark Thirty’: Did Torture Really Net Bin Laden?,” *CNN*, December 11, 2012. The timeline of al-Qahtani's arrest and imprisonment make it nearly impossible that he could have had any information about bin Laden's whereabouts in 2011.

Of course, the truth of al-Qahtani’s torture, and liberal torture in general, is much darker and less precise. The litany of absurd and humiliating torture techniques to which al-Qahtani was subjected over the course of years had no practical intelligence-gathering applicability, but is instead evidence of a concerted effort to disorient a detainee whose permanent destabilization was strategic for the US because of the unique threat al-Qahtani was believed to pose. By subjecting al-Qahtani to incongruous and objectionable scenarios, his guards and interrogators appear to have played into his history of psychosis; by ridiculing his involvement in al-Qaeda and guilting him for having survived when his would-be fellow 9/11 hijackers perished, they undermined his political and ideological commitments. The resulting psychological damage was profound—after 20 years at Guantánamo, al-Qahtani was deemed “too impaired to pose a future threat” to the US and cleared for release.⁹⁷ He was repatriated by Saudi Arabia in 2022, where he remains confined to a psychiatric facility.

The forms of torture to which al-Qahtani was subjected, though specifically approved for use on him, are representative of both the sinisterly creative forms of torture and the “routine” deprivations (such as solitary confinement and starvation) to which most Guantánamo detainees have been subjected. It is clear from events described in Guantánamo memoirs that guards and interrogators frequently abused detainees in ways that specifically and directly played on their mental vulnerabilities or instabilities. For example, during his years-long captivity in solitary confinement, Mohamedou Ould Slahi began to hallucinate and hear the voices of his family members and religious leaders. Guards used this onset of

⁹⁷ Carol Rosenberg, “‘20th Hijacker’ Is Returned to Saudi Arabia for Mental Health Care,” *The New York Times*, March 7, 2022.

severe psychiatric symptoms as an opportunity to further manipulate Slahi by “talking with funny voices through the plumbing, encouraging [him] to hurt the guards and plot an escape.”⁹⁸ Similarly to the abuses inflicted on al-Qahtani, this clearly served to deepen Slahi’s disorientation by playing into his loss of touch with reality. Common sense suggests that torturing a prisoner in a way that intentionally unmoors them from reality cannot possibly lead to the discovery of any real or useful intelligence. Instead, these abuses represent a concerted prison-wide campaign of disorienting detainees to the point of incapacitation.

As noted above, Israeli prison guards and interrogators often use torture to strategically disorient prisoners in more political or interpersonal ways, in addition to employing tactics targeting psychological stability. Walid Daka argued that, as of the mid-2000s, the entire Israeli prison system was built around a set of “plans, schemes and positions which appear to the observer as chaotic, confused and contradictory components,” but that are actually carefully implemented to fragment Palestinian civil society.⁹⁹ Disorienting torture is used to transform each individual Palestinian prisoner into “a passive, receptive object,” disconnected from fellow prisoners and outside communities.¹⁰⁰ In part, the Israeli prison system accomplishes this through the extensive use of informants both in prison and outside, the infliction of severe punishments for any expressions of solidarity between prisoners, and

⁹⁸ Slahi, *Guantánamo Diary*, 269.

⁹⁹ Daka, “Consciousness Molded,” 237.

¹⁰⁰ Daka, 246.

collective retribution for individual infractions. These tactics serve to disorient prisoners in the sense that they strategically unmoor people from forms of support or empathy that may have provided a source of stability and ideological motivation. Such tactics are disorienting because they erode trust and heighten isolation. For Palestinian prisoners, the experience of torture is almost certainly not the primary or original blow to their internally held conceptions of the world. However, the carceral environment can facilitate the infliction of particularly concentrated harm, serving as a microcosm of society-wide manipulations.

In his analysis of the changes made by the Israeli Prison Service (IPS) in the midst of the Second Intifada, Daka notes that Palestinian prisoners had previously maintained a system in which all political factions elected a single representative to the prison administration, allowing them to make collective demands.¹⁰¹ During the Second Intifada the IPS ceased to work with political representatives and instead began to designate spokespeople for each prison ward, which are loosely organized according to geographic region.¹⁰² These geographic representatives are allowed to discuss problems only from their own division, and they are also tasked with carrying warnings and regulations from the prison administration back to fellow prisoners. In practice, the restriction of collective bargaining has led to significant inequalities in living conditions and treatment by guards, and the administration-

¹⁰¹ Daka, 245.

¹⁰² Lana Tatour, "Introduction," in *Race and the Question of Palestine*, ed. Lana Tatour and Ronit Lentin (Stanford University Press, 2025), 30–2. These geographies are not only spacial but also racialized, in ways that deepen internal divisions within Palestinian society and are exploited by the IPS to justify differential treatment.

appointed spokespeople have “become agents of the jailing authority.”¹⁰³ While political demands have been strategically fragmented, penalties for individual violations have been collectivized.¹⁰⁴ Together these tactics have served to turn prisoners against each other. Daka notes that violence “as a tool for resolving disputes [between prisoners] is widespread, after having been taboo for many years.”¹⁰⁵

While these administrative tactics may not be immediately legible as torture, Daka explicitly argues that, in the context of “clean” abuses used by liberal democratic states to evade censure, such efforts to unmoor prisoners from their political and social alliances by turning them into enemies must be viewed as violent attacks on Palestinian collective subjectivity, with tremendously detrimental impacts. From an ideological point of view, this tactic of fragmenting collective Palestinian subjectivity through a specifically liberal democratic process (i.e. political representation) is notable. By focusing on subjectivity alteration and demobilization, rather than outright physical obliteration, the Israeli state is able to use a central tenet of liberal democratic governance toward distinctly genocidal ends. This harkens back to nineteenth century colonial counterinsurgency tactics, discussed in Chapter 1, in which the cleansing of warfare to be less visibly violent and more focused on “winning hearts and minds” actually facilitated the insidious embedding of torture within administrative functions. In other words, targeting individual subjectivities and communal

¹⁰³ Daka, “Consciousness Molded,” 245.

¹⁰⁴ For example, see B’Tselem, *Welcome to Hell*, 75.

¹⁰⁵ Daka, “Consciousness Molded,” 250.

ties with liberal tools of governance has gone hand in hand with torture for centuries of strategically sanitized colonial oppression.

In the post-October 7th political moment, in which Palestinian civilians are being arrested by the thousands and Israeli prisons are profoundly overcrowded, it is unclear to what extent the system of representation and bargaining described by Daka is still in use. However, in recent testimonies in news articles and NGO reports, Palestinian prisoners frequently refer to interactions with a *shawish*—a prisoner deputized by guards (often because they speak Hebrew) and forced to assist in the abuse of their cellmates.¹⁰⁶ The designation of a *shawish* who facilitates torture of fellow prisoners is directly in line with the strategies Daka describes for the undermining of solidarity between Palestinians, albeit in a more explicitly violent form. In a 2024 news interview, former detainee and Palestinian Center for Human Rights legal researcher Ayman Lubad explained, “[i]f you move, the soldier points a laser at you and tells the Shawish, ‘Get him out, raise his hands.’ If you put your hands down, the Shawish takes you outside, and the soldiers beat you.”¹⁰⁷ By forcing Palestinians to cooperate with Israeli guards and deliver their fellow prisoners to be tortured, prison administrators strategically inspire deep mistrust and anger, offsetting some of the appearance of

¹⁰⁶ *Shawish* is also sometimes transliterated as *shaweesh*. This word has derogatory connotations in Arabic. It literally translates to “one in charge” and is used in this context to signify a prisoner who is put in charge of other prisoners.

¹⁰⁷ Abraham, “Inside Israel’s Torture Camp for Gaza Detainees.”

responsibility for abuse onto detainees themselves.¹⁰⁸ Prisoner testimonies published by Addameer detail numerous violent interactions involving *shawish*, including an instance in which a *shawish* prevented fellow prisoners from using the bathroom and reported them to guards, possibly as a way “to protect himself and to get more food than the other prisoners.”¹⁰⁹ This scenario illustrates how the appointment of liaisons by guards facilitates violence between prisoners and shifts focus away from Israeli torturers as common antagonists.¹¹⁰

Another form of ideological disorientation that is discussed in the testimonies of former Palestinian prisoners is the use of informants—often prisoners themselves who are forced to pressure cellmates for confessions or information. A 2015 B’Tselem report describes how prisoners are often transferred from interrogation sessions directly to an “informants’ wing,” in which fellow prisoners continue to apply pressure to divulge information.¹¹¹ Like the

¹⁰⁸ Michael Taussig, “Culture of Terror—Space of Death. Roger Casement’s Putumayo Report and the Explanation of Torture,” *Comparative Studies in Society and History* 26, no. 3 (July 1984): 493. Deputizing “representatives” amongst colonized populations has long been a common tactic of liberal colonial governments. This allows colonial powers to offset particularly oppressive and violent actions onto their subjects, which both preserves the illusion of their liberal humanistic practices and provides justification for civilizing missions to reform “native” brutality.

¹⁰⁹ Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees*, 37. Testimony of D.S.

¹¹⁰ Errachidi, *The General*, 70. In his memoir, Errachidi also sheds light on the shame and humiliation of being selected to translate guards’ profane orders and relay them to his fellow detainees.

¹¹¹ B’Tselem, *Backed by the System*, 15.

appointment of a *shawish*, this represents a form of disorienting abuse for prisoners because it shatters closely held conceptions of who can be trusted and who will enact harm, heightening isolation and alienation.¹¹² In one particularly gutting recent example, former detainee Muhammad Farhat Jaber describes how, after being arrested alongside his nephew, he was forced to question his nephew while an interrogator hid in the room:

They planned for Mahmoud to think I was alone in the room, and ordered me to ask him certain questions. The other interrogator left the room and the guard brought Mahmoud in. It was clear that he had been badly beaten and couldn't stand. He had marks from beating on his face, too. The guard sat him down in a chair in front of me and left the room, while the interrogator was still hiding under the table. I asked Mahmoud the questions they told me to ask. First, I asked how he was doing, and then I asked him if he'd crossed the checkpoint with a weapon. Mahmoud was surprised by my question and answered: "What weapon, uncle? Who carries a weapon in this area?" I answered him as the interrogator instructed me in advance, that he was caught on the army cameras with a

¹¹² B'Tselem, "Harm to Palestinians Suspected of Collaborating with Israel," B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, January 1, 2011; B'Tselem, *Living Hell: The Israeli Prison System as a Network of Torture Camps* (B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, 2026), 11; Ron Dudai and Hillel Cohen, "Triangle of Betrayal: Collaborators and Transitional Justice in the Israeli-Palestinian Conflict," *Journal of Human Rights* 6, no. 1 (2007): 37–58; Ahmad H. Sa'di, "The Politics of 'Collaboration': Israel's Control of A National Minority and Indigenous Resistance," *Holy Land Studies* 4, no. 2 (2005): 7–26. While a thorough discussion is beyond the scope of this chapter, it is worth noting that a significant element of Israel's subjectivity alteration offensive against Palestinians is the use of torture to coerce survivors into collaborating with the occupying state. This is yet another form of demobilization, as it effectively halts the capacity to resist of both collaborators themselves and people around them whom they endanger. As I have discussed above, it is also another way in which Israel keeps Palestinians focused on threats within their communities, rather than their collective enemy. While *shawish* and informants within prison populations are representative of this practice, collaborators also comprise a vast network throughout Palestine. Israel has been successful in "convincing" detainees to collaborate with them, in part because of the absolute power the state holds over their lives and the lives of their loved ones. The production of collaborators is an outcome of torture—one that is essential to the maintenance of Israel's supremacy as an occupying force.

weapon and that I'd seen the video. Mahmoud got angry and said: "What are you talking about?" He said he didn't have anything and that the bag had barbecue equipment in it.¹¹³

This episode occurred in the same period of incarceration in which Jaber was forced to shave himself and his nephew Mahmoud, demonstrating the extent to which Israeli interrogators and prison guards exploit family ties to psychologically manipulate and abuse prisoners. In this instance, it is clear from Mahmoud's anger at his uncle's questions that he is deeply wounded that his uncle appeared to believe the false accusations levied against him, and to be cooperating with his torturers. By forcing Jaber to question his nephew, Israeli interrogators turned a familial relationship into one of mutual suspicion. In the context of false imprisonment, torture, and violent occupation, such a fracturing of trust and assumptions of solidarity can have immensely disorienting impacts within prison and beyond.

Although the above analyses touch on only a fragment of the forms of torture the US and Israeli prison systems use to disorient detainees, the extensive systematization of these tactics represent a sustained, coordinated effort to alter detainee subjectivities by unmooring them from their networks of support, their internalized senses of order, and even their own minds. The disturbingly creative efforts of Guantánamo guards to exploit and worsen the mental instabilities of detainees, as well as the Israeli Prison Service's strategic undermining of mutual trust and cooperation between prisoners, represent pervasive forms of abuse designed to demobilize survivors, either by incapacitating or isolating them. Such disorientation is an objective unto itself—a way in which liberal democratic states use clean methods of torture

¹¹³ Muhammad Farhat Jaber, "Muhammad Farhat Jaber, 55, a Father of Seven from the Jaber Neighborhood in Central Hebron, Was Arrested by Soldiers on 15 August 2024 and Released after Several Days of Abuse," B'Tselem.

to effectively neutralize perceived threats by curtailing future social or political involvement.

III. Deliberate Maiming

Although much of clean torture by liberal states is designed to demobilize indirectly through subjectivity alteration, I do not wish to overlook the extent to which actual physical debilitation contributes to demobilizing outcomes. What is more, longterm physical injuries as a result of torture can also contribute to subjectivity alteration by further instilling a sense of helplessness in survivors, as well as in the families and communities who care for them or who previously depended on their livelihoods. As I will discuss in this section, liberal states such as the US and Israel often inflict degenerative injuries on prisoners and then intentionally release them to places where they cannot receive medical treatment for their torture-related wounds, often because of previous interventions the torturing state has made to restrict access to care. Following Jasbir Puar's analysis of debilitation as a core tactic of settler colonial rule, I group these effects into the category of "maiming" to describe the strategic perpetuation of incapacitation.¹¹⁴ Maiming is particularly strategic for liberal democratic states because such tactics allow them to inflict debilitating and even mortal harm on detainees while keeping official casualty counts low. By precipitating but postponing deaths and other forms of debilitation, liberal states maintain the illusion of humane treatment while still indirectly incapacitating perceived threats. This is in line with other "stealth" torture techniques used by democracies to subvert detection.

Within the category of maiming I include physically debilitating outcomes as well as

¹¹⁴ Jasbir K. Puar, *The Right to Maim: Debility, Capacity, Disability* (Duke University Press, 2017).

other forms of post-incarceration restrictions, such as the imposition of legal conditions that prolong the illusion of former detainees' criminal threat. These tactics of deliberate maiming produce wide-ranging impacts, including significant financial hardship due to physical and mental disabilities that prevent survivors from holding consistent employment, vulnerability to future incarceration and state abuse, and social ostracization. I view this trend as a specific and notable form of liberal state violence because it allows for states to maintain the illusion of clean and humane imprisonment while indirectly orchestrating the prolonged torture, incapacitation, and even death of survivors after their release from prison.

The range of ways in which liberal states use prison torture to precipitate post-prison torture or other forms of incapacitation are usefully articulated by what Puar calls “the dying after the dying.”¹¹⁵ This conception is a highly apt description of the experiences of Guantánamo survivors, many of whom describe their post-Guantánamo life as “Guantánamo 2.0,”¹¹⁶ or “leaving one nightmare to go into another one.”¹¹⁷ Although the experiences of Guantánamo survivors after repatriation have not been extensively researched or publicized, news interviews with a number of outspoken former detainees, brief epilogues in a few memoirs, and studies carried out by the Human Rights Center and the International Human Rights Law Clinic at UC Berkeley have provided some insight into the conditions of release the US has orchestrated to perpetuate and compound its abuse of prisoners. To a large extent

¹¹⁵ Puar, 144.

¹¹⁶ Joel Gunter, “Life after Guantanamo: ‘We Are Still in Jail,’” *BBC*, June 12, 2022.

¹¹⁷ Fletcher and Stover, *The Guantánamo Effect*, 95.

these conditions have rested on a highly manipulative legal premise—namely, that Guantánamo detainees are not “released” from US custody, but rather their custody is “transferred” to another state. UC Berkeley researchers describe how, in the minds of detainees, leaving Guantánamo “meant vindication of their claims of innocence and an opportunity to resume their lives.”¹¹⁸ Contrary to this assumption, in negotiating detainee repatriation agreements the US has prioritized guarantees that “the receiving government will ‘establish...measures...that will ensure that the detainee will not pose a continuing threat.’”¹¹⁹

The prioritization of longterm detainee demobilization is, I have argued, a central objective of liberal torture as a whole, but in its negotiation of repatriation agreements the US perhaps most explicitly demonstrates the centrality of incapacitation to the logic of its War on Terror torture program. Because of the US government’s insistence that “its decision to release detainees is not an admission that they are cleared of wrongdoing,” many former detainees have been re-incarcerated after repatriation by their home countries or third-party states.¹²⁰ Among those who were re-incarcerated some have faced further torture.¹²¹ Without a formal exoneration by the US government, despite having never actually been charged with a crime, many detainees have reported being shunned by their communities, treated as

¹¹⁸ Fletcher and Stover, 93.

¹¹⁹ Fletcher and Stover, 94.

¹²⁰ Fletcher and Stover, 96.

¹²¹ Fletcher and Stover, 95.

potential threats to public safety, feared by their friends, and targeted with death threats and public denunciations.¹²² Those who were repatriated to their countries of origin sometimes returned to find that their family members had become sick from the stress of their detention or had sold land or other property to pay for legal fees to try to secure their loved ones' release and consequently faced severe financial instability.¹²³ Former detainees who were, for a variety of reasons, not repatriated to their home countries have faced indefinite familial separation, isolation due to lack of social support and difficulty learning the local language, and inability to work or travel because of the legal limbo into which they were sent by repatriation agreements.¹²⁴ In both scenarios, financial hardships have prevented former detainees from accessing medications to treat torture-related injuries and conditions inflicted by Guantánamo personnel. Most report not having received any medical or psychological treatment after their transfer.¹²⁵ Directly and indirectly, these dire circumstances are the result of abuses inflicted by the US government and subsequent efforts to defend and compound those abuses.

Former Guantánamo detainee Mansoor Adayfi has been outspoken about the dire conditions to which he and others have been repatriated. In his memoir he describes the fear inspired by rumors of friends and fellow prisoners who had been transferred from

¹²² Fletcher and Stover, 97.

¹²³ Fletcher and Stover, 100–4.

¹²⁴ Fletcher and Stover, 98.

¹²⁵ Fletcher and Stover, 103–6.

Guantánamo to inhospitable environments:

We got news that Hamzah was hospitalized after being beaten badly by counterterrorist forces who raided his home. Another brother was thrown to the street and didn't have a place to live. In Albania, where Uyghur brothers were sent, the government beat them, forced them to shave their beards, and put them in a refugee camp. ... Those brothers had no legal status or even IDs of any kind. In Kazakhstan, our brother Asim Thabit al-Khalaqi died after the government refused to give him medical care for a kidney condition. It was like being sent to another Guantánamo, where the United States could turn its back while brothers were beaten or killed. We even heard that brothers who were located in the UAE had disappeared completely with no contact with their lawyers, families, or even the Red Cross.¹²⁶

Because his home country of Yemen was in the midst of a civil war at the time Adayfi was cleared for transfer, the prison administration decided it was not safe to send him back to his family. Instead, it arranged for Adayfi to be transferred to Serbia against his will. After an unnerving meeting with a Serbian delegate, who explicitly threatened Adayfi with further imprisonment, Adayfi was forced to accept the placement or else risk spending the rest of his life at Guantánamo.¹²⁷

Although his memoir ends with his brutal military transport to Serbia,¹²⁸ in subsequent news interviews and opinion articles Adayfi has commented on the extent to which the

¹²⁶ Adayfi, *Don't Forget Us Here*, 357–8.

¹²⁷ Adayfi, 359.

