

**“WHAT CAN BE INFINITELY DESTROYED IS
WHAT CAN INFINITELY SURVIVE”:
LITERARY AND FILMIC REPRESENTATIONS
OF POLITICAL TORTURE FROM ALGIERS TO
GUANTÁNAMO**

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ABSTRACT

This thesis takes the post-9/11 Anglo-American torture debate as the territory for its analysis of the multiple and overlapping ways that cultural representations are implicated in political discourses regarding the practice of political torture by Western liberal democracies in the twenty-first century. Firstly, it makes the historical-political claim that the post-9/11 torture debate reveals the continuing existence and influence not only of colonial discourses and representations but of colonial political constellations and colonial forms of violence. Drawing on Giorgio Agamben's work on the state of exception, I argue that despite claims of the newness of the post-Cold War geopolitical paradigm, political torture in the twenty-first century takes familiar concentrationary and disciplinary forms. Further, specific colonial discourses continue to frame contemporary debates about political torture; using the Algerian War of Independence as a lens, the thesis demonstrates this continuity through original readings of *The Centurions* (1960), *The Battle of Algiers* (1966), and *The Little Soldier* (1960/63).

The dominant way that torture has been discussed in the context of the post-9/11 Global War on Terrorism is in terms that justify or normalise it. This thesis reads the revitalisation of colonial discourses in the second series of *24* (2002-3) as evidence of this. Further, it argues that anti-torture human rights texts such as *Rendition* (2007) have provided inadequate resistance to justificatory discourse. Nonetheless, narratives that successfully oppose political torture are possible, and this thesis sketches the beginnings of a canon of them: drawing on the phenomenological ethics of Emmanuel Levinas to perform readings of representations of Abu Ghraib – *Standard Operating Procedure* (2008) – and Guantánamo Bay – *The Road to Guantánamo* (2006), *Guantánamo: Honor Bound to Defend Freedom* (2004) and *Guantánamo* (2004) – the project explores the ways that ethical address, testimony, and an activist focus on facts can produce meaningfully resistant anti-torture narratives.

CONTENTS

List of Figures	vi
Acknowledgements	viii
Introduction	1
I: Claims	1
II: Chapter Overview and Summary	9
Chapter One Definitions, Trajectories, Ethics	23
1.1: Definitions and Positions	23
1.1.1: Torture	23
1.1.2: Why Torture is Wrong	30
1.1.2.1: Deontology	30
1.1.2.2: Utilitarianism	33
1.1.2.3: The Ticking Bomb Scenario	34
1.2: Trajectories: Reading Time	40
1.2.1: Translatable Histories I: Palimpsestic Multidirectionality	40
1.2.2: Translatable Histories II: Counterrevolutionary War Theory and the Recommendation of Atrocity	45
1.3: Ethics and Representation	51
1.3.1: Aporias	51
1.3.2: Solutions	54
1.3.2.1: The Face and Representation	56
Conclusions	58
Chapter Two Camp, Colony, Counterterrorism	59
2.1: Spatiality: The Camp, the Colony, and Disciplinary Biopolitics	61
2.1.1: The Thanatopolitical Space	62

2.1.2: The Necropolitics of Colonial Extraterritoriality	67
2.1.3: War Prisons and Secret Violence	69
2.2: The Law: Guantánamo as the Legal-Biopolitical Paradigm of the Global War on Terrorism	71
2.2.1: The Ban and the Withdrawal of Law	72
2.2.2: Governmentality: Sovereign Power and its Diffusion	77
2.3: Bare Life: <i>Muselmänner</i> and Muslims	82
2.3.1: On the Bottom	83
2.3.2: (Neo)Colonial Cultural Racialisations	87
Conclusions	93
Chapter Three	
The Algerian War of Independence, 1954-1962	
Torture in the European Literature and Film of Algerian Decolonisation	94
3.1: Another Indochina: <i>The Centurions</i> (1960) and <i>Lost Command</i> (1966)	96
3.1.1: <i>The Centurions</i>	96
3.1.1.1: The Enemy; Sovereignty in the Camp	97
3.1.1.2: Torture	100
3.1.1.3: Circulation, Legitimacy, and the Field of Intelligibility	102
3.1.2: <i>Lost Command</i>	104
3.1.2.1: Genre and Historical Translatability	104
3.1.2.2: Muslims-as-Indians	107
3.2: War in the Casbah: <i>The Battle of Algiers</i> (1966)	112
3.2.1: Divine Violence and a Gigantomachy Concerning Exceptionality	113
3.2.2: Between Ethics and Expediency	119
3.3: The Battle of Geneva: <i>The Little Soldier</i> (1960)	124
3.3.1: Torture	124
3.3.2: Masculinity and Martyrdom	128

3.3.3: Reality; Suppression/Circulation	131
Conclusions	134
Chapter Four	
The Global War on Terrorism, Part I	
The Ticking Bomb, Extraordinary Rendition, and Abu Ghraib	135
4.1: The Post-9/11 Centurion: <i>24 Day Two</i> (2002-3)	136
4.1.1: The Exception	137
4.1.2: Torture	140
4.1.3: Islam and the Mosque as a Source of Terrorism	145
4.1.4: Realism: Reality Effects and a Regime of Veridiction	148
4.2: Towards a Political Cinema of Torture: <i>Rendition</i> (2007)	151
4.2.1: Critique; the False Positive Narrative	153
4.2.2: Torture	155
4.2.3: Reservations	158
4.3: “Like One of Those Hitler Things Almost”: <i>Standard Operating Procedure</i> (2008)	165
4.3.1: Framing and Exceptionality	165
4.3.2: Eichmann in Abu Ghraib?	172
4.3.3: Visual Polyphony	177
Conclusions	183
Chapter Five	
The Global War on Terrorism, Part II	
Guantánamo Bay in the European Literary and Cultural Imagination	184
5.1: Staging the Exception: <i>Guantánamo: ‘Honor Bound to Defend Freedom’</i> (2004)	186
5.1.1: Form and Rehumanisation	187
5.1.2: Islam, Biopolitics, Torture	194
5.1.3: Reception/Reservations	198
5.2: Four Boys From Birmingham: <i>The Road to Guantánamo</i> (2006)	199

5.2.1: Form, Rehumanisation, Frontality	199
5.2.2: Torture, the Concentrationary, and the Field of Intelligibility	202
5.3: The Orange in the Lager: <i>Guantánamo</i> (2004)	208
5.3.1: Torture	211
5.3.2: Guantánamo as Camp	214
Conclusions	220
Conclusion	221
Further Research	222
Bibliography	224
Filmography	255

LIST OF FIGURES

Figure 1.1: Trinquier's Organigramme describing the cellular structure of the ALN	50
Figure 1.2: Organisational hierarchy of a terrorist cell as described by a twenty-first century counterterrorism analyst	50
Figure 3.1: Apache Indian ambush in <i>Fort Apache I</i>	109
Figure 3.2: <i>Lost Command</i> frame comparison I	109
Figure 3.3: Apache Indian ambush in <i>Fort Apache II</i>	110
Figure 3.4: <i>Lost Command</i> frame comparison II	110
Figure 3.5: Apache Indian ambush in <i>Fort Apache III</i>	111
Figure 3.6: <i>Lost Command</i> frame comparison III	111
Figure 3.7: Colonel Mathieu explains the cellular structure of the FLN	118
Figure 3.8: Torture victim forced to collude against the FLN	120
Figure 3.9: An unnamed paratrooper fills in an Organigramme with information acquired through torture	121
Figure 3.10: Bruno meets the gaze of the camera during torture	127
Figure 4.1: 24. Clockwise from top left: CTU agents search the mosque where a terrorist is apprehended; Sayed Ali is tortured by Jack Bauer; the Secretary of Defense is tortured by a CIA operative on Presidential command; Kim Bauer runs from her abductors.	149
Figures 4.2-4.5: Water suffocation in <i>Rendition</i>	157

Figure 4.6: North Africa as Arab-Land	159
Figure 4.7: Muslim rage	160
Figure 4.8: Abu Ghraib	170
Figure 4.9: Frontality: Janis Karpinski	176
Figure 4.10: Frontality: Lynndie England	177
Figure 4.11: Nozzle	180
Figure 4.12: Water suffocation	181
Figure 5.1: Frontality: Shafiq Rasul	202
Figure 5.2: Archive image of Guantánamo Bay taken from <i>The Road to Guantánamo</i>	208

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Robert Adams (1952-2012)

and

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INTRODUCTION

I: Claims

One of the most striking effects of the Al-Qaeda attacks on New York and Washington in 2001 was the generation of a debate over whether counterterrorist torture by a liberal democratic state could ever be justifiable. To describe it schematically, those who found utilitarian justifications for emergency torture persuasive – that is, those who argued that torture could be justified if it could be used to prevent further terrorism – clashed with those who argued that it could never be justified. This debate involved writers, playwrights, filmmakers, novelists, human rights advocates, politicians, lawyers, and activists from across the political spectrum. Written from an anti-torture position, this thesis takes this post-9/11 Anglo-American torture debate as the territory for its analysis of the multiple and overlapping ways that cultural representations are implicated in the construction of political discourses that support or critique the practice of political torture by liberal democracies in the twenty-first century. The four main claims it makes are as follows.

Firstly, this thesis makes the historical-political claim that the post-9/11 debate over the military necessity and moral permissibility of counterterrorist torture reveals the continuing existence and influence not only of colonial discourses but of colonial political constellations and colonial forms of violence. It makes this first claim, which concerns the institutional and disciplinary nature of violence, through reference to the theoretical nexus developed by Giorgio Agamben in his *Homo Sacer* series, developing Agamben's reflections on sovereignty, bare life, and the concentrationary into a narrative of how liberal democracies torture.¹ I argue that despite claims of the newness of the post-Cold War geopolitical paradigm, political torture after 9/11 takes concentrationary and disciplinary forms familiar from the colonial wars of the twentieth century.

Accordingly, through an analysis of several enduring fictions of the Algerian War of Independence, this thesis demonstrates the way that specific colonial discourses continue to inform the post-9/11 torture debate. The second claim of this thesis is that many of the

¹ Agamben's *Homo Sacer* series constitutes *Homo Sacer: Sovereign Power and Bare Life*, trans. by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998 [1995]), *State of Exception*, trans. by Kevin Attell (Chicago: Chicago University Press, 2005 [2003]), and *Remnants of Auschwitz: The Witness and the Archive*, trans. by Daniel Heller-Roazen (New York: Zone Books, 2002 [1999]). Similar arguments were initially explored in his *Means Without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minneapolis Press, 2000 [1996]), which I also employ as a source.

existing terms in which discussions about political torture are often framed – such as the notion that torture can save lives in emergency situations, that it is a professional weapon naturally suited to fighting terrorism, or that resisting torture without revealing information is evidence of powerful masculinity – have colonial origins, and can be read in the fictions of this particular war. The Algerian War concerned not only the political status of Algeria as an independent nation but also raised serious questions about the nature of France as a national community and as an imperial power. The questions of the limits of sovereignty and the necessity of violence for the preservation of the nation are as relevant to this conflict as they are to the post-9/11 period, and I argue that there is a significant extent to which certain fictions of this war have been politically mobilised in support of torture.

The third claim that this thesis makes is that the dominant way that torture has been discussed after 9/11 is in terms that justify or normalise it. This is due to two main reasons: firstly, the revitalisation of colonial discourses has framed torture in ways that make it seem morally necessary, and secondly, anti-torture narratives and discourses have provided inadequate conceptual and aesthetic resistance. For example, many iterations of the false positive narrative – in which an audience are presented with the torture of an innocent person – fail to take account of the ethical problem of torturing the guilty, and representations that stress the horror of torture often fail to address adequately the utilitarian argument that despite its horror torture may be the least bad option in some circumstances.

The fourth claim made by this thesis is that narratives that successfully challenge and oppose political torture are nonetheless possible and, since this thesis is written from an anti-torture position, desirable. Through a reading of texts that stress the neocolonial and concentrationary nature of post-9/11 torture – assisted by the ethical project of Emmanuel Levinas – this thesis closes optimistically, delineating ways that ethical address, an emphasis on interiority, and an activist focus on facts and testimony can lead to successfully ethical anti-torture narratives.

This thesis is the first sustained examination of the literary, filmic and cultural representation of political torture in the post-9/11 Global War on Terrorism (GWOT).² It represents a significant contribution to scholarship on torture, as it engages in sustained detail with a relationship often insufficiently understood. It has been argued that the GWOT is prosecuted in part through its representations, that it is “a war of semantics, waged by and through skilful

² I use the terms “GWOT” and “9/11” for referential convenience, and do not associate myself with the politics that the uninterrogated use of such terminology could imply.

manipulation of expression.”³ It has also been argued, for example, that *24* (2001-9), a text critiqued in the fourth chapter of this thesis, glamorises and endorses torture.⁴ However, the textual and political mechanics of this endorsement have not been described in sufficient detail. Likewise, the exposure of torture through shocking representations of its perpetration has often been assumed to be automatically radical and politically confrontational; this is another insufficiently theorised idea, and one that I argue is simply wrong. Further, very few of the texts in this thesis have received much critical attention, and their interrelations and political implications have not been drawn out analytically.

As forms of discursive representation, fiction and politics are inseparably interdependent: through its ways of framing disparate and confusing events in terms of coherent and comforting narratives, through its ways of providing meaning and justification to distant annihilations, and through its ways of representing previously unknown antagonists and their host populations in ways that make carnage seem not only necessary but triumphant and moral, fiction does much war work. This thesis has a materialist emphasis, because as Stephanie Athey remarks, representation is “a moral problem with political consequences” because it is “central to the perpetuation of torture on a grand scale.”⁵ Following writers such as Derek Gregory, who writes in a piece on Guantánamo Bay that the “juridical and the cultural operate together” to at once remove the terror suspects incarcerated there from legal protection and to produce a propagandistic discourse designed to generate consent for this removal, this thesis argues that the relationship between politics and fiction is not merely one of mutual reinforcement: the two forms of discourse are mutually constitutive.⁶ Cultural representations are active participants in the production of these political discourses, many of which have their origins not in lived experience or in any form of verifiable evidence but rather in simplistic cultural archetypes or in ideologically inflected fictional ways of framing situations.⁷

³ Anne E. Joynt, “The Semantics of the Guantanamo Bay Inmates: Enemy Combatants or Prisoners of the War on Terror?”, *Buffalo Human Rights Law Review*, 10 (2004), p. 428.

⁴ See for example Slavoj Žižek, “The Depraved Heroes of *24* are the Himmlers of Hollywood”, *The Guardian* (10/01/2006), available at <http://www.guardian.co.uk/media/2006/jan/10/usnews.comment> (accessed 12/08/2011).

⁵ Stephanie Athey, “Rethinking Torture’s Dark Chamber”, *Peace Review: A Journal of Social Justice* 20: 13-21 (2008), p. 14.

⁶ Derek Gregory, “The Black Flag: Guantánamo Bay and the Space of Exception”, *Geografiska Annaler*, 88:4 (2006), p. 410.

⁷ Jason Burke argues that the deeply inaccurate myths circulating about al-Qaeda have not only functioned to enflame hatred against them – to justify war – but have in fact been so misplaced as to seriously impede counterterrorism work. Jason Burke, *Al-Qaeda: The True Story of Radical Islam* (London: Penguin, 2004), pp. 1-21.

The political deployment of cultural creativity in support of neocolonial military operations is not, however, uncontested, as much cultural work functions to oppose torture. Sophia McClennen and Joseph Slaughter, for example, emphasise the significance of the role of culture in effective human rights work when they write that “[h]uman rights are as much matters of culture as of law.”⁸ However, following to an extent the pessimism of Anthony Downey (in turn following the pessimism of Jean Améry), who questions whether it is possible for images to “reify the real of torture and thereafter expose the fundamental ethical responsibility of each individual to disavow its use in whatever circumstances”, the main body of the thesis argues that many anti-torture representations fail in important respects.⁹ Nonetheless, I refuse to be defeatist: unlike politics – with which it is indissolubly interlinked – which is a space of action, fiction is a space of imagination, of hope, and of vision: it can imagine justice. Barbara Harlow writes, in a review article on the extensive corpus of literature about human rights violations at Guantánamo Bay, that “the writ of habeas corpus remains not only a legal injunction, but a literary imperative”.¹⁰ The exposure and critique of the practice of torture through cultural and representational work, she argues, is a vital contribution to the process of global justice. Likewise, Lynn Hunt argues that human rights were partially made possible by the potential for compassion facilitated by cultural discourse. “Learning to empathise opened the path to human rights”, she argues; what she calls “the practice of empathy taught by the novel” became – and remains – a vital political force for legal reform.¹¹ McClennen and Slaughter likewise argue that narratives can “enable forms of thought, forms of commitment, forms of being, and forms of justice.”¹² Accordingly, whilst I acknowledge that it is important to be circumspect about the propagandistic potential inherent in cultural representations, I argue that conceptually complete anti-torture representations which have positive political effects are possible. This thesis presents a mostly pessimistic narrative – one of justifications for violence, appropriations of aesthetic resistance, and of conceptually incomplete oppositional stances – but it remains ultimately optimistic.

⁸ Sophia McClennen and Joseph Slaughter, “Introducing Human Rights and Literary Forms; or, the Vehicles and Vocabularies of Human Rights”, *Comparative Literature Studies* 46: 1 (2009), p. 5.

⁹ Anthony Downey, “At the Limits of the Image: Torture and its Re-Presentation in Popular Culture”, *Brumeria* 10 (Spring 2009), p. 132. See also Jean Améry, *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities*, trans. by Sidney Rosenfeld and Stella P. Rosenfeld (Indiana: Indiana University Press, 1980 [1966]), p. 33.

¹⁰ Barbara Harlow, “‘Extraordinary Renditions’: Tales of Guantánamo, a Review Article”, *Race and Class* 52:4 (2011), p. 26.

¹¹ Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton and Company, 2007), pp. 64-68.

¹² McClennen and Slaughter, “Introducing Human Rights and Literary Forms”, p. 11.

The literary studies approach of this thesis is significant: whilst there is a substantial literature critiquing policy, and authors such as Marnia Lazreg (2008) and Darius Rejali (2007) have written valuable and sustained historical analyses, there is remarkably little material engaging with fiction and its relation to – and implication in – political discourses. Politics and law routinely draw on fiction and narrative for their justificatory rhetorics, so this interplay is a crucial and urgent object of study. This thesis is based upon textual readings that are designed first and foremost to reveal the interpenetration and mutual constitution of political discourse and cultural production. This has necessitated an interdisciplinary approach: whilst this thesis relies on close textual readings drawn from the tradition of literary studies, it draws on an archive of materials selected from a heterogeneous combination of disciplines, including legal scholarship, historiography, and a range of philosophical interlocutors. Further, because the torture debate has taken place across many cultural forms, genres and registers – including literature, popular fiction, television, film, documentary, graphic novels, and video games – the basis for the selection of textual territory has been deliberately inclusive. I detail this further below.

One of the key intellectual influences on this thesis is Michel Foucault. In *The Birth of Biopolitics* (2010), he outlines his methodological approach.

The critique I propose consists in determining under what conditions and with what effects a veridiction is exercised, that is to say, once again, a type of formulation falling under particular rules of verification and falsification. For example, [...] the problem is to bring to light the conditions that had to be met for it to be possible to hold a discourse on madness – but the same would hold for delinquency and for sex – that can be true or false according to the rules of medicine, say, or of confession, psychology, or psychoanalysis. [...] What is important is the determination of the regime of veridiction that enabled [professionals] to say and assert a number of things as truths that it turns out we now know are perhaps not true at all.¹³

¹³ Michel Foucault, “Lecture of 24 January 1979”, in Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979*, ed. by Michel Senellart, trans. by Graham Burchell (Basingstoke: Palgrave MacMillan, 2010), p. 36.

Rather than engaging with whether or not madness or deviance or sex “really” exist in the terms in which they are debated by those who strategically endow them with discursive form, Foucault traces the emergence of what he terms a “regime of veridiction” or “field of intelligibility” in which such discursive forms can make sense. This is necessary for the disciplinary institutions he describes – the asylum, the prison, the clinic – and not for other institutions, such as the hospital or the factory. Whereas hospitals and factories deal with concrete phenomena – disease, production – asylums and prisons deal with political identities marked in some sense by excessive behaviour. In order for asylums and prisons to have political legitimacy, the populations they process have to be made comprehensible in a way that is amenable to discipline; that is, a field of intelligibility has to be established in which crime and madness can be explained in terms of the truth made available by psychiatry, or by confession, or by criminology. This thesis argues that a similar field of intelligibility makes the post-9/11 torture debate possible, and examines the constitutive role of representations within its emergence. This field of intelligibility, intellectually spurious yet strategically coherent, acts as an organising principle in terms of which definite material relations – including very serious violence – are lived and performed. I argue that the relative positions within the torture debate are located within a field of intelligibility that is predisposed in favour of justifications – that is, the discursive frame of the field of intelligibility circumscribing political torture is by its nature amenable to disciplinary interventions in a certain field of material circumstances described by the term “counterterrorism”. Torture is made to seem militarily justifiable due to its strategic misdescription by those involved in its systematic perpetration.

I argue that as well as a shared legal-political heritage, there is a wide archive of colonial narratives and representations that can be productively read in order to bring to light the construction of the field of intelligibility in which torture seems justifiable, moral, and necessary for the preservation of sovereignty. However, we must not consider the role of cultural discourse to be simply propagandistic. It may be true that Western publics are constantly faced with forms of representation that reproduce ideologies of securitisation, but such discourses are not uncritically accepted by audiences.¹⁴ It is more accurate to say that discourses – in which, as Foucault elsewhere notes, power is immanent – circulate in an

¹⁴ Susan Willis writes, for example, that “the American public consumes security ideology much as it consumes 24-hour cable news.” Perhaps this is the case, but Willis seems to assume that consumption represents passive acceptance, which fails to fully represent the complexity of the circulation of discourse. Susan Willis, “Guantánamo’s Symbolic Economy”, *New Left Review* 39 (May/June 2006), p. 125.

oppositional, differential and dialectical manner.¹⁵ Accordingly, when selecting the textual territory for my analysis I have laid emphasis on contestatory texts and their ability to reframe the field of intelligibility through which torture is made comprehensible. This field of intelligibility, though it may be invested with great hegemonic weight, is not a sealed system, and I have laid emphasis on the way that cultural and political resistance to it has operated.

Methodologically, this thesis examines the mutually constitutive relationship between political and cultural discourse by examining the political contexts and origins of several key texts of the post-9/11 torture debate; it reads the way these politics both originate in, manifest in, and are given fresh impetus by literary, filmic and popular cultural texts. Therefore, the methodological approach has been twofold: firstly, I have investigated the textual representation of torture acts, their narrative context, and the effects of these in terms of the moral and political positions that they narrate and normalise. Secondly, I place emphasis on contexts: who produces the text, and for what audience, and from what position? Methodologically, this again manifests itself in close readings of the texts, because the politics of the author are often related to what I term the political ontology of the diegetic universe of the text: how, this thesis asks, is “reality” – the phenomenology of torture that it accepts, the terms of causality activated by and acting upon torture – in the text related to the political predispositions and prejudices of its creator? Further, what are the effects of this on the representation of torture? This concern with the politics of the author is not intended to reduce my conclusions about texts to *ad hominem* attacks on their creators, or to assume that the texts operate as a straightforward expression of the manifesto of their authors; rather, my approach has been to interrogate the effects upon the content of the text of the political subject position from which it is produced.

Genre and form have at times proved significant. For example, Stanley Corkin remarks that “[t]he repressed dimension of Westerns is their relationship to imperialism”, and as pro-torture texts often rely upon the generic conventions of the Western, I have emphasised this repressed dimension, arguing that its generic characteristics privilege the framing of narratives in terms that make racialised violence seem heroic in a way that has been immediately translatable into counterterrorism fiction.¹⁶ For example, the most significant aspect of *Lost Command*, the 1966 American film adaptation of *The Centurions* (1960), is the way in which it can be read as one of the first explicit mappings of the concerns

¹⁵ Michel Foucault, *The Will to Knowledge: The History of Sexuality Volume I*, trans. by Robert Hurley (London: Penguin, 1990 [1978]), pp. 94-98.

¹⁶ Stanley Corkin, *Cowboys as Cold Warriors: The Western and U.S. History* (Philadelphia: Temple University Press, 2004), p. 5.

of post-WWII counterterrorism onto the aesthetic and political concerns of the Western genre. However, as the guiding principle of the project was a fascination with the mutually constitutive nature of polemic fictions and political discourses, the texts were selected firstly on the basis of their relevance to and representation of the countervailing argumentative narratives for or against torture and only secondarily on the basis of these concerns with genre.