¹²⁸ Adayfi, *Don't Forget Us Here*, 360. In his memoir, Adayfi reports, “I was shipped out of Guantánamo in the same way I was shipped in: against my will, gagged, blindfolded, hooded, earmuffed, and shackled. I was loaded into the cold body of a military transport plane, chained to my chair, and flown halfway around the world to a scary place I didn't know.” The nature of this transport emphasizes the US' contention that repatriation does not indicate detainees' innocence.

conditions of his life in Serbia have perpetuated the torment of Guantánamo.¹²⁹ He describes arriving in Serbia, being taken by the secret service to an apartment in Belgrade in which he subsequently found surveillance cameras, and given a government-issued phone on which he discovered listening software.¹³⁰ In the years since, Adayfi has been constantly followed by police. Local law enforcement have also routinely questioned anyone they observe Adayfi befriending—even strangers sitting near him at coffee shops—leading Adayfi to break off practically all local relationships out of fear of putting others in danger by association. He has been publicly smeared and labeled a terrorist by Serbian media, and, after giving a PBS interview in 2018, Adayfi was arrested and beaten by authorities. Because both Serbia and Yemen initially refused to issue Adayfi a passport, he was unable to travel and was forced to apply for government permission even to leave the city of Belgrade.¹³¹ Consequently, he rarely leaves his apartment and primarily communicates with fellow former Guantánamo detainees, with whom he has a WhatsApp group chat. Numerous other former detainees have

¹²⁹ See Mansoor Adayfi, “Our ‘Father’ Has Finally Been Released from Guantanamo,” *Al Jazeera*, February 16, 2023; Abigail Hauslohner, “No Escape from Guantánamo,” *The Washington Post*, January 7, 2022; Poppy Noor, “‘The US Should Be Held Accountable’: Guantánamo Survivor on the War on Terror’s Failure,” *The Guardian*, August 16, 2021.

¹³⁰ Gunter, “Life after Guantanamo.”

¹³¹ *Former Guantanamo Prisoner Mansoor Adayfi Documents His First Trip in 21 Years*, directed by Mansoor Adayfi (Middle East Eye, 2023), 0:56; MEE Staff, “Ex-Guantanamo Detainee Mansoor Adayfi Has Yemeni Passport Restored,” *Middle East Eye*, May 16, 2023. As of 2023 Adayfi’s Yemeni passport was finally restored and he is now able to travel, although it is unclear what this change in his status means for his repatriation arrangement in Serbia. He now works with the UK-based organization CAGE, supporting other former Guantánamo prisoners and advocating for the closure of the detention center.

reported similar or worse circumstances.¹³²

Although the data is almost certainly incomplete, *The New York Times* reports that, of 33 former detainees who are known to have died since repatriation, at least seven have been subsequently killed in US drone strikes or counterterrorism operations, at least five have been killed by the police or military forces of the countries to which they were repatriated, and at least two have died as a result of being denied medical care because of the legal limbo of their repatriation status.¹³³ While these deaths represent a fraction of the hundreds of former detainees who have been transferred from Guantánamo, their damning circumstances paint a telling picture of how the US has used captivity and torture at Guantánamo to justify sending detainees into heinous post-Guantánamo conditions, from which many see no avenue of escape. The US has intentionally abused and permanently disabled detainees and then abandoned them in situations in which their prior abuse makes them suspect, legally vulnerable, and physically incapacitated. These circumstances represent yet another highly effective way in which the US has used torture to demobilize survivors longterm, both through the orchestration of direct restrictions and by indirectly cementing a state of

¹³² See Matt Apuzzo, Sheri Fink, and James Risen, “How U.S. Torture Left a Legacy of Damaged Minds,” *The New York Times*, October 8, 2016; Bouazza Ben Bouazza, “Tunisia Homeland Worse than Guantanamo for 2 Ex-Prisoners,” *AP News*, July 7, 2017; Gunter, “Life after Guantanamo;” Hauslohner, “No Escape from Guantánamo;” Kurnaz, *Five Years of my Life*, 233; Charlie Savage, Declan Walsh, and Dionne Searcey, “Deported to Libya, Ex-Gitmo Detainees Vanish. Will Others Meet a Similar Fate?,” *The New York Times*, April 23, 2018.

¹³³ “The Guantánamo Docket,” *The New York Times*; Mansoor Adayfi, “A Dubious Death after Guantanamo the Case of Asim Thabit Al Khalaqi,” CAGE International, October 27, 2022; Mansoor Adayfi, “Emad Hassan: From Guantánamo’s Shadows to a Tragic End,” CAGE International, August 12, 2024.

inescapable isolation and subjection. The US has used torture to make its survivors persistently vulnerable and unable to resume their former lives.

Similarly, incapacitation through injury and torture has long been a strategic practice of the Israeli Prison Service. Testimonies from the past several years of escalated Israeli abuse and severely violent prison conditions have demonstrated the extent and impact of the maiming of Palestinian prisoners. Intentionally injuring Palestinian prisoners and then releasing them to places where they cannot access hospital care—often because of Israeli checkpoints or bombings—is a key way in which Israel uses torture to demobilize former prisoners. Recent evidence suggests that detainees have increasingly been released from prison “in random locations...injured and abandoned in the streets in the middle of the night, sometimes wearing diapers or only their underwear.”¹³⁴ Likewise, the healthcare system in Gaza has been a major strategic target of Israeli bombing campaigns, and doctors have been particularly persecuted and subjected to arrest, abuse, and murder.¹³⁵ As Jasbir Puar points out, such strategies of degradation allow Israel to precipitate the deaths of Palestinians while publicly distancing themselves from the outcomes.¹³⁶ Numerous testimonies of former Palestinian prisoners in recent NGO reports state that, upon being released from Israeli

¹³⁴ Francesca Albanese, *Torture and Genocide* (United Nations, 2026), 13.

¹³⁵ Albanese, 9, 15. See also Ali Harb, “How Israel Destroyed Gaza’s Health System ‘Deliberately and Methodically,’” *Al Jazeera*, February 4, 2026; United Nations Human Rights Office of the High Commissioner, “UN Experts Appalled by Relentless Israeli Attacks on Gaza’s Healthcare System,” United Nations, August 13, 2025; World Health Organization, “Health System at Breaking Point as Hostilities Further Intensify in Gaza, WHO Warns,” World Health Organization, May 22, 2025.

¹³⁶ Puar, *The Right to Maim*, 131.

custody, they were in need of medical treatment but were “too afraid to go to the hospital” because of the risk of encountering soldiers again or restrictions on movement that may prevent them from either reaching the hospital or returning home again.¹³⁷ Others report going to the hospital and receiving no treatment or even being subjected to further interrogation and torture at medical facilities.¹³⁸ In all of these cases the testifiers stated that their untreated injuries were continuing to cause them significant pain and preventing them from returning to their usual activities.

Checkpoints and other closures posed a significant barrier for Palestinians arriving home from prison and in desperate need of medical care. Recently released from prison, where he had been beaten until he lost consciousness, Hebron resident Isma’il Jaber reported,

When I got home, I fell asleep right away and slept until morning. When I woke up, the pain was so bad I couldn’t get out of bed. I knew I wouldn’t be able to get to the hospital because the area is completely closed on Fridays. ...I haven’t been seen by a doctor since then, but I still have strong pain in my back and legs.¹³⁹

In her analysis of Israeli practices of strategic maiming, Puar points out that the proliferation of Israeli checkpoints designed to hamper Palestinian freedom of movement works hand in hand with the physical wounding and debilitation of Palestinians—both function, together

¹³⁷ B’Tselem, *Unleashed*, 15. See also Hisham Abu Is’ifan, “Hisham Abu Is’ifan, 54, a Father of Six from the Wadi al-Hassin Neighborhood in Central Hebron, Attacked by Soldiers on 12 June 2024,” B’Tselem; Amir ’Aref Jaber, “Amir ’Aref Jaber, 20, from the Jaber Neighborhood in Central Hebron, Attacked by Soldiers on 21 June 2024,” B’Tselem.

¹³⁸ Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees*, 15; Euro-Med Human Rights Monitor, *Hostages of Israeli Revenge in the Gaza Strip*, 55.

¹³⁹ Jaber, “Isma’il Jaber, 22.”

and independently, to impair mobility, often with deadly results.¹⁴⁰ In the cases of former detainees, injuries inflicted by Israeli prison guards and interrogators, coupled with restrictions on movement that make access to treatment almost impossible, illustrate how prison torture and the conditions of daily life under occupation function symbiotically to disable and demobilize survivors and the families that provide care for them.

It is evident from testimonial materials and news investigations that Israeli guards and interrogators intentionally torture Palestinian prisoners in ways that will cause maximal long-term harm. Based on testimonies collected on behalf of the Palestine Center for Prisoner Studies, researcher Amina Al-Tawil reported to *Middle East Eye* that prison beatings by Israeli guards were intentionally concentrated in the head region, with the intent to cause “the greatest possible damage.”¹⁴¹ Other reports detail instances in which prisoners were asked about preexisting injuries and then targeted in those locations with beatings. This could be seen as both an effort to compound prior injuries and to conceal torture within them. Gaza resident Sufian Abu Saleh recounted, “[a] soldier asked me: ‘Which of your legs is hurt?’ and started hitting me hard on that leg, brutally.”¹⁴² Likewise, Hisham Abu Is’ifan reported that when he was apprehended by soldiers on his way to work in Hebron, he told them he had recently had back surgery for a herniated disc. In response, a soldier threw him to the ground

¹⁴⁰ Puar, *The Right to Maim*, 109. See also Lama Jamjoum, “The Effects of Israeli Violations During the Second Uprising ‘Intifada’ on Palestinian Health Conditions,” *Social Justice* 29, no. 3 (2002): 53–72.

¹⁴¹ Shalash, “Palestinian Prisoners Released from Israeli Jails Tell of Terrible Impact of Abuse.”

¹⁴² B’Tselem, *Welcome to Hell*, 71.

and kneeled on his chest until he blacked out.¹⁴³ Afterward, Abu Is'ifan refused to be taken to the hospital by his family because he knew he would not be able to return home due to road closures. Similarly to the use of torture to intentionally disorient and isolate survivors, maiming with a clear intent to permanently disable has no intelligence-gathering application but rather is evidence of the machinery of colonial incapacitation at work.

Physical debilitation often causes significant psychological distress as well, acting as a form of subjectivity alteration because of the extent to which bodily limitations and chronic pain can impact survivors' senses of hope and agency, compounding demobilization. Sufian Abu Saleh, whose injured leg was intentionally beaten, deteriorated further and further in prison due to repeated trauma to his leg, which resulted in infection. After receiving no medical care for weeks, Abu Saleh was taken to a military hospital and underwent a series of surgeries, without his consent, while handcuffed and blindfolded. After another ten days of severe neglect leading to further infection, he was taken back to the hospital and told his leg would be amputated. In the aftermath of his release from prison and return to the tent in which his family was then living in Khan Younis, he testified,

I'm emotionally very unwell, a broken man. I cry for myself and over what happened to me. I lost a leg for no reason. I didn't have any medical condition. This only happened because of the medical negligence in the detention facility. Now I can't work, either, and I'm stuck inside the tent all day.¹⁴⁴

Abu Saleh's harrowing testimony of torture and medical neglect demonstrates the simultaneously physical and psychological effects of his debilitating injury and the extent to

¹⁴³ Abu Is'ifan, "Hisham Abu Is'ifan, 54."

¹⁴⁴ B'Tselem, *Welcome to Hell*, 72.

which both have shattered his capacity to participate in his own life. The intentional maiming of Palestinians is part of a concerted effort to preemptively disable resistance to Israeli occupation.¹⁴⁵ The testimonies of recent survivors show the extent to which prison torture as well as military violence effectively demobilize survivors under the guise of protecting state security through intelligence-gathering operations. The conditions to which Palestinian prisoners are released compound and prolong the damage of torture in order to continuously incapacitate them.

As I discussed in Chapter 1, the outward cleansing of counterinsurgency and counterterrorist actions has been central to the liberal logic of violence for centuries, leading to an emphasis, particularly in colonial settings, on forms of oppression that do not directly or visibly implicate the liberal state in bodily harm. The systemic maiming of former detainees by both the US and Israel, as a way to incapacitate alleged security threats while washing their hands of the visceral longterm consequences, is a clear continuation of this colonial logic of liberal torture. By releasing detainees to post-imprisonment conditions that directly and indirectly compound the impacts of torture, liberal states like the US and Israel maintain a guise of humane treatment and adherence to international standards of care while inflicting irreparable lifelong damage, and even death.

C. Conclusion

The forms of strategically demobilizing and subjectivity altering torture I have detailed in this chapter represent a small fraction of the ways in which the US and Israel harm detainees.

¹⁴⁵ Puar, *The Right to Maim*, 152.

In some ways it is impractical and misleading to single out specific abuses that are outwardly legible as torture—torture is defined by the custodial relationship between perpetrator and victim, and therefore the direct, discreet infliction of physical or psychological pain, and the impacts of that pain, always exist in relation to a generalized situation of violence. Likewise, the forms of abuse that take place in a prison are dependent on and situated within conditions of systemic oppression that are suffused throughout society as a whole. Because of these significant caveats, analyzing torture as an isolated event can only ever provide a partial image of how a population is demobilized. The conditions of oppression, occupation, systemic violence, and mass imprisonment can also be seen as methods of physically and psychological wearing down populations in order to preserve established hierarchies. However, histories of European colonialism have amply demonstrated that systematized torture is a common way liberal democratic governments use violence to intensify the generalized incapacitation of individuals and communities.

Despite these various caveats, the pervasive institutional lies about the purpose and outcomes of torture are part of a consistent effort to conceal and disavow the profound violence of liberal democratic states. Falsehoods about the use of torture to extract information from known terrorists have dominated public conversations about torture in the twenty-first century. What is more, liberal states such as the US and Israel have explicitly defended their torture programs by arguing that they are carefully designed not to cause longterm harm to survivors. Contrary to all of these misleading assertions, it is evident that intelligence gathering is a smokescreen proffered to disguise the systemic use of torture to maximally harm and incapacitate survivors in the longterm, with the intention of neutralizing

whatever perceived threat they may pose to the dominant order of the state.

Amidst the many lies modern states tell about their uses of torture, it is clarifying to understand it as a mode of quietly exiling undesired subjects from themselves and society. Modern liberal torture methods, utilized to break down selfhood and individual connection with the world, are powerful and widely used state tools of general social reform. Although torture has been used by both authoritarian and liberal democratic states to uphold hegemonic political and social orders, clean, subjectivity-altering torture techniques, such as those I analyze above, offer liberal states in particular a way to incapacitate perceived enemies while publicly maintaining the moral high ground. By using these tactics and others, liberal democratic states exercise the capacity to forcibly impose and uphold conformist realities by preemptively disabling people considered ideologically and politically threatening.

Part 2: Justifying Torture

If liberal states tend to invest significant resources in concealing their use of torture, under what conditions do they choose to make such violence public, and for what purpose? In the previous chapter I argued that a core animating logic of liberal torture is the reshaping of survivor subjectivities as a way to strategically demobilize those considered a civilizational threat to the perpetrating nation. Here I wish to expand my analysis of torture and subjectivity alteration to discuss how torture perpetrated by liberal democracies also shapes narratives of belonging, morality, and the rationality of violence in the larger public sphere. Public rhetoric around torture, its perpetrators, and its victims, shaped by official government statements and news media, represents another way in which torture functions to shape subjectivity, albeit indirectly, by drawing on liberal ideological discourses of civilizational difference and exception. After all, the use of torture to define illiberal subjects is simultaneously a process of defining liberal subjects.

As I discussed in Chapter 1, the justification of torture through narratives of moral and civilizational differentiation is a key function of liberal ideology—one that served to rationalize centuries of colonial torture perpetrated to uphold oppressive, manufactured hierarchies. Alongside notions of civilizational superiority, assumptions that there are fundamentally illiberal uses of torture (e.g. extracting confessions, instilling terror, and inflicting punishments) and acceptably liberal uses of torture (primarily, future-oriented gathering of actionable intelligence for purposes of state security) also serve to provide a veneer of morality to certain instances of violence, perpetrated by certain people.¹ Drawing

¹ David Luban, “Liberalism, Torture, and the Ticking Bomb,” *Virginia Law Review* 91, no. 6 (2005): 1425–1461.

on this established precedent, the strategic framing of contemporary liberal torture as justifiable against an irrational and unmanageable other creates a publicly consumed feedback loop of what anthropologist Nicola Perugini and human rights scholar Neve Gordon describe as, “the subtle ways liberal ethics helps to shape violence, and violence helps to shape liberal ethics.”²

Liberal torture is organized around maintaining secrecy and deniability in order to conceal the violence of a form of governance that is premised on being universally opposed to violence. As I discussed in Chapter 1, Darius Rejali has meticulously researched and demonstrated the centrality of concealment as a structuring logic of liberal torture. Rejali argues that the entire category of clean torture, and its attendant battery of techniques for the infliction of invisible pain, emerged to thwart monitoring efforts by human rights organizations, the press, and the international community.³ However, in the post-9/11 era, liberal democratic states have, in certain strategic momentary ways, publicized their use of torture through the release of official images and other media showing alleged “terrorist” detainees in cruel conditions. Although liberal democratic governments publicizing their mistreatment of prisoners have denied allegations of torture, the intentional release of any documentation of prisoner abuse raises questions about what liberal states potentially have to gain from supplying the public with direct evidence of seemingly illiberal forms of violence.

In the following two chapters I once again turn to the United States and Israel as case

² Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford University Press, 2015), 81.

³ Darius Rejali, *Torture and Democracy* (Princeton University Press, 2007), 10.

studies on the ways in which official publicization of liberal torture shapes public narratives about the uses and significations of violence. Both states have, in different ways and contexts in the War on Terror era, published official media clearly showing prisoner abuse by state or military agents. Although the choice to publicize violence against prisoners seems counterintuitive, close analysis of public and news media responses to these official releases suggests that publicizing torture has actually allowed perpetrating liberal states to shape public narratives in their favor. By controlling the narrative about state-sanctioned abuse, the US and Israel preempted accusations of wrongdoing by demonizing and dehumanizing their victims in order to implicitly and explicitly justify their mistreatment. Thus, instead of providing damning evidence of allegedly illiberal violence, publicization of torture by liberal democratic governments, under certain circumstances, actually serves to emphasize the divide between morally upstanding and just liberal torturers and irrational, illiberal prisoners, whose abuse allegedly makes the world a better place.

This rhetorical divide between liberal torturer and illiberal prisoner allows perpetrating liberal democratic states to cement their status as universal victims, justly defending themselves from annihilation by forces of global evil—not only for themselves but on behalf of Western civilization. Gender studies scholar Sherene Razack has referred to liberal torture as a practice that “unites the West against the East.”⁴ This assertion bears out in recent statements by Israeli Shin Bet interrogators who have suggested that an explicit goal of Israeli interrogation is increasingly the production of media that Israel can use “in the

⁴ Sherene H. Razack, “The Manufacture of Torture as Public Truth: The Case of Omar Khadr,” in *At the Limits of Justice: Women of Colour on Terror*, ed. Sherene H. Razack and Suvendrini Perera (University of Toronto Press, 2014), 58.

global information war,” and that they are using torture to campaign “for the west” at a time when they feel their actions and cause demand a level of exposure to shape public narratives.⁵ The intentional publicization of torture in moments of political inflection can thus be a way for liberal democratic states to establish and reinforce the boundaries of particular ideological communities.

Although such acts of publicization are in many ways counterintuitive, state disclosure lies at the heart of liberal governance and therefore the performance of divulging information to the public is actually an element of the strategic rationalization of violence. In an analysis of the role of state transparency in the creation of a liberal citizenry with a voice, political theorist Jodi Dean argues, “democratic politics has been formatted through a dynamic of concealment and disclosure, through a primary opposition between what is hidden and what is revealed.”⁶ Thus, closely observing what is disclosed and concealed provides insight into both the dynamics of the state itself and what kind of public the state intends to shape. Dean asserts that the emphasis on state disclosure emerged as a “normative ideal” in the Enlightenment, as a way in which states performatively demonstrated their movement toward liberal democracy by allowing public discussion of official decisions and processes.⁷ The act of publicizing state information can therefore be seen as itself part of the theater of modern liberalism. On the receiving end, public engagement with and response to

⁵ Raf Sanchez, “Inside Shin Bet’s Interrogation of 50 Hamas Fighters,” *NBC News*, November 19, 2023.

⁶ Jodi Dean, “Publicity’s Secret,” *Political Theory* 29, no. 5 (2001): 625.

⁷ Dean, 632.

state media completes the performance that creates the semblance of a public with a voice. Despite the apparent contradictions of a liberal democracy publicizing evidence of torture, following Dean's logic, the process of revealing information is itself a demonstration of the state's liberal ideology, and therefore the disclosure of evidence of violence plays a role in its justification.

Similarly to the use of torture to alter individual survivor subjectivities, it is difficult to demonstrate that states intentionally publicize torture in limited and strategic ways to shape public narratives and preemptively justify violence. However, like the pervasive official argument that torture is used to generate actionable intelligence, when torture is not an effective method of extracting information, the publicization of torture by liberal democratic states that developed an entire catalog of invisible torture techniques to escape detection presents a contradiction that undermines conventional wisdom. Once again I look to various media sources documenting the instances of publicization themselves, as well as their impacts and receptions, in an attempt to better understand the logic of such seemingly incongruous state behavior. As in Chapter 2, the absence of official clarity around intentionality in the issues I discuss here does not undermine their significance because the rhetorical and behavioral contradictions themselves provide insight into the dynamics of liberal state torture.

In Chapters 3 and 4 I explore the publicization of torture through two case studies: the United States' release of a photo of the first twenty prisoners to arrive at the Guantánamo

Bay detention camp in January 2002 (Chapter 3) and,⁸ more recently, the broadcasting of tours of Israeli prisons on popular national TV channels (Chapter 4).⁹ These two case studies provide somewhat disparate examples of the phenomenon I analyze. The 2002 Guantánamo photo offers the only visual evidence of torture officially published by the US Department of Defense in this period. Widespread backlash against the photo's depiction of prisoner abuse created a public relations predicament that then-Secretary of Defense Donald Rumsfeld attempted to smooth over. However, the profusion of news media responding to the photo largely represents a public effort to reaffirm the liberal moral superiority of the United States in the face of the external threat of alleged hyper-violent terrorists.

In contrast to this singular US instance, since October 7, 2023 the Israeli Prison Service has invited several mainstream news channels and journalists to document the treatment of Palestinians in Israeli custody, repeatedly broadcasting evidence of torture to the domestic public. Unlike the US, they have not faced significant internal or external backlash over these broadcasts, and therefore have not needed to retract statements or cease to publicize prison conditions. Although public response has been relatively scarce, the broadcasts themselves, and the interviews with prison officials included within, speak volumes about the attempts of the Israeli state to characterize its own violence as morally good by dehumanizing Palestinians in the public eye. Despite the rhetorical similarities between these two moments of publicity, I treat them as separate phenomena because the

⁸ Carol Rosenberg, "20 Years Later, the Story Behind the Guantánamo Photo That Won't Go Away," *The New York Times*, January 10, 2022.

⁹ Lisa Hajjar and Basil Farraj, "Israel Is Waging War on Palestinian Prisoners," *MERIP*, October 16, 2024.

lack of widespread outrage over the Israeli broadcasts suggests a different political and social context in which viewer responses did not rise to the level of organized backlash, perhaps in part because of the degree of control the Israeli state exercises over narratives of state violence.

However, contextual differences aside, both of these case studies represent instances in which liberal democracies have intentionally publicized evidence of torture in ways that, counterintuitively, served to solidify their statuses as morally superior liberal states. In both examples, the publicization of torture by liberal democratic governments functions to defend and justify liberal violence and further demonize the victims, shaping public discourse around what abuses are permissible and by whom. The US case study demonstrates how this process is at times significantly aided by the responses of citizens and the media. The Israeli case study offers insight into how states craft narratives that shape public opinion on torture and its victims, preempting potential backlash. Both show how torture is indirectly used by liberal democratic states to mold public understandings of who and what is liberal or illiberal, and therefore who are the rightful perpetrators and recipients of violence.

3. Lessons on the Structuring of Nations

“This is not some abstraction, but a very real expression of power—the privilege of describing a thing vaguely, incompletely, dishonestly, is inseparable from the privilege of looking away.”

— Omar El Akkad¹

In the first weeks of 2002, as the US was rapidly accelerating its punitive global response to the 9/11 attacks, but before much information about those covert actions had been revealed, the Bush Administration published a photo marking the arrival of the first twenty prisoners at Guantánamo Bay (see Figure 1). Writing on the twentieth anniversary of the photo’s release, journalist Carol Rosenberg notes that it is now often assumed that it was leaked to the press.² On the contrary, the photo, taken by US Navy photographer Shane T. McCoy, was captured in an effort to document the day, and released to the public by the Department of Defense on January 11th. Although many more photos of prisoners at Guantánamo, Abu Ghraib, and other US-run War on Terror-era prisons around the world have emerged in subsequent years as a result of leaks and Freedom of Information Act requests, the photo of the first twenty Guantánamo prisoners is the only instance in which the Bush Administration intentionally publicized (at least visually) its post-9/11 treatment of prisoners, making both its release and its reception particularly significant moments of state disclosure and public narrative-shaping.

The international backlash to the photo’s depiction of prisoner abuse led to a public

¹ Omar El Akkad, *One Day, Everyone Will Have Always Been Against This* (Knopf, 2025), 68.

² Rosenberg, “20 Years Later.”

relations predicament that then-Secretary of Defense Donald Rumsfeld attempted to smooth over in an unusually long press conference on January 22nd.³ Despite his and other officials' fervent denials of any evidence of torture or prisoner abuse in this photo, it is painfully evident that the prisoners are being subjected to positional torture and sensory deprivation. Part of the discussion at the time the photo was released was whether the detainees, who had just disembarked from a twenty-hour flight from Kandahar, had been shackled throughout the trip. Watchdog NGOs such as Amnesty International argued that, if that were the case, the positional abuse evident in the photo would indeed rise to the level of "cruel, inhuman, or



Figure 1. The first 20 Guantánamo prisoners arriving on January 11th, 2002. Photo by Petty Officer First Class Shane T. McCoy/U.S. Navy.

³ "Transcript: Rumsfeld Calls Detainees' Treatment 'Humane,'" *The Washington Post*, January 22, 2002.

degrading” treatment under international law.⁴ Although Rumsfeld and others asserted that the detainees were shackled only while being transferred from the airplane to their cells, the testimonies of former Guantánamo detainees strongly suggest that the men were agonizingly bound and blindfolded for the entire trip.⁵ Even without knowing the photographed detainees had likely been shackled in stress positions for a full day, however, it is evident simply from the photograph itself that they were restrained in ways that maximized discomfort and disorientation, and emphasized that they were utterly at the mercy of their military captors—in a nutshell, torture.

Other than a number of vaguely threatening statements made by George Bush and Dick Cheney in the wake of 9/11, this photograph was the first concrete evidence revealed to the world of US abuse of alleged al-Qaeda terrorists. The national and international media response was swift and largely expressed concern over the actions of the Bush Administration. However, the profusion of news media responding to the photo, and then

⁴ Brian Knowlton, “Rumsfeld Replies Firmly to Allies on Prisoners’ Treatment,” *The New York Times*, January 23, 2002.

⁵ Mansoor Adayfi, *Don’t Forget Us Here: Lost and Found at Guantánamo*, with Antonio Aiello (Hachette Books, 2021), 17–8; Moazzam Begg, *Enemy Combatant: A British Muslim’s Journey to Guantánamo and Back* (The New Press, 2006), 137, 192–3; Lakhdar Boumediene and Mustafa Ait Idir, *Witnesses of the Unseen: Seven Years in Guantanamo*, ed. Daniel Hartnett Norland et al. (Stanford University Press, 2017), 69–72; Ahmed Errachidi, *The General: The Ordinary Man Who Challenged Guantanamo*, with Gillian Slovo (Chatto & Windus, 2013), 54–5; Murat Kurnaz, *Five Years of My Life: An Innocent Man in Guantanamo* (Palgrave Macmillan, 2009), 48–9; Mohamedou Ould Slahi, *Guantánamo Diary*, Restored edition., ed. Larry Siems (Back Bay Books, 2017), 150. Every single published Guantánamo memoir specifically recounts the horror and pain of being chained to the floor on long, cold flights across the world. During these flights prisoners were unfed, often suffocated by bags secured over their heads, and beaten by soldiers, among other abuses. Physical agonies were compounded by fear and uncertainty about their unknown destination.

responding to other analyses of the photo, almost exclusively conveyed apprehension not about the safety or even legal rights of the prisoners, but about the protection of US international interests and public relations. Responses to the photo largely represented a public effort to reaffirm the liberal moral superiority of the United States in the face of the external threat of alleged hyper-violent terrorists. The revelation of Guantánamo's War on Terror usage as a vast torture camp was what political scientist John Hickman refers to as an "anti-scandal," or a proclamation "that disarms rival politicians and aborts the public's moral condemnation."⁶ Responders found themselves in an ideological bind, seemingly unable to directly confront US torture without risking being seen as expressing sympathy for terrorists. Discussions between the Bush Administration and other North American and Western European governments, covered in the news, show the extent to which the process of reaffirming liberal ideology was not limited to the US, but one that united much of the Western world.

In this chapter I closely analyze the profusion of news media responses to the released Guantánamo photograph, focusing on a number of discursive trends that emerged across hundreds of articles. These trends reveal subtle but consistent efforts to defend the liberal validity of the War on Terror conflict as a morally upstanding crusade to protect the world from forces of evil. In the face of evidence of torture, Western commentators compulsively reiterated universalist claims of civilizational superiority that have been used to justify liberal violence for centuries. Before diving into the case study I will first discuss a number of

⁶ John Hickman, *Selling Guantánamo: Exploding the Propaganda Surrounding America's Most Notorious Military Prison* (University Press of Florida, 2013), 1–2.

precedents of liberal states using violence as a way to shape narratives about their moral primacy.

A. The Pedagogy of Torture

Like attempts to unpack torture's subjectivity altering impacts on individual survivors, understanding how torture functions to shape public narratives encounters significant methodological barriers, and consequently has been engaged with primarily in limited or indirect ways. Because assessing official state intentions and strategies is extremely difficult, given the level of secrecy and denial involved, other texts have analyzed the society-shaping effects of torture largely through looking at measurable factors such as economic impacts,⁷ or through more theoretical and literary lenses.⁸ As I have mentioned previously, much of this analysis has focused on dictatorship regimes whose torture practices impact a far higher percentage of an overall society, or are part of a more totalizing system of terror, and therefore create effects that are measurable through more traditional social scientific

⁷ Perhaps the most notable example of such an analysis is Naomi Klein's journalistic text *Shock Doctrine* (Picador, 2007).

⁸ See Lessie Jo Frazier, *Desired States: Sex, Gender, and Political Culture in Chile* (Rutgers University Press, 2020); William T. Cavanaugh, *Torture and Eucharist: Theology, Politics, and the Body of Christ*, (Blackwell Publishers, 1998); Macarena Gómez-Barris, *Where Memory Dwells: Culture and State Violence in Chile* (University of California Press, 2009). These texts all explore the impacts of torture during and after the Chilean dictatorship on social and political narratives through a combination of empirical and theoretical analysis.

methods.⁹ Although these analyses offer important insights into how torture impacts public narratives, texts on dictatorships are only limitedly applicable to my analysis because the narrativization of torture to uphold the divide between liberal and illiberal ideologies and practices is a uniquely liberal phenomenon.

From a theoretical standpoint, I see the issue at hand as consisting of two interconnected elements. One fundamental component is that liberal states have, for hundreds of years, sought to characterize their own violence as superior to that of other nations, or in some way necessary to achieve just and liberal aims. As I argued in Chapter 1, this is a core facet of liberal ideology and its deep economic and ideological ties to colonial domination—it relies on an implicit or explicit comparison with an often amorphous, shadowy threat that is assumed to have no morals and therefore demands its own preemptive destruction.¹⁰ Thus, the characterization of liberal torture, either explicitly or implicitly, as different or more justifiable than other uses of torture, follows this highly precedented trend. The other, deeply intertwined element is the complicity of the media and the public in this task of disavowal

⁹ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Penguin Books, 2006); Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture*, 2nd Edition (Oxford University Press, 2011); Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Duke University Press, 2014). Another related category of dictatorship torture literature is texts analyzing the complex, enforced regimes of language used to simultaneously obfuscate and implicitly rationalize state violence.

¹⁰ See Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford University Press, 2003); Talal Asad, *On Suicide Bombing* (Columbia University Press, 2007); Perugini and Gordon, *The Human Right to Dominate*; W. Fitzhugh Brundage, *Civilizing Torture: An American Tradition* (Harvard University Press, 2018); Achille Mbembe, *Necropolitics*, trans. Steve Corcoran (Duke University Press, 2019); Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times*, 2nd ed. (Duke University Press, 2017); Eyal Weizman, *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza* (Verso, 2011).

and/or rationalization, particularly through highly racialized discursive processes of dehumanization. While this trend has certainly accelerated in public life and media in the post-9/11 era, media scholars such as Deepa Kumar and Edward Said have demonstrated that this, too, is a form of violence with extensive historical precedents.¹¹

The intertwining of these two phenomena creates the kind of feedback loop of liberal violence theorized by Perugini and Gordon, in which official desire to disavow or justify torture leans on Islamophobic narratives, which are embraced and repeated by the press, and in turn further obscure the violence committed in the name of liberal ideology.¹² The case studies I explore in this chapter and the following one both exemplify the rabidly Islamophobic tendencies of present-day news media, which directly feed into and bolster the state's attempts to justify its own violence. While I will discuss more case-specific literature throughout the rest of the chapter, it is useful to frame my argument through the writing of Sherene Razack.¹³ Razack's analysis of the state and media narratives around the torture of former underage Guantánamo detainee Omar Khadr illustrates how public sources shape discourses of torture in ways that both draw attention away from and implicitly justify it.

Razack begins by asserting that torture is form of "pedagogy" for a nation; a "structuring

¹¹ Deepa Kumar, *Islamophobia and the Politics of Empire* (Haymarket Books, 2012); Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*, Revised Edition (Vintage Books, 1997).

¹² Perugini and Gordon, *The Human Right to Dominate*, 81.

¹³ Sherene H. Razack, "The Manufacture of Torture as Public Truth: The Case of Omar Khadr," in *At the Limits of Justice: Women of Colour on Terror*, ed. Sherene H. Razack and Suvendrini Perera (University of Toronto Press, 2014).

principle” that “comes to be a public truth in democratic regimes.”¹⁴ Drawing on Elaine Scarry, Razack argues that the silencing of the torture victim and the amplification of the torturer’s voice is not only an intimate paradigm, but one that reverberates throughout society as a whole and serves to communicate widely about where people belong within the body politic. She views this subjectivity-shaping expression of power as an essential element of how torture is incorporated into the ideological fabric of liberal democracy.¹⁵ In short, torture performs an organizing function by simultaneously dictating and demonstrating whose life is worthy of protection and whose life can be violated in order to ostensibly protect others. In liberal democracies specifically, this form of violence “coats itself in law,” citing excuses like intelligence gathering or security necessity to incorporate torture into liberal processes.¹⁶

Razack makes her argument through a detailed analysis of the media demonization of former Guantánamo prisoner Omar Khadr, a lifelong Canadian citizen who moved to Pakistan and then Afghanistan with his father as a child, was hired as a translator for al-Qaeda militants, and at 15 years old was captured by US soldiers in the aftermath of a

¹⁴ Razack, 57.

¹⁵ W. Fitzhugh Brundage, *Civilizing Torture: An American Tradition* (Harvard University Press, 2018), 11. Brundage makes a similar argument about the US specifically, arguing that “extreme disparities in power that empowered torturers and muted their victims inform the circular reasoning that has enabled many Americans to retain their faith in the nation’s innate innocence.”

¹⁶ Razack, “The Manufacture of Torture as Public Truth,” 57.

firefight in which he was shot three times and partially blinded.¹⁷ Despite his age and his injuries, Khadr was immediately sent to interrogation and accused (on the basis of false evidence) of having thrown a grenade that killed an American soldier.¹⁸ Through years in CIA custody at Bagram and then as a detainee at Guantánamo, Khadr was subjected to horrific torture. Despite these numerous and overwhelming mitigating factors, as well as the lack of evidence against him, Khadr has been excoriated in public media ever since his capture. Razack's text revealingly traces the ways in which media portrayals of Khadr consistently focused blame on him and his Muslim background for the violence he allegedly perpetrated, while drawing attention away from the hideous abuse to which he was subjected by his American captors.

In this chapter and elsewhere, Razack argues that such pointedly negative media attention rests on the assumption that Muslims and their culture are innately irrational and dangerous to the West—a belief which “justifies their eviction from the legal and political community.”¹⁹ By characterizing Muslims as always already barbaric and anti-modern, Western liberal democracies preemptively defend the use of violence against them through

¹⁷ Lisa Hajjar, *The War in Court: Inside the Long Fight Against Torture* (University of California Press, 2022), 154; Andy Worthington, *The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison* (Pluto Press, 2007), 185.

¹⁸ What is more, for this alleged killing Khadr was accused of war crimes, despite the fact that civilians are not held to laws of war and soldiers are not a protected group under those laws. For an analysis of the legal case against him see Hajjar, *The War in Court*, 241–244.

¹⁹ Razack, “The Manufacture of Torture as Public Truth,” 60.

the colonial logic that “the natives only understand force.”²⁰ This characterization both paints victims of torture as inherently guilty and excuses the torturing state by implicitly blaming the victims for their own abuse, which in turn maintains the innocence of the liberal democratic perpetrators and liberal ideology in general. Razack asserts that the “story of Muslim pathology effectively blocks the violence of the West, securing Western innocence.”²¹

Razack’s detailed analysis of the media surrounding Khadr’s trial and repatriation to Canada usefully exemplifies the role public messaging plays in concealing and justifying violence within the framework of liberal democratic governance. Razack’s care in highlighting the colonial logics that animate these justifications of torture demonstrates the continuity in liberal attitudes toward torture over the past several centuries—namely, the assumption that torture is either acceptable, necessary, or not-really-torture when it is perpetrated against individuals and communities considered illiberal.²² My objective in this chapter and the next is to draw on the analytical framework of Razack’s text and extend it to a wider range of case studies, while also incorporating a more significant discussion of the role of the state itself in the propagation of such narratives. The colonial logics that persist in justifying liberal democratic torture contribute to shaping the subjectivities and structures of modern nations.

²⁰ Razack, 61.

²¹ Razack, 68.

²² See also Sara Ahmed, “The Politics of Fear in the Making of Worlds,” *International Journal of Qualitative Studies in Education* 16, no. 3 (2003): 377–98.

B. “The surest ways to make the world safer for ourselves”²³

In this case study I draw on statements from the Bush Administration and journalistic responses from major US and other Western newspapers in the month following the release of the photo, in order to analyze how both official and media narratives served to discursively widen the civilizational gap between the US and its adversaries, thereby upholding justifications for US prisoner abuse. In my research I reviewed articles published in prominent journalistic newspapers in the US, the UK, and Canada from the month following the release of the photograph (January 11, 2002 through February 11, 2002). In the absence of definitive data on what the most popular or most widely circulated newspapers are in the three countries, I selected a number of outlets whose distribution is among the highest. I excluded from consideration any tabloid papers (such as *New York Post* in the US and *Daily Mail* in the UK) even though their readership tends to be high. Instead I chose to focus on papers known for their relatively factual coverage of political issues, based on the assumption that such publications are less likely to make wild and emotionally manipulative statements simply in order to generate attention. Likewise, I did not look at news outlets whose primary medium is TV broadcasting, even if they also have online article-form presences (this includes prominent news sources such as CNN and the BBC). Another difficulty was that, needless to say, current data on circulation levels of newspapers does not reflect circulation levels in 2002, during the period my research focused on.

Despite these various caveats, I landed on a handful of news sources whose readership

²³ William F. Schulz, “The Fate Of Qaeda Prisoners,” *The New York Times*, January 19, 2002.

and public trust are high. For US papers I focused on the archives of *The New York Times*, *The Wall Street Journal*, and *The Washington Post*.²⁴ For the UK I surveyed *The Guardian*;²⁵ for Canada I looked at *Toronto Star*.²⁶ Although *The Globe and Mail* is likely a more popular Canadian newspaper, its publicly available Guantánamo reporting inexplicably only goes back to 2008. One might argue these papers skew progressive in terms of perspective. While this may be true, these papers were selected based on their wide readership and public trust, rather than their specific political leanings. What is more, the fact that progressive and centrist news outlets responded to evidence of torture in disavowing or justifying ways is perhaps even more illustrative of my argument that the publicization of torture leads to ideological consolidation, given the supposed progressive focus on the protection of human rights.

Instead of defending the inherent humanity of the detainees at Guantánamo, the news sources I analyzed almost universally participated in a variety of justifying, disavowing, or

²⁴ Aisha Majid, “Top 25 US Newspaper Circulations: Print Circulations of Largest Titles Fall 14% in Year to September 2023,” *Press Gazette*, February 19, 2024; Pew Research Center, “News Media Tracker.” These three papers were chosen based on their relative level of popularity according to Pew Research Center data. They were also ranked by *Press Gazette*, a UK-based outlet that covers global media issues, as the three non-tabloid US papers with the highest circulation in 2023.

²⁵ Agility PR Solutions, “Top 10 U.K. Newspapers by Web Visitors,” Agility PR Solutions, February 2025; YouGov, “The Most Popular Newspapers (Q2 2025),” YouGov. Similarly to the US, consistent data on paper circulation is elusive. Several UK-based research firms focusing on media analytics cite *The Guardian* as being the top UK paper by web traffic numbers and among the top UK papers in terms of positive public regard.

²⁶ Agility PR Solutions, “Top 10 Canadian Newspapers by Web Visitors,” Agility PR Solutions, February 24, 2015.

exceptionalizing maneuvers in response to evidence of torture. Even as some news sources positioned themselves as questioning the US' actions, or published critical headlines, the contents of the articles themselves adhered to one or more of a number of trends:

1. Criticizing the actions of the Bush Administration by arguing that the mistreatment of prisoners visible in the Guantánamo photo does not represent America's moral and law-abiding heart (i.e. "America is better than that"), often while explicitly reaffirming that the alleged terrorists do not actually deserve better treatment. This rhetoric exceptionalizes the treatment of Guantánamo detainees and implies that the biggest issue with the photograph is that it threatens America's international standing and ideological superiority.
2. Quoting statements from Bush Administration officials emphasizing the level of violent threat posed by the prisoners. By portraying the US as victim of both the alleged terrorists and an international community that questions its actions, official statements paint a picture of America as universally wronged.
3. Belaboring in great detail debates around whether the photographed captives were prisoners of war or "unlawful combatants." The overwhelming focus on this issue acted as a smoke screen for the real issue of how the prisoners were being treated, as well as enacting a liberal performance of caring about and adhering to international law.