Each text addressed in this thesis aims to tell a certain politically inflected “truth” about torture – whether representing it as a successful tactic or revealing it as an unacceptable excess – and they each do so in ways that stress (or, sometimes, metatextually interrogate) their own aesthetic realism. Although the texts addressed by this project are by no means always realist, one of the guiding principles for the selection of texts has been a concern with “the real”. This is because this thesis is concerned with the representation of concrete events and actually existing political violence, but also because the complex and plural concept of truth is central to the post-9/11 torture debate. In order for a torture debate even to exist, and in order for the field of intelligibility described above to be a contested space, there have to exist multiple conceptions – multiple phenomenologies – of what torture *is*. Advocates and apologists for torture have a military conception of torture, for example, in which it is understood to play a tactical or strategic role on the battlefield, whereas critics and opponents of torture understand it quite differently, as a gratuitous excess of power or as a colonial tactic of oppressive governmentality. In *Frames of War* (2009), Judith Butler observes that “[e]fforts to control the visual and narrative dimensions of war delimit public discourse by establishing and disposing the sensuous parameters of reality itself” and that it is important to address “the question of the epistemological position to which we are recruited when we watch or listen to war reports.”¹⁷ Although Butler is discussing television news, her remarks remain pertinent to fictional textual production, as producers of texts with political agendas also construct their perspectives and select their material in order to perform ideologically inflected realities. Such representations are involved in the setting of discursive limits to what can be recognised as real. This thesis is concerned with the strategies through which these texts self-consciously negotiate what Butler calls the “framing” of their content: the way that the authors of these texts either attempt to naturalise their political positions through certain aesthetic strategies, or to foreground their textual artificiality in ways that critique the construction of discourse about torture. The unifying imperative, however, is the attempt to

¹⁷ Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2009), pp. xi-xii.

tell the truest story of torture, and this thesis tracks this aesthetic-political concern throughout.

II: Chapter Overview and Summary

The first chapter of this thesis establishes several key intellectual contexts for what follows. Firstly, it provides important definitions: it defines torture for the purposes of the thesis and, through an analysis and refutation of the ticking bomb scenario, establishes in detail the reasons why this thesis is written from an anti-torture position. This anti-torture position is both *deontological* – arguing that torture is always morally wrong and, even when it is less wrong than other actions, is never the right thing to do – and *utilitarian* – arguing that torture does not have any outcomes that can be described as morally or politically desirable.

Secondly, this first chapter establishes the historical arc of the thesis in sustained detail. Al-Qaeda’s co-ordinated attack on the USA in 2001 is a fundamental co-ordinate in the history of political torture as perpetrated by liberal democracies. On the twelfth of September 2001, President Bush announced that Americans were “facing a different enemy”, a new kind of threat markedly different to any previously encountered. “This enemy hides in shadows,” he continued, “and has no regard for human life. This is an enemy who preys on innocent and unsuspecting people, [then] runs for cover.”¹⁸ The GWOT was – and remains – an escalation of existing American-led counterterrorist operations against al-Qaeda and related groups, which were already extensive, into a declared conflict; nonetheless, with such rhetoric, Bush and others in his administration emphasised the newness of the terrain into which the events that would subsequently crystallise into “9/11” had thrust America and her allies. However, rather than accepting such rhetorical oppositions as expressions of an actually existing radical historical break, it is more illuminating to underline the continuities this period has with its prehistories. David Holloway writes:

While the post-9/11 period prompted new nuances in existing historiographies and intellectual traditions, some of them surprising, a more obvious trend was the revitalisation of established approaches and traditions that had languished since the end of the Cold War

¹⁸ George W. Bush, “Remarks by the President in Photo Opportunity with the National Security Team”, *The White House Website* (12/9/2001), available at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010912-4.html> (accessed 10/02/2010).

either below the radar of mass public exposure or beyond the bounds of political and intellectual ‘respectability’.¹⁹

The post-9/11 torture debate emphasises Holloway’s point very clearly: on the level of public and cultural discourse and in terms of concrete military practice, torture in the post-9/11 GWOT is best understood in terms familiar from the histories of nineteenth- and twentieth-century colonialism and decolonisation. Rather than claiming that the GWOT represents a rebirth or afterlife of colonialism, in this thesis I argue that it is more accurately described as an amplification – or a making explicit – of an uninterrupted history of global forms of domination and exploitation; a continuation legible economically, politically, and culturally.

Many narratives about the post-9/11 world rely heavily on an existing reservoir of colonial texts and representations. The perpetrators of terrorism were described as irrational and cowardly, as we can see from Bush’s words above, in a way that tacitly seemed to authorise retributive violence against them; the conflict was described (drawing on the vocabulary of Samuel Huntington) in civilisational terms, a strategy that divided the world into what Butler describes as the grievable and the ungrievable; and perhaps most significantly, there was a return to the deployment of the ticking bomb scenario – a utilitarian colonial rhetoric designed to make torture seem morally compassionate in emergency circumstances – as an explicit justification for torture.²⁰ Although they may have taken new forms, these rhetorical and representational strategies are colonial in origin. Also colonial in origin were the practices that these representations so often functioned to obscure: concentrationary incarceration, dragnet interrogations, and disciplinary torture.

This thesis uses historical parallel in two closely connected ways. Firstly, in opposition to the historical claims that stress the newness of the GWOT, this thesis stresses historical continuity. The historical arc of this thesis runs from nineteenth-century European colonialism, through Hitler’s *Lagers* and the concentrationary environments of twentieth century colonialism, to the twenty-first century archipelago of secret global war prisons of the GWOT. This history is politically inclusive, attempting to demonstrate the way that the majority of political torture perpetrated by liberal democracies occurs in secret invisible

¹⁹ David Holloway, *9/11 and the War on Terror* (Edinburgh: Edinburgh University Press, 2008), p. 7.

²⁰ Samuel P. Huntington, “The Clash of Civilisations?”, *Foreign Affairs* 72:3 (1993: Summer), pp. 22-49. Huntington extended the thesis of this article – that post-Cold War geopolitics would be defined by frictions between “civilisations” rather than between ideologies or nation states – into a monograph, *The Clash of Civilisations and the Remaking of World Order*, in 1996. For an extended historicisation and critique of this thesis, which is not original, see Arshin Adib-Moghaddam, *The Metahistory of the Clash of Civilisations: Us and Them Beyond Orientalism* (Columbia: University of Columbia Press, 2011).

spaces and in a routine manner rather than in emergency limit situations. Drawing to an extent upon scholars such as Michael Rothberg (2009), Jim House (2010), and Max Silverman (2008), who use close readings of historical parallel as a way into political critique, this thesis aims to draw an inclusive historical narrative that demonstrates continuities between forms of political oppression that are often seen as discrete and unconnected.²¹ The second use of historical parallel occurs with regard to the Algerian War of Independence, and is more directly pertinent to the way that colonial discourse functions to authorise violence against certain categories of people under the auspices of counterterrorism.²² This war was frequently referred to in the early years of the post-9/11 torture debate: certain of the fictions discussed here, and important memoirs from positions on either side of the debate, such as Paul Aussaresses' *The Battle of the Casbah* (2002), and Henri Alleg's *The Question* (1958), enjoyed a resurgence of popularity. This section of the thesis argues that although historical parallel is often used as an entrance into critique, retrospective gazes towards atrocity can also be used strategically to establish military precedents in a way that recommends atrocity. Highlighting historical translatability is not, this section of the thesis establishes, automatically a radical gesture.

Finally, the first chapter describes the ethical and theoretical project of this thesis, which draws upon Emmanuel Levinas' theoretical model of ethical relationality. Across many publications, most prominently *Totality and Infinity* (1961), Levinas develops his theological and phenomenological description of the encounter with the face of another human being into a figure for ethical engagement. According to Levinas, ethics precede ontology: before there is knowledge, Levinas argues, there is compassion.²³ Recognising the vulnerability of the other human being in the moment of ethical recognition, the subject becomes aware of their responsibility for the other and is able to choose to reject violence. Drawing on this model of ethical relationality, this thesis argues that despite the pessimism of

²¹ See for example Michael Rothberg, *Multidirectional Memory: Remembering the Holocaust in the Age of Decolonisation* (Stanford: Stanford University Press, 2009); Jim House, "Memory and the Creation of Solidarity During the Decolonisation of Algeria", *Yale French Studies* 118/119 (2010), pp. 15-38; Debarati Sanyal, "Crabwalk History: Torture, Allegory, and Memory in Sartre" *Yale French Studies* 118 & 119 (2011), pp. 52-71; and Max Silverman, "Interconnected Histories: Holocaust and Empire in the Cultural Imaginary", *French Studies* 62:4 (2008), pp. 417-428.

²² As we will see in chapter two, in the context of the Algerian War and of the GWOT, those against whom violence is authorised are most often Muslim men, because Islam is one of the political coordinates that give the enemy his identity in this specific constellation of conflicts; however, similar political tactics have been used at different times to detain and discipline Irish Catholics or Kenyan Kikuyus (to use two examples from 20th Century British colonial history), so victimisation by these political tactics is by no means exclusive to Muslim men.

²³ See Emmanuel Levinas, "Is Ontology Fundamental?", in Levinas, *Entre Nous: Thinking-of-the-Other*, trans. by Michael B. Smith and Barbara Harshav (London & New York: Continuum, 2006 [1988]), pp. 1-10.

Améry and Downey, it is possible for representation to have an empathic and compassionate function. Levinas calls the event of attention a miracle, and if narratives can be made to operate on the principle of extending ethical attention to the participants in torture – both perpetrator and victim – then it is possible for such representations to perform a vital and effective rehumanising function.²⁴

The post-9/11 political torture perpetrated by the USA and its allies takes place in the context of a neocolonial and concentrationary form of preventive counterterrorism. Taking Giorgio Agamben's *Homo Sacer* series as its major philosophical source, the second chapter of this thesis traces the historical, theoretical and political coordinates which make this constellation legible, positing a philosophical and conceptual narrative of how political torture becomes first possible and eventually systematic. This chapter aims to demonstrate that, in contradistinction to what is claimed in many of its most problematic representations, most torture takes place in prisons or other carceral spaces, and is performed by police agencies – operated privately or by the state – in conditions of routine disciplinary extremity. This, I posit, is the reality of most political torture, rather than the emergency, limit, or exceptional situations seen in many colonial narratives, including some discussed in the following chapters. What is at stake in political torture, I argue, is sovereignty: the state uses torture not as an intelligence technique, but as a disciplinary technology.

This chapter broadens Agamben's critique of concentrationary sovereignty, however, to include a discussion of the colonial exception, which as Simone Bignall and Marcelo Svirsky observe, he nowhere explicitly explores.²⁵ Agamben's blindness to the relevance of his own thinking to colonial matters is particularly striking given that Carl Schmitt, the foremost legal and intellectual apologist for Nazi expansionism and one of Agamben's major intellectual interlocutors in the *Homo Sacer* series, was fully aware of the continuities between firstly the establishment and government of overseas colonies and secondly Hitler's territorial and biopolitical ambitions for Europe. One of Schmitt's recent translators remarks that Schmitt "presents Hitler's Greater German *Reich* as an emerging European power attempting to levy the same modern methods of hegemony on Europeans that the British Empire and the United States had applied for decades to Latin Americans, South Asians,

²⁴ Levinas, "The I and the Totality", in *Entre Nous*, p. 13.

²⁵ See Simone Bignall and Marcelo Svirsky, "Introduction: Agamben and Colonialism", in *Agamben and Colonialism*, ed. by Simone Bignall and Marcelo Svirsky (Edinburgh: Edinburgh University Press, 2012), pp. 1-14, esp. pp. 1-4.

Arabs, and Europeans.”²⁶ Although this may well represent a strategy of misdescription – Schmitt’s comparison of Nazi power with that of Anglo-American colonialisms contains an attempt to both normalise the abuse of power and to draw a veil over the specifically genocidal character of the Nazi enterprise – it certainly shows that Schmitt had a cognisance of the colony and the colonial on which Agamben remains silent. This chapter draws on the work of writers such as Achille Mbembe, Frantz Fanon, and Derek Gregory in order to demonstrate the relevance of Agamben’s discussions of sovereignty, governmentality and violence to both the colony and the post-9/11 global war prison.

Among the aforementioned revitalisation of previously unfashionable political discourses and narratives was a repopularisation of Schmittian conceptions of sovereignty. Simon Critchley writes that in addition to basing their political thinking on Hobbes and Machiavelli, “worse still, certain people in the Bush administration have read their Carl Schmitt.”²⁷ What worries Critchley is that the post-9/11 intellectual popularity of certain of Schmitt’s key works – notably *Political Theology* (1922) and *The Concept of the Political* (1932) – was accompanied by a return to the forms of power he theorised.²⁸ For example, Michael Ratner writes that “the president has taken all the functions that normally are distributed widely in [the US] government and put them in his own hands. If that’s not rule by fiat or dictatorship, I don’t know what is.”²⁹ This will to both extend the power of the executive and to collapse all other forms of governmental authority into it finds theoretical foundation and conceptual antecedent in Schmitt’s argument in *Political Theology* that the sovereign is equivalent in jurisprudence and politics to God in theology: fascist models of sovereign power can therefore be easily read at the heart of contemporary world politics and at the source of post-9/11 torture policy.³⁰ Using Agamben’s heterogeneous critical nexus – encompassing Schmitt, Foucault, Arendt, and Benjamin, among others – as a launching position, the second chapter of the thesis draws together the ideas of sovereignty, biopolitics, governmentality, and violence into a narrative of the way that neo-Schmittian operations of

²⁶ Timothy Nunan, “Translator’s Introduction”, in Carl Schmitt, *Writings on War*, trans. and ed. Timothy Nunan (Cambridge: Polity Press, 2011), p. 2.

²⁷ Simon Critchley, *Infinitely Demanding: Ethics of Commitment, Politics of Resistance* (New York and London: Verso, 2007), p. 133.

²⁸ Amanda Loumansky, for instance, argues that Critical Legal Theory remains in the curve of a Schmittian turn. See Loumansky, “Critical Legal Theory’s Turn to Schmitt: Not Waving But Drowning?”, *Liverpool Law Review* 34 (2013), pp. 1-16. For a discussion of the material effects of Schmitt’s intellectual popularity, see, for example, William E. Scheuerman, “Carl Schmitt and the Road to Abu Ghraib”, *Constellations* 13:1 (2006), pp. 108-124.

²⁹ Michael Ratner and Ellen Ray, *Guantánamo: What the World Should Know* (Adlestep: Arris Publishing, Ltd., 2004), p. 73.

³⁰ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. by George Schwab (Chicago: University of Chicago Press, 2005 [1922]), pp. 36-54.

sovereign power continue to create legal-spatial concentrationary vacuums in which colonial forms of violence can be applied to people who have been removed from the protections of the law. The following chapters examine the origins and operations of the cultural narratives that attempt to either legitimise and conceal or challenge and expose the way that such power works.

As discussed above, European narratives of Algerian decolonisation have exerted an influence on the narrative terms in which the post-9/11 Anglo-American torture debate was framed. The third chapter of this thesis reads three significant texts that emerge from this war, and places an emphasis on the way that this influence has emerged and operated. Firstly, ex-paratrooper Jean Lartéguy's novel *The Centurions* narrates the ticking bomb scenario described above in order to explicitly advocate counterterrorist torture.³¹ In addition to describing the interpenetration of its affective and political economies – that is, the way the novel operates as fiction – the chapter describes the way that it has become significantly and deliberately implicated in political discourse. Through the circulation of the text, through its translations, its educational institutionalisations, and its film adaptation as *Lost Command*, *The Centurions* has become an obscure yet powerfully influential ur-text that continues to inform much pro-torture military and cultural discourse. For example, it is cited in the introduction to French General Roger Trinquier's military treatise as a direct influence on the author's development of Counterrevolutionary War Theory, and it is also one of the favourite novels of American General and ex-head of the CIA David Petraeus.³² Crucially, this novel misdescribes French torture in Algiers as an exceptional battlefield operation rather than as the systematic, biopolitical, concentrationary abuse it actually was; this is a dangerous strategic misdescription of political torture, designed to legitimise it, which retains much currency in the post-9/11 debate.

Gillo Pontecorvo's *The Battle of Algiers*, perhaps the most famous filmic narrative of the Algerian war, also enjoys what Nicholas Harrison calls “endlessly renewed contemporary

³¹ André Malraux wrote a ticking bomb narrative in 1928, *The Conquerors*. Lartéguy's narrative is more significant for this thesis because of his explicit endorsement of torture and because of the post-WWII conception of terrorism that Lartéguy helped to popularise.

³² Bernard B. Fall, “Introduction: A Portrait of the ‘Centurion’”, in Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency*, trans. by Daniel Lee (Westport, Connecticut & London: Praeger Security International, 2006 [1961]), p. xi. Although Petraeus is on record opposing torture, he still considers that the narrative contains valuable lessons about military life. See Sophia Raday, “David Petraeus Wants This French Novel Back in Print! Why Jean Lartéguy's *The Centurions* Appeals to our Generation's Most Influential Military Strategist”, *Slate* (27/01/2011), available at http://www.slate.com/articles/arts/culturebox/2011/01/david_petraeus_wants_this_french_novel_back_in_print_single.html (accessed 12/09/2011).

resonance”.³³ This is in part because Pontecorvo, like Fanon, holds to what Robert Young calls the “doctrine of the universal translatability of revolution.”³⁴ In *Pontecorvo: The Dictatorship of Truth* (1992), he explains:

Resistance is the same in Algiers as it is in Paris, Turin or Milan. There’s a need to work clandestinely, through secret organisations which can survive against the superior power of the adversary – the army and the police. Naturally, many things I’d learned in Milan, Genoa or in the mountains found their way into the script of *The Battle of Algiers*.³⁵

As a result of this broad applicability, the film has enjoyed global popularity with resistance groups, often operating as a polemic ur-text of anticolonialism in a way that parallels the circulation and influence of *The Centurions*. However, although its explicit torture scenes expose the French use of torture as an index of the injustice of colonial rule, the film is equivocal about its military efficiency in ways that have allowed it to be misappropriated in later debates. Here we see that it has yet another, perhaps unintended, translatability: the film can be read against itself in such a way that it appears to recommend torture as a strategy. The third chapter of this thesis discusses the film in two ways: firstly, it reads the film’s representation of terrorism and torture, and their implied reciprocity, in terms of the Schmittian and Benjaminian debate about sovereignty, exceptionality and violence elaborated in the preceding chapter. If the violence of torture can be read as an expression of interventionist Schmittian sovereignty, for example, this chapter’s reading of *The Battle of Algiers* suggests that Pontecorvo’s representation of FLN terrorism can be read as an example of Benjaminian, or Fanonian, divine violence. The second reading of the film explores its unintended post-9/11 translatability and the ways that aesthetic resistance to torture is often defused and appropriated by framers of pro-torture discourse.

The third text that the chapter reads is Jean-Luc Godard’s *The Little Soldier*, which Godard completed in 1960 but which remained unreleased until 1963 due to the refusal of the French government to pass it uncut during the war. Godard refused to release the film with its

³³ Nicholas Harrison, “Based on Actual Events: Pontecorvo’s *The Battle of Algiers*, 40 Years On”, *Interventions* 9:3 (2007), p. 337.

³⁴ Robert Young, *Postcolonialism: An Historical Introduction* (Oxford: Blackwell, 2001), p. 302.

³⁵ Gillo Pontecorvo, speaking in *Pontecorvo: The Dictatorship of Truth*, dir. Oliver Curtis (Rear Window, 1992).

content compromised by censorship, so the film was released in 1963 and was largely obscured by the more artistically accomplished and critically celebrated films Godard released in the interim. This time-limited suppression was a very effective way of dampening Godard's critique: as late as 2002, Tim Palmer could remark that *The Little Soldier* "could very well be called [Godard's] lost film", because even the substantial critical community preoccupied with Godard has not engaged with it in depth.³⁶ The film articulates a sustained critique of torture, and has a scene that makes some phenomenological points about the nature of torture and its psychological effects on the victim; further, like *The Battle of Algiers*, the film also has moments in which the audience is confronted with the humanity of the victim, which, I argue, begin to approach Levinasian ethical encounters. However, what is most significant about this film is its obscurity. Its successful suppression meant that it exerted a greatly diminished influence over the torture debate, and this contributed to the fact that the dominant narrative that emerged from Algeria was one of torture's military success. This chapter also reads the film's problematic representation of masculinity and torture.

In the fourth and fifth chapters of the thesis, attention moves explicitly onto the torture debate in the cultural discourses of the post-9/11 GWOT. The fourth chapter has a broad remit, examining the resurgence of the ticking bomb scenario, the representation of extraordinary rendition, and the Abu Ghraib scandal; the fifth chapter narrows its focus onto European narratives of Guantánamo Bay. The purchase of colonial narratives on the post-9/11 debate is most clearly visible in the resuscitation by Fox TV's counterterrorism saga *24* of the ticking bomb scenario narrativised in *The Centurions*. Its real-time conceit – each episode is constructed in such a way as it appears to occur in real time, which as well as making the show dramatically compelling functions to establish an aesthetic truth-claim – allows the urgency of the ticking bomb scenario to be structurally embedded into the show, and situations frequently occur so that ticking bomb torture provides dramatic narrative satisfactions. Although the first season of *24* was aired in 2001, the second season was the first written and produced after 9/11; this marks a significant threshold with respect to its representation of torture. In the first season (2001-2), Jack Bauer (Kiefer Sutherland) pursues Victor Drazen (Dennis Hopper), a villain described as the "shadow" of former Serbian

³⁶ Tim Palmer, "Le Petit Soldat", *Senses of Cinema* 19 (2002), available at <http://sensesofcinema.com/2002/cteq/soldat/> (accessed 21/07/2012). Godard scholar Colin McCabe, for example, writes that Godard was not interested in politics until 1966; he can only draw this conclusion by either ignoring or misreading *The Little Soldier*. See McCabe, *Godard: Images, Sounds, Politics* (London and Basingstoke: Macmillan Press, 1980), p. 20.

President Slobodan Milošević.³⁷ Central among the crimes of which Drazen was accused, and which formed indices of his evil, were “[m]assacres, torture, [and] ethnic cleansing.”³⁸ The moral position was clear: this man was personally responsible for torture, and he was the villain of the piece as a result. However, after 9/11, the show presented a drastically different position toward torture. Featuring at least ten torture situations – several of which were stretched over several episodes, and the majority of which featured sympathetic characters in the role of torturer – the show represented torture as necessary, and in certain situations, as the only acceptable moral choice. The show does not equivocate over whether torture is horrible: merely, it subordinates this horror to the value attributed to its results. This is why revealing the horror of torture is not enough to constitute adequate critique of torture: nobody disagrees with the position that it is horrible, but some argue that despite the horror it must be done. This second season of *24* is the first text discussed in this chapter, and as well as elaborating the way that the text resuscitates important aspects of *The Centurions*, including its negative representation of Islam and several of its disingenuous equivocations regarding its advocacy for torture, this section of the chapter discusses the material effects that *24* has had on the prosecution of the GWOT.

24 is broadly representative of most pro-torture cultural-political discourse; most texts that narrativise political torture without critiquing it tend to use a very similar narrative frame. For example, Henry Porter’s *Empire State* (2003), Alan Dershowitz’s *The Trials of Zion* (2010), Gregor Jordan’s *Unthinkable* (2010) and Frank Miller’s *Holy Terror* (2011) all feature ticking bomb narratives that operate in similar ways to *24*.³⁹ These narratives negotiate complex political ambivalences about the perpetration of torture, but as Holloway

³⁷ *24*, Season One, Episode Nineteen, dir. Frederick K. Keller (Fox TV, 2001).

³⁸ *24*, Season One, Episode Fifteen, dir. Jon Cassar (Fox TV, 2001). Contemporaneously, Dennis Hopper portrayed a similar European terrorist in *Ticker*, directed by Albert Pyun (Artisan Entertainment, 2001). This film also reveals the difference between pre- and post-9/11 American counterterrorism narratives: the villains are white Europeans and, although the bomb is ticking, there is no place for torture in the plot.

³⁹ Henry Porter’s *Empire State* is structured around the persuasion of central character Isis Herrick that torture is necessary for the solution of intractable problems. On pp. 168-170 and pp. 207-208 Herrick rejects utilitarian ticking bomb arguments supporting torture. However, at the novel’s conclusion, Herrick herself commits torture under ticking bomb conditions, convinced that it is the only thing that will avert coordinated terrorist attacks. Like Lartéguy’s *Esclavier*, Herrick is a moral opponent of torture to whom it is demonstrated that torture is effective in counterterrorism. See Henry Porter, *Empire State* (London: Phoenix, 2003), pp. 449-455. At the conclusion of Dershowitz’s novel the villain is subjected to psychological torture by Israeli Security Services; the pressure produces “acquiescing silence, and ultimately a flow of words and information.” Alan M. Dershowitz, *The Trials of Zion: A Novel* (New York: Grand Central Publishing, 2010), pp. 441-445. In *Unthinkable*, a terrorist plants four nuclear bombs and then allows himself to be captured. Torture leads to the discovery of all but one of the bombs. This text, therefore, reveals a certain ambivalence about the capacity for torture to reveal complete truth: although three detonations are prevented, the fourth is not. Frank Miller’s graphic novel is both an unapologetic recommendation of violence and an anti-Islamic screed. Miller’s hero The Fixer tortures a terrorist two thirds of the way through the text, gathering information that leads to the later solution of the plot. Frank Miller, *Holy Terror* (Burbank: Legendary Comics, 2011).

observes, they most frequently defuse such concerns through their “saturat[ion] in generic elements working to *normalise* torture.”⁴⁰ That is, ticking bomb narratives address political uneasiness about the role of torture in counterterrorism work by normalising the idea that there are no satisfactory answers and showing torture as a less undesirable option than the success of terrorist plots. Such texts can certainly not be collapsed into 24 in an undifferentiated way, but they could not be discussed within the parameters of this thesis without repetition or redundancy. Accordingly, after the section on 24 the thesis turns to consider the ways that anti-torture representations engage with and challenge the justification of political torture. However, as detailed above, many narratives that oppose torture after 9/11 are less successful oppositional artefacts than they could be. Gavin Hood’s 2007 feature film *Rendition*, for example, attempts an anti-torture cultural intervention through a narrative critique of the CIA practice of extraordinary rendition, but is problematically equivocal.

Amnesty International defines extraordinary rendition as

the transfer of individuals from one country to another, by means that bypass all judicial and administrative due process. [...] The most widely known manifestation of rendition is the secret transfer of terror suspects into the custody of other states – including Egypt, Jordan and Syria – where physical and psychological brutality feature prominently in interrogations. The rendition network’s aim is to use whatever means necessary to gather intelligence, and to keep detainees away from any judicial oversight.⁴¹

As such, extraordinary rendition is a tactic designed expressly to expose people to extralegal violence and to circumnavigate legal accountability for this. In *Rendition*, Anwar El-Ibrahimi (Omar Metwally) is captured, secretly flown to North Africa, and tortured for information about his suspected involvement in a suicide bombing that has killed an American agent. Audiences rejected the film, although this is perhaps less to do with any weaknesses the film

⁴⁰ David Holloway, “The War on Terror Espionage Thriller, and the Imperialism of Human Rights”, *Comparative Literature Studies* 46: 1 (2009), p. 25. Emphasis in original.

⁴¹ Amnesty International, *Below the Radar: Secret Flights to Torture and ‘Disappearance’* (London: Amnesty International, 2006), p. 2. The clause in The United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (UNCAT) that makes it internationally illegal is as follows: “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (1984), available at <http://www2.ohchr.org/english/law/pdf/cat.pdf> (accessed 20/06/2010).

may have than with the general hostility with which mainstream American audiences tend to greet films critical of the war effort.⁴² Its release nevertheless marked a significant moment, because until 2007, almost every mainstream cinematic narrative of the GWOT told its story from a traditional war film perspective, that is, from the perspective of soldiers on the battlefield. Although there were other narratives dealing with extraordinary rendition – notably *Extraordinary Rendition* (2007) – *Rendition* was the most high-profile cinematic narrative to engage with it, and as such represented a significant intervention. However, the chapter argues that it nonetheless has significant failings, particularly in its representation of Islam and the way that its condemnation of torture can be read as conditional and partial. Although its false positive narrative – showing the travesty of the torture of an innocent man – presents itself, in part, as a response to the ticking bomb scenario, it fails to engage with the most serious questions that the scenario raises, namely, the question of whether it is appropriate to torture the guilty. *Rendition* also relies on the representation of torture’s horror as the foundation of its ethical position, which I argue is ethically unreliable and conceptually inadequate.

Errol Morris’ non-fiction feature *Standard Operating Procedure* (2008) is one of the most significant intellectual engagements with the 2003-4 Abu Ghraib prison scandal. The film is composed of interviews with the perpetrators of prisoner abuse intercut with aestheticised reproductions of scenarios featured in the images of abuse. The final part of the fourth chapter argues – recalling the theoretical framework of the opening chapter and anticipating the arguments of the fifth – that Morris’ film reveals the routine and concentrationary nature of torture and abuse in the GWOT. The film is significant for more than this reason, however, because it engages with the representation of the torturer. Whereas *The Centurions* and *24* represent torturers as tragically heroic victims of their own capacities for sadly necessary violence, and *The Battle of Algiers* and *Rendition* show them as morally

⁴² Martin Barker records that no post-9/11 Iraq war film broke even until Kathryn Bigelow’s *The Hurt Locker* made \$1million profit in 2008; its narrative was firmly pro-troop. *Rendition* was more representative of the trend, as it explicitly criticised the war and was a financial and critical failure: it cost \$27million to produce and took \$9million at the box office. See Martin Barker, *A ‘Toxic Genre’: The Iraq War Films* (London: Pluto Press, 2011), p. 4. Regarding the critical response to *Rendition*, despite praise from prominent critic Roger Ebert the journalistic reception of the movie was predominantly poor (view his positive review online at <http://rogerebert.suntimes.com/apps/pbcs.dll/article?AID=/20071018/REVIEWS/710180307> [accessed 20/06/2010]). Rotten Tomatoes rates the movie at 47%; its consensus states that “The impressive cast cannot rescue *Rendition*, which explores complex issues in woefully simplified terms.” See <http://www.rottentomatoes.com/m/rendition/> (accessed 20/06/2010). Even the review quoted on the DVD packaging was lukewarm, rating the film six out of ten. See <http://www.maxim.com/movies/rendition> (accessed 20/06/2010).

vacant automatons, *Standard Operating Procedure* attempts to represent perpetrators of violence without any mythic or condemnatory baggage.

Morris remarked in an interview that a defining characteristic of the debate around Abu Ghraib was the consensus that the perpetrators were “monsters”, and that accordingly part of his intellectual and ethical project was to “turn them back into people.”⁴³ Although it is important to maintain the requisite suspicions toward authorial intentionality, it is also important to be mindful of this goal that Morris embeds into the film. Although the third chapter will include discussions of the Levinasian ethical encounter with regard to *The Battle of Algiers* and *The Little Soldier*, it is in the fourth chapter’s analysis of *Standard Operating Procedure* that this dimension of the thesis’ argument becomes more complex. The eye contact forced by the Interrotron – a camera apparatus that produces the effect of direct eye contact between audience and interviewee – has the potential to compel an audience to feel compassion for the Abu Ghraib military police as they deliver their testimony; Levinas insists that the encounter with the face of the other is troubling, and this encounter between an audience and the Abu Ghraib military police may indeed produce a troubling moment of radical compassion. The film also performs a sustained interrogation of the truth-value of images of torture, and attempts a significant reframing of the field of intelligibility through which counterterrorist torture is understood.

The European literary-cultural response to torture and indefinite detention in Guantánamo Bay has in places addressed similar territory to that of *Standard Operating Procedure*. Each of the three texts addressed in this concluding chapter undermine pro-torture discourses by placing emphasis on the political, spatial, and biopolitical specifics of the concentrationary nature of GWOT torture; they also attempt ethical narrative rehumanisation of the victims of torture through the use of literary and filmic devices that stress psychological and emotional complexity and interiority. A concern with the real and its exposure – and also with aesthetic realism – is again common to each of these texts. Further, as discussed above, another factor that the post-9/11 torture debate inherits from colonial discourse is the distrust and demonisation of Islam that is embedded in the clash of civilisations discourse. *24* reproduces it, *Rendition* fails to challenge it adequately, and *Standard Operating Procedure* remains silent with regard to it; almost every anti-torture text about Guantánamo Bay interrogates, exposes and refutes this anti-Islamic impulse.

⁴³ Errol Morris, “Morris, Abu Ghraib, Film Club”, *Studio 360* (25/04/2008), available at <http://www.studio360.org/2008/apr/25/> (accessed 12/11/2011).

The first text that this chapter addresses, Gillian Slovo and Victoria Brittain's documentary play *Guantánamo: 'Honor Bound to Defend Freedom'* (2004), functions as a nodal point with regard to much early GWOT anti-torture discourse. Composed of the testimony of many important figures in the post-9/11 torture debate, including prisoners and politicians, the play is less a narrative than an articulation and critique of pro-torture discourse and a direct challenge to the demonisation it mobilises. Using the theatrical space to rehumanise detainees and to expose injustice, the play's ethics, politics, and aesthetics are inseparable.

Michael Winterbottom and Mat Whitecross's *The Road to Guantánamo* (2006) combines interviews, dramatisations, and archive footage in order to synthesise several orders of representation into an account of life in the prison. Like Morris' documentary, it interleaves testimony – that of three British prisoners incarcerated in Guantánamo – with archive material and reconstructions in order to generate an account of the camp that is factual, ethical and activist. In interview, Winterbottom remarked that the central principle of the film was “to contrast the messiness of reality and real people's lives and of who they are with the simplicity of Bush and Blair's insistence that they know these people, they're bad people, that it's a fight of good against evil, it's a war against terror.”⁴⁴ This section of the final chapter argues that, like *Standard Operating Procedure*, this film represents an interrogation of the neocolonial discursive frame of the GWOT and deliberately broadens the field of intelligibility through which torture is made legible. By challenging the oversimplified official rhetoric and contrasting it with the stories of three false positives, the film challenges the demonisation of Islam, it exposes torture, and it calls for justice.

Dorothea Dieckmann's 2004 novel *Guantánamo* is written entirely from the point of view of a disorientated prisoner, placing emphasis on the experience of suffering and on the interior life of a person made victim. It makes clear that Guantánamo is a concentrationary environment: it uses the word *Lager* to describe the prison, and *häftling* to describe the inmates – both terms drawn from the polyglot language of the Nazi camp. In addition to revealing the concentrationary nature of Guantánamo, emphasising the interior experience of torture to provide an ethical encounter with the victim, and privileging the subject position of this victim, this text also gestures towards escaping the problems of the false positive narrative and the ticking bomb scenario by deliberately obscuring the criterion of guilt. Dieckmann never allows the reader to draw an unambiguous conclusion about whether the

⁴⁴ No Author Credited, *Road to Guantanamo Production Notes*, available at <http://static.theacia.com.au/reviews/r/road-to-guantanamo-production-notes.rtf> (accessed 12/09/2011), p. 12.

protagonist Rashid is indeed a terrorist, and readers are thereby unable to make judgements about his treatment in terms of this factor. This lack of certainty leads the reader towards the conclusion that torture and indefinite detention are wrong in both deontological and utilitarian terms.

CHAPTER ONE

DEFINITIONS, TRAJECTORIES, ETHICS

Although I do not claim that the texts read in this thesis provide translations of theory into fiction, or transparent narrative “examples” of philosophical principles, I do claim that the post-9/11 debate over torture has been situated in a specific philosophical context and relies upon an established cultural, political, and philosophical vocabulary. This first chapter establishes the way that several key terms will be used in this thesis. First, it defines torture, and establishes the contexts in which the thesis discusses *political* torture; in the course of this discussion, this chapter establishes the anti-torture position from which this thesis is written. These definitions inform my readings of the narrative strategies and representational preoccupations of the texts with which the subsequent chapters are concerned: for example, my elaboration of utilitarianism in this chapter provides context for the readings of texts – *The Centurions*, 24 – which narrativise utilitarian justifications for torture. Secondly, it engages with the politics of historical parallel, establishing the critical way that this thesis addresses the reading of time and the political deployment of memory. Finally, there follows a discussion of the ethical difficulties of discussing and representing torture, including the phenomenological inaccessibility of the experience of physical pain and the tendency of representations to dehumanise the participants in torture, before it proceeds to a discussion of the way that such difficulties might be overcome in anti-torture representations. These discussions both establish the philosophical context of the thesis and frame my readings of the texts that follow.

1.1: Definitions and Positions

1.1.1: Torture

This thesis does not attempt to address all political torture. This project is restricted to an examination of state violence carried out against captured and vulnerable bodies in the course of conflict, whether in military contexts or against political prisoners. This state-centric focus reflects an interest in power and sovereignty and their relationships to violence, as well as the fact that the post-9/11 torture debate that this thesis takes as its territory has in large part been a debate over whether liberal democratic states can ever legitimately torture. This focus, which throws much light on the relationship of liberal democratic sovereignty to force and

the limits of the state monopoly on violence, is also determined by the focus in this thesis on the mutually constitutive relationship between fictional representations and the specific political discourses that they narrativise. It is also important that the debate occurs in the context of Western ex-colonial powers, because colonial models of sovereignty continue to inform the political constellations that make post-9/11 torture possible. The next chapter elaborates the relationship between the state and violence in more depth; in what follows here, I outline more abstract definitions of torture, of what constitutes an act of violence, and of the way that the term “terrorism” is used in this thesis. After that, I move on to discuss the reasons that this thesis is written from an anti-torture position.

I define torture, broadly and inclusively, as the infliction of violence upon a person who cannot resist. However, as Bob Brecher observes in *Torture and the Ticking Bomb* (2007), any definition of torture must remain fluid and adaptable enough to accommodate newly discovered ways of inflicting pain, because “what is needed for an act to constitute torture cannot be specified in advance.”¹ By this, Brecher means that torture cannot be defined through descriptions of *acts*, which can always be newly devised, but must be defined through their *effects*, which is to say in the experience of the person upon whom the violence is perpetrated. Rather than define torture through any quantitative threshold – claiming that the pain must achieve a certain severity, or that the act must match a set of finite criteria regarding what specific forms of violence constitute torture – I follow Brecher in concluding that the definition of torture in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is satisfactory. It is worth reproducing this in its entirety.

For the purposes of this Convention, the term “torture” means 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, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official

¹ Bob Brecher, *Torture and the Ticking Bomb* (Oxford: Blackwell, 2007), p. 6.

capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.²

Although it has been argued that this definition is restrictively narrow, I work from this definition of torture because it both retains the focus on the actions of public officials (and therefore the focus on states and the limits of power) and places emphasis on the effect of the action (suffering in the body of the victim) rather than on what acts specifically cause the pain.³ Fixing a definition based on means invariably leads to innovations in forms of torture, as torturers develop ways of torturing that do not fit such definitions; Aleksandr Solzhenitsyn, for example, concludes his fourteen-page enumeration of NKVD torture techniques in *The Gulag Archipelago* (1973) with an admission that the torturer's creativity in generating new forms of violence outstrips his ability to document them.⁴ UNCAT's emphasis on the effects of violence in the body of the victim is, therefore, the best way to evaluate whether the conditions of treatment of an individual constitute torture.⁵

The elasticity in the reasons given for torture – information, confessions, punishment, or “any reason based on discrimination of any kind” – is also central, because many of those who attempt to justify torture refer to it as interrogation, in order to lend it the illusion of utility. The “intelligence function” of torture is one of the most prevalent myths about torture, and it must be resisted, because the idea of “reasons for torture” often biases discussions in favour of justification and ignores the punitive, revanchist, or disciplinary nature of much torture. Elaine Scarry explains that this “credits the torturer, providing him with a

² UNCAT, part 1, article 1. United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (1984), available at <http://www2.ohchr.org/english/law/pdf/cat.pdf> (accessed 20/06/2010).

³ Christopher Einolf, for example, argues that the definition relies on Western standards of morality and law, which renders it useless for cross-cultural historical analysis, and that it places too great an emphasis on the motive of the torturer. See Einolf, “The Fall and Rise of Torture: A Comparative and Historical Analysis”, *Sociological Theory* 25: 2 (2007), pp. 102-103. However, its emphasis on liberal democracies is exactly what makes it useful for my analysis, and I disagree with Einolf's assertion that UNCAT's definition restricts the parameters of torture to those acts whose motives can be clearly defined.

⁴ Aleksandr Solzhenitsyn, *The Gulag Archipelago: An Experiment in Literary Investigation Volume I*, trans. by Thomas P. Whitney (London: Book Club Associates, 1974 [1973]), p. 117. For the list of tortures, see pp. 103-117.

⁵ It is also important to distinguish torture from Cruel, Inhuman or Degrading Treatment (CIDT). Whereas a proportionality test is not appropriate to torture – since torture by its nature is always a disproportionate use of force – CIDT can arise where force could have been used proportionately, for example in legitimate policing, but was not. Manfred Nowak and Elizabeth McArthur clarify: “Outside a situation of detention and similar direct control, the prohibition of CIDT is subject to the proportionality principle. Only excessive use of police force constitutes CIDT. In a situation of detention or similar direct control, no proportionality test may be applied and the prohibition of torture and CIDT is absolute.” Manfred Nowak and Elizabeth McArthur, “The Distinction Between Torture and Cruel, Inhuman or Degrading Treatment”, *Torture* 16:3 (2006), p. 151.

justification, his cruelty with an explanation”.⁶ The resistance in UNCAT to any potential validity for any justification is very important.

Such clarity is very important to this thesis, because one of the central techniques of legitimisation for post-9/11 American torture was the legal redefinition of torture. Bush Lawyer Jay Bybee disregarded the definition of torture set out by UNCAT, claiming that it set “an absurdly high threshold of suffering”.⁷ Bybee’s legal advice concluded that only violence that inflicted pain “akin to that which accompanies serious physical injury such as death or organ failure” could be considered torture, and therefore, that because new interrogation protocols in GWOT prisons did not rise to this deliberately unattainable new standard, the activities of US interrogators and military police who mistreated detainees could not be regarded as torture.⁸ Bybee’s goal is to deliberately redefine torture in such a way that it can never be said to appear, and such strategies – designed to create legal impunity for the inflictors of violence – must be resisted.

It is also important to define what constitutes an act of violence. Another myth about torture is that it requires complex apparatus, or that it must be bloody and spectacular to “qualify” or “count” as torture. The origin of this myth is beyond the remit of this thesis, but several sources of popular images of complex and spectacular torture are readily identifiable. Foxe’s *Book of Martyrs* (1584), for example, is one of the principal sources for a twentieth-century genre of popular histories which claim to provide historical narratives about torture but which actually provide collections of salacious descriptions without providing analysis or commentary: their effect is to popularise the false notions that torture is characteristically medieval, and that violence must be explosive and theatrical to attain the status of torture.⁹ Horror movies, of course, exercise a strong influence over the popular imaginary; however,

⁶ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford University Press, 1985), p. 35.

⁷ Philippe Sands, *Torture Team: Uncovering War Crimes in the Land of the Free*, Second Edition (London: Penguin, 2009), p. 90.

⁸ Jay Bybee, “Memorandum for Alberto R. Gonzales, Counsel to the President, Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A” (1/8/2002), in *The Torture Papers: The Road to Abu Ghraib*, ed. by Karen J. Greenberg and Joshua L. Dratel, (New York: Cambridge University Press, 2005), p. 172.

⁹ Foxe’s text is, in its original form, a complex ideological construction concerned principally with several fine points of protestant Reformation theology – for example, many of its protagonists are martyrs who were burned to death for their disagreements with the Marian Catholic church over doctrinal issues such as transubstantiation. However, once it was out of copyright, many unauthorised editions – which freely elided the theological content and incorporated many more lurid passages – became popular. A comprehensive history of the bowdlerisation of Foxe would fill many volumes, but for present purposes I will observe that it is these later editions which were used as a basis for the genre of popular history. See John Swain, *A History of Torture* (London: Tandem Books, 1965 [1931]) or Paul Gregson, *Orgies of Torture and Brutality* (London: Walton Press, 1965) for two examples of the popular historiography of torture inspired by martyrology. For more on Foxe, see John N. King, “Introduction”, in *Foxe’s Book of Martyrs: Select Narratives*, ed. John N. King (Oxford: Oxford University Press, 2009), pp. xi-xl.

this influence is equivocal (and often debated in impoverished terms), and I will restrict my remarks here to the observation that this genre most often represents torture as a spectacular phenomenon, which contributes to the idea that torture is an unusual, scientific, and sophisticated practice.¹⁰ For a more explicitly political example, we could consider the videos of beheadings posted online by jihadist groups such as Abu Musab Al-Zarqawi's Al-Qaeda in Iraq.¹¹ Lisa Campbell describes such videos as "the modern-day version of the spiked head" and "terrorising rituals with theatrical overtones."¹² Such videos exemplify the deliberate and calculatedly cruel atrocities of which Islamist militants are capable, and some commentators conclude that in contrast to such barbaric activities the regimes of deprivation employed by democratic states are not torture at all. The fact, however, is that in addition to beatings and sexual violence, which require no tools at all, a great deal of the forms of torture discussed in this thesis are low-tech and simple. Withholding medication can constitute torture, as can standing, exposure to music, dietary restrictions (i.e. starvation), and, often, the conditions of captivity themselves.¹³ Torture can be clean or messy, slow or quick, and any conception of violence must be generous enough to include all of the forms it can take but not so flexible as to be meaningless. As we will see throughout this thesis, pro-torture writers often deliberately misdescribe violence as clean, noninvasive, or scientific, so that it seems not to be torture but rather a strategic and intelligently targeted military intervention. Such misdescriptions, much like the disappearance of torture through legal redefinition, must be resisted.

Darius Rejali argues that democratic states concerned with world opinion and human rights monitoring will seek to hide their violence through the use of non-scarring techniques.¹⁴ Since such actions – which Rejali calls "clean violence" – do not produce scarring, the pain they produce is easier to deny. Suffocation with water, for example, often

¹⁰ The condemnation of violent movies as "Torture Porn", for example, is better understood simply as a variety of disapproval.

¹¹ Marc Lynch, "Al-Qaeda's Media Strategies", *The National Interest* 83 (Spring 2006), pp. 50-56. See especially pp. 53-54.

¹² Lisa J. Campbell, "The Use of Beheadings by Fundamentalist Islam", *Global Crime* 7:3-4 (2006), pp. 605-609.

¹³ For a discussion of the violent potential of sound, see Suzanne G Cusick, "Music as Torture/ Music as Weapon", *Transcultural Music Review*, 10 (2006), available at <http://www.sibetrans.com/trans/a152/music-as-torture-music-as-weapon> (accessed 14 April 2012). She writes that "sound can damage human beings, usually without killing us, in a wide variety of ways. [...] Theorists of battlefield use emphasise sound's bodily effects, while theorists of the interrogation room focus on the capacity of sound and music to destroy subjectivity." There are frequent reports from GWOT war prisons of loud music being used for the purposes of disorientation and sleep deprivation; this is reflected in the texts selected in this thesis. *The Road to Guantánamo* features a scene in which Shafiq Rasul is exposed to Cradle of Filth's "The Promise of Fever". In *Standard Operating Procedure*, Javal Davis discusses his use of hip hop (Naughty By Nature's "Hip Hop Hooray") and heavy metal (Metallica's "Enter Sandman") for sleep deprivation.

¹⁴ Darius Rejali, *Torture and Democracy* (Princeton: Princeton University Press, 2007), p. 410.

called simply waterboarding, does not leave physical scars, but it produces serious suffocation and terror. Apologists for procedures like waterboarding rely on its non-scarring nature to minimise the extent to which it is perceived as harmful; they also claim that suffocation is simulated rather than experienced in order to claim that it is simply a non-invasive interrogation process. However, as Jonathan Beynon writes, suffocation cannot be simulated. “Drowning is not simply a terminal event, but is a process,” he writes: “either you are subjected to, and experience asphyxia and the process of drowning, or you are not.”¹⁵ Waterboarding is definitely torture, and the debate over whether or not this is the case is an important example of the vigilance necessary to ensure that torture is not legislated or relativised out of existence. American Shock Jock Matthew Mancow, for example, remarked: “They cut off our heads, we put water on their face.”¹⁶ Mancow’s argument that waterboarding is not torture relies upon its unspectacular nature: the idea that it is not torture originates in the fact that, unlike beheading or mutilation, it does not cause visible harm. Further, many of the forms of torture that take place in Guantánamo are clean and non-scarring, which allows apologists for the prison camp to claim that it is a humane and safe environment. For example, the memo from Jim Haynes to Donald Rumsfeld requesting approval for fifteen interrogation techniques to be used at Guantánamo contained nothing that would leave lasting marks.¹⁷ However, the “language of limitations” is entirely absent from the document, an omission which led directly to the torture of Mohammed al-Qahtani, the alleged 20th 9/11 hijacker, for over a month, an ordeal which produced “nothing of value”.¹⁸ This absence of constraints means that creative concatenations of techniques that in

¹⁵ Jonathan Beynon, “‘Not Waving, Drowning’. Asphyxia and Torture: The Myth of Simulated Drowning and Other Forms of Torture”, *Torture 22: Supplementum 1* (2012), pp. 27-8.

¹⁶ Mancow was so confident that waterboarding was not torture that he volunteered to undergo it to prove that it was harmless. Unsurprisingly, he concluded that it was in fact torture. See Ryan Pollyea, “Mancow Waterboarded, Admits It’s Torture”, *NBC Chicago* (22/05/2009), available at <http://www.nbcchicago.com/news/local/Mancow-Takes-on-Waterboarding-and-Loses.html> (accessed 12/04/2013). Christopher Hitchens also staged a similar stunt; in his piece reflecting upon his experience, he concluded that “if waterboarding does not constitute torture, then there is no such thing as torture.” See Hitchens, “Believe Me, It’s Torture”, *Vanity Fair* (08/2008), available at <http://www.vanityfair.com/politics/features/2008/08/hitchens200808> (accessed 12/03/2013).

¹⁷ Category I features two measures: yelling and deception. Category II contains twelve: stress positions, falsified documents, solitary confinement up to thirty days, interrogation outside the booth, sensory deprivation, hooding, twenty hour interrogations, removal of religious or comfort items, cold rations, nudity, forced grooming and the manipulation of phobias. Category III comprises four techniques, only one of which was approved: mild, non-injurious physical contact, such as shoving. The others not expressly authorised were exposure to weather, waterboarding, and the use of scenarios designed to convince the detainee that death or serious injury were imminent. Sands, *Torture Team*, p. 6.

¹⁸ Alberto Mora, in interview with Sands, in *Torture Team*, p. 43 & p. 163.

themselves do not constitute abuse can rise to the level of excruciating torture.¹⁹ So anything – even listening to country music or standing up – can be torture, depending on the context.