These responses to the Guantánamo photograph turn every hollow critique into a poorly disguised defense of torture and uncritical reproduction of taken-for-granted narratives of American and Western moral superiority. The uniformity of this rhetoric reveals a spontaneous public effort to shore up the boundaries of liberal society in opposition to the

illiberal “terrorists” that allegedly seek to destroy it.

I. Complicit Critique

As I began reading articles from US newspapers responding to the Guantánamo photograph, my initial sense was that many of them were genuinely critical of the depicted treatment of detainees. However, as I continued reading it became increasingly evident that the critiques failed to engage in any meaningful way with the conditions of imprisonment visible in the published image. Many articles not only ignored the humanity of the prisoners themselves, but even explicitly asserted that they deserved such harsh treatment. The problem with the photograph, therefore, was not that it depicted torture, but that it supposedly gave a false impression of US priorities and commitments. Its publication was threatening because it might give people the wrong idea. An anonymously quoted Bush Administration official summed it up neatly in a *New York Times* article, stating, “[t]his is not about how we treat the prisoners; that's already humane...It's about the political statement we send to the world, and about recognizing our international obligations.”²⁷ Although the speaker seems to take a critical stance, or at least express concern about the published photo, that concern is singularly focused on US public relations and optics. This casual brushing off of the torture evident in the photo, and the implications of that mistreatment, is characteristic of most public responses.

Such uncaring public treatment of evidence of torture has been consistently on display throughout the War on Terror. In her recent book *Nothing Has to Make Sense*, Sherene

²⁷ David E. Sanger, “A NATION CHALLENGED: THE TREATMENT; Prisoners Straddle an Ideological Chasm,” *The New York Times*, January 27, 2002.

Razack closely analyzes the proliferation of anti-torture media and critiques in the aftermath of the Abu Ghraib photograph leak in 2004, arguing that many of those critiques actually took the form of exceptionalizing the torture, and even absolving the torturers.²⁸ Although the context is different (the Abu Ghraib photos were circulated by soldiers and published in the media, not intentionally released by the Bush Administration), Razack's analysis of the twisted critiques of those photos is highly relevant in discussing responses to the 2002 Guantánamo photo. Razack makes the central point that War on Terror anti-torture media as a genre focuses primarily on the excesses of the Bush Administration in responding to terrorism, rather than on the inherent wrongness of torture itself.²⁹ In doing so, anti-torture media reifies the actions of the Bush Administration and of military torturers as momentary lapses, rather than evidence of deeper, more consistent violence.³⁰ Consequently, such critiques fail to condemn torture and often contribute to efforts to uphold the public image of the US in spite of its heinous actions. Razack views these complicit critiques as creating a particular "kind of a moral community"—one in which "torture is permissible against those

²⁸ Sherene H. Razack, "'We Didn't Kill 'em, We Didn't Cut Their Heads Off': Torture and the Making of American Innocence," in *Nothing Has to Make Sense: Upholding White Supremacy through Anti-Muslim Racism* (University of Minnesota Press, 2022), 145–75.

²⁹ Hedi Viterbo, "Seeing Torture Anew: A Transnational Reconceptualization of State Torture and Visual Evidence," *Stanford Journal of International Law* 50, no. 2 (2014): 284. Viterbo makes a similar argument that "by detaching individual incidents [of torture] from their broader context, pictures...might thus end up implicated in keeping the systematic nature of state torture invisible."

³⁰ Razack, "We Didn't Kill 'em," 146.

whom we have evicted from personhood and humanity.”³¹

Such systemic efforts to evict Muslim detainees from the realm of personhood are profoundly evident in official and public responses to the 2002 Guantánamo photo. Government officials such as Rumsfeld, as well as NGO executives and other commentators, defended the treatment of detainees on the basis that they deserved to be handled harshly,³² that they were probably experiencing better accommodations at Guantánamo than anything available in their own countries,³³ and that al-Qaeda and the Taliban probably commit much worse abuses against prisoners.³⁴ Several days after the release of the photograph, on January 19th, then-director of Amnesty International William Schulz published an opinion piece in the *New York Times* stating,

It is important to recognize that human rights organizations do not act out of sympathy for prisoners guilty of crimes. ... The danger is that we hand the enemies of the rule of law—those who are looking for any opportunity to convince the world of our hypocrisy

³¹ Razack, 159, 172.

³² John Mintz and Bradley Graham, “U.S. Defends Prisoners’ Treatment; Conditions Humane, Consistent With Global Pacts, Rumsfeld Says,” *The Washington Post*; Tom Zeller and Scott Vealo, “The Guantánamo Food Pyramid,” *The New York Times*, January 27, 2002.

³³ John Mintz, “Delegations Praise Detainees’ Treatment: Diet, Medical Care Good, Legislators Say,” *The Washington Post*, January 26, 2002; Sue Anne Pressley, “Detainees Arrive in Cuba Amid Very Tight Security,” *The Washington Post*, January 12, 2002; “Transcript: Rumsfeld Calls Detainees’ Treatment ‘Humane.’”

³⁴ Stephen Pollard, “America-Haters Revert to Type,” *Wall Street Journal*, January 26, 2002; T.R. Reid, “British Find No Abuse of U.S. Captives At Cuba Base; Government Counters Depictions by Media,” *The Washington Post*, January 22, 2002; Claudia Rosett, “The Red Cross Needs to Get Real,” *The Wall Street Journal*, January 23, 2002.

—a perfect excuse and an easy victory. ...Showing respect for the human rights of our adversaries is one of the surest ways to make the world safer for ourselves.³⁵

Schulz's statement sets up a clear dichotomy between the US and "the enemies of the rule of law" who seek to destroy the "us" that is implied by the readership of *The New York Times*. The detainees depicted in the photograph from Guantánamo are firmly situated within the enemy camp, and therefore the crisis articulated by the photo is not one of prisoner abuse but one in which the war "we" are fighting against darkness may be tainted, misconstrued, or used against us by those very forces of darkness. A *New York Times* reader wrote a letter in response to Schulz's op-ed, arguing that his logic was flawed—the US has no reason to treat terrorists humanely because it "afforded extremely humane treatment to the terrorists who executed the first attack on the World Trade Center in 1993" and "[o]ur reward for this treatment" is a smoking pile of toxic rubble.³⁶

The emphasis on the benevolence of the US in comparison with the actions of alleged terrorists and their communities is a significant trend among the articles I surveyed. Implicit or explicit comparisons between the US (or the West at large) and the Western imaginary of Afghanistan are frequently employed as a way to preemptively shut down any conversation about wrongdoings on the part of the US. In his January 22nd press conference, Donald Rumsfeld responded to questions about the photo by emphasizing that "the more than 150 detainees have warm showers, toiletries, water, clean clothes, blankets, regular culturally appropriate meals, prayer mats and the right to practice their religion, *modern medical*

³⁵ Schulz, "The Fate Of Qaeda Prisoners."

³⁶ David Criscitelli, "The Conditions at Guantánamo," *The New York Times*, January 24, 2002.

*attention far beyond anything they could have expected or received in Afghanistan.”*³⁷

Rumsfeld asserted that the photo showed detainees wearing surgical masks because some had tested positive for tuberculosis, a disease associated with lower-income, non-Western nations.³⁸ Likewise, then-US Senator Bill Nelson stated, of the detainees, that “[s]ome of them are getting medical attention for the first time in their lives.”³⁹ Joint task force spokesman Lt. Col. Bill Costello conjectured that the detainees may have looked unsteady in the photograph, not because they were being mistreated, but because perhaps none of them “had been on a plane before. They may have been disoriented and regaining their legs.”⁴⁰ These comments and others serve to distinguish the detainees as belonging firmly to backward, anti-modern societies, and whose apparent discomfort is not a result of the US’ decidedly humane actions, but because they are so different from “us.”⁴¹

In this same vein, many articles emphasized their uneasiness that, despite the US’ humane, liberal treatment of thoroughly illiberal detainees, the optics might still be

³⁷ “Transcript: Rumsfeld Calls Detainees’ Treatment ‘Humane.’” Emphasis added.

³⁸ Knowlton, “Rumsfeld Replies Firmly to Allies on Prisoners’ Treatment.”

³⁹ Mintz, “Delegations Praise Detainees’ Treatment.”

⁴⁰ Pressley, “Detainees Arrive in Cuba Amid Very Tight Security.”

⁴¹ Anthony Depalma, “FRONT LINES; ‘Least Worst’ Place Also a Most Peculiar One,” *The New York Times*, January 20, 2002. This article painted a particularly explicit and illustrative comparison: “On the day the first 20 prisoners were brought 8,000 miles from the dusty ruins of Kandahar to the sultry tip of Cuba, American children at the Guantánamo Bay Naval Base’s school were served fish sticks for lunch, the local want ads had a pair of used rollerblades for \$50, and ‘Domestic Disturbance’ was playing at the base’s movie theater. Talk about a clash of civilizations.”

damaging. Alongside William Schulz, many commentators both in the US and Europe expressed concern for America's image and the preservation of its moral high ground—affirmations of liberal ideological superiority in the guise of critiques. The European Union's external relations commissioner Chris Patten warned that "Western nations risk sacrificing the right to criticize other countries for human rights abuses if they mistreat the detainees or threaten to execute them. 'That would be a way of losing international support and losing the moral high ground...even if they [the detainees] are pretty dangerous.'" ⁴² Charles Grant, director of the Center for European Reform in London, reassured the public that "the European reaction to Guantánamo is not because people care about the feelings of the prisoners there." ⁴³ French commentator Jacques Amalric fretted, "[b]eyond the issue of human rights...the credibility of the war against terrorism is at stake." ⁴⁴ All of these statements and others explicitly couch their critique of US actions in recognitions and affirmations of the innately evil nature of their mutual terrorist enemies, and primarily express concern that the US could begin to look like those evil countries in the eyes of some. These statements serve to solidify the Western liberal ideological block in opposition to the Middle East and its inhabitants, skirting the issue of torture by focusing instead on defending the moral superiority of the US and its allies.

⁴² Mintz and Graham, "U.S. Defends Prisoners' Treatment."

⁴³ Katharine Q. Seelye and Steven Erlanger, "A NATION CHALLENGED: CAPTIVES; U.S. Suspends the Transport Of Terror Suspects to Cuba," *The New York Times*, January 24, 2002.

⁴⁴ Seelye and Erlanger.

II. We, the Universal Victims

Another similar, significant trend among official and news responses to the Guantánamo photo is to emphasize the detainees' extreme capacity for violence. Within this line of argumentation, US commentators characterized the US as benevolently protecting itself and the Western world from the threat of alleged terrorists. European critics and others that questioned its actions therefore only further victimized the already beleaguered US, prompting accusations of widespread anti-American sentiment. Writing about the photograph in hindsight, Carol Rosenberg points out that the image itself "reinforced the Pentagon's message that the men and boys who were brought to Guantánamo...were 'the worst of the worst,' because they had ended up there."⁴⁵ Here, Rosenberg touches on a key element of why the publicization of visual evidence of torture is ideologically productive for liberal democracies: such images generate and solidify assumptions that anyone in such a highly securitized setting must be evil. In other words, the image defends itself because beliefs about the fairness and highly calculated actions of liberal democracies lead to conclusions about what the recipients of those actions did to deserve their incarceration and abuse, rather than questions about why they are being subjected to such treatment. Thus, although the image shows torture, it is also an essential part of justifying that torture because it feeds into a projected dichotomy between good and evil.

Many articles and official statements responding to criticism of the Guantánamo photograph in the ensuing weeks emphasized the allegedly rabid thirst the detainees had for

⁴⁵ Carol Rosenberg, "The Secret Pentagon Photos of the First Prisoners at Guantánamo Bay," *The New York Times*, June 12, 2002.

American blood. By stressing the detainees' capacity for violence the Bush Administration deflected attention away from the violence of their own actions, justifying their harsh treatment of detainees by arguing that "the prisoners are being treated as humanely as possible, given that many are terrorists."⁴⁶ In his January 22nd press conference, Donald Rumsfeld stressed that the "men are extremely dangerous."⁴⁷ Vice President Dick Cheney characterized them as "the worst of a very bad lot...devoted to killing millions of Americans."⁴⁸ Cheney separately stated that although the captives were being cared for in a manner consistent with US obligations under the Geneva Conventions, such treatment was "probably better than they deserve."⁴⁹ Chairman of the Joint Chiefs of Staff Gen. Richard B. Myers reported that the detainees were so dangerous and "bent on destruction" that they "would gnaw hydraulic lines in the back of a C-17 [military transport aircraft] to bring it

⁴⁶ Serge Schmemmann, "The World; Prisoners, Surely. But P.O.W.s?," *The New York Times*, January 27, 2002.

⁴⁷ "Transcript: Rumsfeld Calls Detainees' Treatment 'Humane.'"

⁴⁸ John Mintz, "Debate Continues on Legal Status of Detainees," *The Washington Post*, January 28, 2002.

⁴⁹ Sanger, "A NATION CHALLENGED: THE TREATMENT; Prisoners Straddle an Ideological Chasm." Similarly, international law scholar Adam Roberts defended the detainees' right to be protected under the Geneva Conventions but ceded that "clearly one has to make some allowance for the fact of the particular nature of these prisoners." See Lee Dembart, "Old Laws Hard to Apply to Modern Terrorism : For Afghans in Cuba, Untested Legal Limbo," *The New York Times*, January 25, 2002.

down.”⁵⁰ Col. Terry Carrico of the Army, characterized as the unofficial “warden” of Camp X-Ray, reported, “[o]ne of the detainees looked at one of my soldiers...and said in English, ‘Before I leave here, my goal is to kill an American.’”⁵¹ Similar statements were made by other government and military representatives.

A declassified memorandum of Department of State media talking points on the treatment of detainees from January 15, 2002 emphasizes that representatives should rebut allegations of inhumane treatment by stating, “IT IS OF COURSE THE CASE THAT THESE DETAINEES ARE VERY DANGEROUS PEOPLE, AND ALL APPROPRIATE [*sic*] SECURITY PRECAUTIONS ARE BEING TAKEN.”⁵² The fact that this assertion is listed as one of few talking points in response to allegations of detainee mistreatment shows the extent to which deflecting attention away from US violence by highlighting the alleged or potential violence of the detainees was a central public relations tactic during this period of controversy. Similarly to statements about the primitive backwardness of detainees, allusions to their deeply violent natures evict them from the realm of humanity and preemptively justify any violence committed against them. By emphasizing the US’ efforts to treat them

⁵⁰ Katharine Q. Seelye, “A NATION CHALLENGED: THE PRISONERS; First ‘Unlawful Combatants’ Seized in Afghanistan Arrive at U.S. Base in Cuba,” *The New York Times*, January 12, 2002.

⁵¹ Katharine Q. Seelye, “A NATION CHALLENGED: CAPTIVES; Red Cross Team Will Examine Prisoners From Afghanistan,” *The New York Times*, January 18, 2002. Carrico’s specification that the detainee spoke in English heightens the perception that he is an elite terrorist, trained to infiltrate the United States.

⁵² United States Department of State, “Treatment of Detainees in Guantanamo,” January 15, 2002.

humanely in spite of their alleged desire to indiscriminately kill Americans, official spokespeople frame the US as acting with dignity and respect while dealing with a set of impossible constraints, thus undermining any external criticism. Such rhetoric is highly reminiscent of colonial assertions that “natives” require the use of force.

Media commentators from outside the Bush Administration and military quickly adopted this rhetoric, making similar references to the spectacular past and potential violence of the detainees in lengthy diatribes against those in the US and elsewhere who criticized the treatment of detainees evidenced in the Guantánamo photograph.⁵³ One particularly exemplary op-ed accuses the ICRC of undermining America’s heroic War on Terror efforts:

The real shame of Guantanamo Bay has nothing to do with U.S. treatment of captured Taliban and al Qaeda fighters now held there. It has everything to do with the International Committee of the Red Cross rushing to the scene, waving the Geneva Conventions as if riding to the rescue of those lovable old POWs on ‘Hogan’s Heroes’—demanding that modern disciples of terrorism be handled simply as good old conventional prisoners of war. The real issue is not the size of the chain-link cells for the detainees, the color of their jumpsuits or the calorie content of their Froot Loops, but whether the venerable Red Cross, still reliving yesterday’s conflicts, can catch up with the terrorist shift now redefining modern war. ...these men are not garden-variety captured conscripts. Secretary of Defense Donald Rumsfeld has described them as ‘hardcore terrorists.’ Given what Sept. 11 told us about the hatcheries of horror in Afghanistan, there is a case for giving the U.S. government some benefit of the doubt.⁵⁴

Rosett’s cocky dismissal of the issue of detainee mistreatment as being entirely beside the point centers the US as universal victim, trying to save the world while under attack from both terrorists and the misled ICRC. A similar article also lashes out at the US’ European

⁵³ Anne Applebaum, “America Is Right, but It Needs to Work on Its Image,” *The Wall Street Journal*, January 24, 2002; Pollard, “America-Haters Revert to Type”; Rosett, “The Red Cross Needs to Get Real;” “Prisoners of Politics,” *The Wall Street Journal*, January 30, 2002.

⁵⁴ Rosett, “The Red Cross Needs to Get Real.”

allies, remarking, “[i]t’s a little much for most Americans to be lectured on the treatment of prisoners by the European humanitarians who maintained the hellholes of, say, French Guyana.”⁵⁵ This allusion to European colonialism implicitly presents the US as innately morally superior to all the naysayers on their high horses. By positioning the US as the sole universal paragon of liberal morality, fighting both the threat of terrorists and the misguided (or at least hypocritical) criticisms of the EU and the ICRC, official and unofficial spokespeople draw attention away from the torture of prisoners at Guantánamo and instead center a new story in which the US is ideologically untouchable.

III. A Farcical Legal Debate

The third major trend among official and unofficial responses to the Guantánamo photo is the overwhelming focus on debating whether the detainees should be legally classified as prisoners of war or “unlawful combatants.” By far the largest volume of news articles I surveyed were either weighing in or narrating updates on this debate. I include this category of articles under the umbrella of complicit critique because the level of focus on this debate and its many facets is another way in which the Bush Administration and news outlets drew attention away from the actual occurrence of torture. The fact that this debate centers around adherence to the laws of war also makes the process of publicly discussing it a performance of liberal ideological adherence, reifying the optics of the US as a morally superior power, even as they blatantly contravene international law.

The matter of the applicability of the Geneva Conventions in the designation of prisoners

⁵⁵ “Prisoners of Politics.”

is one that rose to the fore in the same moment as the release of the Guantánamo photo. As soon as prisoners were captured and transported to Guantánamo Bay, the next major conundrum was the (strategically manufactured) question of whether or not they were considered prisoners of war. Under the Geneva Conventions, prisoners of war (i.e. soldiers captured by an opposing military) have certain protected rights, including guarantees of medical attention and freedom from humiliating and degrading treatment. Particularly relevant for the Bush Administration was the statute that prisoners of war cannot be pressed for information during their capture, through coercion or otherwise. Wishing to circumvent these protections, while still performatively nodding to the law, the Bush Administration invented “from whole cloth” the category of “unlawful enemy combatants” to designate the new Guantánamo prisoners, based on the argument that terrorists are not soldiers in the traditional sense and the Geneva Conventions no longer suitably apply to this new form of modern conflict.⁵⁶ As Lisa Hajjar has pointed out, the dichotomy between civilians and soldiers under international law is absolute; if terrorists are not soldiers then officially they are civilians, which makes their military detention inherently illegal.⁵⁷

Wishing to maintain a veneer of liberal legal legitimacy while holding hundreds of civilians incommunicado with the intent to torture them for (supposedly) purposes of information extraction, Donald Rumsfeld and other Bush officials embarked on a campaign of disinformation about the function and applicability of the Geneva Conventions—a

⁵⁶ Hajjar, *The War in Court*, 8. See Hajjar’s detailed analysis of the semantic and legal manipulations that gave rise to this new designation.

⁵⁷ Lisa Hajjar, “The Guantánamo Effect” (lecture, University of California, Santa Barbara, CA, May 12, 2025).

campaign that was extensively covered and minimally questioned in the media. In his lengthy January 22nd press conference, Rumsfeld boldly stated,

My understanding of the situation is that one of the higher purposes of the Geneva Convention was to distinguish between legitimate combatants and unlawful combatants —lawful combatants on the one hand, and unlawful on the other. And the reason for doing that was that they felt that a higher standard should be provided and given to people who, in fact, wore uniforms; who, in fact, were fighting on behalf of the legitimate government; who did carry their weapons openly; and who did do those things that men and women in the United States armed forces do, as a matter of course... That was a concept, I'm told, in the Geneva Convention, which is very important.⁵⁸

It is difficult to overstate how false and self-serving this “interpretation” of the Geneva Conventions is. In his description of it here Rumsfeld twists the main premise of the Geneva Conventions, which serve in large part to distinguish soldiers from civilians, into an endorsement of the liberal morality of the US military in comparison with so-called illegitimate fighters, whose deservingness of a lower standard of treatment Rumsfeld suggests is enshrined in international humanitarian law.