Finally in this section, I should stress my awareness that the term “terrorism” is far from a neutral descriptive term. Geoffrey Robertson notes that the term is often used as “a pejorative description of the insurgents whose aims we do not like (or whose enemies we do)”, and that international legal definitions tend to be “so broad as to be meaningless.”²⁰ States, of course, are capable of terrorist activity, but the term is very often used as though only non-state actors are capable of it. It is frequently used simply as way of expressing political opprobrium and as a way to depoliticise and delegitimise certain forms of political violence against states; it is often used as an imprecise accusatory epithet, or interchangeably with other terms that articulate a general and scaremongering idea of an irrational enemy. More troubling, however, is the precision that such sloppiness masks. Greg Bankoff observes that after 9/11, terrorism is “the dominant Western discourse about the non-Western world”, and that “[u]nlike disease, poverty, and hazard,” which Bankoff argues determines the Western conception of the conditions which generate terrorism, “terrorism is much more ‘exportable,’ bringing the condition of *criminality* from those areas to the *homeland*”.²¹ The contemporary mainstream conception of terrorism, Bankoff observes, forms a part of an ideological complex of ideas which recapitulate colonial ideas about the corruptive potential associated with non-Western societies and the inevitability and rightness of Western interventions to defuse their tentacular threat. At the same time as it associates entire geographies and populations with squalor, it also associates them with the generation and export of illegitimate forms of violence. Such discourse is designed to give credibility to the idea that severe securitisation – which often includes detentions and torture – is necessary for the containment of such threat.

Further, the term “terrorist” is often associated with Islam in such a way that the terms “Muslim” and “terrorist” are made to overlap. Deepa Kumar dates the interchangeability of ideas about Islam and irrational violence to the Iranian Revolution in 1979, arguing that in its wake “the terms ‘terrorist,’ ‘fanatic,’ and ‘extremist,’ which earlier had been used to describe secular nationalism, were projected onto Islamism.”²² Whether or not Kumar’s dating of this origin is accurate, it can certainly be said that this heavily politicised and strategic conflation

¹⁹ Mora, in interview with Sands, in *Torture Team*, p. 165.

²⁰ Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, third edition (London: Penguin, 2006), pp. 556-557.

²¹ Greg Bankoff, “Regions of Risk: Western Discourses on Terrorism and the Significance of Islam”, *Studies in Conflict & Terrorism*, 26:6 (2003), p. 418. Emphasis in original.

²² Deepa Kumar, *Islamophobia and the Politics of Empire* (Chicago: Haymarket Books, 2012), p. 71.

is now so prevalent in Anglo-American discourse that it has been made to acquire a sort of common-sense truth-value. One of the projects of this thesis is to stress the way that this conflation has developed culturally through the texts I read in its course – another is to uncouple it. For example, *The Centurions* and *24* are clearly involved in the development and propagation of this conflation, as some of their antagonists are Muslims whose terrorism is marked as originating in their religious identity. Even *Rendition*, which is an anti-torture text, fails to challenge this conflation, because one of the factors that the text uses to indicate to the audience that the protagonist Anwar is not a terrorist is his secular identity; that is, we recognise that he is innocent because he is not Muslim enough to be a terrorist. The term “terrorist” also has a more concrete political function than the designation of someone whose violence is deemed excessive. It is used to denote enemies whose conduct excludes them from the protections of international law, and is often used in a way that implies a necessary reciprocity with torture. Charles Krauthammer, for example, writes that because a terrorist disregards the laws of war he “is entitled to no protections whatsoever.”²³ A similar logic is visible in the legal machinations that established the conditions under which terror suspects are held at Guantánamo Bay; the second chapter of this thesis examines and critiques this exclusionary logic in more sustained detail.

1.1.2: Why Torture is Wrong

This thesis is written from an anti-torture position. My position is that torture is wrong on both deontological and utilitarian grounds. Here I will briefly explain this, first through an exposition of the deontological objection to torture, and secondly through an elaboration of the utilitarian argument against torture through a refutation of the ticking bomb scenario.

1.1.2.1: Deontology

Deontological morality evaluates actions on the basis of their adherence to rule-based standards. Whereas utilitarian morality argues that ends justify means, deontological morality examines the nature of means independent of ends: actions are evaluated purely in terms of their essential character and independently of their consequences. If an action is bad, it should be prohibited absolutely – or rather, rational beings should always choose to reject it. This

²³ Charles Krauthammer, “The Truth About Torture”, in *Torture: A Collection*, ed. by Sanford Levinson, revised edition (Oxford: Oxford University Press, 2004), p. 308.

ethics is usually traced to Immanuel Kant's categorical imperative, the three formulations of which demand that one should always act as though one's actions should become a universal law, and that the humanity of any person should never be reduced to a means.²⁴ In order to establish that torture is wrong in deontological terms, it has to be established that torture, as a mode of action, is in itself bad. Torture, as violent action against a person incapable of resisting, is clearly a bad action, because in its course a person's humanity is reduced to a means for the achievement of an end independent of that humanity: that is, the character of that humanity as an end in itself is disregarded entirely. Further, David Sussman observes that the torturer uses his victim's personhood against himself: torture is the exercise of complete control over the victim's body and emotions through the manipulation of their pain, with the result that the victim is forced to collude against himself and to experience himself as complicit in his own exploitation as a means.²⁵

As we saw above, torture is not defined by any specific form of violence; rather, its essence inheres in the suffering it produces, and the power relationship between the perpetrator and their victim in which, as Sussman writes, the "asymmetry of power, knowledge, and prerogative is absolute".²⁶ Sussman outlines that this is why torture is worse than other forms of violence: other forms of violence may be debilitating, but they do not achieve this particular relationship in which the torturer is able "to take his victim's pain, and through it his victim's body, and make it begin to express the torturer's will."²⁷ This is important, because some argue that since other forms of military violence are also atrocities, and torture is not necessarily the most appalling of them, then torture is not absolutely wrong.²⁸ Uwe Steinhoff, for example, argues that a "compelling argument for an absolute *moral* prohibition of torture cannot be made" because "if killing is sometimes justified,

²⁴ The formulations are laid out in Kant's *The Groundwork of the Metaphysics of Morals*, trans. and ed. by Mary Gregor (Cambridge: Cambridge University Press, 1997 [1785]), pp. 30-39. The first formulation is "act only in accordance with that maxim through which you can at the same time will that it become a universal law." The second runs "act as if the maxim of your action were to become by your will a universal law of nature." The final formulation in the *Groundwork* is "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means." Emphasis in original. It is this final formulation that most decisively prohibits torture. See also Allen W. Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), esp. pp. 321-336, and Paul Guyer, *Kant* (London & New York: Routledge, 2006), esp. pp. 179-191.

²⁵ David Sussman, "What's Wrong With Torture?", *Philosophy and Public Affairs*, 33:1 (2005), pp.1-33 .

²⁶ Sussman, "What's Wrong With Torture?", p. 7.

²⁷ Sussman, "What's Wrong With Torture?", p. 21.

²⁸ Sam Harris, for example, argues that the deaths of innocents due to collateral damage from bombing is worse than torture, and therefore that since torture is not as bad as this, it would be morally unproblematic to use torture if it could prevent such deaths. Sam Harris, "The Case for Torture", *The Huffington Post* (17/10/2005), available at http://www.huffingtonpost.com/sam-harris/in-defense-of-torture_b_8993.html (accessed 12/09/2012).

torture too must sometimes be justified.”²⁹ Echoing Sussman’s point that torture is always an abusive position, Henry Shue refutes this argument by showing that torture is worse than killing – whether just killing or otherwise – because it is always an attack on the defenceless which amplifies already existing defeat. “[T]orture begins only after the fight is – for the victim – finished,” he writes. “Only losers are tortured.”³⁰ Torture can also be worse than killing because some forms of torture consist in deliberately withholding death in order to prolong abject suffering. Torture is also worse than collateral damage accompanying deliberate killing, because torture is never an accidental or unintentional act: its deliberate nature is central to its nature as a moral crime. Even though I argue that torture is in fact worse than these things, it has to be stressed that I do not accept that comparative arguments have justificatory power: whether or not torture is the worst option in any given circumstances does not change its absolutely negative moral character. The fact that an act or phenomenon may be more appalling than torture does not render torture any less of a horror.

Following Fanon’s analysis of violence in French Algeria, wherein he writes that the coloniser can only “speak the language of pure force” in his political relations with the colonised peoples, Robert Young argues that torture “constitutes the habitual systematic complement to any project of colonial violence within the colonial system.”³¹ Calling torture “a means and an expression of the occupant-occupied relationship,” Young argues that oppressive violence is foundational to colonial enterprise; any colonial project “cannot be understood without the possibility of torturing, of violating, or of massacring.”³² As well as a material element of the ways that such dominations are achieved and sustained, torture is an image in miniature of the illegitimate exercise of excessive force in politically oppressive and exploitative conditions. In the use of a person as a means, in the alienation of a person from their own body, and as an image of the abuse of power, torture is clearly morally wrong in deontological terms. However, nobody makes the argument that torture is a moral good in itself or that it is desirable that it ever become a universal law, and it is for this reason that a

²⁹ Uwe Steinhoff, “Torture: The Case for *Dirty Harry* and Against Alan Dershowitz”, *Journal of Applied Philosophy*, 23:3 (2006), pp. 345 & p. 337. Emphasis in original. Steinhoff reaches his conclusion that torture can be morally permissible in certain emergency situations through an intellectually dishonest reading of *Dirty Harry*, in which he claims that the rogue officer’s torture of a kidnapper leads to the rescue of a girl kept prisoner underground. In the movie the girl is actually found dead, so Steinhoff’s rationale for a situation in which torture can save a life is based on something that does not occur even in his only fictional example.

³⁰ Henry Shue, “Torture”, in *Torture: A Collection*, ed. by Sanford Levinson (Oxford: Oxford University Press, 2004), p. 51. See also pp. 49-51.

³¹ Frantz Fanon, *The Wretched of the Earth*, trans. by Constance Farrington (London: McGibbon & Kee, 1965), p. 29. Robert Young, “The Violent State”, *Naked Punch* (16/10/2009), available at <http://www.nakedpunch.com/articles/38> (accessed 07/03/2010).

³² Young, “The Violent State”.

conceptually robust opposition to torture cannot limit itself to deontological reasoning. It is only ever through reference to its possible positive results that torture is described as a less evil option, so this argument must also be actively refuted in order to arrive at an intellectually thorough opposition to political torture. For this argument, we turn to utilitarianism.

1.1.2.2: Utilitarianism

Utilitarian ethics, writes Anthony Quinton,

can be expressed as the combination of two principles: (1) *the consequentialist principle* that the rightness, or wrongness, of an action is determined by the goodness, or badness, of the results that flow from it and (2) *the hedonist principle* that the only thing that is good in itself is pleasure and the only thing bad in itself is pain.³³

Utilitarians assess moral decisions not on the basis of their nature or long-term desirability but rather on the basis of whether their direct outcomes will contribute to or ameliorate suffering in the world; as Samuel Scheffler summarises, according to utilitarianism “what people ought to do is to minimise evil and maximise good, to try, in other words, to make the world as good a place as possible.”³⁴ Although this may sound simple and attractive, it becomes opaque when lose-lose situations are posited. Both deontological and utilitarian ethics maintain that torture is always bad: utilitarians differ, however, in arguing that torture can be necessary (without ceasing to be wrong in itself) if it will have consequences which will ultimately serve to ameliorate more suffering than will be caused by inflicting it. In a situation where all outcomes involve a contribution to the suffering in the world, utilitarians argue that the option that causes the least suffering should be chosen, and that if this option involves torture, then there is no reason not to commit it.

³³ Anthony Quinton, *Utilitarian Ethics* (London: MacMillan, 1973), p. 1. Emphasis in original.

³⁴ Samuel Scheffler, “Introduction”, in *Consequentialism and Its Critics*, ed. by Samuel Scheffler (Oxford: Oxford University Press, 1988), p. 1.

1.1.2.3: The Ticking Bomb Scenario

The standard example of the utilitarian justification for torture is the ticking bomb scenario. If there were deadly bombs hidden in a city and the culprit were apprehended, framers of the ticking bomb scenario argue, it would be legitimate to torture that person into revealing the whereabouts of the bombs in order to prevent the murder of innocent civilians. When choosing between evils on a cost-benefit basis, utilitarians argue, torture of one culpable person is preferable to the deaths of many innocent people. As it describes an exceptional limit situation, it is concerned with act utilitarianism, rather than rule utilitarianism – again, nobody argues that torture should become a rule, but rather that under certain conditions one may be forced to conclude that torture is the least worst option. It is a thought experiment designed to demonstrate that non-utilitarian ethical objections to torture are incomplete because they cannot respond to urgent emergencies: that is, it is a pro-torture argument, most often framed as an example of the problem of dirty hands in government.³⁵ Scheffler outlines this case, as do other utilitarians such as Philip Pettit, Sam Harris, Michael Levin, Alan Dershowitz, and Charles Krauthammer, to name but a few.³⁶ Nonconsequentialist philosopher Frances Kamm also uses it to demonstrate the argument that there is no absolute

³⁵ Tracing it to Machiavelli, Michael Walzer summarises this problem and the tension it reveals between deontological and utilitarian ethics: the problem of governing with dirty hands “means that a particular act of government (in a political party or in the state) may be exactly the right thing to do in utilitarian terms and yet leave the man who does it guilty of a moral wrong.” Walzer, “Political Action: The Problem of Dirty Hands”, *Philosophy and Public Affairs*, 2: 2 (1973), pp. 160-161. Walzer uses the ticking bomb scenario on pages 166-167. Elsewhere Sartre formulates the problem of lose-lose choices in his play *Dirty Hands*: Høeederer claims that he could never have achieved anything in the sphere of political action without committing violence. Sartre, *Dirty Hands*, in *No Exit and Three Other Plays*, trans. by S. Gilbert (New York: Vintage, 1955), p. 224.

³⁶ Scheffler, “Introduction”, p. 3. Philip Pettit writes that it “may be awful to think of torturing someone but it must be equally awful to think of not doing so and consequently allowing, say, a massive bomb to go off in some public place.” Pettit, “Consequentialism”, in *Consequentialism*, ed. by Stephen Darwall (Oxford: Blackwell, 2003), p. 100. Although he later refined his position – see Sam Harris, “Response to Controversy”, *Sam Harris.org* (09/08/2012), available at http://www.samharris.org/site/full_text/response-to-controversy2/ (accessed 12/09/2012) – Sam Harris continued to reluctantly endorse torture under ticking bomb conditions. See Harris, “The Case for Torture”. Levin argued in 1982 that torture under ticking bomb conditions was “morally mandatory.” Micheal Levin, “The Case For Torture”, *Newsweek* (07/06/1982), available at <http://people.brandeis.edu/~teuber/torture.html> (accessed 12/06/2012). In *Is There a Right to Remain Silent?* Dershowitz invokes the utility of torture: “Assume that a particular form of interrogation – say, waterboarding – produces truthful information 25 percent of the time and false information 75 percent of the time [...] any intelligence agency in the world would be delighted to have relevant, real-time information that is accurate 25 percent of the time.” *Is There a Right to Remain Silent?* (New York: Oxford University Press, 2008), p. 121. See also Alan Dershowitz, “Want to Torture? Get A Warrant”, *San Francisco Chronicle* (22/01/2002), available at <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/22/ED5329.DTL> (accessed 22/11/2009), or Dershowitz, “Tortured Reasoning”, in *Torture: A Collection*, ed. by Sanford Levinson, revised edition (Oxford: Oxford University Press, 2004), pp. 257-280, or Dershowitz, *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* (New Haven & London: Yale University Press, 2002), especially pp. 131-163. Krauthammer, “The Truth About Torture”, pp. 307-316.

moral right not to be tortured.³⁷ This position is not restricted to theoreticians, however: members of the Bush Cabinet such as Donald Rumsfeld and Karl Rove, for example, uncritically cite the ticking bomb scenario as a situation in which it would be difficult to morally object to torture.³⁸ Executive producer of *24* Joel Surnow also argues that it was emotionally and intellectually persuasive.³⁹ At the more extreme end of such arguments, one finds writers such as Mirko Bagaric and Julie Clarke, who write that “[t]orture for compassionate reasons [i.e., ticking bomb torture] is no more an act of brutality than surgery to transplant a kidney from one person to save another person.”⁴⁰ They reach this conclusion by treating pain as a mathematically quantifiable substance, which allows them to conclude that because life-saving surgery is a good that involves inflicting pain, torture producing a net reduction in pain at the cost of inflicting a comparatively small amount of pain is morally equivalent to compassionate medical interventions; that is, torture is made to seem to be a good act. This conclusion elides factors such as the presence of anaesthetic, the consent of the organ donor, and the fact that surgery is a process organised around the minimisation of the pain of participants whereas torture is a process designed to maximise the pain of one participant; this argument is not to be taken seriously. Nonetheless, it makes explicit the forms of moral calculus that underpin utilitarian ethics.

The utilitarian position on torture is superficially compelling until it is observed that there is no robust reason to suppose that torture would directly cause a reduction in innocent suffering. The only way torture could have utilitarian value or a preventive function would be as a method of collecting information, which relies on the idea that torture is a reliable means of extracting actionable and reliable information from captured suspects. Darius Rejali rejects

³⁷ Frances Kamm, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm* (Oxford: Oxford University Press, 2007), p. 238.

³⁸ Donald Rumsfeld, *Known and Unknown: A Memoir* (New York: Sentinel, 2011), p. 585n. Rumsfeld uncritically cites Chuck Schumer, a Democratic New York senator, who invokes the ticking bomb scenario. On the following page, Rumsfeld writes that the “inconvenient facts” of counterterrorism operations prove torture to be a necessary tool; however, he does not say what these facts are, and he offers only a second-hand anecdote as evidence for their existence. President Bush’s Senior Advisor Karl Rove also both denies that the enhanced interrogation techniques used on terror suspects after 9/11 constitute torture and defends their use through reference to the same example quoted by Rumsfeld – that is, he uses Schumer’s example of ticking bomb torture to justify the sustained and systematic torture program. See Karl Rove, *Courage and Consequence: My Life as a Conservative in the Fight* (New York: Threshold Editions, 2010), pp. 295-299.

³⁹ Surnow remarks: “I don’t think it’s honest to say that if someone you love was being held, and you had five minutes to save them, you wouldn’t do it. [...] If someone had one of my children, or my wife, I would *hope* I’d do it.” Jane Mayer, “Letter From Hollywood: Whatever it Takes: The Politics of the Man Behind *24*”, *The New Yorker* (19/02/2007), available at http://www.newyorker.com/reporting/2007/02/19/070219fa_fact_mayer?currentPage=all (accessed 22/12/2008). Emphasis in original.

⁴⁰ Mirko Bagaric and Julie Clarke, *Torture: When the Unthinkable is Morally Permissible* (New York: State University of New York Press, 2007), p. 48.

this when he writes that “[f]or harvesting information, torture is the clumsiest method available to organisations, even clumsier in some cases than flipping coins or shooting randomly into crowds.”⁴¹ Rejali’s dismissal is based on a thorough and empirical examination of historical data, and it concludes that torture cannot be relied upon to produce anything of value; likewise, Clive Stafford Smith asked four advocates of ticking bomb torture to provide one historical example of its success from the past five hundred years of world history, and not one could think of a single documented example.⁴² The central flaw in the ticking bomb scenario is this ascription of reliable utility-value to torture, which is by nature a messy and imprecise process: this illusion of utility, we will see in later chapters, is one of the central contributions made by narrativisations of ticking bomb torture. It cannot be doubted that torture makes people speak, but there is no way to reliably evaluate whether the information so gathered is true: the information it gathers is equivocal, often partial, and impossible to rationally assess. Innocent people self-incriminate to stop the pain, and those with information may lie, obfuscate, or tell partial truths – all of which will be difficult to distinguish from the truth in the emotionally heightened environment of torture.

These difficulties are deepened when the situation is framed to include a terrorist fanatic. Jean Arrigo notes that hardened criminals are “difficult to apprehend and likely to require great exertions from torturers”, as they would either be trained to resist torture (as are, for example, many members of the American and British military communities) or they would be skilled at supplying false but credible information.⁴³ Brecher argues that, if they spoke at all, such individuals would almost certainly provide false information, either out of malice or out of confusion and desperation; they certainly would have no motive to appease the torturers they hate.⁴⁴ Khalid Sheikh Mohammed, for example, who planned al-Qaeda’s attacks on the US in 2001, refused to reveal any actionable intelligence after being waterboarded 183 times in 2003; this can hardly be described as a ticking bomb case, but it reveals the resistance possible by the kind of dedicated adversary on whom the ticking bomb scenario relies.⁴⁵

⁴¹ Rejali, *Torture and Democracy*, p. 478.

⁴² Clive Stafford Smith, *Bad Men: Guantánamo Bay and the Secret Prisons* (London: Phoenix, 2008), p. 48. The four interlocutors were academics Michael Levin and Alan Dershowitz, Assistant Secretary of Defense under Reagan Richard Perle, and retired marine William Cowan.

⁴³ Jean Maria Arrigo, “A Utilitarian Argument Against Torture Interrogation of Terrorists”, *Science and Engineering Ethics* 10:3 (2004), p. 554.

⁴⁴ Brecher, *Torture and the Ticking Bomb*, p. 28.

⁴⁵ Scott Shane, “Waterboarding Used 266 Times on 2 Suspects”, *New York Times* (20/04/2009), available at http://www.nytimes.com/2009/04/20/world/20detain.html?_r=0 (accessed 12/10/2011).

Indeed, the reliance on the misdescription of torture as efficient and the necessary inclusion of an undefeatable adversary gesture towards the central problem: the scenario is simply absurd. Henry Shue remarks that “there is a saying in jurisprudence that hard cases make bad law, and there might well be one in philosophy that artificial cases make bad ethics.”⁴⁶ It is a thought experiment designed to guide participants to the conclusion that torture can be permitted, and in order for such a scenario to be persuasive it must necessarily be imaginary. Law theorist Sarah Perrigo dismisses it as “a hypothetical that is extremely unrealistic”, Rejali dismisses it as one of “the myths of modern torture”, and Brecher observes that it is, in essence, a defeat scenario, because if such a crisis were “really” happening, and if it turned out that torture was “really” the only answer, then it is already “too late”, and in such a situation torture is just as practically ineffective as any other policing measure.⁴⁷ Both Shue and Elaine Scarry note that the more realistic the situation is made, the less plausible it becomes, and Scarry further observes that what makes the scenario persuasive is that it introduces a way of thinking about torture that makes it seem not only moral and necessary but heroic.⁴⁸ “Introducing an ‘imaginable’ occasion for torture that has no correspondence with the thousands of cases that actually occur,” she writes, “has the effect of seeming to change torture into a sanctionable act.”⁴⁹ This strategic, colonial and disingenuous way of thinking about torture, in which, as the Association for the Prevention of Torture assert, “what is really being proposed is not a rare exception but a new rule permitting torture,” must be resisted.⁵⁰ The scenario fundamentally misdescribes the conditions under which almost all torture takes place, which never correspond to the clear-cut emergency situations presented by ticking bomb narratives. Nevertheless, because the scenario is particularly amenable to narrative – it is easily lent to the “race against time” trope found in many thriller novels and films, and which forms the structuring principle of *24* – it can be made to seem more compelling than it in fact is due to the emotional impact of its dramatisations.

⁴⁶ Shue, “Torture”, p. 57.

⁴⁷ Sarah Perrigo, “Undermining International Humanitarian Law and the Politics of Liberal Democracies”, in *The Geneva Conventions Under Assault*, ed. by Sarah Perrigo and Jim Whitman (New York: Pluto Press, 2010), p. 237. Rejali, *Torture and Democracy*, p. 550. Brecher, *Torture and the Ticking Bomb*, p. 87.

⁴⁸ Shue remarks that “as the situation described becomes more likely, the conclusion that the torture is permissible becomes more debatable.” Shue, “Torture”, p. 57. See also Elaine Scarry, “Five Errors in the Reasoning of Alan Dershowitz”, in *Torture: A Collection*, ed. by Sanford Levinson, revised edition (Oxford: Oxford University Press, 2004), p. 284.

⁴⁹ Scarry, “Five Errors in the Reasoning of Alan Dershowitz”, p. 282.

⁵⁰ Association for the Prevention of Torture, *Defusing the Ticking Bomb Scenario: Why We Must Say No to Torture, Always* (Geneva: Association for the Prevention of Torture, 2007), pp. 5-6.

The idea that torture is acceptable in emergencies has a long colonial heritage; in the South African Truth and Reconciliation Commission Report (TRCR), for example, General van der Merwe is quoted as testifying that “there was some sympathy for members [of the police] who used torture ‘in an effort to obtain information which could have led to the saving of lives’.”⁵¹ In the context of what the South African authorities considered counterterrorism operations, there was sympathy for those who were seen to have observed the minimum harm rule – the rule according to which a utilitarian calculus determines which solution to a problem involving inevitable harm results in the least possible suffering – in their application of interrogational torture violence. Caroline Elkins observes that a similar attitude was prevalent in late British Kenya; she cites Christopher Todd, the first colonial officer in charge of “screening” Kikuyu suspects (an interrogation process that quickly became synonymous with torture) to establish whether or not they had taken a Mau Mau oath, as remarking that “there are cases when such methods are necessary, such as in a case of emergency.”⁵² Through Jean Lartéguy’s narrativisation of this rhetorical figure in *The Centurions*, this colonial pro-torture argument became a widespread idea – inherited and amplified by *24* – which claimed intellectual legitimacy and the appearance of common-sense political neutrality.

The ticking bomb thought experiment also disregards the international illegality of torture and the insistence in article two of UNCAT that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”⁵³ However, the established and unambiguous international illegality of torture is only the most superficial of challenges to torture’s advocates, as legality is consequent upon morality rather than constructive of it. To fully establish a rigorous materialist rejection of the ticking bomb scenario it must be added to the previous conclusion that torture is morally wrong in deontological terms that if in any way legalised, torture would damage the social institutions that the ticking bomb scenario seeks to suggest it would be protecting: that is, it must be established that torture is wrong in utilitarian terms.

Torture is dangerously corrosive on the societies that exercise it. As Rejali observes, rather than obtaining actionable intelligence, “torture yields poor information, sweeps up many innocents, degrades organisational capabilities, and destroys interrogators. Limited

⁵¹ South African Truth and Reconciliation Commission Report (2003), vol. 6, section 3, chapter 1, p. 207.

⁵² Caroline Elkins, *Britain’s Gulag: The Brutal End of Empire in Kenya* (London: Pimlico, 2005), p. 65.

⁵³ UNCAT, Article 2.

time during battle or emergency intensifies all these problems.”⁵⁴ As an intelligence measure it inevitably relies on dragnet interrogations, which produce high numbers of false positives, solicit contradictory and incomplete information, and radicalise and alienate the populations to whom they are applied – entrenching, rather than breaking, political resistance. Jean Arrigo itemises the problems of accepting both the interrogational nature of torture and the ticking bomb situation in particular, which would require the institutionalisation of torture in order to be effective. This institutionalisation would inevitably generate “unintended inputs and unintended outputs of increasing consequence”, such as establishment of torture agencies, and the collusion of these with the police, the judiciary and with medical institutions to the great detriment of all concerned.⁵⁵ For example, professional ethics requirements, and the election of some to forego them, would lead to professional schisms and institutional degradation. As well as torture training programmes and the state office of national torturer, which Brecher argues is “a necessary condition of the example’s getting off the ground”, the development of sophisticated tortures would require “cutting edge biomedical research into techniques of torture”, which would degrade and corrupt the intellectual institutions that produced it.⁵⁶

Because torture “provides only data, not truth”, counterterrorist institutions would require “convergent analyses of far-ranging data”, which presupposes an enormous administrative analysis capacity.⁵⁷ The one-shot-revelation, central to the ticking bomb situation and dramatised in *24*, for example, when a shot to the kneecap provides the key information to save the life of the Secretary of Defence, is highly unreliable and would have to be corroborated with other sources of data.⁵⁸ The instant fix of the ticking bomb situation is, therefore, a total fiction. Further, phenomena such as force drift, in which “interrogators come to believe that if some force is good then more will be even better”, are known to occur in situations where violence is frequent; this would suggest that once necessity has been made available as a justificatory mechanism, it will continue to be declared with increasing frequency as slower methods are disregarded in favour of a short-circuit recourse to violence.⁵⁹ Since the world does not need ticking bomb scenarios to materialise in order for

⁵⁴ Rejali, *Torture and Democracy*, p. 478.

⁵⁵ Arrigo, “A Utilitarian Argument Against Torture Interrogation of Terrorists”, p. 545.

⁵⁶ Brecher, *Torture and the Ticking Bomb*, p. 24. Arrigo, “A Utilitarian Argument Against Torture Interrogation of Terrorists”, p. 551. This is all true of much military research, but I would argue that such research into torture, as it is always a corrupt use of power, is particularly unethical and degrading to research institutions.

⁵⁷ Arrigo, “A Utilitarian Argument Against Torture Interrogation of Terrorists”, p. 554.

⁵⁸ *24*, Season Four, Episode One, dir. Jon Cassar (Fox TV, 2005).

⁵⁹ Sands, *Torture Team*, p. 186.

torture to occur, it seems clear that were a legal loophole to exist, then existing cases of torture would be legally misdescribed as ticking bomb cases in order to escape accountability.

The ticking bomb scenario is a clear example of the interpenetration of cultural narrative and political discourse: it is deployed in philosophical discourses, political rhetorics and cultural representations in a mutually reinforcing way. As I argued in the introduction, one of the standard oppositions to the ticking bomb scenario is a revelation of “the real”: Scarry insists that the ticking bomb scenario can be usefully contrasted with “the thousands of cases that actually occur,” and similarly, many novelists and filmmakers seeking to challenge the justification of torture place an activist emphasis on the exposure of the real conditions under which political torture takes place, which never correspond to ticking bomb conditions. Central to this often is the deployment of historical parallel. The next section of this chapter argues that whilst this is often a productive political avenue, it is also double-edged, as parallel can be mobilised in support of torture as well as against it.

1.2: Trajectories: Reading Time

1.2.1: Translatable Histories I: Palimpsestic Multidirectionality

This section of the thesis describes the way that I seek to deploy historical parallel – to emphasise historical continuities and to expose the fact that torture takes place in concentrationary contexts rather than in exceptional circumstances. Secondly, this section discusses the way that historical parallel can also be a coordinate in the justification of violence through the principle of precedent.

As emphasised in the Introduction, Bush and others in his administration stressed the newness of the terrain into which 9/11 had thrust America and her allies. The historical record perhaps bears this out: where before 9/11 there were clandestine operations, the post-9/11 period saw invasions; where before 9/11 there was a debate over whether it would be legal to assassinate Osama bin Laden, the post-9/11 period saw targeted drone strikes, such as the killing of al-Qaeda ideologue Anwar al-Awlaki in 2011, and the targeted killing of Bin Laden himself, also in 2011; where before 9/11 there was respect for national jurisdictional boundaries and a concern for the rule of law, in the post-9/11 period, as Jane Mayer observes, “the Bush Administration’s extralegal counterterrorism program presented the most dramatic,

sustained and radical challenge to the rule of law in American History”.⁶⁰ This thesis prefers, however, to emphasise historical and political continuities rather than narratives of epochal disjunction. Whilst I acknowledge that it is problematic to draw equivalences where none exist, I consider it more constructive and illuminating to underline historical-political commonalities than it is to consider situations in isolation.

This chapter will also draw upon the methodological approach of Michael Rothberg’s *Multidirectional Memory*, which stresses the ways that a comparative approach to the memory of concentrationary violence can be used to illuminate colonial conflicts. Considering memory as “subject to ongoing negotiation, cross referencing, and borrowing; as productive and not privative” allows Rothberg to develop a scholarly model for addressing the representation of historical parallel that avoids the discourses of comparative or competitive memory and that aims to interrogate conceptual and historical similarities across conflicts that may seem in many respects almost entirely divergent.⁶¹ Acknowledging that the most productive comparisons “may at first seem irrelevant or even unseemly”, Rothberg advocates a critical methodology of reading conflicts in dialogue in order to allow them to reflect and illuminate one another.⁶² In Debarati Sanyal’s essay on Sartre, for example, we read that multidirectionality “invites us to read time allegorically, such that [traumatic histories] are addressed side by side in relations of proximity and mutual illumination rather than of petrified equivalence and identity.” This approach to the reading of historical conflicts “offers a mode of reading that brings different histories into proximity and adjacency without reducing one to the other or positing them as analogous, symmetrical, and reversible.”⁶³ As Rothberg’s examples are the Holocaust and Algerian decolonisation, this thesis follows and extends his trajectory, placing Nazi camps into dialogue with colonial torture and post-9/11 interrogation regimes in order to uncover common political ground. However, Rothberg does not pay sustained attention to political torture; whilst this thesis borrows from his work methodologically, it does not tread identical conceptual territory. I argue that the concentrationary violences of the GWOT inherit significant traits from the violences and conflicts discussed by Rothberg.

⁶⁰ Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals*, Second Edition (New York: Anchor Books, 2009), p. 8. As early as April 2002, one legal scholar could observe that 9/11 had “set in motion a significant loosening of the [international] legal constraints on the use of force”. Michael Byers, “Terrorism, the Use of Force and International Law After 11 September”, *International and Comparative Law Quarterly* 51 (2002), p. 414.

⁶¹ Rothberg, *Multidirectional Memory*, p. 3.

⁶² Rothberg, *Multidirectional Memory*, p. 17.

⁶³ Sanyal, “Crabwalk History”, pp. 70-71.

These traits include the destructive potential of institutionalised biopower and the racialisation of categories of “undesirable” humanity; torture, as Matthew Hannah observes, is one of the central biopolitical operations of disciplinary governmentality.⁶⁴ The second chapter of this thesis deals with the biopolitics of torture through an engagement with Agamben, whose work on the exception acquired fresh relevance after 9/11 as it provided an explanatory matrix through which many American political, legal and military manoeuvres could be understood and critiqued. However, as Agamben’s central example of Auschwitz is so extreme, it is potentially misleading. Rothberg’s intervention is relevant here because it is important to be precise when describing the nature of the connection between the concentrationary universe of the Nazi camps, colonial torture, and the global penal archipelago of the secret GWOT torture gulags; for example, it is worth stressing that Auschwitz was not simply an extermination camp: it comprised three main sites – Auschwitz, Birkenau, and Monowitz (an industrial slave labour complex) – and a substantial network of satellite camps.⁶⁵ Direct comparison between Auschwitz and Algeria and Guantánamo is not only inappropriate, it is also simply inaccurate. It is this methodological difficulty that Rothberg’s multidirectional model of memory allows us to untangle. It is of course absurd to claim that Guantánamo is another Auschwitz or another Algeria: what is not absurd is to trace a biopolitical inheritance from the political logics that made Auschwitz possible to those that facilitate the construction of a concentrationary space for the purpose of indefinitely detaining and torturing Muslims. Locating Guantánamo and the related black site prisons in a multidirectional biopolitical and historical continuum, in which they appear in a constellation alongside Nazi *Lagers* and the concentrationary torture institutions we observe accompanying the colonial wars of the twentieth century, allows us to interpret the institutions of the GWOT in a productive dialogue with those of other historical situations without problematising any discussion with arguments about relative severity.

Before moving on to discuss the problematic aspects of the deployment of historical parallel, this section of the chapter provides detail on some of the commonalities that will be stressed through the course of the thesis. As we saw above, despite claims that the world had

⁶⁴ Matthew Hannah, “Torture and the Ticking Bomb: The War on Terrorism as a Geographical Imagination of Power/Knowledge”, *Annals of the Association of American Geographers* 96:3 (2006), p. 623.

⁶⁵ Martin Gilbert summarises the conflation of the three camps that took place through naming. “Because Birkenau became known during the war as Auschwitz II, and the slave labour camp in Monowitz as Auschwitz III, most accounts of the deportation of Jews to Birkenau name ‘Auschwitz’ as the destination, rather than Birkenau, to which they were in fact deported.” Gilbert, *The Dent Atlas of the Holocaust* (London: JM Dent, 1993), p. 122. This use of one name for all three sites, with their heterogeneous purposes, has contributed to the notion that Auschwitz was simply an extermination camp.

entered a new phase of history, on the level of political thinking and in terms of representation many discourses remained strikingly unmodified. The ticking bomb scenario is one such revitalised narrative. However, much broader political narratives were also in fact recapitulations of existing ones. Samuel Huntington's clash of civilisations thesis, for example, which imagined that the end of history had given way to the apocalyptic friction of monolithic entities – such as the West and Islam – was itself a reiteration of longstanding narratives about global political antagonisms; Arshin Adib-Moghaddam writes that the clash of civilisations is a “cultural artefact of a very special and pervasive kind” with an extensive history.⁶⁶ Deepa Kumar also stresses that the notion of civilisational friction between the West and Islam is a contagious ideological construct that has been strategically deployed at many historical junctures to legitimise conflict; for example, in Chapter Three I argue that many French military voices argued that the world was engaged in a civilisational clash between the West and Communism.⁶⁷ After 9/11 this idea resurfaced; for example, the rationalist critiques of faith expounded by evangelical atheists such as Christopher Hitchens and Sam Harris often functioned to demonise Islam in a way that emphasised its civilisational irreconcilability with the West.⁶⁸ As Gil Anidjar writes, aggressive secularism is often a thinly disguised Orientalist attack on the perceived resistance to modernity of Islam.⁶⁹

Such rationalist discourse contributes concretely to the legitimisation of exclusionary politics and to the practice of torture, as it is very often designed to portray Muslims as irrational, secondary humans who unreasonably reject modernity. As Sarah Perrigo observes, the GWOT has from its inception been supported by a cultural and political discourse that “creates a Manichean world, which divides people and the world into good and bad, civilised West and barbaric ‘Others’. No longer are there human beings deserving of respect and reasonable treatment but two kinds of humans, those who are worthy of respect and those who have lost all their rights.”⁷⁰ Reducing the complex and heterogeneous mix of cultures and practices that constitute “Islam” into an oversimplified and racialised stereotype – and conflating Islamist terrorism and mainstream Islam in the public imagination – the clash of

⁶⁶ Arshin Adib-Moghaddam, *The Metahistory of the Clash of Civilisations: Us and Them Beyond Orientalism* (Columbia: University of Columbia Press, 2011), p. 5.

⁶⁷ Kumar, *Islamophobia and the Politics of Empire*, p. 3.

⁶⁸ Undertaking a critique of the ways in which Islamophobic discourse is often couched in terms that claim rational scientific objectivity, Glenn Greenwald argues that “[Harris] and others like him spout and promote Islamophobia under the guise of rational atheism.” See Greenwald, “Sam Harris, the New Atheists, and Anti-Muslim Animus”, *Comment Is Free* (03/04/2013), available at <http://m.guardian.co.uk/commentisfree/2013/apr/03/sam-harris-muslim-animus> (accessed 03/04/2013).

⁶⁹ Gil Anidjar, “Secularism”, *Critical Enquiry* 33:1 (2006), esp. pp. 56 & 62.

⁷⁰ Perrigo, “Undermining International Humanitarian Law and the Politics of Liberal Democracies”, p. 229.

civilisations discourse of the GWOT functions to remobilise colonial ways of thinking about Otherness that have historically operated in favour of extreme violence.

Edward Said remarked in 1997 that television serials uniformly represented Muslims as “evil, violent, and above all, eminently killable”, and this familiar racist idea became more pronounced after 9/11 as the Muslim terrorist became a privileged category of villain.⁷¹ Judith Butler also observes that in much American discourse “Islam is seen as barbaric or pre-modern, as not yet having conformed to those norms that make the human recognisable. Those we kill are not quite human, and not quite alive”.⁷² Often conceived as the new inassimilable non-secular Other, Muslims are often seen as uniquely prone to terrorist ambition because of their supposedly atavistic and barbaric religio-cultural identity. The cultural production of this enemy operates in much the same way as colonial discourse operates to construct the native, through the manipulation of the fears of the cultural imaginary, as a non-subject designed to deserve violence. The terrorist figure shares with the colonial subject what Achille Mbembe calls “the psychic life of the *beast*” – the supposed subhuman intelligence and brutal instincts of the animal – and in a dehumanisation similar to the process by which the colonial subject was understood in what Frantz Fanon calls “zoological terms”, the al-Qaeda terrorist has become an ill-defined all-inclusive malefactor whose motivations are rooted not in political rationality but in bodily hatreds.⁷³ Although more nuanced representations of Islamic terrorism are now available, for example the 2007 movie *Traitor* or Chris Morris’s *Four Lions* (2010), for some time this figure was simply demonised. Martin Amis, for example, was representative when he referred to Islamists as “fabulists crazed with blood and death”, and when he elsewhere psychologised Muhammad Atta’s political trajectory as an outcome of sexual self-loathing and indigestion.⁷⁴ This terrorist is constructed as a dark opposite to the civilising or therapeutic interventionist warrior, and this thesis traces the way that these illusory binaries are articulated or challenged in the fictions it reads. 24, for example, constructs Islam – and the non-Western more generally – as a site of particular anxiety and danger, building on and replicating similar Orientalist discourses articulated forcefully in *The Centurions*.

⁷¹ Edward Said, *Covering Islam* (London: Vintage, 1997 [1981]), p. xxvii.

⁷² Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2009), p. 42.

⁷³ Achille Mbembe, *On the Postcolony* (California: University of California Press, 2001), p. 2. Emphasis in original. Fanon, *The Wretched of the Earth*, p. 33.

⁷⁴ Martin Amis, “Conspiracy Theories, and *Takfir*”, in *The Second Plane: September 11: 2001-2007* (London: Jonathan Cape, 2008), p. 142. See “The Last Days of Muhammad Atta”, in Amis, *The Second Plane*, pp. 95-124.

Further, at the level of practice, there is a great deal of continuity between colonial forms of torture and those practiced after 9/11. Although Rejali stresses that it is difficult to identify consistent historical precedents for styles of what he calls the “clustering” of tortures, he observes that non-scarring tortures such as those that are used in Guantánamo have a colonial prehistory. Positional tortures can be drawn from a largely British trajectory of military discipline, and techniques such as waterboarding have been drawn from French colonial practice (although it is the case that water suffocation tortures similar to waterboarding have been used for centuries, by among others the Spanish Inquisition and the Khmer Rouge).⁷⁵ Further, the Five Techniques authorised by the British for use against IRA prisoners resurfaced in modified form in Guantánamo and other CIA-run prisons.⁷⁶ These violences are military and colonial in origin, designed to be applied to a particular underclass of offender. At the level of discourse and materially in terms of specific acts perpetrated against individuals, colonialism remains present and legible in the practice of torture.

1.2.2: Translatable Histories II: Counterrevolutionary War Theory and the Recommendation of Atrocity

The invocation of historical parallel is not automatically a critical manoeuvre. This is particularly relevant to the Algerian War of Independence, because many of its narratives that have endured are equivocal and can operate either as a critique or as a recommendation of the atrocities committed by both the French military and the FLN. In many ways the Algerian War can be read as an emblematic colonial war. Like many small wars that preceded and followed it, a large conventional military power was humiliated by a small and ruthless paramilitary guerrilla organisation; it was enormously politically divisive both domestically and internationally; and, most significantly for this thesis, in its course a liberal democracy resorted to torture as a means of combating anticolonial violence.

Marnia Lazreg describes parallels between the decolonisation of Algeria and the 2003-2010 occupation of Iraq.

⁷⁵ Rejali, *Torture and Democracy*, p. 329 & 378. See also Beynon, ““Not Waving, Drowning””, p. 28.

⁷⁶ The Five Techniques used against IRA prisoners by British Forces, and declared illegal in 1978: i. Wall-standing (a stress position). ii. Hooding (sensory deprivation). iii. Subjection to sustained overwhelming noise. iv. Sleep deprivation. v. Dietary restrictions. See Rejali, *Torture and Democracy*, p. 336. All of these techniques were approved for use in Guantánamo.

There are many reasons why the Algerian War would be of interest to the Pentagon's prosecution of the war against Iraq: Algeria and Iraq are predominantly Muslim societies whose cultures are deemed inferior, their political aspirations misunderstood or unrecognised; U.S. authorities, like French officers, are convinced that they *know* their enemy's culture, when in reality they approach it through an ethnocentric conceptual grid that serves geopolitical interests; resistance to the U.S. military occupation is carried out by an underground movement using urban guerrilla methods similar to the FLN's; torture as a technique of interrogation is used in Iraq as it was in Algeria; the military is faced with an elusive enemy that frustrates its capacity to win a clear victory in spite of its technical superiority. Hence Algeria and Iraq appear interchangeable; and the French Empire is revisited for its value as a primer for American imperial politics.⁷⁷

French colonial doctrine sought to insist that the French presence brought civilisation to North Africa, and here Lazreg draws an analogy between this doctrine and the way that American neoliberal political discourse sought to insist that Iraq was being liberated in the name of freedom. As David Harvey writes, “[w]hen all of the other reasons for engaging in a pre-emptive war against Iraq were proven wanting, the president appealed to the idea that the freedom conferred on Iraq was in and of itself an adequate justification for the war.”⁷⁸ That is to say, much as Algeria was financially exploited for self-interest by the French Empire under the cloak of the introduction of civilisation, Iraq's wealth has been neoliberalised for the benefit of international financial interests and to the detriment of its population under the double cloak of the introduction of democracy and the attempt to eradicate terrorism. Although “interchangeable” is perhaps inappropriate, Lazreg's delineation of the parallels between the conflicts is essentially convincing and functions well as a critique; the recall of crimes from the colonial past functions to criticise contemporary military practice and to reveal them as colonial and self-interested rather than liberatory and altruistic.

⁷⁷ Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad* (Princeton: Princeton University Press, 2008), pp. 10-11. Emphasis in original.

⁷⁸ David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005), p. 6.

However, historical parallel can also function as a way of establishing precedents. For example, in military training documents leaked to the press in 2012, it was revealed that military students had been taught – in addition to the idea that all of Islam was a military adversary – to consider the nuclear flattening of Hiroshima and Nagasaki not as an atrocity but as a legitimate military precedent.⁷⁹ The Algerian War is relevant in this regard because it was used by some as an example of a military precedent in which torture had been used to defeat terrorism. This is due in large part to Counterrevolutionary War Theory, a model of warfare developed by the French during the war in Indochina and finalised during the war in Algeria, which was a critical influence upon later forms of antiguerrilla and counterinsurgency military doctrines. Maurice Papon was instrumental in developing it, as his experiences fighting nationalist movements in Indochina and Morocco led to a series of writings that informed much military thinking at the time.⁸⁰ However, it was Roger Trinquier, whose military textbook *Modern Warfare: A French View of Counterinsurgency* (1961) codified Counterrevolutionary War Theory, who most clearly delineated the role of forceful interrogation in counterrevolutionary warfare. It is the military discourse at the origin of the imagined reciprocity between terrorism and torture: in his introduction to Trinquier's text, Bernard Fall writes that "torture is the particular bane of the terrorist, just as anti-aircraft artillery is that of the airman or machine-gun fire that of the foot soldier."⁸¹ This entirely fallacious reciprocity will be examined in depth in the chapters that follow.

The aspect of Counterrevolutionary War Theory that legitimates torture is its uninterrogated association of the application of force to a captive with the production of military intelligence. Like utilitarian ethics, Counterrevolutionary War Theory assumes that the first term, violence, leads unproblematically to the second, actionable intelligence. Describing torture as a battlefield expedient, Trinquier writes that the captured guerrilla

⁷⁹ "A course for US military officers has been teaching that America's enemy is Islam in general and suggesting that the country might ultimately have to obliterate the Islamic holy cities of Mecca and Medina without regard for civilian deaths, following second world war precedents of the nuclear attack on Hiroshima." Associated Press in Washington, "US Military Course Taught Officers 'Islam is the Enemy'", *The Guardian* (11/05/2012), available at <http://www.guardian.co.uk/world/2012/may/11/us-military-course-islam-enemy> (accessed 15/05/2012). View the training documents at <http://www.wired.com/dangerroom/2012/05/total-war-islam/> and <http://www.wired.com/dangerroom/2011/09/fbi-islam-qaida-irrelevant/> (both accessed 15/05/2012).

⁸⁰ "In a scenario that has an uncanny resemblance to Samuel Huntington's thesis on the 'Clash of Civilisations', Papon predicted a future in which the West would not only be threatened by global Communism, but also by a Third World rebellion involving 'the awakening of new peoples or the arousing of ancient and sleeping peoples and, in particular, by solidarity between Asia and Africa founded on radically different cultural and social values (Islam, Confucianism, racial unity).'" Jim House and Neil MacMaster, *Paris 1961: Algerians, State Terror, and Memory* (Oxford: Oxford University Press, 2006), p. 50.

⁸¹ Bernard B. Fall, "Introduction: Portrait of a Centurion", in Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency*, trans. by Daniel Lee (Westport, Connecticut & London: Praeger Security International, 2006 [1961]), p. xvi.

fighter “must be made to realise that, when he is captured, he cannot be treated as an ordinary criminal, nor like a prisoner taken on the battlefield.”⁸² Trinquier continues:

No lawyer is present for such an interrogation. If the prisoner gives the information requested, the examination is quickly terminated; if not, specialists must force his secret from him. Then, as a soldier, he must face the suffering, and perhaps the death, he has heretofore managed to avoid. The terrorist must accept this as a condition inherent in his trade and in the methods of warfare that, with full knowledge, his superiors and he himself have chosen.⁸³

Although Trinquier never uses the word “torture”, it is clearly implied in this passage that the euphemism “force his secret from him” will involve the application of violence to the body of the captured terrorist with the presumed result of the relinquishment of the military secrets he harbours. The terrorist, through his own decisions, has made himself available to torture, which obliges the counterrevolutionary fighter to provide such violence in the event of his capture. Further, the use of the term “specialists” makes the torture seem as though it is a rational, scientific and controlled application of physical force, a description that falsifies the messy and often confused realities of torture.

However, although Counterrevolutionary War Theory delineates a number of strategic and political interventions described as potentially therapeutic, it is a romanticised view of conflict. “The clarity of revolutionary-war theory was compelling,” writes Lazreg. “But it was also misleading as it reduced complex socio-political and economic problems to logical propositions amenable to precise military interventions.”⁸⁴ The reality of such wars is that they often involve the destruction of entire villages, carpet bombing, indiscriminate roundups, summary executions, mass incarceration in camp conditions, and systematic torture. House and MacMaster observe that the Special Powers Act of 1956 allowed the army autonomy enough to “engage, virtually unchecked, in a massive scale of violence against the civilian population (aerial bombardment with napalm, destruction of villages, mass internment, systematic torture, summary execution, massacre).”⁸⁵ In order to combat the supposedly symbiotic relationship between population and combatant, counterrevolutionary warfare

⁸² Trinquier, *Modern Warfare*, p. 18.

⁸³ Trinquier, *Modern Warfare*, p. 19.

⁸⁴ Lazreg, *Torture and the Twilight of Empire*, p. 16.