As with the dehumanizing rhetoric analyzed in the previous subsection, Rumsfeld's erroneous claims about the Geneva Conventions and the innate superiority of American soldiers and modes of warfare were quickly adopted and endlessly regurgitated by the press. Although many articles appeared to question the decision of the Bush Administration to subvert international legal conventions, their reasoning was largely characterized by worries that such a move would encourage other countries to mistreat American POWs, as well as a

⁵⁸ “Transcript: Rumsfeld Calls Detainees’ Treatment ‘Humane.’”

desire for the US to performatively demonstrate its adherence to the established order.⁵⁹ A consistent thread in many such “critiques” is expressions of certainty that the issue at hand is not the treatment of prisoners (which, again, is beyond the realm of questioning), and not even the contravention of international law, but the public relations mishap stemming from haphazard administrative planning and poor communication.

Like Rumsfeld, many journalists covering this debate used its premise to emphasize the innate superiority of US ideological frameworks and modes of warfare in comparison with the ambiguous yet threateningly illiberal ones of the alleged terrorists.⁶⁰ Contemplating the question of whether Guantánamo detainees should be protected as prisoners of war, one *New York Times* journalist asserted, “[b]y their very nature, Al Qaeda and other terrorist organizations fall outside the scope of rules whose basic logic is reciprocity—‘I’ll show restraint if you show restraint.’ They deliberately target civilians, and flatly reject any rules of war.”⁶¹ While this line of thought seems to lead to the conclusion that alleged terrorists do not “deserve” to be given protected status, others argued that, whether or not the status was

⁵⁹ See Chip Cummins and Laurie P. Cohen, “Legal Limbo of U.S. Afghan-War Prisoners Touches Off a Storm of Criticism Overseas,” *Wall Street Journal*, January 22, 2002; Adam Roberts, “The Prisoner Question: If the U.S. Has Acted Lawfully, What’s the Furor About?,” *The Washington Post*, February 3, 2002; Sanger, “A NATION CHALLENGED: THE TREATMENT; Prisoners Straddle an Ideological Chasm;” Serge Schmemmann, “The World; Prisoners, Surely. But P.O.W.s?,” *Week in Review, The New York Times*, January 27, 2002; Reid, “British Find No Abuse of U.S. Captives At Cuba Base.”

⁶⁰ Talal Asad, “On Torture, or Cruel, Inhuman, and Degrading Treatment,” *Social Research* 63, no. 4 (1996): 1081–109. This is strongly reminiscent of Talal Asad’s analysis, discussed in Chapter 1, of the assumption that colonial violence is fundamentally different from the violence of colonized or non-European populations.

⁶¹ Schmemmann, “The World; Prisoners, Surely. But P.O.W.s?”

deserved, the US should grant it to distinguish itself ideologically and politically. Dutch Foreign Affairs Minister Jozias van Aartsen asserted that the prisoners “deserved” to be called prisoners of war because “[i]n the fight [against terrorism] we need to uphold our norms and values.”⁶² In either case, at the core of the debate the treatment and conditions of the prisoners themselves was entirely beside the point; the central issue was whether or not designating detainees as POWs would best protect US interests and public image. The performative and self-serving nature of this public debate is profoundly evident from the rhetoric of both government officials and journalists. The publicly enacted nature of this farcical controversy represents another way in which the Bush Administration refocused attention away from prisoner abuse and reified a liberal ideological community in direct opposition to the alleged terrorists, leaning heavily on colonial logics of civilizational superiority.

IV. International Liberal Entanglements

In order to understand whether American rhetoric on the Guantánamo photograph extended beyond the US, thus widening the liberal ideological solidification to the larger Western world, I investigated additional news sources from the UK and Canada. Because these countries were not central to my analysis, I looked at one newspaper for each country, in hopes of getting a general sense of whether or not their rhetoric aligned with the perspectives of US media outlets. In both the UK and Canada, my findings demonstrated that, while a very small handful of articles from the period in question offered some genuine

⁶² Reid, “British Find No Abuse of U.S. Captives At Cuba Base.”

critiques of the treatment evident in the Guantánamo photo and US policies more generally, the vast majority of articles aligned with US media talking points. Although US media and Canadian and UK media repeatedly represented the latter two countries as responding critically and assertively to the photographic evidence of torture, even articles from *The Toronto Star* and *The Guardian* with alarmist or critical headlines largely reflected the complicit critiques of American newspapers.

The Canadian newspaper demonstrated a range of responses that perhaps reflect more generally conflicted feelings toward the US—some articles expressed anger at being subjected to the whims of secretive decision making by the Bush Administration, and a wish to be less involved in the burgeoning War on Terror,⁶³ while others were disdainful of the fact that Canadian troops had been overlooked for the first deployment to Afghanistan.⁶⁴ Both perspectives suggest some level of discomfort at the sheer unilateral inescapability of US political power. However, beyond this general sense of discomfort, *Toronto Star* journalists mostly echoed American sentiments about the innate backwardness of the detainees in the photo and alleged terrorists (i.e. all Muslims) as a category.⁶⁵

⁶³ Laura Bracken, “Guantanamo Captives Need Protection,” *Toronto Star*, February 1, 2002; Tonda MacCharles, “I Should Have Told PM Sooners: Eggleton,” *Toronto Star*, January 31, 2002.

⁶⁴ Rosie DiManno, “Will Our Soldiers’ Pride Survive These Wounds?,” *Toronto Star*, January 23, 2002; James Travers, “Canada Is Trying to Play Soldier in War That’s Over,” *Toronto Star*, January 22, 2002.

⁶⁵ See Rosie DiManno, “Terrorists Have No Right to Silence,” *Toronto Star*, January 21, 2002; Haroon Siddiqui, “Bush: The World’s Lone Sheriff,” *Toronto Star*, February 7, 2002; Philip Terzian, “American Position Is Self-Defeating,” *Toronto Star*, February 1, 2002; “‘The Worst of a Very Bad Lot,’” *Toronto Star*, January 28, 2002.

Several articles that criticized American actions and policy more directly did so while simultaneously reifying racist rhetoric about the detainees and their countries of origin. One article observed, “[t]he sight of armed soldiers of the world’s greatest power, flush with a swift victory over a band of thugs in a dirt-poor lawless land, forcing disarmed and chained captives to crouch between high fences, and to sleep through a floodlit night, did not so much evince sympathy for prisoners...as provided a disturbing glimpse into the American soul.”⁶⁶ Similarly, another journalist questioned, “[w]ill America be the beacon of freedom, democracy and civil rights that it keeps saying it is? Or will it be the kind of nation that puts bags over the heads of prisoners and holds trials in secret—acting no better, in this case, than the despots with whom it’s at war?”⁶⁷ While both of these examples technically critique American actions and policies, they do so by implicitly reaffirming American superiority in the face of an irrational, illiberal enemy.

Similarly to the American responses analyzed above, these articles suggest that the issue at hand here is not the treatment of the prisoners but the optics of US behavior. Thus, although these articles do express some seemingly genuine distaste for the US military’s treatment of prisoners, their unquestioning regurgitation of racist rhetoric about the victims of that treatment undermines the critique and upholds the implicit comparison between liberal Americans and illiberal terrorists. These “critiques,” therefore, do not buck the trend of expressing concern about American actions out of a desire to uphold Western liberal

⁶⁶ Siddiqui, “Bush: The World’s Lone Sheriff.”

⁶⁷ Rachel Giese, “Will U.S. Be Beacon of Freedom or a Disgrace across Globe?,” *Toronto Star*, January 31, 2002.

superiority. As in the US, these complicit critiques appeared alongside a multitude of articles covering the Geneva Conventions debate, broadening the performance of liberal legal adherence.⁶⁸

My survey of articles from *The Guardian* showed similar patterns. Although news coverage made much of then-Prime Minister Tony Blair and other UK politicians investigating the possibility of prisoner abuse and urging the US to adhere to international legal conventions, these critiques and interventions were, once again, mostly talk. Like Canada, the UK appeared to be both wary of the aggressive unilateral foreign policy decisions of the US and concerned about being tarnished by association,⁶⁹ but also offended at not being more closely involved.⁷⁰ The focus in the British media on defending its own benevolent, liberal, law-abiding stature, and legislating whether American foreign policy

⁶⁸ See Bracken, "Guantanamo Captives Need Protection;" Rachel Giese, "Fact and Myth about Prisoners of War," *Toronto Star*, February 7, 2002; DiManno, "Terrorists Have No Right to Silence;" Tonda MacCharles, "Detainees treated fairly, minister says," *Toronto Star*, February 1, 2002; Katharine Seelye, "U.S. Split over War Captives' Treatment," *Toronto Star*, January 27, 2002; Terzian, "American Position Is Self-Defeating;" William Walker, "Bush Rejects PoW Status for Detainees," *Toronto Star*, January 29, 2002; "EU, Germany Join Outcry over Prisoners' Treatment," *Toronto Star*, January 23, 2002; "First Prisoners from Afghanistan Arrive in Cuba," *Toronto Star*, January 12, 2002; "Let Geneva Rules Guide Terrorists' Treatment," *Toronto Star*, January 29, 2002; "Our Afghan Duty," *Toronto Star*, February 7, 2002; "Outcry Grows over Captives," *Toronto Star*, January 22, 2002; "Red Cross Insists Captives Are PoWs," *Toronto Star*, February 9, 2002; "Respect for Prisoners' Rights Urged," *Toronto Star*, January 20, 2002.

⁶⁹ Ewen MacAskill, Richard Norton-Taylor, and Julian Borger, "UK Dilemma over Treatment of Captives," *The Guardian*, January 18, 2002; Richard Norton-Taylor, "US Prepared to Go It Alone, Allies Warned," *The Guardian*, February 4, 2002.

⁷⁰ Richard Norton-Taylor, "UK Not Consulted on Detainees," *The Guardian*, January 30, 2002; Hugo Young, "Only American National Interest Counts Now," *The Guardian*, January 31, 2002.

lives up to British standards, is particular explicit in a way that strongly reflects rhetoric honed through centuries of British colonialism. One journalist critiqued US actions in the War on Terror by asserting that a commitment to liberal values is an important element of what connects the two nations: “[o]ne value that’s meant to bind Anglos and Americans is their attitude to justice. The common law runs through England and America, and we believe the principles underlying it are shared. That’s partly what the world war against terrorism is supposed to be about.”⁷¹

On the other hand, former British foreign office minister Tony Lloyd responded to the Guantánamo photo and the debate over prisoner legal status by suggesting the Bush Administration might not be living up to British standards of conduct: “[t]he Geneva convention is there to provide a floor below which civilised nations shouldn’t fall... Britain is a civilised nation—we must insist that our allies stick by that minimum standard.”⁷²

Likewise, a Dutch journalist writing for *The Guardian* asserted that the “extraordinary photograph of the ‘unofficial combatants’, shackled, kneeling, masked, as though engaged in some sadomasochistic rite, must have come as a great relief to those who always assume that Americans will behave as barbarians.”⁷³

These three examples in some ways run the gambit of analyses of what the Guantánamo

⁷¹ Hugo Young, “We Will Not Tolerate the Abuse of War Prisoners,” *The Guardian*, January 17, 2002.

⁷² Nicholas Watt, Richard Norton-Taylor, and Oliver Burkeman, “Camp X-Ray Row Threatens First British Split with US,” *The Guardian*, January 21, 2002.

⁷³ Ian Buruma, “American Democracy Is Led by Public Opinion. So at Guantanamo, Are We Seeing the Mob Baying for Blood?,” *The Guardian*, February 5, 2002.

photograph is telling the world. However, they are also all critiques of American actions that lean heavily on comparative civilizational discourses, either to lift the British political establishment above the mire of American error, or to defend the liberal ideological superiority of the two allied nations. None of these interventions actually engage with the issue of prisoner abuse, but rather continue to litigate the optics of the photo and the legal adherence of US policy, while rehashing colonial rhetorics of civilizational hierarchy.

A significant portion of UK coverage responding to the photo and the influx of Guantánamo detainees focused on the British citizens who were newly imprisoned in Cuba.⁷⁴ Of this coverage, numerous articles reflected an apparent panic about the British-grown terrorists in the country's midst, and attempted to trace the trajectories of these detainees to explain their alleged radicalization. These explanations leaned heavily on racist and Orientalist tropes. For example, a childhood friend of former Ugandan-born British detainee Feroz Abbasi stated in an interview that Abbasi was "'just like any other teenager' until three years ago. 'All of a sudden, he seemed to change. He started wearing white robes and would

⁷⁴ See Owen Bowcott and Oliver Burkeman, "British Prisoner in Cuba Camp Named," *The Guardian*, January 21, 2002; MacAskill et al., "UK Dilemma over Treatment of Captives;" Steven Morris and Jeevan Vasagar, "How Two Football-Mad Tipton Lads Ended up in Chains at Camp X-Ray," *The Guardian*, January 28, 2002; Richard Norton-Taylor, "MI5 Flies out to Quiz Britons in Cuba Camp," *The Guardian*, January 19, 2002; Richard Norton-Taylor, "Straw Says British Captives in Cuba Should Be Brought Home," *The Guardian*, January 25, 2002; Richard Norton-Taylor and Michael White, "Concern about Guantanamo Grows," *The Guardian*, January 16, 2002; Richard Norton-Taylor and Michael White, "Two More Britons Flown to Cuba," *The Guardian*, January 15, 2002; Richard Norton-Taylor and Michael White, "20 British Taliban Suspects Now Held," *The Guardian*, January 17, 2002; Michael White, Richard Norton-Taylor, and Ian Black, "Ministers Dismiss Cuba Jail Concerns," *The Guardian*, January 22, 2002.

not talk to anyone.”⁷⁵ Although the presence of British citizens at Guantánamo gave Tony Blair and other UK officials an entry point into investigating prison conditions, they invariably returned from their attempts to influence US policy with assurances that they had personally checked on the British Guantánamo detainees and they were “getting showers, medical care, suitable food, copies of the Koran and time to pray.”⁷⁶ Thus, the UK administration’s expressions of concern about prisoner abuse quickly lapsed into total investment in Rumsfeld’s rhetoric.

Despite the plethora of complicit critiques in *The Guardian* coverage, this newspaper also included the only few genuine confrontations with American torture that I observed over the five newspapers I surveyed. One was a brief but meaningful statement in an article rehashing the POW debate, which went so far as to suggest that “[e]ven if the detainees were not PoWs, they remain human beings with human rights.”⁷⁷ Although this admission may seem minimal, it is the only instance across five outlets in which I observed any commentator acknowledging the humanity of the detainees. Four other articles touched on various ways in which the apparent mistreatment of Guantánamo detainees is in alignment with other elements of American history or policy. One briefly pointed out similarities between US

⁷⁵ Bowcott and Burkeman, “British Prisoner in Cuba Camp Named.”

⁷⁶ Norton-Taylor and White, “20 British Taliban Suspects Now Held.”

⁷⁷ Michael Byers, “US Doesn’t Have the Right to Decide Who Is or Isn’t a PoW,” *The Guardian*, January 14, 2002.

actions at Guantánamo and the internment of Japanese Americans after Pearl Harbor.⁷⁸

Another argued, somewhat confusingly and flippantly, that torture practices were preserved in America, even though they were “suppressed in most civilized countries,” by every-man-for-himself Cold War-era survivalist communities.⁷⁹

Another article pointed out the disturbing and paradoxical implications of the Bush Administration hiring controversial Cuban American diplomat Otto Reich as Assistant Secretary of State in the aftermath of 9/11.⁸⁰ Finally, the same journalist who wrote about Otto Reich penned an unusually insightful critique of the American criminal justice system and its many brutalities, arguing that the scenes captured at Guantánamo are representative of how US citizens are treated in American prisons at large.⁸¹ These various articles present a departure from the dominant news media trends of January and February 2002, although clearly they are still not immune to the dismissive language of civilizational hierarchy. Aside from the first example, they also do not deal in any direct way with the conditions of the actual Guantánamo prisoners, instead keeping to abstracted political analyses. What is more,

⁷⁸ Martin Thomas, “In Search of Justice,” *The Guardian*, January 31, 2002.

⁷⁹ John Sutherland, “Want to Know How Al-Qaida Prisoners Are Really Being Treated? Buy a Torture Manual from a Survivalist Bookshop,” *The Guardian*, January 21, 2002.

⁸⁰ Duncan Campbell, “Friends of Terrorism,” *The Guardian*, February 8, 2002. Otto Reich is a staunch anti-communist who was involved in a number of violent, anti-democratic Cold War-era US interventions into Cuban and Venezuelan politics. Thus, Campbell quipped that “while men accused of terrorism are kept on land acquired in an old colonial war and held by force, a safe haven is given to a man happy to promote terrorism against Cuba.”

⁸¹ Duncan Campbell, “Three Strikes and You’re out. Human Rights, US Style,” *The Guardian*, January 26, 2002.

these genuinely critical examples represent only five of nearly eighty *Guardian* articles I read that referenced Guantánamo in the specified timeframe, and none were featured prominently within their respective issues.

Although the British and Canadian news establishments offered a small number of limited but genuine critiques of US policy, the vast majority of official and media responses from the two countries demonstrated similar rhetoric to those published in the US. Despite the sometimes alarmist headlines published in *The Guardian* and *The Toronto Star*, which gave an initial impression that the UK and Canada broke ranks with the US political establishment, reassurances by politicians and complicit critiques in the news represented a general effort to reaffirm the civilizational superiority of the West. As allies of the US, the UK and Canada therefore participated in a broad Western effort to define the boundaries of liberalism in the face of a supposed illiberal civilizational threat. The publicization of evidence of torture by the US did not threaten its alliances with other liberal democratic nations, but instead created a situation in which politicians and news outlets within the US, as well as other Western nations, collectively reinforced the boundaries of liberalism and the right to torture under the auspices of liberal democratic governance. Because the illusion of universal moral benefit has been fundamental to the project of liberalism since its early theorization and subsequent colonial applications, this performance of maintaining its appearance of benevolence in the face of contrary evidence is not incidental, but actually represents a core structuring process and dynamic of liberal governance.

C. Conclusion

The release of the photograph of the first twenty Guantánamo detainees in January 2002 came at a particular historical moment of domestic and global chaos, in which both alliances and animosities were solidified. Although the publication of an image showing prisoner torture by the most powerful and self-consciously liberal government in the world seems counterintuitive in this context, it provided an opportunity for the US government to highlight its own civilizational and moral superiority, emphasize the true evil of the both tangible and existential terrorist threat they allegedly faced, and solidify Western ideological cohesion around these two major beliefs. Despite the immediate backlash to the photograph, responses almost exclusively exhibited this dynamic of upholding US liberal superiority and condemning the prisoners, minimally concealed beneath a veneer of performative outrage. Although these responses overwhelmingly played into the theater of reinforcing US liberal ideological superiority, the fact that so many public commentators felt compelled to respond by defending that superiority suggests a sense of public precarity. Commentators needed to reaffirm US moral and civilizational superiority because there was a sense it was under threat and needed to be reestablished in the face of an illiberal enemy. This case study, then, presents a contrast with the Israeli example I will discuss in the following chapter, in which evidence of torture, broadcast on national television, was met with relative silence.

4. A Right to Torture

“Is there any better way to pass these last days than in dreaming of a savior with a sword who will scatter the enemy hosts and forgive us the errors that have been committed by others in our name and grant us a second chance to build our earthly paradise?”

— J.M. Coetzee¹

In recent years the Israeli state has increasingly compromised its longstanding attempts to conceal systemic torture in its prisons in order to not only reveal but flaunt the abuse of Palestinian prisoners to Israeli civilians. As I discussed in the previous chapter, the release of the Guantánamo photo in 2002 led to significant domestic and international blowback. Even if these critical responses were largely disingenuous, upheld racist hierarchies, and failed to actually critique torture, the fact that there was performative outrage over the photo told us something specific about the kind of liberal community that was being both formulated and reflected through the public process of viewing and responding to evidence of torture. In other words, the fact that people felt compelled to publicly respond gave rise to a theater of reaffirming the liberal validity of the US state project in the midst of War on Terror uncertainty. In contrast, public responses to the Israeli state’s recent publicization of torture have been minimal, or at the very least, not sufficient in volume or coordination to rise to the level of an identifiable outcry.