⁸⁵ House and MacMaster, *Paris 1961*, p. 3.

considers the population “the new ‘war terrain’”, a battlefield on which to defeat the revolutionary.⁸⁶ Taking the population as territory to be won, counterrevolutionary war is necessarily a biopolitical form of military intervention, as it aims to micromanage populations through military means. It can therefore be understood as a form of warfare that is biopolitical in the sense that the governmentality of disciplinary society is biopolitical: it is a model of warfare operating at the level of the effective military administration of the population. Counterrevolutionary War Theory describes its interventions as surgical, and as targeting only combatants, but the reality of such wars is that dragnet interrogations target far more innocents than fighters. Although Trinquier’s handbook calls for small bands of skilled fighters, the historical record does not bear out such a representation; historian Henry Wilson sums up the force disparity during the war: “The Algerian revolutionaries had a mere 3,000 men with military training to pit against almost 50,000 French soldiers, reinforced to 80,000 by February 1955.”⁸⁷ Rejali also observes that during the Battle of Algiers, Jacques Massu “arrested 30 to 40 percent of all males”, which cannot be described as a surgical intervention.⁸⁸

Counterrevolutionary War Theory is an ideology of war that misdescribes policies of radically invasive colonial retrenchment as precise intelligence warfare. Violence, disenfranchisement, and technologies of surveillance lie at the heart of the colonial state apparatus: counterrevolutionary warfare, through its focus on systematically impoverishing, investigating, and torturing the populations it takes as its territory, is an extension of colonial biopolitics into a period of declared conflict.⁸⁹ What is most significant for the present discussion of historical parallel is that this strategic theoretical misdescription of warfare remains intellectually influential. For example, Trinquier’s graphic representations of organisational dynamics, called organigrammes, have remained a common descriptive tool for empirical counterterrorism analysts. Jonathan Farley, for example, uses set theory and other mathematical frameworks to develop advanced organigrammes both to develop a methodology for denuding al-Qaeda cells of connections in a way that is militarily efficient

⁸⁶ Lazreg, *Torture and the Twilight of Empire*, p. 16.

⁸⁷ Henry S. Wilson, *African Decolonisation* (London: Edward Arnold, 1994), p. 127.

⁸⁸ Rejali, *Torture and Democracy*, p. 482.

⁸⁹ “In colonial territories the ‘natives’ are directly subject to the machinery of oppression and no guarantee of protection for the individual can be furnished by the Press, the judicial system, and public opinion which normally fulfil this vital role in Western countries. The victims are not criminals or suspects, but the entire mass of the population unwilling to submit to regimentation by the machinery of colonial government. Racial prejudice also increases the torturers’ feelings of impunity.” Pierre Vidal-Naquet, *Torture: Cancer of Democracy, France and Algeria 1954-62*, trans. by Barry Richard (London: Penguin, 1963), p. 23.

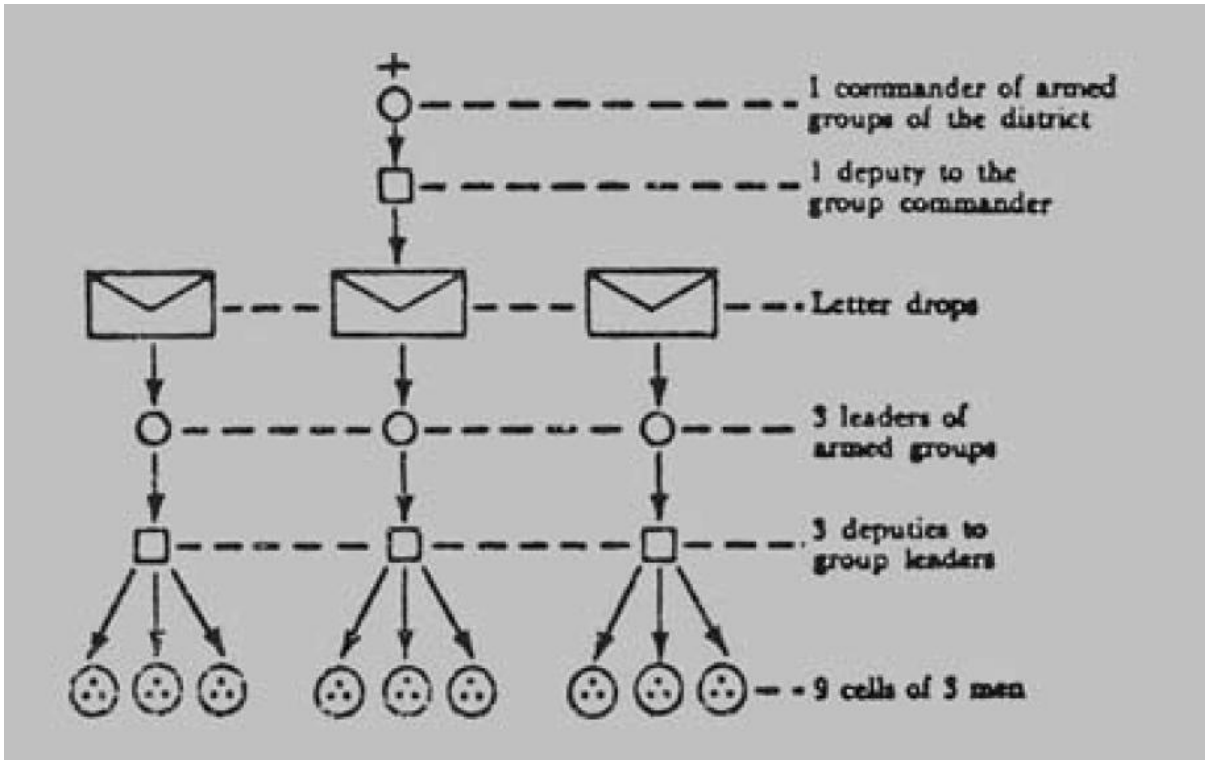


FIGURE 1.1: TRINQUIER'S ORGANIGRAMME DESCRIBING THE CELLULAR STRUCTURE OF THE ALN⁹⁰

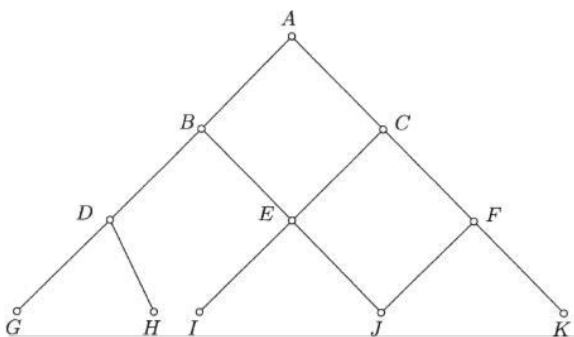


Figure 4. A graph Γ of a terrorist cell.

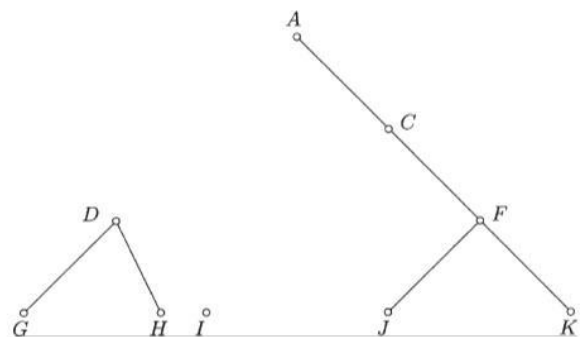


Figure 5. The terrorist cell Γ after the capture of two agents.

FIGURE 1.2: ORGANISATIONAL HIERARCHY OF A TERRORIST CELL AS DESCRIBED BY A TWENTY-FIRST CENTURY COUNTERTERRORISM ANALYST⁹¹

and financially cost-effective.⁹² Similar organigrammes can be seen in *The Battle of Algiers*, as Colonel Mathieu uses them to explain the cellular structure of the FLN to his paratroopers.

⁹⁰ Trinquier, *Modern Warfare*, p. 10. See also Horne, *A Savage War of Peace*, p. 567.

⁹¹ Jonathan Farley, "Breaking Al Qaeda Cells: A Mathematical Analysis of Counterterrorism Operations (A Guide for Risk Assessment and Decision Making)", *Studies in Conflict & Terrorism*, 26:6 (2003), p. 402.

⁹² Farley, "Breaking Al Qaeda Cells", pp. 399-411.

This thesis uses historical parallel in a way that acknowledges the continuities between colonial histories and the current GWOT at the same time as it interrogates them: the persistence of such ideological fictions as Counterrevolutionary War Theory and the clash of civilisations demonstrates that the mobilisation of historical precedent carries as much reactionary potential as it does critical potential. The remainder of this thesis examines the ways in which literary and filmic narratives present or suggest certain historical and political parallels between pre- and post-9/11 counterterrorisms, and it examines the effects these parallels create. The final section of this chapter considers a phenomenological difficulty concerning the representation of torture – its fundamental inaccessibility to those not experiencing it – and considers the role of the work of Emmanuel Levinas in ameliorating this difficulty.

1.3: Ethics and Representation

Having disregarded utilitarian justifications for torture and established the care that needs to be taken when invoking historical parallel, this chapter now moves on to discuss two further problematic aspects of the representation of political torture. As discussed briefly in the introduction, the representation of torture is made difficult by several factors internal to the phenomenon of torture; nonetheless, this thesis is written from an optimistic position that considers conceptually complete and politically effective anti-torture representations possible, and this final section of the chapter outlines these difficulties and their potential ethical solutions.

1.3.1: Aporias

One of the central dilemmas in the representation of torture is the philosophical and representational blind spot presented by the physical phenomenon of pain. Elaine Scarry writes of the inaccessibility and deniability of physical pain, arguing that “even where it is virtually the only content in a given environment, it will be possible to describe that environment as though the pain were not there” and that “the act of misdescribing torture or war is partially made possible by the inherent difficulty of accurately describing any event whose central content is bodily pain or injury.”⁹³ As we have seen, the experience of

⁹³ Scarry, *The Body in Pain*, pp. 12-13.

suffering is central to the definition of torture. However, Scarry claims that because pain is an entirely interior experience, it constantly eludes description, and consequent upon this, that it constantly eludes satisfactory or appropriate representation. This is important, because denying, trivialising, or mathematically relativising pain is central to many justifications of torture. In terms of narratives, the further from pain an audience is, the more comfortable they may be with narrative justifications for torture. The ticking bomb scenario, for example, derives much of its force from the fact that for many people it is easy to disregard the experience of pain in the body of a guilty terrorist who has planted a bomb.

Writing about his own experience of torture at the hands of Nazi interrogators in Breendonk, Jean Améry goes further than Scarry.

It would be totally senseless to try and describe here the pain that was inflicted on me. Was it “like a red-hot iron in my shoulders,” and was another “like a dull wooden stake that had been driven into the back of my head”? One comparison would only stand for the other, and in the end we would be hoaxed by turn on the hopeless merry-go-round of figurative speech. The pain was what it was. Beyond that there is nothing to say. Qualities of feeling are as incomparable as they are indescribable. They mark the limit of the capacity of language to communicate. If someone wanted to impart his physical pain, he would be forced to inflict it and thereby become a torturer himself.⁹⁴

For Améry, all representations of torture risk inhabiting the subject position of the torturer. This is partly because he insists that the only way that one can communicate the interior truth of the untranslatable reality of pain is by inflicting it – obviously a violent impulse – and partly because he insists that there is a lack inherent in language itself that renders it inadequate to the task of meaningfully describing the experience of suffering. Every possible literary device, Améry insists, is either complicit in misdescription or is trivial in relation to that which it fails to articulate.⁹⁵

⁹⁴ Jean Améry, *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities*, trans. by Sidney Rosenfeld and Stella P. Rosenfeld (Indiana: Indiana University Press, 1980 [1966]), p. 33.

⁹⁵ Psychobiological research into post-traumatic stress disorder (PTSD) indicates that memories of traumatic experiences are not processed or stored in the brain linguistically, which may gesture towards a biological explanation of this resistance to language as a means of representing the experience of violence. See Bessel van der Kolk, “The Body Keeps The Score: Memory and the Evolving Psychobiology of Post Traumatic Stress”, *Harvard Review of Psychiatry* 1:5 (1994), pp. 253-265.

When addressing the visual representation of torture, this problem is only amplified, due to the spectacular and potentially titillating nature of images of violence. *Standard Operating Procedure*, for example, deals closely with the instability of images, and demonstrates that even the Abu Ghraib images – indeed, *especially* such images, which seem superficially to be unambiguous – articulate a great many meanings which are received in a great deal of ways by a multiplicity of audiences, none of whose reactions can be predicted or generalised about. As Elizabeth Goldberg observes, “in the context of mass cultural circulation of images of wounding, torture and death, the wounded body is at once a historical referent testifying to historical atrocity and a generic signifier of fear, suspense, desire, even humor, depending upon the interpretive signals of its narrative container.”⁹⁶ The suffering body is by no means a stable signifier, and this multivalence of images amplifies Améry’s reservations about the negative potential of representations.⁹⁷

Of course, we do not have to agree with the pessimism of Améry: it clearly is possible for representation to have an empathic and compassionate function, and the insurmountable fact of physical pain’s phenomenological inaccessibility does not of course preclude the possibility of empathy or attention. However, one of the central questions of the thesis is how torture can be successfully opposed in narratives, and their points need to be seriously addressed. If the ticking bomb narrative is both politically persuasive and dramatically successful with audiences, the question seems to arise: can an anti-torture narrative with equivalent argumentative force be articulated? In the course of this thesis, especially with regard to *Rendition*, I will argue that shocking images of torture – those that seek to use shock tactics as a form of ethical polemic – cannot be relied upon to shock or convince anyone. It is one thing to undermine the political reality of the ticking bomb narrative by revealing the concentrationary and systematic nature of torture, but it is quite another task to create empathy for the pain experienced by those incarcerated in such spaces.

Crucially, this empathy needs to be extended to torturers as well as to their victims. Lynn Hunt writes of torturers that “[w]e can neither tolerate or dehumanise them.”⁹⁸ This principle is very important: whilst condemning their actions, and the politics and circumstances that made them possible, we must remember that torturers are members of the human community too. Fanon writes of the way that torturers remain damaged by their work;

⁹⁶ Elizabeth Swanson Goldberg, “Splitting Difference: Global Identity Politics and the Representation of Torture in the Counterhistorical Dramatic Film”, in *Violence and American Cinema*, ed. by J. David Slocum (New York & London: Routledge, 2001), p. 247.

⁹⁷ Anthony Downey amplifies these misgivings about the representation of torture. See Downey, “At the Limits of the Image: Torture and its Re-Presentation in Popular Culture”, *Brumeria* 10 (Spring 2009), p. 132.

⁹⁸ Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton and Company, 2007), p. 213.

one patient Fanon worked with was destroying his home life because he was bringing the desire to torture home with him: he “want[ed] to hit everybody all the time.”⁹⁹ Soldiers who have participated in torture, often against their will, frequently find it particularly difficult to reintegrate into society, and narratives of heroism such as *24* misrepresent and trivialise these struggles. There is a dual dehumanisation operative in much torture discourse: the heroic counterterrorist is merely the opposite of the terrorist deserving of torture, and it needs demolishing as much as the discursive construction of the terrorist as a deserving canvas for violence.

1.3.2: Solutions

Empathy, justice, and radical compassion are central themes of the work of theological phenomenologist Emmanuel Levinas, who uses the encounter with the face of another human being as a figure for preontological recognition of the human. In what follows, I argue that narratives can create empathy with perpetrators and victims of torture through staging such ethical encounters, which have the potential to undo the dual dehumanisation described above and to allow audiences to approach a thorough rejection of torture.

Levinas argues that the recognition of the face of another being is a mode of ethical contact: recognising the complete otherness of another person through the face-to-face encounter, looking into the eyes of another human being and recognising that person as irreducibly separate, the subject becomes aware of their responsibility towards the other, is introduced into ethical relations and becomes “unable to kill”.¹⁰⁰ Perhaps more illuminatingly, the face is a metaphor for an insistent species of relation, of address, or a mode of welcome, an insistence upon being recognised. Levinas calls the face a “moral summons,” an appeal that cannot be resisted.¹⁰¹ “The being that expresses itself imposes itself,” he writes, “but does so precisely by appealing to me with its destitution and nudity –

⁹⁹ Fanon, *The Wretched of the Earth*, pp. 215-17. Empirical research also demonstrates that PTSD is a major predictor of social problems in contemporary US soldiers. “PTSD symptomatology [...] strongly predicts IPV [Intimate Partner Violence] even while controlling for a wide range of other factors”. Casey T. Taft, Sherry M. Walling, Jamie M. Howard, and Candice Monson, “Trauma, PTSD, and Partner Violence in Military Families”, in *Risk and Resilience in U.S. Military Families*, ed. by Shelley MacDermid Wadsworth and David Riggs (London and New York: Springer Science and Business Media, 2011), p. 198.

¹⁰⁰ Emmanuel Levinas, “Is Ontology Fundamental?”, in Levinas, *Entre Nous: Thinking-of-the-Other*, trans. by Michael B. Smith and Barbara Harshav (London & New York: Continuum, 2006 [1988]), p. 9.

¹⁰¹ Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. by Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969 [1961]), p. 196.

its hunger – without my being able to be deaf to that appeal.”¹⁰² In the moment of ethical recognition the subject becomes aware of their responsibility for the weakness and vulnerability of the other and is introduced into an ethical relationship with that person.

Levinas’ philosophical ideas, however, are difficult to mobilise in practice. Criticising what he perceives as the lazy mobilisation of Levinas’ philosophy in human rights discourse, Alain Badiou writes:

this celebrated ‘other’ is acceptable only if he is a *good* other – which is to say what, exactly, if not *the same as us*? [...] [T]he respect for differences applies only to those differences that are reasonably consistent with [...] the identity of a wealthy – albeit visibly declining ‘West’.¹⁰³

Though Badiou is responding to a perceived misreading of Levinas and not the idea of preontological compassionate relationality, it is worth taking his critique seriously because it reveals a possible pitfall of the material mobilisation of Levinas’ ideas. If all we recognise in the face of the other is a being with the potential to become a subject as constructed by classic liberal humanism, we fail to recognise otherness and we elide difference. Levinas accounts for the troubling and potentially unwelcome nature of the other, however. Although the recognition of the other initiates responsibility and ultimately compassion for that other, it is often an unsettling or uneasy moment, because in an instance of face-to-face recognition, the other remains strange. The presentation of the face “maintains the plurality of the same and the other”, which is to say that the ethical encounter consists entirely in the two subjects remaining plural, that is, separate yet engaged.¹⁰⁴ The act of recognition is the inauguration of a relation of plurality which does not slide into identity: it is precisely *not* the recognition of the same, or the familiar, which Badiou alleges it to be. A space of estrangement opens between the two subjects encountering one another, and it is this plural space in which subjects can recognise one other and in which the act of compassion can take place. If it is possible to channel this experience of compassionate recognition into a form of representation, the representational aporia presented by the phenomenon of pain can be addressed. Torturers should not be understood as charismatic – either heroic or demonic –

¹⁰² Levinas, *Totality and Infinity*, p. 195.

¹⁰³ Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, trans. by Peter Hallward (London: Verso, 2012 [2001]), p. 24. Emphasis in original.

¹⁰⁴ Levinas, *Totality and Infinity*, p. 196.

and victims should be humanised and their physical suffering foregrounded. If fictions can place an emphasis on developing a compassionate relationality with the participants in torture, there is a potential for an ethical representation of torture.

1.3.2.1: The Face and Representation

Levinas is not clear on how the principle of the face can operate as an ethics of aesthetics, although he is explicit that, as a “breach made by humanness in the barbarism of being,” culture is a potentially vital ethical force.¹⁰⁵ To finesse this elusive principle, we must turn to other theorists. Judith Butler and Giorgio Agamben both write on the ways that the face can become manifest in representation. Butler’s idea of grievability, discussed in more depth in the next chapter, is relevant here – much GWOT political discourse constructs entire categories of people as enemies whose deaths are ethically unimportant. She writes that “[i]t is not simply that there is a ‘discourse’ of dehumanisation [...] but rather that there is a limit to discourse that establishes the limits of human intelligibility.”¹⁰⁶ Some discourses posit limits to the definition of the complete, grievable, politically legitimate human subject, and those accused of terrorism – and often their host populations – fall outside of this demarcated zone. Undoing this dehumanisation is a potential that the face opens, as recognising the humanity of others can challenge the possibility of such rhetorics. Butler asserts that “[t]o respond to the face, to understand its meaning, means to be awake to what is precarious in another life or, rather, the precariousness of life itself.”¹⁰⁷ The face carries compassionate potential; successful representations of it can stir a recognition of the human in spectators, broadening this field of human intelligibility. Levinas is clear that the face should not be understood purely as referring to the literal human face but rather to a principle of relationality or pure communicability – to the possibility of meaningful address between separate beings; it is also clear that the face is a representational principle rather than a set of rules or aesthetic tactics.

Stating that the face is “the only location of community, the only possible city”, Agamben agrees that the face is a site of potential human connection.¹⁰⁸ However, his argument concerning the face emphasises more directly the equivocal and unstable nature of

¹⁰⁵ Levinas, “The Philosophical Determination of the Idea of Culture”, in *Entre Nous*, p. 161.

¹⁰⁶ Judith Butler, *Prekarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004), p. 35.

¹⁰⁷ Butler, *Prekarious Life*, p. 144.

¹⁰⁸ Giorgio Agamben, “The Face”, in *Means Without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minneapolis Press, 2000 (1996)), p. 91.

representations of the face, and their ready availability to appropriation and trivialisation by consumer imagery, political propaganda and pornography. Butler also emphasises that representations of the face can be unstable, and can potentially objectify and dehumanise their subjects. In order for a representation of the face to be a successfully humanising representation (for Butler, Levinas and Agamben all insist that this is possible but not automatic), it must not objectify its subject. Butler asserts that for representations of facial frontality to be successful in communicating the human, any representation “must not only fail, but it must *show* its failure.”¹⁰⁹ Rather than insisting upon the immediate identification of the representation and its subject, a successfully humanising representation must underline the distance between representation and subject, between signifier and signified. Such metatextual gestures seem achievable enough, but Agamben, however, insists that pornographic representations which objectify the face achieve dehumanisation even in the very gesture that emphasises their own artificiality:

The fact that the actors look into the camera means that they *show that they are simulating*; nevertheless, they paradoxically appear more real precisely to the extent to which they exhibit this falsification. The same procedure is used today in advertising: the image appears more convincing if it shows openly its own artifice.¹¹⁰

By meeting the gaze of the spectator, pornographic performers and advertising models implicate the viewer in the performance, collapsing the distance between the image and viewer in the gesture that acknowledges the artificiality of the image. However, rather than collapsing this distance, successfully humanising representations of the face acknowledge this artificiality and maintain it, allowing the alterity of the Other to be sustained and facilitating ethical recognition. This thesis finds visual examples of this in *Standard Operating Procedure* and *The Road to Guantánamo*, which confront the viewer with direct address testimony which foregrounds its nature as an artefact – its artificiality – through the use of jump cuts and through textual adjacency to reconstructions and archive footage. The use of literary interiority in Dieckmann’s *Guantánamo* is another attempt to confront audiences with the humanity of those dehumanised. Throughout this thesis I will return to this notion, with regard to important moments in *The Battle of Algiers* and *The Little Soldier*

¹⁰⁹ Butler, *Precarious Life*, p. 134.

¹¹⁰ Agamben, “The Face”, p. 94. Emphasis in original.

as well as structuring factors in *Honor Bound*. It is also crucial to note that this principle is not found in *The Centurions* and *24*; the pro-torture texts this thesis reads do not extend empathy to their characters in this way, as they are more concerned with the politics of instrumental necessity than they are with compassion.

Conclusions

This chapter, as well as providing important definitions, has addressed three major difficulties pertinent to the cultural representation of political torture. Through its analysis of the ticking bomb scenario, it has shown how narratives can be made complicit in the justification of torture. Secondly, it has argued that the revelation of historical parallel can be an equivocal strategy, as suited to recommending atrocity as it is to exposing it. Finally, it has argued that despite these two problems and the further issue of the phenomenological inaccessibility of another person's physical agony, compassionate anti-torture representations are possible. The following chapter establishes in detail this thesis' political narrative of how liberal democracies torture, engaging with sovereignty, the colonial, and the concentrationary.

CHAPTER TWO

CAMP, COLONY, COUNTERTERRORISM

This chapter introduces the theoretical and conceptual groundwork for this thesis' conception of the disciplinary relation between torture, power, and sovereignty. Centrally, this chapter posits my narrative of how political torture becomes first possible, and eventually systematic; this narrative takes Giorgio Agamben's *Homo Sacer* series as its major philosophical source, and is the narrative against which the competing truth-claims of the texts analysed in the following chapters are evaluated. This chapter demonstrates that, unlike the situations framed in many representations (whether cultural representation, utilitarian argumentation, or descriptions found in political rhetoric), most torture takes place in carceral spaces, and is performed by police agencies in routine disciplinary conditions. What is at stake in political torture, I argue, is sovereignty: the state uses torture not as an intelligence technique, but as a disciplinary technology to contain and pacify populations that have been discursively marked as in some capacity recalcitrant. This, I argue, is the reality of most political torture, rather than the emergency situations dramatised by framers of ticking bomb narratives: my argument is that torture is a disciplinary and biopolitical form of violence, and although Agamben does not fully account for torture, my discussion of Agamben's logics of exception and biopolitics allows me to demonstrate the way that the exceptional situation becomes institutionally entrenched in order to facilitate the concentrationary routinisation of brutality. When I argue that texts such as *Rendition*, *The Road to Guantánamo* and *Guantánamo* perform valuable critique by revealing the disciplinary or biopolitical reality of torture, it is through reference to the theoretical nexus I develop here.