Israel’s renewed genocidal assault on Gaza since 2023, and the unprecedented media coverage of its extreme violence against Palestinian prisoners, provides a more contemporary, and somewhat distinct case study of a liberal government counterintuitively

¹ J. M. Coetzee, *Waiting for the Barbarians* (Penguin Books, 1980), 165.

publicizing its own use of torture as a way to shape the domestic body politic. In early 2024, the Israeli Prison Service invited several mainstream news channels to film segments documenting the treatment of Palestinians in Israeli custody. A number of public TV news broadcasts aired in Israel around that time, showing intense footage of detainees in stress positions, restrained on the floor in crowded cells, and threatened by heavily armed soldiers with automatic weapons.² Alongside these clips of violence, the broadcasts included interviews with prison wardens, soldiers, and guards explaining in Hebrew that every single one of the captured men are Hamas terrorists who are personally responsible for dozens of Jewish deaths. There is evidence that these broadcasts were actually far more numerous than the three that I discuss here.³ Social media posts have referred to or posted screenshots and clips of other broadcasts,⁴ and a disturbing number of testimonies from Palestinian detainees

² B.M. (@ireallyhateyou), “Civilians bound, blindfolded, paraded by psychopaths in uniforms, for the enjoyment of a sick pseudo-journalistic propagandist, and the whole People of Israel. As you can see in the following clips, these are obviously not Hamas militants, but completely random Palestinian men.,” X, February 18, 2024; Jonathan Ofir, “‘We Are the Masters of the House’: Israeli Channels Air Snuff Videos Featuring Systematic Torture of Palestinians,” *Mondoweiss*, March 6, 2024; Middle East Eye, *A Segment from Channel 14 That Explores One of Israel’s Top Security Prisons for Palestinians*, 2024, 3:10.

³ B’Tselem, *Living Hell: The Israeli Prison System as a Network of Torture Camps* (B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, 2026), 3. In this follow up to their 2024 report *Welcome to Hell*, B’Tselem specifically notes the barrage of media coverage of prison conditions, gleefully promoted by National Security Minister Itamar Ben-Gvir. “Far from being carried out in the shadows, this systemic abuse is put on public display, with no attempt to conceal or obscure it. In fact, the persons in charge boast about it openly, and the entire Israeli regime is complicit.”

⁴ Quds News Network (@QudsNen), “Shocking Footage from inside Ofer Prison Shows Israeli Soldiers Abusing and Torturing Palestinian Prisoners under the Supervision of Far-Right Minister Itamar Ben-Gvir. <https://t.co/hUmpIIXS2n>,” X, October 9, 2024.

during this period report having experienced further humiliation at the hands of visiting news reporters and other civilians, including politicians, who were brought in for prison tours and in some cases invited to participate in the abuse of prisoners.⁵

Although this case study is another example of a liberal democratic state seemingly counterintuitively publicizing its use of torture, I also view it as distinct specifically because of the lack of significant public response to the published media objects. If the theatrical public outrage over the Guantánamo photo signaled a community of viewers and responders who felt compelled to reaffirm the liberal ideological superiority of the US in the face of apparent evidence to the contrary, the relative silence of the Israeli public in response to the state's prison tour broadcasts is suggestive of a domestic community whose sense of righteous justification and superiority is so profound it does not require petty nods to ideological niceties. In that sense, Israeli torture of Palestinians hearkens back to historical colonial traditions in which the necessity and applicability of torture was considered self evident and wholly within the bounds of humanistic liberal governance. Therefore, contrary to those who see Israel in its current formulation as bordering on overt fascism, I view it as a liberal democratic state embodying a moment of unusual honesty about its beliefs and

⁵ See B'Tselem, *Welcome to Hell: The Israeli Prison System as a Network of Torture Camps* (B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, 2024), 24–5.

intentions, as well as how it plans to achieve those intentions.⁶ It is, in that sense, still thoroughly liberal.

Since even before October 7th, spurred in part by Prime Minister Netanyahu's attempts to overhaul the Israeli judicial system in early 2023, many commentators both within Israel and globally have publicly questioned whether Israel remains a liberal democracy. Despite outside attempts to shed doubt on Israel's liberalness, Netanyahu has consistently continued to proclaim and defend Israel's liberal moral superiority, which serves to sideline accusations of genocide and other war crimes by establishing an explicit comparison between the virtuousness of Israel and the depravity of its neighbors. In a statement released by Netanyahu's office on October 28th, 2023, he proclaimed that the Israeli massacre of Gaza would result in "a victory of good over evil, of light over darkness, of life over death."⁷ In an address Netanyahu made at the UN in 2024 he asked the General Assembly, "[w]ill you stand with democracy and peace? Or will you stand with...terrorism across the globe? In this battle between good and evil, there must be no equivocation."⁸ He has also consistently upheld his assertion that the IDF is "the most moral army in the world"—as recently as April 10th,

⁶ One could argue that Israel is not choosing to reveal itself but simply no longer has the luxury of concealment because of the scale of genocide it is perpetrating. However, the apparent (and evidently growing) enthusiasm with which the Israeli state has been internally publicizing its prison conditions and systemic torture suggests that it is not merely on the PR offensive—rather, such publicity must be conducive to strategically shaping national narratives. See B'Tselem, *Living Hell*, 3.

⁷ "Statement by PM Netanyahu," Prime Minister's Office, Gov.il, October 28, 2023.

⁸ TOI Staff, "Full Text of Netanyahu's UN Speech: 'Enough Is Enough,' He Says of Hezbollah, Also Warns Iran," *The Times of Israel*, September 27, 2024.

2026.⁹ Thus, despite assertions from some corners that Israel is no longer a liberal democracy (or perhaps never was), the Israeli State continues to cloak itself in the mantle and rhetoric of liberal moral superiority in order to publicly defend its warmongering and genocide. Because Israel actively situates itself as such, it must be analyzed not as a state in the process of liberal decline, but as a key example of the ideological absurdity and violence that are innate to the project of liberalism.

In this chapter, rather than focusing primarily on news coverage of the official media publicizing torture, I analyze the government sponsored media objects themselves. In the first section I will discuss the three broadcasts and the affective work they perform within Israeli society. I also examine an article from far-right magazine *Mishpacha* that intriguingly mirrors the exact formula of the broadcasts without explicitly referencing them. In the second section I analyze the apparent impact of torture-justifying media within Israeli society by discussing the domestic response to leaked footage of a Palestinian detainee being sexually assaulted by several IDF soldiers at the Sde Teiman military base. Although this leaked footage is not official government sanctioned media, the ferocity of the domestic defense of the soldiers' "right to rape" provides immense insight into the internal reception of evidence of Israeli torture, including the official broadcasts.¹⁰

⁹ Prime Minister of Israel [@IsraeliPM], "Prime Minister Benjamin Netanyahu: 'Israel will not remain silent in the face of those who attack us. Spain has defamed our heroes, the soldiers of the IDF, the soldiers of the most moral army in the world.'" X, April 10, 2026. See also Neve Gordon, "The Myth of Israel's 'Most Moral Army,'" *Al Jazeera*, October 16, 2023.

¹⁰ Lisa Hajjar and Basil Farraj, "Israel Is Waging War on Palestinian Prisoners," *MERIP*, October 16, 2024.

A. “Everything will be turned into prison cells”¹¹

The broadcasting of the incarceration and torture of Palestinian prisoners follows a long, well documented history of strategic Israeli manipulation of the (in)visibility of Palestinians, or what Middle East Studies scholar Gil Hochberg refers to as the “uneven distribution of ‘visual rights.’”¹² This uneven distribution is both a strategy and a manifestation of Israeli colonization of the Occupied Palestinian Territories (OPT), which allows the Israeli state to maintain a high level of control over when and how Palestinians are visible to Israeli civilians and the international community. Exercising strict control over the visibility of Palestinians serves numerous agendas of the Israeli state. In particular, this visual regime allows the state to manipulate public narratives of Israeli and Palestinian actions, assigning meaning in a way that gives rise to “a specific moral economy of violence.”¹³ Hochberg argues that “Israel’s own image of normality greatly depends on the production and circulation of Palestine as an image of violence, self-destruction, victimization, and (a culture of) death.”¹⁴ This positioning of Palestinians as visible exclusively when perpetrating violence facilitates and upholds the narrative of Israel as exercising legitimate self defense, rather than as an aggressive agent of occupation and genocide. The level of control the Israeli

¹¹ Middle East Eye, *A Segment from Channel 14*.

¹² Gil Z. Hochberg, *Visual Occupations: Violence and Visibility in a Conflict Zone* (Duke University Press, 2015), 3.

¹³ Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford University Press, 2015), 79.

¹⁴ Hochberg, *Visual Occupations*, 10.

state exercises over Palestinian visibility is thus essential to the internal and external maintenance of its own interests.

While a number of texts documenting or discussing the Israeli regime of visual control have focused on the intentional invisibility of Palestinians and the violence perpetrated against them by the Israeli state,¹⁵ the recent turn to not only documenting but publicly broadcasting visual evidence of the state's violence begs the question of what function such graphic visibility performs. Palestinians have long been made invisible within Israel in order to normalize its occupation, creating a particular internal narrative of Israeli community based on the strategic assumption that Israelis inhabit an empty land and are continuously encroached upon by an intruding population that is only visible as a threat. What kind of community, then, is created by the proud broadcasting of horrific violence perpetrated against captive Palestinians? As I will discuss below, the tone of the recent broadcasts implies a community of viewers that is not only uncritical of the violence perpetrated in their name, but actually thirsts for confirmation that prisoners are being treated with the maximum level of cruelty, while still seeking self-righteous justification for that cruelty under the law.

This public attitude is strongly reminiscent of discourses that historically animated liberal colonialism, whose violence was spurred by the widespread belief that colonized populations were positively and necessarily reformed by torture and other forms of state-sponsored abuse. As I argued in Chapter 1, in both contemporary and historical manifestations of liberal colonialism, moralizing universalist pretensions have acted as a smoke screen for a deep

¹⁵ See, for instance, Laleh Khalili, "Palestinians: The Politics of Control, Invisibility, and the Spectacle," in *Manifestations of Identity: The Lived Reality of Palestinian Refugees in Lebanon*, ed. Muhammad Ali Khalidi (2010).

investment in racialized cruelty as a logic of governance and dehumanization. These broadcasts, therefore, serve to reaffirm the Israeli right to torture their alleged subhuman attackers while attempting to narrate that right within the framework of liberal governance.

Although graphic public demonstrations of Israeli torture are recent, the Israeli state has long spread descriptions of Hamas' violence as a way to "provide legal and moral justification for the accusation that Israel kills civilians."¹⁶ As Nicola Perugini and Neve Gordon analyze, the Shin Bet security agency has, in the past, published detainees' descriptions of abuses perpetrated by Hamas against Palestinians as a way to use "the voice of a Palestinian prisoner to produce a framework of ethical violence, whereby the immorality of the colonized corroborate the morality of the colonizer and its adherence to IHL [international humanitarian law]."¹⁷ Although these testimonies are presumably extracted through torturous means, they are published as a way to emphasize the civilizational distinction between colonizer and colonized, highlighting the supposed morality of the liberal Israeli state in contrast to the illiberal governance of Hamas. These confessions are used by the Israeli government and military to justify bombing civilians in order to protect them.

TV broadcasts flaunting Israeli control over Palestinian detainees while emphasizing their evil natures and capacities for violence can thus be seen as an amplified extension of this longstanding practice of publishing tortured confessions. In both scenarios, the Israeli state seeks to present itself as the source of absolute power—a tough nation that is fighting for good, while enduring significant hardship, in order to protect itself and the Western world

¹⁶ Perugini and Gordon, *The Human Right to Dominate*, 90–91.

¹⁷ Perugini and Gordon, 91.

from a civilizational threat that cannot be reasoned with. Rather than primarily focusing on the violations of Palestinians, recent TV broadcasts have evolved to highlight what Israel is doing to combat those violations and the threat they pose, seemingly in an effort to reassure civilians in a time of uncertainty. Perugini and Gordon's analysis of the publication of tortured confessions by Shin Bet demonstrates that Israeli civilians have been primed for years to unquestioningly accept torture as a necessary tool to fight the evils of a people who only exist in their eyes as terrorists and interlopers. Therefore the torture of Palestinians, broadcast on national television, does not raise internal questions about the righteousness of the Israeli state, as much as it provides fodder for the ongoing Israeli justification of genocide.

I initially encountered mentions of these broadcasts in detainee testimonies and subsequently found additional references to them in a number of social media and blog posts, as well as a scant few news articles exclusively from Middle Eastern outlets.¹⁸ Because I do not speak Hebrew my investigation of these broadcasts and Israeli media in general has been restricted to English language sources. Although the original TV broadcasts were in Hebrew, all those I found clips of were published online by various secondary sources with English subtitles. Likewise, all major Israeli newspapers have English editions and therefore I was still able to do a thorough survey of news media responses across a wide variety of Israeli sources. It is likely that Israeli viewers posted on social media about the broadcasts in

¹⁸ See B'Tselem, *Welcome to Hell*, 24–5; Euro-Med Human Rights Monitor, “‘They Brought Israeli Civilians to Watch Our Nude Torture’: IDF Torture of Palestinian Prisoners Is Turned into Entertainment for Israeli Viewers,” *Euro-Med Human Rights Monitor*, February 12, 2024; Ofir, “We Are the Masters of the House.”

Hebrew but I have not been able to access these posts because of the language barrier.¹⁹

Therefore my analysis of public responses to the broadcasts is restricted to news publications.

However, I consider this a relatively faithful representation of whether or not the broadcasts made a significant public splash, for reasons I will discuss below. I have made an effort to verify video clips posted on social media accounts and blogs by finding independent references to news programs from the same dates.

I. Torture on TV

Official prison tour broadcasts initially appeared on Channels 13 and 14 in January and February 2024. Channels 12 and 13 have long been the most popular, widely viewed, mainstream channels in Israel, with far-right Channel 14 lagging in viewership.²⁰ However, journalism advocacy organization Reporters Without Borders notes that in 2023 Channel 14 became the second-most watched channel in Israel, after Channel 12, suggesting a significant rise in consumption of right-wing media.²¹ The rise in Channel 14 viewership appears to have begun earlier in the year, before October 7th and its aftermath, setting the stage for this conservative channel to play a significant role in shaping public discourse on the unfolding

¹⁹ Although social media posts certainly exist, they still did not rise to a volume or level of outrage that warranted more widespread coverage.

²⁰ A number of sources have compared Channels 12 and 13 to CNN and Channel 14 to Fox News in the US.

²¹ Reporters Without Borders, “Israel.”

assaults on Gaza.²² Research by the Israel Democracy Institute (IDI) on news consumption habits among Jewish Israelis (excluding Palestinian citizens of Israel) reports that 58% of the population surveyed watches television news programming daily.²³ Furthermore, IDI revealed that because of the differences in their respective political alignments, viewership of Channels 13 and 14 very rarely overlaps. Because each channel has a large, distinct viewership, it is reasonable to imagine that their respective prison tour broadcasts reached a significant portion of the Israeli population, across a range of political affiliations.

In the aftermath of October 7th, Israeli news outlets have been more resistant than ever to showing material that may make the public uncomfortable, such as images of the atrocities being perpetrated in Gaza. Even more than simply reflecting Israeli society back to itself, +972 *Magazine* journalist Eyal Lurie-Pardes suggests the media has contributed to moving society as a whole to the right by positioning itself as the embodiment of Israeli patriotism and dictating what information serves the public interest and counts as legitimate political discourse based on the objective of raising national morale.²⁴ This pattern serves the news stations because they increasingly both create and fulfill a growing national hunger for celebration of their “war” efforts without being forced to contend with the discomfort of

²² David Isaac, “Israel’s First Conservative TV News Channel Sees Ratings Spike,” *JNS*, March 13, 2023.

²³ The Israel Democracy Institute, *Media and Social Media Consumption, Trust, and Literacy* (2024).

²⁴ Eyal Lurie-Pardes, “Journalism out, Hasbara in: How Israeli TV News Joined the Gaza War Effort,” +972 *Magazine*, March 6, 2024.

grappling with the moral implications of the conflict.²⁵ News outlets present a one-sided, oversimplified view that “there are no innocent people in Gaza; Israel’s mighty army is winning; the whole world is antisemitic; and, contrary to all evidence, only military pressure will bring about the release of the hostages.”²⁶ The news therefore increasingly serves the nationalistic agenda of the government by “walking a thin line between propaganda and journalism.”²⁷

This increasing focus of news channels on broadcasting encouraging or self-justifying material about the Israeli massacre of Gaza sheds an interesting light on the prison tour broadcasts. In this framing, what appears from the outside as a military and government publicizing incredibly disturbing evidence of behavior that violates every conceivable legal and moral statute was in fact created and distributed as a form of reassurance, “sating domestic Israeli appetites for more evidence of retribution.”²⁸ Within this paradigm of reassurance, in addition to confirming the tactical superiority of and heightened security precautions being taken by the Israeli state, the broadcasts also function to reaffirm the innately violent, subhuman nature of Palestinians in the Israeli consciousness. Even with zero specific information about the Palestinian prisoners and torture victims shown on screen,

²⁵ Edo Konrad, “The ‘pact of Silence’ between Israelis and Their Media,” +972 *Magazine*, October 16, 2024.

²⁶ Sebastian Ben Daniel, “How Israeli Journalists Carry out PR for the Army,” +972 *Magazine*, February 19, 2024.

²⁷ Lurie-Pardes, “Journalism out, Hasbara in.”

²⁸ Hajjar and Farraj, “Israel Is Waging War on Palestinian Prisoners.”

“their mistreatment becomes...its own kind of self-perpetuating indictment.”²⁹ In other words, the very subjection of the detainees to torture on public television becomes proof of their guilt and the necessity of that torture.

Despite the approximately twenty year gap and difference in contexts between the release and discussion of the Guantánamo photo and the airing of Israeli prison tour broadcasts, these media objects evince remarkable similarities in themes and discursive tactics. Mirroring the statements of Bush Administration officials justifying the treatment of prisoners at Guantánamo, the Israeli TV programs defend Israeli violence by setting up an implicit comparison between liberal Israelis and illiberal Palestinians (i.e. “we should/we do treat prisoners well because we are better than them”),³⁰ by presenting instances of violence or abusive policies as necessary because of the prisoners’ terroristic natures (i.e. “we are treating them as well as possible, given the limitations; it’s not us, it’s them”), and by leaning on the assumption that the detainees’ presence in high security conditions justifies itself. The continuity between these two case studies is telling, suggesting a consistent playbook by which liberal democratic states approach publicizing violence, in a way that leans on

²⁹ Omar El Akkad, *One Day, Everyone Will Have Always Been Against This* (Knopf, 2025), 81.

³⁰ Susan Buck-Morss, *Thinking Past Terror: Islamism and Critical Theory on the Left* (Verso, 2003), 64–5. Buck-Morss usefully identifies this kind of logic as representative of post-9/11 political discourse, which shifted from making epistemological claims (“Because the US does not violate human rights, it is a civilized nation”) to ontological ones (“Because the US is a civilized nation, it does not violate human rights”). Likewise, in the case of Israel, the increasingly dominant ontological claim was that “[i]mperialism is clearly undemocratic, but Israel *is* a democracy; therefore Israeli occupation of Palestine...is not imperialist, but, rather, the defense of democracy.” This logic became deeply entrenched and served to block any acknowledgment or even recognition of liberal violence.

civilizational comparisons to preemptively exonerate themselves.

The first Israeli TV segment, broadcast on Channel 14 on February 1st, 2024, is the least overtly violent of those I've found, as if perhaps the government or the broadcast companies were testing the waters. It begins with a sequence of threatening music and sound effects—guards yelling, prison doors clanging, dogs barking—and footage of heavily armed soldiers calling detainees to a head count. Prisoners are seen huddling on the floor surrounded by razor wire fences, forced to sit still with hands behind their necks while muzzled German Shepherd dogs look on. The video shows the detainees only with their heads down and either from far away or in extreme closeup, as undifferentiated members of a mob, heightening the sense that they are not really people, but rather faceless, nameless threats to be neutralized (see Figure 2). This is a visual tactic used consistently throughout the broadcasts. The use of ominous music heightens the projection of an amorphous fear onto the detainees. A voiceover by an unidentified Israeli Prison Service (IPS) official gloats that the prisoners are not allowed to move until the head count is completed and the commanding officer sends them back to their cells. The same voice proclaims that the prisoners “are active, and they are associated with Hamas.”³¹

From the head count the video shifts to another unidentified prison official describing what the detainees eat, showing the camera metal bins of sliced raw cabbage and white rice on the floor alongside stacks of white sandwich bread in plastic bags. “This is their lunch,” he gestures. The narrator reiterates: “rice, beans, and cabbage, and twice a week, two

³¹ Middle East Eye, *A Segment from Channel 14*.