This chapter is structured around a tripartite reading of Agamben's exception as spatial, legal-political and biopolitical: Agamben posits the connection of bare life, the camp, and the state of exception, which can be seen as comparable manifestations of the same structural function operating within the related systems of biopolitics and law. In *State of Exception*, Agamben claims that the "topological structure of the state of exception", which describes the legal-political state of emergency or siege, the status of bare life within the biopolitical system of modernity, and the camp within a disciplinary institutional constellation, can be summarised as "[b]eing-outside, and yet belonging".¹ This position,

¹ Giorgio Agamben, *State of Exception*, trans. by Kevin Attell (Chicago: Chicago University Press, 2005 [2003]), p. 35. Emphasis in original.

which Agamben calls inclusive exclusion, is a liminal location at once within and outside the structures in which they are implicated; each figure – legal, spatial, or (bio-)political – remains separate from the legality, spatiality, or (bio-)politics that it initiates. The commentary upon and response to Agamben’s work is substantial, so it is worth stating explicitly that his work is relevant to this thesis because extraterritorial spatiality, exceptional legality, and the biopolitical exclusion of subjects or populations are three significant political coordinates that align to make political torture possible. Derek Gregory observes that torture “flowers in the threshold between the legal and the extra-legal”, and this chapter demonstrates that it is the inclusion-exclusion structure of the exception – which adeptly generates such elastic thresholds and allows them to be exploited – that allows this to be so.²

The three dimensions of Agamben’s exception are discussed sequentially here, although their interpenetration makes them difficult to address without some overlap. First, I discuss the camp, its spatial manifestation, with emphasis on the operation of sovereign punitivity within its confines. Secondly, I address the legality of the exception, focusing on a reading of the American internment camp in Guantánamo Bay as a space of legal exception; Butler’s reading of Foucault’s notion of governmentality is discussed here. Finally, this chapter discusses the form of bare life observed in the concentrationary space, *homo sacer*, and the ways that this subject is discursively constructed as deserving his exclusion from the political. My reference to a model of historical translatability that could be called palimpsestic or multidirectional is in evidence throughout: I argue that histories can be read productively in dialogue and mutual illumination, and that my examples from the Nazi Lager, revolutionary Algeria, and the GWOT secret war prison reveal a common paradigm of biopolitical exclusion underlying many disparate histories. This is because the state of emergency, as what Stephen Morton calls a “mobile concept” which was “part of a global imperial network of counter-insurgency, negotiated between the metropolitan legal institutions of particular European empires and their colonial governments, military and police forces, and re-iterated in different colonial spaces”, has been a foundational feature of the extension of metropolitan sovereignty during its incursion into new territories.³ Though differently mobilised on the level of policy and material execution, the state of emergency and its attendant biopolitical logics of exception can be read illuminatingly across many conflicts.

² Derek Gregory, “The Black Flag: Guantánamo Bay and the Space of Exception”, *Geografiska Annaler*, 88:4 (2006), p. 420.

³ Stephen Morton, *States of Emergency: Colonialism, Literature and Law* (Liverpool: Liverpool University Press, 2013), p. 9.

A final caveat: one has to exercise restraint in taking Agamben's claims at face value, as his dense style can render details opaque and muddy apparent leaps in his reasoning. For example, Gregory calls Agamben's work "teleological" and Peter Fitzpatrick characterises Agamben's "extravagant" description of *homo sacer* as "close to fanciful".⁴ Agamben's blindness to colonial matters, discussed in the introduction, is also an important lacuna I attempt to account for by broadening the scope of my analysis to account for the colonial dimension of the exception.⁵ However, Agamben's analysis is useful less for the questionable legal-historical specificity of *homo sacer* than for its insightful refocusing of the role of bare life in biopolitics. This analysis will proceed on the basis of an acceptance of Agamben's work qualified by the acknowledgement that the meaning of Agamben's work can often remain ambiguous, and that some of his factual claims are afforded more interpretive significance than they can support.

2.1: Spatiality: The Camp, the Colony, and Disciplinary Biopolitics

The space of exception is manifested in the the concentration camp, which Agamben introduces as a paradigm for the modern in *Homo Sacer*. The camp is a thanatopolitical institution, a disciplinary institution which dehumanises the populations that it houses and in which extreme forms of violence become commonplace. The first part of this section of the chapter describes the camp as such a biopolitical disciplinary space, which, summarises Andrew Norris, "both is and is not a legal, political and moral space."⁶ However, the camp is not merely a spatial or institutional concept. Catherine Mills observes that for Agamben the camp is a topological figure more than a specific spatial phenomenon: "Rather than describing and delimiting a particular locale, the camp reveals an abstract logic that is by no means limited to the geographical space of internment."⁷ The camp is a legal loophole rather than a set of physical coordinates, a spatial-temporal logic that corresponds to the state of

⁴ Gregory, "The Black Flag", p. 406. Peter Fitzpatrick, "Bare Sovereignty: *Homo Sacer* and the Insistence of Law", in *Politics, Metaphysics, and Death: Essays on Giorgio Agamben's Homo Sacer*, ed. by Andrew Norris (Durham and London: Duke University Press, 2005), p. 55.

⁵ David Atkinson attributes this absence of any sustained consideration of the colonial from Agamben's thinking to a broader Italian colonial amnesia. See Atkinson, "Encountering Bare Life in Italian Libya and Colonial Amnesia in Agamben", in *Agamben and Colonialism*, ed. by Simone Bignall and Marcelo Svirsky (Edinburgh: Edinburgh University Press, 2012), esp. pp. 169-172.

⁶ Andrew Norris, "Introduction", in *Politics, Metaphysics, and Death: Essays on Giorgio Agamben's Homo Sacer*, ed. by Andrew Norris (Durham and London: Duke University Press, 2005), p. 13.

⁷ Catherine Mills, *The Philosophy of Agamben* (Stocksfield: Acumen, 2008), p. 85.

exception and which houses *homines sacri*. The camp as a political apparatus is not reducible to death camps or prisons. In “What is a Camp?”, Agamben writes that

[i]f the essence of the camp consists in the materialisation of the state of exception and in the consequent creation of a space for naked life as such, we will then have to admit to be facing a camp virtually every time such a structure is created, regardless of the nature of the crimes committed in it.⁸

Although the camp can be made manifest as a genocidal extermination camp, it can also be understood in a broader sense: any place – it may be institutional, but camps are often entirely temporary spatial configurations – created for the punitive containment of those without citizenship or rights can be understood as a camp. Much as torture cannot be defined through reference to acts but must be described through reference to effects, the definition of a camp is not reducible to a particular kind of locale: the camp is the space that occurs in conjunction with the creation of conditions designed to dehumanise the occupants of that space.

2.1.1: The Thanatopolitical Space

Agamben’s conception of biopolitics is a conscious development of the work of both Foucault and Hannah Arendt. In *The History of Sexuality* (1978) Foucault identifies the emergence of biopolitics, which Mitchell Dean defines as “a politics concerning the administration of life, particularly as it appears at the level of populations.”⁹ Agamben claims that whilst both Arendt and Foucault identify the biopolitical nature of modernity they both fail to see that totalitarianism and the concentration camps provide interpretive paradigms through which to describe the destructive potential of biopolitics in modernity. We should react to this claim with scepticism: one of Arendt’s great themes, particularly in *The Origins of Totalitarianism* (1951), is the relation of statelessness to the Holocaust, and Foucault

⁸ Giorgio Agamben, “What is a Camp?”, in *Means Without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minneapolis Press, 2000 [1996]), p. 41.

⁹ Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage Publications, 1999), p. 99.

identifies the structure of war as central to his intellectual project.¹⁰ Nonetheless, Agamben does make more explicit the destructive structure of biopolitics.

In *The Human Condition* (1958), Hannah Arendt observes that the biological dimension of life forms the centre of political modernity, observing that “through society it is the life force itself which in one form or another has been channelled into the public realm.”¹¹ This development of politics into biopolitics can be observed in the politicisation of poverty, disability, euthanasia or sexuality; any aspect of politics in which the management of the biological dimension of life is decisive is biopolitical. For Arendt this politicisation of private life is dangerous as it focuses on the politics of the quotidian – production, consumption, bureaucracy, and the administrative – at the expense of what is for her the most radically important category of human activity, namely, the development of independent or autonomous political organisations. For Arendt, the atomisation of communities through the politicisation of biological life is dangerous because it exposes individuals to the vicissitudes of violent sovereignty and removes the safeguards that a vibrant political community would provide.

For Foucault, likewise, the power exercised by modern sovereignty is biopolitical. Foucault observes in *Discipline and Punish* (1977) that “the body becomes a useful force only if it is both a productive body and a subjected body”.¹² Foucault argues that institutional biopower achieves its tentacular distribution of discipline by binding the biological life of the individual to the operation of political power through “rendering the group of men docile and useful” in the manufacture of politically meaningful populations, such as trained soldiers, rehabilitated prisoners, or skilled graduates.¹³ Agamben agrees that it is this introduction of bare life into political techniques of individualisation and totalisation that makes modern bureaucratic political states possible. In particular, he argues that “the development and triumph of capitalism would not have been possible [...] without the disciplinary control achieved by the new bio-power, which, through a series of appropriate technologies, so to speak created the ‘docile bodies’ that it needed.”¹⁴ The production of these docile bodies,

¹⁰ Foucault, “What Our Present Is”, in Foucault, *The Politics of Truth*, ed. by Sylvère Lotringer, trans. by Lysa Hochroth and Catherine Porter (Los Angeles: Semiotext(e), 2007 [1997]), p. 143.

¹¹ Hannah Arendt, “The *Vita Activa*: The Public and the Private Realm”, in Hannah Arendt, *The Portable Hannah Arendt*, ed. by Peter Baehr (London: Penguin, 2003), p. 196.

¹² Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (London: Allen Lane, 1977), p. 26.

¹³ Foucault, *Discipline and Punish*, p. 305.

¹⁴ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998 [1995]), p. 3.

which are processed at once on an individual and mass scale by institutions such as schools, hospitals, and the military, is the simultaneous politicisation and cataloguing of life.

Foucault argues that through the establishment of disciplinary institutions, which was roughly coterminous with the gradual disappearance of the public execution, sovereignty “would no longer be dealing simply with legal subjects over whom the ultimate dominion was death, but with living beings, and the mastery it would be able to exercise over them would have to be applied at the level of life itself.”¹⁵ This indicates that the advent of biopolitics signals the domestication or withdrawal of direct sovereign force. In *The History of Sexuality* Foucault characterises pre-Enlightenment sovereign power as the “right to *take* life or *let* live”, as an extension of the “right of seizure” which “culminated in the privilege to seize hold of life in order to suppress it”, and argues that over the course of the seventeenth and eighteenth centuries a series of disciplinary technologies emerged through which this oppressive sovereignty “was replaced by a power to *foster* life or disallow it to the point of death.”¹⁶ In Foucault’s analysis, these bureaucratic technologies of modern sovereignty operate both on the level of a microcosmic “*anatomo-politics of the human body*” and a macrocosmic “*bio-politics of the population*”, which is to say that the individual physical subject is socialised through disciplinary technologies aimed at the collective population, such as the school, factory or military.¹⁷ Agamben summarises Foucault’s position here, writing that “the modern Western state has integrated techniques of individualisation with procedures of objective totalisation to an unprecedented degree”.¹⁸ Foucault’s work provides a compelling analysis and critique of the operation of biopower in neoliberal modernity, as it demonstrates the process and effects of the institutional and bureaucratic categorisation and disposal of biological life.

The key to Agamben’s attempted completion of Foucault’s thought is that Agamben disagrees with Foucault’s assertion that such institutional structuring of biological life has dissipated the sovereign right to directly order death. Rather, Agamben argues that this power of death, through hidden, remains at the heart of the sovereign decision constitutive of the political. Violent sovereignty does not withdraw from a biopolitical system; rather, it has its own institutional expression, necessarily a space “topologically different from a simple space of confinement”, in the concentration camp, which is the biopolitical space deemed

¹⁵ Michel Foucault, *The Will to Knowledge: The History of Sexuality Volume I: An Introduction*, trans. by Robert Hurley (London: Penguin, 1990 [1978]), p. 143.

¹⁶ Foucault, *The Will to Knowledge*, pp. 136-138. Emphasis in original.

¹⁷ Foucault, *The Will to Knowledge*, p. 139. Emphasis in original.

¹⁸ Agamben, *Homo Sacer*, p. 5.

appropriate to those subjects of unrestorative biopolitical discipline such as the Jew or Gypsy in Auschwitz, the colonial insurgent, or the terrorist enemy combatant.¹⁹ Whereas prisons, asylums, factories and schools operate by structuring biological life toward the production of obedient soldiers, efficient workers, or recalcitrant mental patients, the camp is a space in which life is bureaucratically structured towards the withdrawal of the privileges of citizenship and the availability to physical violence. Primo Levi, one of Agamben's major sources, observes that "in many of its painful and absurd aspects the concentrationary world was only a version, an adaptation of German military procedures."²⁰ The concentration camp, through its extreme disciplinary regime, produces its own biopolitical population, a dehumanised form of life. Jean Lartéguy, in *The Centurions*, demonstrates his awareness of the systematic demolition of individuality that is at the heart of the biopolitical nature of the camp; he describes the Nazi concentration camp Mauthausen as a place in which the inmates "had their individuality steeped in a bath of quicklime" after which "all that remained was the bare essentials."²¹ We can observe the production of a similar biopolitical substance in the secret prisons of the GWOT, which is discussed in the final section of this chapter.

It is worth placing emphasis on the fact that these spaces are those in which torture is routinely found. As stated above, such spaces do not always function to produce death: many torture chambers aim to preserve life in order further to abuse it. Here we encounter one of the difficulties with Agamben's work – in calling all concentrationary spaces "camps" he fails to distinguish between the many forms of extreme biopolitical institution. Nonetheless, concentrationary spaces do seem to be unified by the presence of torture. Nazi concentration camps featured both disciplinary torture – punitive public whippings, for example, intended both as punishment for individual offences and as a demonstration of the force awaiting those who were disobedient – and purely arbitrary acts of gratuitous torture violence.²² The case of Jean Améry, too, demonstrates that Nazi interrogators used sites such as Fort Breendonk as hidden torture chambers. Henri Alleg, in his memoir *The Question* (1958), describes the Algerian dungeon in which he was tortured by French paratroopers as a "school of perversion

¹⁹ Agamben, *Homo Sacer*, p. 20.

²⁰ Primo Levi, *The Drowned and the Saved*, trans. by Raymond Rosenthal (London: Abacus, 1989 [1986]), p. 92.

²¹ Jean Lartéguy, *The Centurions*, trans. by Xan Fielding (London: Arrow Books, Ltd., 1961), p. 38.

²² See for example, Heinz Heger, *The Men with the Pink Triangle: The True, Life-and Death Story of Homosexuals in the Nazi Death Camps* (Boston: Alyson Publications, 1994 [1980]). For a description of a disciplinary whipping, see pp. 53-55. For other tortures, see esp. chapter 3, "A Camp of Torture and Toil", pp. 37-45, and chapter 7, "Burnings and Tortures", pp. 78-87.

for young Frenchmen.”²³ This connection of the torture institution to another, more gentle disciplinary space – the school – reveals the hidden biopolitical commonality they share as spaces of education and discipline.

Torture, I argue, should be understood as a biopolitical intervention. Echoing Foucault’s conception of a disciplinary system that aims at the exercise of “a power to *foster* life or disallow it to the point of death,” Dinesh Wadiwel observes that torturers balance “a careful violence that stops short of death with forms of care that are designed to resuscitate and heal the prisoner, only so that they are able to be subject to yet further torture”.²⁴ Death is not the key to torture: indeed, torture can be described as a managed deferral of death and the deliberate manipulation of the physical lives of human beings; it is perhaps the ultimate attempt by sovereign power to directly change a recalcitrant body into a docile body. Defining both his destruction and his survival, the regime of torture is the defining process in the biopolitical subsistence of the camp inmate.

What is at stake in the declaration of the state of exception and in the designation of categories of people as bare life is, of course, sovereignty, but it is also the active constitution and reinforcement of a political community. Schmitt’s definition, in *The Concept of the Political*, of the scission between friend and enemy as the fundamental decision necessary for the constitution of a political community is seen in its most ruthless form in the exclusionary constitution of the camp as a spatial constellation: those containing exercise total sovereignty over the contained. Schmitt writes that “the substance of the political is contained in the context of a concrete antagonism” and that “[t]he high points of politics are simultaneously the moments in which the enemy is, in concrete clarity, recognised as the enemy.”²⁵ For Schmitt, the decisive operation of sovereignty is to identify and to act against the enemy, and concentrationary spaces are those that correspond to this distinction. They are spaces in which populations identified as enemies – a material category of specific people – can be collected and disallowed the continuation of their lives.

²³ Henri Alleg, *The Question*, trans. John Calder (Lincoln and London: University of Nebraska Press, 2006 [1958]), p. 82.

²⁴ Foucault, *The Will to Knowledge*, p. 138. Dinesh Joseph Wadiwel, “Sovereignty, Torture and Blood: Tracing Genealogies and Rethinking Politics”, *Borderlands e-Journal*, 5: 1 (2006), available at http://www.borderlands.net.au/vol5no1_2006/wadiwel_blood.htm (accessed 23/03/2010).

²⁵ Carl Schmitt, *The Concept of the Political*, expanded edition, trans. by George Schwab (Chicago: University of Chicago Press, 2006 [1932]), p. 30 & p. 67.

2.1.2: The Necropolitics of Colonial Extraterritoriality

The concentration camp was first used in British South Africa, during the Boer War (1899-1902). Known as “laagers”, these camps were established as a way of containing populations, clearing territory, and depriving an enemy who were using guerrilla tactics of the host population from which they drew support and sustenance; conditions within them were deliberately unsanitary and murderous.²⁶ Accordingly, the exceptional disciplinary space is from its inception related to colonial governmentality and to the assertion of territorial and political sovereignty. However, this territorialisation of the exception can be understood in a broader sense: the colonial territory itself often exists as an exceptional spatiality.

Achille Mbembe observes that in colonial configurations the state of exception provides the basis and structure of sovereignty, and that distinctions between legal and illegal acts in colonial spaces are irrelevant because the law operates in a continuous state of suspension. The colonial territory “represents the site where sovereignty consists fundamentally in the exercise of a power outside the law (*ab legibus solutus*) and where ‘peace’ is more likely to take on the face of a war without end.”²⁷ For the coloniser, both colonial spatiality and colonial legality took the form of the exception: colonies were distant spaces where the limits of the permissible were defined by the limits of the possible. House and MacMaster observe the political double standard that facilitated this during the Algerian War of Independence: “[c]rimes against humanity were ambiguously viewed as worse or more shocking in France than they would be in the colony.”²⁸ Wadiwel concurs, concluding that in the colonial situation “the sovereign space is constituted through declaring a topography within which living bodies are subject to the ever-present threat of extraordinary force: violence that would otherwise be forbidden is granted legitimacy within this zone.”²⁹ This violence was not an incidental or accidental addition to the logic of colonialism: in many ways it was constitutive of the colonial political dynamic. Gregory notes that for Carl Schmitt, colonial space was conceived of as a “zone of alterity – the space supposedly vacant for the play of colonial power”, and indeed, the colony is a space that exists in a relation of

²⁶ Thomas Pakenham, *The Boer War* (London: Weidenfeld and Nicolson, 1979), pp. 493-518.

²⁷ Achille Mbembe, “Necropolitics”, trans. by Libby Meintjes, in *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society*, ed. by Stephen Morton and Stephen Bygrave (New York: Palgrave MacMillan, 2008), p. 162.

Jim House and Neil MacMaster, *Paris 1961: Algerians, State Terror, and Memory* (Oxford: Oxford University Press, 2006), p. 28.

²⁹ Dinesh Joseph Wadiwel, “Thick Hides: Whipping, Biopolitics and the White Soul of Power”, *Social Semiotics*, 19:1 (2009), p. 51.

exception to the metropolitan centre: at once intimately connected to the city, but definitively separate from it in significant respects.³⁰

The Nazi Holocaust, for example, developed out of the desire to engineer a territorial solution to the Jewish problem: Mark Roseman observes that the initial proposal of the relocation of Europe's Jews had as its goal "not the separate existence of a Jewish people but its disappearance in hostile terrain."³¹ The adoption of a Schmittian conception of sovereignty in the colony allowed this implicitly murderous plan to take calculatedly explicit form. "Hitler had always regarded murder as a legitimate means of political struggle", Roseman continues. "Occupation provided the stimulus and opportunity to deploy it much more extensively as a tool of political control and social engineering."³² The Nazi *Lagers* in which the greatest slaughter took place were extraterritorial: although many concentrationary spaces existed inside Germany – Dachau or Sachsenhausen, for example – the more distant and more lethal concentrationary satellites, the extermination camps – Treblinka, Mauthausen, Sobibór, Bełżec, Auschwitz-Birkenau, Chelmno – were all located in Poland or the Nazi-administered Generalgouvernement, which is to say at a greater remove from the centre of the Reich. Indeed, the village clearances perpetrated by the *Einsatzgruppen* on the Eastern peripheries, before the network of camps began to mechanise slaughter, could never have been perpetrated at the heart of Europe. Massacres did occur in occupied France, but they were never as systematic or extensive as the improvised annihilatory policy of the *Einsatzgruppen*, which was allowed to develop at a greater spatial remove.³³

Anticipating the final section of this chapter, which discusses bare life in the camp, it is worth observing that in many cases the colonial subject was not considered either fully animal or fully human. Mbembe asserts that colonial sovereignty "meant occupation, and occupation meant relegating the colonised into a third zone between subjecthood and objecthood."³⁴ The decision between bare life and political life was racially determined – non-whiteness meant exclusion from the political – and enforced through racialised violence that was designed to clarify the political relationship between the coloniser and the colonised;

³⁰ Derek Gregory, "The Black Flag", p. 409.

³¹ Mark Roseman, *The Villa, the Lake, the Meeting: Wannsee and the Final Solution* (London: Allen Lane, The Penguin Press, 2002), p. 39.

³² Roseman, *The Villa, the Lake, the Meeting*, p. 24.

³³ Consider the slaughter of 642 people at Oradour by the SS in 1944, for example. This massacre also had an anti-guerrilla character. "Well aware that the *maquis* could not survive without the complicity of the local population, the Germans sought to cut the *maquisards'* lifeline by terrorising the local populations." Sarah Farmer, *Martyred Village: Commemorating the 1944 Massacre at Oradour-sur-Glane* (London, Berkeley & Los Angeles: University of California Press, 1999), p. 45.

³⁴ Mbembe, "Necropolitics", p. 164.

as discussed in chapter one, torture is an image of the colonial relationship between sovereign and subject. The modern biopolitical state is founded on the exclusion of the undesirable subject from politics, and in an analogous political gesture the biopolitical decision on bare life during colonial occupation takes the form of the brutal segregation of native and coloniser, expressed bodily through sustained physical violence. Extraterritorial spatiality, exceptional legality and the political exclusion of the victim are three coordinates that align to allow torture. The state of exception provides the basis and structure of sovereignty, and the biopolitical identification of bare life provides the fundamental structuring principle of the sovereign decision concerning whose humanity is politically recognisable. Racial and political superiority is inseparable from the ability to perform punitive torture upon the subject race: the victims of torture are included in the political to the extent that their bodies are available to disciplinary violence, but they are excluded from the higher politics of citizenship, rights and entitlements.

2.1.3: War Prisons and Secret Violence

The exceptional spatial logic of Guantánamo makes it an ideal war prison. The indeterminate legal spatiality of Guantánamo places it in a zone of indistinction with regard to the law; Michael Otterman observes that its location was viewed by the American military as the “solution to the ‘problem’ of habeas [corpus]” because the US occupation of the territory operates under a lease agreement which allowed greater legal flexibility than would a complete jurisdictional acquisition.³⁵ The lease of Guantánamo Bay from Cuba states that while Cuba has ultimate sovereignty over the territory on which the naval base is located, the United States exercises complete jurisdiction and control. The ambiguity of this lease facilitates the exploitation of Guantánamo Bay as a legal space in which disciplinary violence can be inflicted with impunity. As Amy Kaplan summarises, it “enhanced their immunity from political and legal accountability to all forms of governance, both in the colony and the metropolis.”³⁶ It was determined to be outside US jurisdiction for the purposes of *Johnson v Eisentrager* in 1950, which determined that those incarcerated outside the US were not protected by its legal system; however, in a blatant legal double standard, it was later concluded to reside within US jurisdiction for the purposes of the later US Code on the

³⁵ Michael Otterman, *American Torture: From the Cold War to Abu Ghraib and Beyond* (London: Pluto Press, 2007), p. 138.

³⁶ Amy Kaplan, “Where is Guantánamo?” *American Quarterly*, 57: 3 (2005), p. 837.