Figure 2. Screenshot of February 1st, 2024 Channel 14 broadcast, posted on YouTube by *Middle East Eye*.

sausages. This is the terrorists' food here.”³² Many pieces of prison media published by the Israeli government specifically discuss the prisoners' diets, seemingly wishing to reassure the public that incarcerated terrorists are not eating well, while also emphasizing their own generosity, such as in providing sausages twice a week.³³ Similarly, a subsequent statement

³² Addameer, *Update on the Conditions and Torture Violations Committed Against Gazan Detainees* (Addameer Prisoner Support and Human Rights Association, 2024), 23; B'Tselem, *Welcome to Hell*, 67, 71, 74, 75, 76, 77, 97, 99, 108. Testimonies of former detainees strongly suggest they do not receive nearly enough of this meager fare to keep them from starving.

³³ See, for instance, Middle East Eye (@middleeasteye), “Terrorists should not receive fresh baked goods,” TikTok, February 8, 2023. Months before October 7th, Israel's National Security Minister Itamar Ben-Gvir posted a TikTok video in which he bragged that all prison bakeries were being shut down in a concerted effort to worsen prison conditions.

by the narrator advertises, “what you see here is the daily routine of the Hamas terrorists. Gone are the days of sweets and meats.” Showing the “daily routine” of prisoners in this way is reminiscent of reality TV programming, suggesting a kind of voyeuristic fascination with the prisoners on the part of the Israeli public.³⁴

The program shifts again, following a group of prison officials into what one identifies as “the wing that holds relatively dangerous terrorists.” Through several metal gates with electronically locked doors the group enters a small, dark prison cell with as many as a dozen prisoners seated in stress positions on the floor, packed tightly together. Again, the camera only shows their backs—their faces are never seen. The narrowness of the camera angle emphasizes the claustrophobic dimensions of the space as the barrel of an automatic weapon, pointed at the prisoners’ backs, protrudes into the corner of the frame. As the video pans across the prisoners’ backs in closeup the narrator asserts that the prison facilities are preparing to receive an influx of terrorists, “cramming them in as much as possible.” An IPS representative adds, “there are no more canteens, no more washers, no food courts, everything will be turned into prison cells.” As the group of officials and TV personnel walks back through rows of detainees sitting still on the floor the narrator dispenses a final proclamation that “anyone that has killed Jews, or just dared to try, will receive the minimum conditions required by law.”³⁵

Although, here, the speaker offers a nod to the application of the liberal legal system within the matrix of prison horror he proudly displays, this nod differs from attempts by the

³⁴ Middle East Eye, *A Segment from Channel 14*.

³⁵ Middle East Eye.

US to performatively adhere to international law because the narrator is actually flaunting the fact that the state is only barely maintaining legally acceptable conditions. This statement advertises that the law is not being used as a guide by which to allegedly treat prisoners with dignity (as the Bush Administration claimed after Guantánamo opened) but rather as a bottom line that the Israeli state is striving to push to its most desolate limits. This statement is intriguing because in some ways it is still a performatively liberal nod to the legal adherence of the Israeli system of detainment and torture. However, the law is implicitly presented as a barrier to how poorly the IPS apparently wishes it could treat Palestinian prisoners. Liberal legal standards thus become a burden the Israeli state begrudgingly adheres to in order to still present itself as ideologically pure to the larger Western world. In her analysis of colonial counterinsurgencies, Laleh Khalili points out that “declared adherence to the law is so central to the claims of Israel as a righteous occupier that it is proudly advertised.”³⁶ The language of legalism serves as a way for the Israeli state to implicitly differentiate itself from the allegedly illiberal regimes it stands against, perpetuating the illusion that it is a just political entity, receiving support from the liberal powers of the world to carry out a just campaign of terroristic violence—even if that veneer of legalism is openly treated as an obstacle.

A second segment, of which I have only found clips posted on X, was broadcast later in the month on February 17th. This broadcast showed not the interior of a prison but the workings of a checkpoint, where Palestinians fleeing Khan Younis are brought in, stripped,

³⁶ Laleh Khalili, *Time in the Shadows: Confinement in Counterinsurgencies* (Stanford University Press, 2013), 115.

bound, and held for questioning.³⁷ Soldiers stand near a group of prisoners seated in stress positions on the floor and blindfolded (see Figure 3). The soldiers talk amongst themselves and to the camera, commenting, “there are terrorists here. They killed families, killed children...whoever tries to fight will die.” Another soldier asserts it is difficult to stand next to terrorists but that “we are fighters, not mercenaries, and we are not like them. That’s exactly what distinguishes the IDF.” Similarly to the attempts by Donald Rumsfeld to use debates over the Geneva Conventions to differentiate “legitimate” US soldiers from illegitimate terrorist fighters, here the soldier differentiates himself and his fellow servicemen, drawing on an implied civilizational distinction between Israelis and Palestinians to legitimize his own violence while delegitimizing that of Hamas.



Figure 3. Screenshot of February 17, 2024 Channel 14 broadcast, from a clip posted on X by @ireallyhateyou.

³⁷ B.M. (@ireallyhateyou), “Civilians Bound, Blindfolded, Paraded by Psychopaths in Uniforms.”

The same soldier crouches down next to a blindfolded detainee, asking him where he was on October 7th and warning him not to lie. The detainee responds that he was at work at a furniture store, to which the soldier asks, “then why are you here? Do you think we take people as we please?” Turning to a fellow soldier, the first muses, “they all start like that and then later, you know, they tell the truth.”³⁸ The disturbing irony of this interaction is profound, given that checkpoints quite literally are places where soldiers randomly detain people walking down the street. What is more, the assumption that the men’s detainment is itself proof of their guilt shows that this self-perpetuating logic is as convincing for soldiers as for civilian viewers, even though they are the ones who do the detaining. The sly implication that the detainees will tell the truth later is highly suggestive that they will endure more and worse torture.

The broadcast proceeds to show the questioning of several other detainees, then shifts to the outside of the checkpoint structure, where the camera pans over groups of Palestinians fleeing Khan Younis with their belongings in the rain. Soldiers explain the process of determining who will be detained. The level of certainty the soldiers exude about the 400 Palestinian men they proclaim they’ve detained for allegedly having connections to terrorism over the previous few days is clearly meant to reassure the Israeli public about the thoroughness of the operation and professionalism of the military. It is intended to make the public feel safe. However, as the soldiers continue talking they reveal again and again the absolute arbitrariness with which they carry out their task. One explains to the camera, “it’s funny, all those who look like, ‘bro, we’re poor people,’ these are the first ones to be revealed

³⁸ B.M. (@ireallyhateyou).

as terrorists.” Another soldier looks out over the groups of Palestinians walking by, points to a random 20-something man passing through, and exclaims, “see...here...do you see him? He’s connected to terrorism. Somehow, I don’t know, so I don’t want to say.”³⁹ In these statements and others the soldiers demonstrate, even explicitly confess, that they are simply selecting the most vulnerable victims, making assumptions about them that they cannot explain or defend. The soldiers clearly feel that their “intuition” about identifying terrorists is evidence of their competence but it is demonstrable that they are simply targeting impoverished young Palestinian men.⁴⁰ The fact that this footage was broadcast on a popular TV station as a way to make Israeli civilians feel good about the security efforts being waged in their name suggests that they, too, believe random people walking down the street deserve to be kidnapped and tortured.

The third program aired the very next day, on February 18th, on Channel 13. This broadcast provides the most in-depth look into the workings of high security prisons within Israel, complete with on-camera interviews with officials. It begins with chaotic scenes of armed soldiers yelling and pointing guns, muzzled dogs barking, as they enter crowded cells of prisoners huddled on the floor (see Figure 4). The narrator identifies the facility as the “largest security prison in Israel...in which thousands of prisoners and security detainees are

³⁹ B.M. (@ireallyhateyou).

⁴⁰ Frantz Fanon, *Black Skin, White Masks*, trans. Richard Philcox (Grove Press, [1952] 2008), 91. Racialized assumptions of threat and inferiority are core to any colonial project, in which “historical-racial schema[s]” both form the basis for social hierarchies and provide constant justification for their violent reification.



Figure 4. Screenshot of February 18, 2024 Channel 13 broadcast, reproduced in a *Mondoweiss* article by Jonathan Ofir.

held, terrorists and murderers.”⁴¹ This is where alleged October 7th perpetrators are held. Over and over throughout the video, the narrator and various prison officials refer to how much of a threat these detainees pose as “the most dangerous terrorists in Israel.” The prison tour is explicitly presented as an “exclusive peak” into the wings where these dangerous terrorists are held, highlighting the nature of the prisons and their kidnapped inhabitants as a point of public fascination within Israel.⁴²

As the group of soldiers enter a darkened cell with guns drawn, an IPS interviewee’s voiceover flaunts the dominance of the prison authorities over the prisoners, advertising that

⁴¹ Ofir, “We Are the Masters of the House.”

⁴² B’Tselem, *Living Hell*, 3. Minister Ben Gvir and IPS spokespeople have also characterized prison PR media objects as “rare glimpses” into the conditions of Palestinian detainees.

there are “many prisoners here...who were also at the events [of October 7th] themselves... but the difference is that this time he is afraid, shaking, and his head on the ground...no ‘Allah Akbar’ and no nothing. You won’t hear a squeak from him here.” The interviewer responds by asking if the prison official sees hatred in the detainees’ eyes, to which the deputy commander of the prison responds, “you see their ideology.”⁴³ Like with government statements about Guantánamo prisoners, the Israeli prison officials emphasize numerous times the level of threat the detainees pose to the guards, the TV crew, and everyone in the prison at all times. The film highlights the theater of prison security by showing guards putting on protective gear and following intensive safety procedures before entering cells. A voiceover narrates that the cells are empty of all comforts and kept constantly dark; the prisoners have no mattresses and are tied up, cuffed to each other on the floor the entire day.⁴⁴ This is an explicit announcement of torture. Although this litany comes across like a human rights exposé about horrific prison conditions, it is presented as an advertisement to the public. Again, the level of security justifies itself by implying its own necessity.

As the film crew and prison officials stand in a cell, looking down on detainees chained together at the ankles and bent over with their heads touching the floor, a soldier asserts, “all of them are murderers...all of them are *nukhbas* [elite Hamas commanders]...each one of them, 30, 40...yes, Jews they murdered. Yes, they killed, raped, looted.” Once again, as they walk from cell to cell the prison officials show the cameras the food the prisoners receive,

⁴³ Ofir, “We Are the Masters of the House.”

⁴⁴ This admission is a stark departure from Donald Rumsfeld’s attempt to reassure the American and international public in 2002 that Guantánamo detainees had not been shackled for their entire rendition flight, and were only cuffed for transitional purposes.

assuring the interviewer that there is no meat and no desserts; detainees receive only rice and hummus.⁴⁵ One shot inside a cell shows a pile of sliced bread sitting out bare on a metal ledge. Pointing at a group of restrained prisoners in stress positions, an IPS official asserts, “this is how a *nukhba* prisoner should be, this is how it should be.” Another responds, “I feel pride that I am in this cell, that now we are above them, and we are the ones who rule, and we are the ones who caught them, and we’ll catch more and continue to be above them all the time. The perception of governance is very strong.” The officials affirm that their job is to keep the detainees alive “until they get what they need according to the law.”⁴⁶

This assertion seems strategically worded to present the illusion that detention and torture are acting in service of the law, operating within a liberal governing framework. The implicit suggestion is that prison operates as a neutral holding space where prisoners await their unbiased sentencing in court, where they will “get what they need.” Again, this implies that such detainees require abusive treatment. Rhetoric like this allows these broadcasts to walk a narrow line between delighting in the absolute horrors to which detainees are subjected and still maintaining the illusion of Israeli moral and civilizational superiority over their enemies, by suggesting that the horrors are party to an organized system of liberal governance that will allow good to triumph over evil. Such rhetoric is in line with longstanding liberal colonial beliefs that violence against colonized populations is directly to their benefit, or in the service

⁴⁵ The official says “hummus” but the mental bin he opens simply contains loose beans in clear liquid.

⁴⁶ Ofir, “We Are the Masters of the House.”

of some greater good, because it acts as a civilizing force.⁴⁷ The statements of prison officials interviewed in these broadcasts are intended to solidify the perception of innate Israeli supremacy, in every sense of the word.

The complicity of Israeli television networks in the state's crusade to present genocide in Gaza as morally righteous has continued to maintain and fulfill a public appetite for evidence of violence carried out against Palestinians. Although these broadcasts exist within a specific national and political context, the rhetoric with which they defend genocidal violence within a liberal framework closely matches that of the US in the aftermath of the Guantánamo photo release, and draws on centuries of liberal colonial narratives of civilizational hierarchy and the necessity of corrective abuse. By publicizing torture, rather than attempting to conceal it entirely, the Israeli state has strategically presented its own violence as something to celebrate in the face of an immoral, illiberal threat.

II. An Economy of Violence

Although, as I mentioned above, there was very little public news media response to these prison and checkpoint broadcasts, an article published by far-right magazine *Mishpacha* on February 27th, 2024 curiously follows an identical formula to the TV segments. Journalist Shlomo Copperman goes for a tour of a high security prison, interviews the prison leadership, emphasizes the detainees' status as "some of the vilest murderers of

⁴⁷ Khalili, *Time in the Shadows*, 241. Laleh Khalili asserts, "[t]his insistence on legality of action goes hand in hand with the will to improve that is inherent to liberal imperial invasions, occupations, and confinements. If our intent is to better the condition of living of the 'lesser' people (by making a gift of our civilization, or development, or modernization, or democracy), then what happens in the process matters little, even if what happens in the process is cruelty, torture, or indefinite confinement."

human history,” flaunts the level of control the prison staff have over the prisoners, dispels common assumptions about prisoners receiving inappropriately generous treatment by demonstrating that everything has been locked down since October 7th, discusses their diets, implicitly distinguishes the legitimate Israeli military from illegitimate Hamas forces, and so on.⁴⁸ Similarly to the broadcasts, the article describes with pride and a businesslike attitude detainees undergoing forms of torture that are evidently systemic. The fact that the article never explicitly references the TV broadcasts, while mimicking them almost word for word, suggests a very specific set of messages the government, military, and Israeli Prison Service (IPS) are attempting to communicate to the public, carried out through a carefully orchestrated performance. Perhaps because of the longer, written format of the article, it is even more explicitly invested in defending the liberal legal validity of the IPS’ treatment of the detainees.

Alongside the typical rhetoric about how evil the “Hamas terrorist” detainees are and how a single shout from a guard is enough to get them in line, in his article Copperman emphasizes numerous times, in different ways, the adherence of new prison austerity measures to international legal standards.⁴⁹ Attempts to demonstrate that the prison conditions have appropriately worsened while not violating international law forces the journalist and his primary interviewee, prison commander Brigadier General Yosef Knipes, to walk a narrow discursive line. Summarizing a recent report on the findings of a committee

⁴⁸ Shlomo Copperman, “Zero Tolerance: In the post–October 7 world, the once-notoriously lax conditions for Palestinian terrorists in Israeli jails have disappeared,” *Mishpacha Magazine*, February 27, 2024.

⁴⁹ Copperman.

convened to investigate the alleged laxity of prison conditions in Israel, Copperman explains that, although the report recommended “a comprehensive reform of the security prison system,” the objective “was not to impose new conditions that wouldn’t meet Western standards, but simply to recognize that these prisoners are terrorists who murdered innocent civilians and present an ongoing security threat to the state.”⁵⁰ Copperman’s careful phrasing suggests that Israel *would* treat prisoners better but that their nature as hardened terrorists who cannot be rehabilitated forces the IPS to treat them harshly.⁵¹ In other words, Israel is an upstanding country that cares about human rights and liberal legal standards but Palestinian detainees force them to compromise their good intentions. Similarly to Sherene Razack’s analysis of how the “story of Muslim pathology effectively blocks the violence of the West,” discussed in the previous chapter, this puts the onus for torture and reprehensible prison conditions onto the detainees themselves.⁵²

Another way in which Copperman and his interviewee Knipes attempt to defend the legitimacy of the IPS and its abuse of Palestinians is by establishing a comparison between the detainee terrorists and Israeli civilians—the terrorists are innately immoral and illiberal and the Israelis are innately modern and liberal. Copperman frames the level of threat the detainees pose by suggesting that, if they could, they “would jump the two meters that

⁵⁰ Copperman.

⁵¹ Copperman.

⁵² Sherene H. Razack, “The Manufacture of Torture as Public Truth: The Case of Omar Khadr,” in *At the Limits of Justice: Women of Colour on Terror*, ed. Sherene H. Razack and Suvendrini Perera (University of Toronto Press, 2014), 68.

separate us and do to me what they did on October 7 to people in the kibbutzim and moshavim...all of whom wanted nothing more than to live with them in peaceful coexistence.”⁵³ Again, here the detainees are presented as the sole origin of all violence—never mind the fact that the people living in kibbutzim were illegally occupying stolen Palestinian land. Similarly, Copperman reports asking a guard what it’s like working in the prison, to which the guard responds, “[t]hey hate us, we hate them...The only reason they’re still alive...is our adherence to the laws of the humane Jews they tried to murder.” This rhetoric implicitly highlights Israel’s generosity and law-abiding nature, while also suggesting that the basic human decency with which detainees are (allegedly) treated is too good for them. The uniformity with which such sentiments are regurgitated demonstrates a widespread investment in classical liberal logics of racialized colonial supremacy.

Responding to an inquiry about whether the new changes to prison conditions have stirred opposition from organizations like the Red Cross, Knipes asserts, “[s]ince October 7, there have been no NGO visits. ...Regarding the Red Cross, Minister Ben Gvir’s office gave the order not to allow them to visit as long as they say they can’t meet with the Israeli hostages being held by Hamas in violation of international law.”⁵⁴ By framing the barring of the Red Cross from Israeli prisons in this way, Knipes strategically presents the IPS’ contravention of international humanitarian standards as simply a principled response to Hamas’ unlawful actions. This strategic application of the language of international law and humanitarianism is in line with Perugini and Gordon’s assertion that such discourses “have

⁵³ Copperman, “Zero Tolerance.”

⁵⁴ Copperman.

the power to shape moral legal categories” of victims and perpetrators, and “to invert and subvert the definition of the relationships of power within which they are mobilized.”⁵⁵ In other words, Knipes shifts focus away from Israeli measures by placing the blame for their violence onto Palestinians, implicitly defending the liberal adherence of the Israeli state by suggesting that any violations are the direct result of grappling with an illiberal enemy threat.

The extraordinary focus of both this article and the broadcasts on highlighting previous overly generous treatment of detainees by the IPS, and reassuring the Israeli public that conditions have suitably worsened, is a device for preemptively exonerating the Israeli state. This way, it presents itself as generous, moral, and liberal, while still providing the Israeli public with the evidence it clearly thirsts for that alleged terrorists are being treated with the minimum possible care. By proudly publicizing evidence of prisoner abuse and torture to the population of Israel as a whole, the state used these public media objects as a way to solidify a national ideological community that coheres around the unvarnished support for torture as an allegedly just, necessary, and liberal tool of governance. In fact, one could see these media objects, and the lack of significant protest in response to them, as a rare moment of liberal democratic honesty. The rhetoric of the videos and article that I have highlighted above functions to emphasize the civilizational distinction between Israelis and Palestinians, painting Israeli society as both uniquely moral and singularly under threat, and thus required to use the maximum possible violence to defend their liberal way of life. In contrast to this portrayal of Israeli law and governance, Palestinian detainees are ritualistically dehumanized, cementing the perception of their torture as not only reasonable but righteous.

⁵⁵ Perugini and Gordon, *The Human Right to Dominate*, 10.

B. A Need to Torture

The apparent lack of media responses to the broadcasting of torture footage on Israeli TV makes it difficult to know exactly how the public discourse around them unfolded. Searching for coverage of the TV broadcasts, I surveyed the English language editions of *The Times of Israel*, *Israel Hayom*, ynetnews.com (the popular online outlet for *Yedioth Ahronoth*), and *Haaretz* from the weeks after the broadcasts aired. The first three outlets are among the most popular within Israel, while *Haaretz* has relatively limited internal readership but significant political sway and global name recognition.⁵⁶ Unlike with US media responses to the publication of the Guantánamo photo, none of these prominent news outlets published any responses to the various prison tour broadcasts. As I discussed above, this apparent lack of organized public response tells a particular story of Israeli sentiment about the innately justified nature of the violence performed in their name. State sponsored videos of torture, broadcast on TV, were not sufficiently internally controversial to generate public backlash.

Despite that, public Israeli responses to leaked torture footage from a similar period, broadcast on Channel 12, provide insight into how evidence of torture in general has been received by citizens, as well as the apparent effectiveness of efforts to marshal public opinion on the Israeli necessity and right to torture Palestinians. In late July 2024, nearly a dozen IDF reservists were taken into military police custody and charged with aggravated abuse for the sexual assault of a Palestinian detainee at Sde Teiman prison camp.⁵⁷ These arrests

⁵⁶ Reporters Without Borders, “Israel.”

⁵⁷ Different sources provide different numbers of arrested reservists—some say nine, some ten, some eleven. Two were released after a short initial period, possibly contributing to the different counts.

represented the first instance amidst the post-October 7th attacks on Gaza that Israeli soldiers were charged with abuse of a Palestinian detainee.⁵⁸ The assault in question was so violent that the victim was transferred to the prison hospital with life threatening injuries that prompted an on-site doctor to publicly express shock at their severity.⁵⁹ However, the ensuing national furor over the arrest of the reservists nearly brought the country and government to a standstill in the following weeks.

A few hours after the arrest of the reservists at Sde Teiman, the military base was stormed by a mob of protestors who forcibly gained entry in an attempt to free the imprisoned soldiers.⁶⁰ Unsuccessful at their first target, the protestors, accompanied by a number of members of Knesset, attacked a second base later in the day.⁶¹ Protestors included uniformed IDF and special forces members, some of whom physically fought the military police guarding the reservists. Others bragged about having beaten photojournalists recording the protests.⁶² Amidst these attacks, numerous public figures came to the defense of the detained

⁵⁸ Emma Graham-Harrison and Quique Kierszenbaum, “IDF Charges Reservist with Aggravated Abuse of Palestinian Prisoners,” *The Guardian*, July 30, 2024.

⁵⁹ Hagar Shezaf et al., “Sde Teiman Doctor Who Saw Abused Gazan Detainee: ‘I Couldn’t Believe an Israeli Prison Guard Could Do Such a Thing’,” *Haaretz*, July 30, 2024.

⁶⁰ Louis Imbert, “Far Right Supporters Storm Negev Military Detention Center in Israel,” *Le Monde*, July 30, 2024; *Israeli Base Stormed; Fighting Breaks Out Inside Detention Facility After Raid To Detain Troops*, directed by Times Of India, 2024, 3:00.

⁶¹ Emanuel Fabian, “‘Bordering on Anarchy’: IDF Chief Sounds Alarm after Right-Wing Mob Overruns 2nd Base,” *The Times of Israel*, July 30, 2024.

⁶² Jonathan Adler, “A Riot for Impunity Shows Israel’s Proud Embrace of Its Crimes,” *+972 Magazine*, August 1, 2024.

reservists, including prominent right-wing officials who claimed the arrest of the attackers was itself a horrific crime that played into the hands of Israel's critics and Hamas militants. Knesset members Limor Son Har-Melech and Yitzhak Kroizer, from the conservative Otzma Yehudit party, joined protestors attacking military bases, posing for pictures with armed demonstrators.⁶³ Right-wing government ministers asserted that any action was legitimate against an alleged enemy of the state.⁶⁴ A video reposted by *Al Jazeera* on social media showed prominent Rabbi Meir Mazuz blessing one of the arrested reservists and reassuring him he did nothing wrong.⁶⁵ Likewise, the wife of one arrestee publicly attempted to shed doubt on the allegations of sexual assault by asserting the charges were made on the basis of "testimony of a despicable *Nukhba* [elite Hamas] fighter with blood on his hands, who dared to complain."⁶⁶

Amidst these justifications and denials, on August 3rd Channel 12 broadcast leaked security camera footage it obtained of the sexual assault.⁶⁷ The footage, with a view from a

⁶³ Hajjar and Farraj, "Israel Is Waging War on Palestinian Prisoners."

⁶⁴ Debora Patta and Tucker Reals, "Israeli Lawmaker Defends Alleged Rape of Hamas Prisoner as Far-Right Protesters Rage over IDF Troops' Detention," *CBS News*, July 30, 2024.

⁶⁵ Al Jazeera English (@aljazeeraenglish), "Video shows a rabbi blessing and praising an Israeli soldier accused in the gang rape of a Palestinian prisoner at the Sde Teiman detention facility," Instagram, September 9, 2024.

⁶⁶ Adler, "A Riot for Impunity."

⁶⁷ Faisal Ali, "Israeli Media Airs Footage Showing Alleged Sexual Abuse of Palestinian Detainee – Video," World News, *The Guardian*, August 8, 2024.

camera in the corner of the ceiling, shows a hangar-like room enclosed by razor wire fences, with rows of several dozen Palestinian detainees laying on their stomachs on the floor with heads down and hands clasped behind their necks. Three heavily armed soldiers appear to select a detainee from the floor and lead him to a corner of the room, where a wall of riot shields held by additional soldiers obstruct the surveillance camera's view of the assault itself. The strategic shielding of the assault from security cameras demonstrates a sinisterly coordinated effort among soldiers to conceal their torture of the detainee, as well as the identities of the perpetrators. Although the leaked footage was covered by a few Western media outlets and, in rare cases, identified as evidence of systemic torture of Palestinians at Sde Teiman,⁶⁸ it prompted Israeli commentators and politicians to double down on their defenses of the soldiers and their actions.

In response to the leaked video, far-right politician Bezalel Smotrich took to X to assert that there should be an immediate criminal investigation to locate those responsible for leaking the footage and causing “tremendous damage to Israel in the world.”⁶⁹ Others, such as National Security Minister Itamar Ben-Gvir, reaffirmed their belief that any action, including rape, is permissible in pursuit of defending national security. A few days after the

⁶⁸ Jonah Valdez, “Video of Sexual Abuse at Israeli Prison Is Just Latest Evidence Sde Teiman Is a Torture Site,” *The Intercept*, August 9, 2024; *Video Appears to Show Israeli Soldiers Sexually Assaulting a Palestinian Detainee*, directed by Jeremy Diamond (CNN, 2024). The news the previous week that soldiers had been arrested for sexually assaulting a detainee was much more widely covered in Western media; perhaps by the time the video footage was released the story had already run its course. The video footage was covered more extensively by outlets such as *Al Jazeera* and *Middle East Eye*.

⁶⁹ Simon Speakman Cordall, “‘Everything Is Legitimate’: Israeli Leaders Defend Soldiers Accused of Rape,” *Al Jazeera*, August 9, 2024.

broadcasting of the leaked video, Israeli political commentator Yehuda Schlesinger appeared on Channel 12 and asserted that such violent sexual assaults perpetrated against Palestinian detainees should be a matter of policy and routine procedure.⁷⁰ He remarked that the most disturbing video he had seen recently was not the leaked surveillance footage but rather shots of Gazans enjoying the beach instead of suffering “a hard...agonizing death.”⁷¹ Although later in the week Schlesinger spoke on a radio broadcast and retracted his recommendation to institutionalize sexual violence, in the same breath he endorsed the establishment of a death penalty for Palestinian political prisoners.⁷² The horror of his public suggestion that rape should be perpetrated as a matter of policy against detainees is matched only by its sick irony—although sexual violence may not be an official directive of IDF prison guards it is certainly routine.⁷³

As I pointed out above, the broadcast of leaked torture footage is not identical to the release of the officially sanctioned prison tours and other torture media I have discussed.

⁷⁰ TRT World (@trtworld), “‘The ... problem for me here is that it’s not a regulated policy of the state to abuse the detainees...’ Israeli journalist Yehuda Schlesinger, from the newspaper Israel Hayom, defended the soldiers in the Sde Teiman rape incident and advocated for systemic sexual violence,” X, August 8, 2024.

⁷¹ “Israeli Journalist Calls for Rape against Palestinians to Be Institutionalised,” Middle East Eye, August 7, 2024.

⁷² TOI Staff, “Israeli Journalist Retracts Call for ‘Policy’ of Sodomizing Palestinian Terror Suspects,” *The Times of Israel*, August 8, 2024.

⁷³ See B’Tselem, *Living Hell*, 7–8; “PCHR Documents Testimonies of Systematic Rape and Sexual Torture in Israeli Detention against Released Palestinian Detainees,” Palestinian Centre for Human Rights, November 10, 2025.

However, leakage aside, the conditions of the broadcast of the surveillance footage are very similar to the broadcasts of the official prison tours, providing a useful comparison. In both cases, mainstream news channels displayed graphic evidence of state torture within the context of the military prisons where thousands of detained Palestinians are held. Both the official and leaked videos show IDF prison guards violently harassing and abusing detainees. The official videos elicited minimal public response, at least in part because the violence they showed was committed with absolute impunity. While the leaked video generated significant public blowback, commentators and protestors did not criticize the sexual assault but rather the attempt to hold its perpetrators accountable, and spoke out against the leakage of a video they deemed highly damaging to Israel's global image.⁷⁴ The volume of public responses to the leaked video footage, despite acquiescence to state managed and published narratives of violence, demonstrates the level of public anxiety experienced when media escapes the Israeli state's control. In this case, the ability of the state to shape public narratives about torture is more important than the concealment of the torture itself. This reaffirms the extent to which official TV broadcasts of prisoner abuse actually played directly into the hands of the Israeli state, counterintuitively bolstering its ideological supremacy, rather than jeopardizing its liberal standing.

⁷⁴ Notably, in early November 2025, top military lawyer Maj. Gen. Yifat Tomer-Yerushalmi was taken into custody after admitting to her involvement in leaking the video footage. She is detained on charges of obstruction of justice, fraud, and abuse of office. See Kareem Fahim et al., "Ex-IDF Legal Chief Held for Video Leak Showing Abuse of Gaza Detainee," *The Washington Post*, November 3, 2025. As of March 2026, all charges were dropped against the soldiers arrested for the brutal sexual assault at Sde Teiman. See Julia Frankel, "Israeli Military Drops Charges against Soldiers Accused of Sexually Assaulting Palestinian Detainee," *World News, AP News*, March 12, 2026.

While it may be tempting to write off these defenses of violence as representing the perspectives of a particularly extreme right-wing segment of the government and population, such conservative politics have been ascendant in Israel for several decades. In the past it may have been possible to view these voices as representative of fringe perspectives, but “today, they are in the government, they run the country’s law enforcement, and they are the face of Israel.”⁷⁵ The rise of conservative Channel 14 as the second-most viewed station in Israel is a testament to the mainstreaming of such views. What is more, Schlesinger’s inflammatory suggestion to institutionalize sexual assault against Palestinian detainees was broadcast on Channel 12, the most popular channel in Israel and one generally viewed as targeting a centrist audience.

It would be a stretch to assert that the official prison tour broadcasts are directly responsible for the nature of the response to evidence of torture publicized in this high profile sexual assault case—logically the initial broadcasts were responding to public sentiment as much as they were perhaps further entrenching that sentiment, as evidenced by the seemingly minimal public splash they made. However, the extraordinary level of public and government support for charged rapists documented on video speaks to the ferociousness with which Israelis are willing to defend and fight for their self-determined right to torture. Alongside the TV broadcasts, responses to this sexual assault case offer an image of a liberal democratic state that seeks to use liberal legal standards, not as a protection against violence (however theatrical that protection may be), but as a tool through which to carry out an explicitly

⁷⁵ Adler, “A Riot for Impunity.”

violent agenda.⁷⁶ In the TV broadcasts, narrators and IPS representatives made frequent reference to the law as defining a minimum standard of permissible detainee treatment. In this sexual assault case, public figures called for the law to be brought down on those who exposed the violence, rather than those who committed it. This approach to liberal governance highlights the extent to which the law is primarily a tool for shaping public conversations in strategic ways.

C. Conclusion

Despite their contextual differences, the distinct similarities between the US and Israeli rhetoric in instances of publicizing torture suggest a liberal democratic playbook that both contradicts established assumptions about concealing torture at all costs and also draws directly on centuries of colonial discourse highlighting the civilizational superiority of Western society, as well as the righteousness and necessity of violence against colonized populations. By emphasizing Palestinian violence the Israeli state is able to publicize systemic torture in a way that frames it as a moral good in the face of encroaching catastrophe—a rational effort to “forestall future evils.”⁷⁷ Longstanding practices of

⁷⁶ This pursuit of violence through legal means is in line with modern “lawfare” tactics, of which Israel has been a major innovator. See Derek Gregory, “The everywhere war,” *The Geographical Journal* 177, no. 3 (2011): 238–50; Lisa Hajjar, “Lawfare and Armed Conflicts: A Comparative Analysis of Israeli and U.S. Targeted Killing Policies and Legal Challenges against Them,” in *Life in the Age of Drone Warfare*, ed. Lisa Parks and Caren Kaplan (Duke University Press, 2017); Craig A. Jones, “Lawfare and the Juridification of Late Modern War,” *Progress in Human Geography* 40, no. 2 (2016): 221–39; Perugini and Gordon, *The Human Right to Dominate*, 54–9; Eyal Weizman, *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza* (Verso, 2011), 92–5.

⁷⁷ David Luban, “Liberalism, Torture, and the Ticking Bomb,” *Virginia Law Review* 91, no. 6 (2005): 1436.

publishing Palestinian testimonies of Hamas' violence, as well as an all-consuming regime of visual control over Palestinian communities, have primed Israeli civilians to view them as an imminent threat that can only be addressed with force. Thus, virtually any means of response by the Israeli state takes on a veneer of liberal moral righteousness.

The broadcasts cannot be said to have singlehandedly shaped the Israeli community around the belief that torture is morally acceptable—they reflected both popular sentiments in a moment of particularly virulent support for violence against Palestinians, as well as decades of precedents that primed and encouraged Israeli civilians to unquestioningly accept such violence as necessary and legal. Despite this, the official publicization of torture media by a liberal democratic state, by nature, provides insight into the intentions and workings of that state. In this case, the broadcasts revealed a national community for whom the necessity of torture has become self-righteously evident. In many ways this is not an exceptional occurrence but an expression of the origins of liberal ideology as a civilizing doctrine with universalist pretensions, which empowered centuries of colonizers to torture subhuman others in the name of moral good.

Conclusion: Still Liberal

I planned, researched, and wrote this dissertation primarily in the years immediately before and after October 7th, 2023. Since I began writing, the re-initiation of full-scale genocide in Gaza, efforts throughout the West to suppress anti-Zionist protests and speech, and the second Trump Administration's massive immigration crackdown, have contributed to rapidly worsening political and social climates in which core liberal protections in Western nations have seemingly been stripped away. The Israeli Knesset's passing of a 2026 bill that allows Palestinian political prisoners to be executed by hanging, and the deportation of undocumented (and some documented) immigrants in the US to the high-security CECOT prison in El Salvador, among other things, have made more visible than ever the violent contradictions of liberal governance. Amidst this apparent deterioration of basic civil liberties, representatives of the US and Israeli governments have increasingly espoused rhetoric and embraced policies that, some have argued, call into question the very liberalness of the two states.¹

While it is tempting to view these moments as exceptional spectacles of “de-liberalizing” states, attempts to distinguish the current political climates of the US and Israel as illiberal

¹ Eliav Breuer, “Israel Is No Longer a ‘liberal Democracy,’ Research Institute Claims,” *The Jerusalem Post*, March 20, 2024; Martin Gelin, “‘Trump Is Aiming for Dictatorship’. That’s the Verdict of the World’s Most Credible Democracy Watchdog,” World News, *The Guardian*, March 17, 2026; María Antonia Sánchez-Vallejo, “The United States Loses Its Status as a Liberal Democracy: ‘Trump Is Aiming for a Dictatorship,’” *EL PAÍS English*, March 18, 2026. Notably, the prominent Swedish V-Dem Institute, which publishes a yearly report measuring the state of democracy in the world, no longer classifies either the US or Israel as a “liberal democracy.”

ignore the longstanding historical continuities between liberalism and fascism,² and reaffirm liberal ideology as an innately morally superior doctrine. In other words, the assumption persists that liberalism means freedom and equality, and therefore the absence of freedom and equality indicates illiberalism. This belief attempts to lift liberal ideology above the mire of violence that liberalism itself has excused and perpetuated, strategically exonerating its proponents. Contrary to such a belief, my intention throughout this dissertation has not been to assert that liberalism is a political doctrine that occasionally falters, but rather to demonstrate that liberalism is fundamentally different from its popular conception—liberalism is itself, to its core, a doctrine that seeks to conceal systemic violence within a veneer of selective personal liberties.

In this present context, in which liberal states are displaying their contradictions to the world with abandon, the endemicity of torture goes hand in hand with the will to eliminate or exterminate those who cannot be tortured into submission. As I discussed in Chapter 1, historically, liberal colonizing states shifted from a model of outright extermination to one of more publicly presentable counterinsurgency tactics in the late nineteenth century, not because the objectives of colonialism changed, but because the optics of morality and benevolence benefited perpetrating states. Therefore, the shift from public executions to

² Allan E. S. Lumba, “Left Alone with the Colony,” *Critical Ethnic Studies* 7, no. 1 (2021). Following anti-colonial thinkers such as George Padmore, W.E.B. Dubois, Walter Rodney, and Aime Cesaire, historian Allan E. S. Lumba argues that fascism is not “a neat category of political ideology. Rather, fascism could perhaps be better thought of as a historical reaction to the recurring threat of revolutionary decolonization and the chronic instability of a geopolitical system structured around capitalist empires.” Following this logic, fascism is an inevitable outcome of the core objectives and features of liberalism, and therefore exists on a continuum with liberal governance.

sequestered torture represented a kind of window dressing, without any underlying alteration of intentions. The torturing state is, thus, simply another manifestation of the exterminating state—they exist on a spectrum whose entirety falls firmly within the ideological bounds of liberalism. From this perspective, the massacre of tens of thousands of Palestinian civilians in Gaza can be seen as the logical extension of a state that tortures Palestinians with impunity in order to manufacture and enforce their submission to settler colonial rule.

Throughout this dissertation I have drawn on historical precedents in order to demonstrate the extent to which torture in the War on Terror era, characterized widely as a shocking break with established Western tradition, is not an exceptional occurrence, but is actually indicative of a deep affinity between liberal governance and the systemic use of torture. I have theorized this affinity and its persistence as resting on two basic elements: 1) the fundamentally useful role torture plays in society, as a form of violence capable of reshaping the subjectivities of survivors in ways that quietly dehumanize and demobilize them, and, 2) the readiness with which liberal ideology can be used to justify, diminish, or otherwise rationalize the use of torture, as exemplified by the willingness of Western social and political establishments to reaffirm liberal ideological superiority in the face of evidence of torture. Together, these two elements give rise to a system of governance in which torture is put to significant “productive” use while going largely unnoticed, uncontested, or strategically disavowed.

As I discussed in Chapter 1, both of these major elements of modern liberal torture were founded in centuries of European colonial violence and exploitation. Torture as a means of enforcing dehumanizing racialized hierarchies, demobilizing political dissidents, and

generally upholding European colonial rule was endemic to every stage of colonial history. Likewise, the early development of liberal ideology as a political ideal that emphasized freedom but assumed that included the freedom to own and subjugate those considered subhuman gave rise to a system of modern governance that claimed moral superiority while normalizing terroristic violence as an administrative logic. The universalist pretensions of liberalism allowed for systems of subjectivity altering torture to be spread across the globe through economically motivated colonial ventures, under the guise of spreading freedom and lifting up inferior civilizations. These histories are the origins of our modern world and continue to shape our present-day political and social landscapes in every imaginable way.

In Chapter 2 I drew on contemporary case studies from the US and Israel to demonstrate how, despite frequent assertions that liberal states use torture as a necessary means to extract actionable intelligence from terrorists, modern liberal democracies continue to torture in ways that are designed to maximize impact on survivors' subjectivities, identities, and communities, while specifically repudiating proven rapport-building methods of establishing intelligence relationships. These contemporary uses of torture are consistent with longstanding historical practices of torturing colonial subjects in ways that dehumanize and demobilize them, reinforcing artificially inflicted hierarchies based on logics of racial and civilizational comparison. This ongoing use of torture as a tool for administering populations and upholding the social and political structures of society makes torture a key form of governance not only in times of war and emergency, but on a perpetual basis. In other words, because torture is used not just to interrogate but to govern, it is endemic to liberal state power.

In Chapters 3 and 4 I explored the other core element of liberal torture I have identified: the almost enthusiastic willingness of Western society as a whole to accept and defend the use of torture against those they see as innately inferior, irrationally violent, and illiberal. To analyze this I looked at moments from the War on Terror era in which the US and Israeli states intentionally published evidence of torture. These examples allowed me to investigate more deeply how the two states portrayed torture in preemptively justifying ways, as well as how the domestic and international Western publics responded to the evidence. In these case studies, the frequency, ease, and sometimes aggression with which both state representatives and civilian commentators returned to explicitly liberal assertions of racial and civilizational superiority in order to defend the use of torture against inferior others illustrated the central role such logics of exclusion play in modern liberal democratic governance and society. Again, these contemporary manifestations of liberal ideology and governance display remarkable continuity with colonial logics of violence, in which European superiority was, for centuries, advanced and accepted as a wholesale justification for the occupation and abuse of the rest of the world's population.

The “usefulness” of torture, coupled with its ready justification through liberal logics of racial hierarchy, have, in essence, made torture a cornerstone of both modern statehood and liberal governance from the early days of their respective inceptions. The solidification of the modern bureaucratic state involved the violent reforming of society as a whole and the subjugation of millions under a new kind of rule—a process that was achieved in part through the systemic use of terroristic torture. Contrary to popular belief, Enlightenment reform and the development of liberal ideology several centuries later did not humanize a

fundamentally violent form of governance but rather provided an acceptable logic by which that violence could persist and become globalized. These political formations remain the scaffolding of our world today, and torture has never ceased to be a core element of those structures.

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