Conduct of Interrogations, which requires US interrogators working outside of the US to be prosecuted for criminal offences if found to be mistreating prisoners.³⁷ As Gregory writes, “[t]hrough this contorted legal geo-graphing, Guantánamo was *outside* the United States in order to foreclose *habeas corpus* petitions from prisoners held there and *inside* the United States in order to forestall prosecutions for torturing them.”³⁸ Due to this selective application of the law, in which the law applies through its withdrawal, Guantánamo was therefore judged to be both within and exterior to the US and the applicable legal apparatus – that is, judged to be a space of legal exception in which no law is uniformly applicable. Otterman observes that it provides “a place free of judicial interference where interrogators can control every aspect of a detainee’s life”, which is to say the ideal location for a total disciplinary institution aimed at the managed, bureaucratic, punitive deferral of death.³⁹

More compelling than Guantánamo, however, are the sites in which most GWOT torture takes place: secret prisons known as CIA black sites. A black site is any secret prison outside of the US that operates under non-US sovereignty but that is utilised unofficially by the CIA for interrogation purposes; Guantánamo Bay, for example, is not a black site because it is an official military installation. Far-Filastin in Syria, for example, which is known colloquially as The Grave and which journalist Holger Stark describes as “a blend of Alcatraz and Abu Ghraib”, was a frequent recipient of rendered prisoners; the Salt Pit prison in Afghanistan, which was used to house prisoners in squalid conditions, was under Afghan jurisdiction but almost exclusively funded by the CIA.⁴⁰ This extraterritorial carceral spatiality is utilised by the CIA for the temporary accommodation of prisoners who are rendered there specifically to undergo torture interrogations. These prisoners, also known as Ghost Detainees, are the clearest example of the logic of bare life in the American global penal archipelago, as they are made to exist physically as canvases for violence without being

³⁷ Title 18 (Part I, Chapter 113C) of the United States Code on the conduct of interrogations outside the United States; Article §2340A of the Code criminalises torture outside of the US.

³⁸ Gregory, “The Black Flag”, p. 416. Emphasis in original.

³⁹ Otterman, *American Torture*, p. 140.

⁴⁰ Far-Filastin is described by Jane Mayer in *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals*, Second Edition (New York: Anchor Books, 2009), p. 131. For more detail see Holger Stark, “The Forgotten Prisoner: A Tale of Extraordinary Renditions and Double-Standards”, *Spiegel Online* (21/11/2005), available at <http://www.spiegel.de/international/spiegel/0,1518,386033,00.html> (accessed 12/07/2010). Journalist Dana Priest reported in 2005 that at the Salt Pit “[t]he top 30 al Qaeda prisoners exist in complete isolation from the outside world. Kept in dark, sometimes underground cells, they have no recognised legal rights, and no one outside the CIA is allowed to talk with or even see them, or to otherwise verify their well-being”. Dana Priest, “CIA Avoids Scrutiny of Detainee Treatment”, *Washington Post* (3/3/2005), available at <http://www.washingtonpost.com/wp-dyn/articles/A2576-2005Mar2.html> (accessed 12/04/2010). See also her article “CIA Holds Terror Suspects in Secret Prisons”, *Washington Post* (2/11/2005), available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644.html> (accessed 12/04/2010).

allowed to exist legally or politically. The CIA black site corresponds to the spatial logic of exception in the GWOT: it is used for the accommodation and torture of *homines sacri*, and it is spatially extraterritorial and legally invisible.

In order to think such spaces as disciplinary institutions that manifest a neocolonial Necropolitics, and to understand the diffused yet direct operation of sovereignty in the camp, we must superimpose a triangulation of Agamben's coordinates of the exception onto Foucault's triangulation of disciplinary power in the modern biopolitical state. In the 1979 lecture "Governmentality", Foucault observes that "in reality one has a triangle, sovereignty-discipline-government, which has as its target the population and as its essential mechanism the apparatuses of security."⁴¹ As established above, Agamben offers a completion of Foucault's biopolitical thought in his theorisation of the concentration camp and the associated legal state of exception as the biopolitical paradigm of modernity; in reading Guantánamo politically, we can place Agamben's biopolitical triangle – camp, state of exception, *homo sacer* – alongside Foucault's, to read the application of sovereign violence – torture – to the bodies of terrorism suspects as an application of disciplinary power-knowledge which channels this violent sovereignty through the diffuse yet widespread structures of a neocolonial governmentality. Here we can clearly see how placing Nazi camps, French colonial racism, and post-9/11 politics of global war alongside one another in multidirectional dialogue demonstrates a common underlying biopolitical logic. This section has established the camp as both a specific disciplinary locus and described the relationship of this to a broader colonial spatiality. The next section of the chapter describes in more detail the legality of exception and the operation of sovereign governmentality.

2.2: The Law: Guantánamo as the Legal-Biopolitical Paradigm of the Global War on Terrorism

In *State of Exception*, Agamben addresses the legal logic of Guantánamo as a post-9/11 expression of the state of exception; highlighting the historical continuities discussed above, this section continues to read the American internment camp at Guantánamo in terms both of the exception and of Foucault's notion of biopolitical disciplinary governmentality. The legal-political dimension of the exception can be observed in the areas of direct sovereign decision, and this section of the chapter discusses two aspects of exceptional legality. The

⁴¹ Michel Foucault, "Governmentality", in *The Foucault Effect: Studies in Governmentality*, ed. by Graham Burchell, Colin Gordon & Peter Miller (Chicago: The University of Chicago Press, 1991), p. 102.

first is the sovereign ban, the mechanism through which subjects are removed from the protection of the law and made available to torture violence. The second part discusses the diffused operationality of sovereign punitivity with regard to torture, governmentality, and the police.

2.2.1: The Ban and the Withdrawal of Law

The state of exception is not an absence of law, but rather a material constellation of conditions designed to generate its deliberate inapplicability. The legal emptiness in the state of exception makes it a state of law wherein the sovereign decision between politically valid and politically unacceptable life – between friend and enemy – is visible. Agamben’s conceptual development of Foucault’s intellectual trajectory comes from his conceptualisation of the biopolitical process – the sovereign ban as the constitution of politics – as a mechanism foundational to the political, rather than as something that emerges in conjunction with modernity. Anton Schütz argues that much thought following Foucault seeks to locate the beginning of biopolitical modernity at some point around the beginning of the eighteenth century, and that whilst this may be true in terms of the specific institutions of Foucault’s analyses, Agamben on the other hand “argues that biopolitics had emphatically not waited for modernity to set in: neither for the emergence of the modern practice of governance/discipline, nor for the modern substitution of population for territory.”⁴² According to Agamben, the sovereign ban of the undesirable subject – the constitution of the camp as a political principle of inclusive exclusion – is central to the constitution of the biopolitical state.

Agamben locates the Schmittian exclusionary principle in a Foucauldian context, by describing the operation of sovereignty in biopolitical terms. Criminality and deviance became diagnosable states of being, and the mad, infirm and criminal were consigned to their respective punitive disciplinary institutions; similarly, the biopolitical exception removed people from the realm of the political as modern politics were born – according to Agamben, this occurred *in order* for modern politics to exist. The foundational biopolitical scission distinguishing between politically relevant and politically irrelevant biological life is foundational to the politics of the city; concluding that “biopolitics is at least as old as the

⁴² Anton Schütz, “The Fading Memory of *Homo non Sacer*”, in *The Work of Giorgio Agamben: Law, Literature, Life*, ed. by Justin Clemens, Nicholas Heron and Alex Murray (Edinburgh: Edinburgh University Press, 2008), p. 119.

sovereign exception”, Agamben argues that at the same time as some forms of biological life achieve political citizenship, others form the remainder of life that is merely biological, merely bare life, and which may be disposed with in any way that those in power choose.⁴³ Biopolitical institutions may be roughly traceable to the eighteenth century, but the sovereign decision on the biopolitical exception is, for Agamben, foundational to the political.

It is worth considering where exactly this ban is directly legible. Agamben observes in “Beyond Human Rights” (1996) that

[o]ne of the few rules the Nazis obeyed throughout the course of the “final solution” was that Jews and Gypsies could be sent to extermination camps only after having been fully denationalised (that is, after they had been stripped of even that second-class citizenship to which they had been relegated after the Nuremburg Laws). When their rights are no longer the rights of the citizen, that is when human beings are truly *sacred*, in the sense that this term used to have in the Roman law of the archaic period: doomed to death.⁴⁴

Here we see that the reduction of humanity to bare life in order to prime it for an invisible death is – as well as procedural and bureaucratic – a gesture above all political. It is the decisive exclusion of the particular demographic from politics through the removal of citizenship, status, entitlements, protections, and rights; Agamben’s originality is to imagine that exclusion from politics as the creation of a political category.

This is, of course, legible in the colonial context. Alistair Horne writes that in colonial Algeria, Muslims were excluded from full French citizenship.

Muslims were automatically French “subjects”, but not French “citizens”. From the early days legislation had permitted them to be subject to Islamic, as opposed to French, law; this may have been designed as a cultural and religious protection, but it became in effect a prison, because a Muslim wishing to adopt French citizenship had

⁴³ Agamben, *Homo Sacer*, p. 6. Emphasis in original.

⁴⁴ Giorgio Agamben, “Beyond Human Rights”, in *Means Without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minneapolis Press, 2000 (1996)) p. 22.

to renounce these rights, thereby virtually committing an act of apostasy.⁴⁵

This legal knot, which forced Muslims to choose between membership of their religious community and full political recognition by the state, had the effect that the Muslim population were subject to the punitive excesses of the colonial state while remaining unshielded by its protections. Accordingly, a political impasse persisted between Algerians and the French settler administration, to the extent that Algerian Muslims had no effective political recourse; House and MacMaster observe that rather than allow Algerians political rights or representation, the French reinforced their own privileged position through “a system of electoral fraud, legal repression, and military ‘containment’” which naturally “created the conditions for the spread of pro-independence nationalism”.⁴⁶ Horne also observes that the electoral college system used in French Algeria meant that “one million Europeans had voting rights equal to those of over eight million Muslims.”⁴⁷ This deliberate political disenfranchisement removes the protections of the law from the majority population, constituting an inherently unequal and characteristically colonial political dynamic.

Jane Mayer observes that a similar sovereign decision on the exception was made through the American government’s radical decisions to remove the protections of the Geneva Conventions from their prisoners after 9/11, who were subsequently reclassified as detainees rather than Prisoners of War (POWs). After 9/11, through what Philip Gourevitch describes as “a protracted spate of legal improvisation”, the Bush Administration worked towards the legalisation of torture.⁴⁸ In 2002 President Bush made the decision that nobody detained at Guantánamo was protected by Common Article Three of the Geneva Conventions, which ensured that torturers could not be prosecuted and detainees could not challenge their detention. At the same time as the White House lawyers were redefining torture such that it could never be said to take place, as described in the Introduction, the US administration was working to redefine captured Taliban or Al-Qaeda fighters as “unlawful combatants” rather than POWs.⁴⁹ This was a vital distinction, because POWs are “entitled to conditions of imprisonment prescribed by the 1949 Geneva Conventions, but ‘unlawful

⁴⁵ Alistair Horne, *A Savage War of Peace: Algeria 1954-1962* (London: Macmillan, 1987 [1977]), p. 35.

⁴⁶ House & MacMaster, *Paris 1961*, p. 2.

⁴⁷ Horne, *A Savage War of Peace*, p. 33.

⁴⁸ Philip Gourevitch and Errol Morris, *Standard Operating Procedure* (London: Penguin, 2008), p. 48

⁴⁹ Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, third edition (London: Penguin, 2006), pp. 532-533.

enemy combatants’, the [US] administration argued, were not.”⁵⁰ Philippe Sands details lawyer Doug Feith’s reasoning in the legal opinion he gave supporting the decision:

Geneva didn’t apply at all to al-Qaeda fighters, because they weren’t part of a state and so couldn’t claim rights under a treaty that was binding only on states. Geneva did apply to the Taliban, but by Geneva’s own terms Taliban fighters weren’t entitled to POW status because they hadn’t worn uniforms or insignia.⁵¹

Sands later clarifies: “either you were a detainee to whom Geneva didn’t apply, or you were a detainee to whom Geneva applied but whose rights you couldn’t invoke.”⁵² Throughout the Conventions there is a clear demarcation between combatants and non-combatants, and it is stated more than once that where there is doubt the Conventions are to be held to apply.⁵³ Despite this, the US lawyers attempted to introduce a new category of persons to whom the Conventions would not be relevant. Accepting that “this open-ended ‘war on terror’ gives the president and the executive branch sweeping powers to jail anyone they accuse of being an ‘enemy combatant’ – citizens and noncitizens alike – without the approval of Congress,” the landmark 2004 ruling of *Hamdi vs Rumsfeld* “legitimated an evolving category of persons before the law, who are not defined primarily by citizenship or their relation to national or international law but by their designation by the executive”.⁵⁴ Here we see the decision of the unitary executive on the status of the individual, or rather, the sovereign decision on the constitution of the enemy: the ability to legally designate enemies as unlawful combatants is the ability to banish them from the political. What this circuitous legal redefinition of POWs

⁵⁰ David Holloway, *9/11 and the War on Terror* (Edinburgh: Edinburgh University Press, 2008), p. 48.

⁵¹ Philippe Sands, *Torture Team: Uncovering War Crimes in the Land of the Free*, Second Edition (London: Penguin, 2009), p. 40.

⁵² Sands, *Torture Team*, p. 43.

⁵³ Philip Gourevitch observes that “if military doctrine and the Geneva Conventions ever appear to diverge or conflict, Geneva is the higher authority.” Gourevitch and Morris, *Standard Operating Procedure*, p. 26. Geneva Protocol I (1977) was specifically created to ensure that “no person can ever fall outside the scope of minimum legal protections. [...] Article 75 [of Geneva Protocol I, 1977] is unambiguous: any person who is captured by a party to a conflict must be treated humanely and is entitled to enjoy the minimum protections, without discrimination. The particular circumstances of any individual are irrelevant. It provides guarantees for members of the Taliban and al-Qaeda, for ‘terrorist’ and for ‘unlawful combatant’. Nationality is irrelevant. It prohibits violence, including torture of all kinds and threats of torture, and outrages on personal dignity, including humiliating and degrading treatment and any form of indecent assault.” Philippe Sands, *Lawless World: Making and Breaking Global Rules*, Updated Edition (London: Penguin, 2006 [2005]), pp. 149-150.

⁵⁴ The ruling in *Hamdi v Rumsfeld* (2004) “accepted the administration’s position that such “enemy combatants” are not entitled to the protections either of the Geneva Conventions on prisoners of war or to full due process rights accorded to criminal defendants in the U.S. courts.” Kaplan, ‘Where is Guantánamo?’, p. 851.

as detainees amounts to is the creation of a subhuman category of those who are, in Slavoj Žižek's words, "suspended between legal death and physical death".⁵⁵ Persons in this category have been deliberately removed from the protections of law in order to make them directly available to disciplinary violence and in order to constitute the political community in opposition to them.

Agamben observes that the originality of this legal manoeuvre is that "it radically erases any legal status of the individual, thus producing a legally unnameable and unclassifiable being."⁵⁶ Denationalised Jews were deliberately removed from the protections of law through the tactical legal removal of the applicability of the law, and French colonial subjects were explicitly circumvented by electoral mechanisms; in much the same way, the law applies to the unlawful combatants of the GWOT in not applying: the law that identifies them suspends normative law and places them outside of ordinary legal protection. As Agamben says in *State of Exception*, "what is excluded in the exception maintains itself in relation to the rule in the form of the rule's suspension. *The rule applies to the exception in no longer applying, in withdrawing from it.* The state of exception is thus not the chaos that precedes order but rather the situation that results from its suspension."⁵⁷ The legal gesture that removes POW status from captured combatants is a gesture in which the law applies itself by removing its own protections. Indeed, this absence of law is simultaneously, as Fleur Johns identifies, its abundance; the erasure of legal protections entails a proliferation of "elaborate regulatory efforts by a range of legal authorities... [the camps] are spaces where law and liberal proceduralism speak and operate *in excess*."⁵⁸ The superstructure of the law remains in place as legislation accumulates, but the availability of certain spaces and certain people to the jurisdictional reach of legal protection is calculatedly decreased. Through the creation of positive law that removes other legal protections, the law is in force through its own suspension: the law does not cease to apply, but its application is designed to bureaucratically forestall protective mechanisms such as due process, habeas corpus, and human rights. Subjected to routine biopolitical violence in spaces of legal exception justified by the state of post-9/11 emergency, the *homines sacri* of the GWOT are included in the law only in the form of accusation, the logic of which follows an ironic tautology: they have been

⁵⁵ Slavoj Žižek, "What Rumsfeld Doesn't Know That He Knows About Abu Ghraib", *In These Times* (21/05/2004), available at <http://inthesetimes.com/article/747> (accessed 23/07/2009).

⁵⁶ Agamben, *State of Exception*, pp. 3-4.

⁵⁷ Agamben, *Homo Sacer*, p. 18. Emphasis in original.

⁵⁸ Fleur Johns, "Guantánamo Bay and the Annihilation of the Exception", *European Journal of International Law*, 16 (2005), p. 614. Emphasis in original

accused because of presupposed guilt, and are presupposed guilty because of the fact of their accusation.

2.2.2: Governmentality: Sovereign Power and its Diffusion

In *The Leviathan* (1651), Thomas Hobbes describes the role of law during war.

To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law: where no Law, no Injustice. Force, and Fraud, are in warre the two Cardinall virtues.⁵⁹

As there was no common law of war when Hobbes was writing, his conclusion was that during conflict legality itself retreats, leaving an emptiness in which the latent violence of the world and the natural evil of humans are allowed to act unchecked. Schmitt echoes this when he writes that “[t]here exists no norm that is applicable to chaos.”⁶⁰ This raises interesting issues with regard to sovereign enforceability – the violence of sovereign power – in the vacuum created by the state of exception. This section of the chapter discusses both the nature of the violence exercised in the state of exception and the structures and practices of biopolitical governmentality in facilitating its perpetration.

In *Political Theology*, Schmitt writes that “[t]he exception in jurisprudence is analogous to the miracle in theology.”⁶¹ Although Schmitt writes this approvingly, as an advocacy of interventionist decisionism, it is possible to agree with him from a critical position: the exception is indeed where naked sovereign power is most visible.⁶² It is my contention that political torture can be read as a form of sovereign violence. Scarry writes that “while the prisoner’s answer is only sometimes important to the regime, the form of the

⁵⁹ Thomas Hobbes, *The Leviathan* (New York: Prometheus Books, 1988 [1651]), p. 66.

⁶⁰ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. by George Schwab (Chicago: University of Chicago Press, 2005 [1922]), p. 13.

⁶¹ Schmitt, *Political Theology*, p. 36

⁶² Schmitt inherits much of his conception of sovereignty from the Catholic doctrine of Papal authority. Ludwig Pastor summarises this doctrine in *The History of the Popes from the Close of the Middle Ages*: “The primacy conferred on St. Peter, according to the teaching of the Church, is not merely a primacy of precedence and honour, but one of supreme jurisdiction, of complete spiritual power and authority.” Ludwig Pastor, *The History of the Popes from the Close of the Middle Ages*, ed. by Frederick Ignatius Antrobus, Sixth Edition, Volume One (London: Kegan Paul, Trench, Trubner and Company, 1938 [1906]), p. 179.

answer, the fact of his answering, is always crucial.”⁶³ The tortured prisoner is forced to acknowledge the superiority of the torturer: the power balance of torture, in which one person is totally subject to another, is an image of total power: an image of sovereign force. Sovereign force makes itself directly legible in torture because it is a disciplinary technology aimed at eradicating resistance by physically breaking the populations at which it is targeted.

The sovereign impunity of the untouchable unitary executive – the sovereign as lawmaker without challenge – was also a characteristic of the early years of the GWOT. Central members of the Bush Administration such as Dick Cheney and David Addington fought ferocious political battles to secure “expanded presidential authority”, and neoconservative lawyer John Yoo, who along with Jim Haynes drafted memos providing the legal basis for enhanced interrogation techniques (another example of the tactical application of the law), came to the extreme conclusion that “[c]ongress had no right at all to interfere with the President’s response to terrorist threats.”⁶⁴ This emphasis on the unilateral exercise of Presidential authority in the creation of the state of exception shows that the Bush Administration were creating and exercising a Schmittian sovereign violence, which is to say a power that contains extralegal violences within the law and allows the sovereign to wield them without challenge.⁶⁵

In *State of Exception*, Agamben discusses the differing approaches to extralegal violence taken by Walter Benjamin and Carl Schmitt. In “Critique of Violence”, Benjamin theorises a law-destroying extralegal violence, which he terms *reine Gewalt* and which manifests in the world of politics as revolutionary violence, and Schmitt attempts to defuse the possibility of such a violence by only allowing exceptional violences within the legal framework of constitutional dictatorship.⁶⁶ There is an important distinction to be drawn here – Hobbes diagnostically insists that the fact that there is no law during war means that a law should be created, whereas Schmitt conceives of this vacuum as a space that the sovereign can open in order for his power to be free to operate with impunity.⁶⁷ The disagreement

⁶³ Scarry, *The Body in Pain*, p. 29.

⁶⁴ Mayer, *The Dark Side*, pp. 61-64.

⁶⁵ Legal scholars Dawn Rothe, Ronald Kramer and Christopher Mullins emphasise that, since the US refuses to recognise the International Criminal Court, “it is unlikely that any international tribunal will ever judge whether these systematic cases of torture violated international treaties.” Dawn L. Rothe, Ronald C. Kramer, and Christopher W. Mullins, “Torture, Impunity, and Open Legal Spaces: Abu Ghraib and International Controls”, *Contemporary Justice Review*, 12: 1 (2009), p. 34.

⁶⁶ “Gewalt” can be translated as “force”, “violence” or “power”, depending on context, and the term “reine” can mean either “pure” or “divine”. As such, part of the conceptual opacity of the term *reine Gewalt* can be attributed to the flexibility of both its constituent terms.

⁶⁷ For Schmitt, the uninhibited play of sovereignty is the final goal of politics. Richard Wolin observes that “Schmitt’s conceptual scheme in point of fact ends up by standing Hobbes on his head, insofar as the

between Benjamin and Schmitt is over whether the state has exclusive ownership of this exceptional violence or whether it can also exist without any relation to the law. Agamben writes that “[w]hile Schmitt attempts every time to reinscribe violence within a juridical context, Benjamin responds to this gesture by seeking every time to assure it – as pure violence – an existence outside of the law.”⁶⁸ Whereas Schmitt argues that since the law cannot exist without the potential of its enforceability through violence, and thus that extreme sovereign force necessarily lies at the heart of enforceable authority, Benjamin argues that there is an equivalent sovereign violence that can exist without the state and that can challenge the state at its foundation.⁶⁹

This violence, Benjamin asserts, is most fully expressed in revolutionary conflict. The term Benjamin uses for both the general strike and revolutionary violence as forms of power is *Gewalt*, an elastic term that embraces multiple meanings; Benjamin does not describe the right to strike as a form of violence, rather as the source of political power for the otherwise disenfranchised proletariat. The significance of describing revolutionary violence as *Gewalt* – a term that also describes legitimate state authority – is that it insists that revolutionary violence, whilst not being the foundation of or complement to the law, can potentially wield an equivalent measure of authority as the violence owned by the state. These concepts are perhaps at the root of the idea that torture and terrorism are reciprocal: torture is where state force makes itself most legible, and revolutionary violence which strikes at sovereignty often takes forms that are described in hegemonic discourse as terrorist.

Benjamin identifies the mechanism through which direct sovereign violence most often makes itself manifest as the police; further, he identifies the police as the emblematic form of corrupt state violence. Derrida amplifies this point when he observes in “Force of Law” that the police “are the state”, that they “are the force of law”.⁷⁰ The police are the visible presence of sovereign force, and this explains why so many of the protagonists in the texts that justify torture are policemen: the counterterrorist heroes in *24*, for example, whose

prepolitical *bella omnium contra omnes* [the war of all against all] is turned into the essence of the political in general.” Richard Wolin, “Carl Schmitt: The Conservative Revolutionary Habitus and the Aesthetics of Horror”, *Political Theory* 20: 3 (1992), p. 442.

⁶⁸ Agamben, *State of Exception*, p. 59.

⁶⁹ Samuel Weber writes that “[i]n emphasising the dictatorial tendency of the sovereign, Benjamin follows Schmitt here practically to the letter. [...] But in so doing, he arrives at a result that is almost diametrically opposed to that of Schmitt: the very notion of sovereignty itself is put radically into question.” Samuel Weber, “Taking Exception to Decision: Walter Benjamin and Carl Schmitt”, *Diacritics* 22: 3/4 (1992), p. 15.

⁷⁰ Jacques Derrida, “Force of Law: The ‘Mystical Foundation of Authority’”, in Derrida, *Acts of Religion*, ed. by Gil Anidjar (London: Routledge, 2002), pp. 276-7. Here Derrida echoes Weber’s definition of the state as “a human community that (successfully) claims the *monopoly of the legitimate use of force* within a given territory.” Max Weber, “Politics as a Vocation”, in *From Max Weber: Essays in Sociology*, ed. and trans. by H. H. Gerth and C. Wright Mills (London: Routledge, 1991 [1948]), p. 78. Emphasis in original.

job is to reinforce the boundaries of the state and to wield the corrective force of sovereign power, represent a panoptically-resourced police department. Likewise, in *The Battle of Algiers*, Colonel Mathieu (Jean Martin) insists that the role of the paratroopers is primarily a police function. “The military angle is secondary,” Mathieu orates, continuing, “it’s the police side that matters. I know you dislike that word, but it’s the only one which sums up our task.” Whilst Mathieu may intend his remarks to demonstrate that the role of the para in Algiers is primarily investigatory, he in fact confirms this Benjaminian analysis of the central problem of using the army as a police force, indeed of the notion of the police itself.

When the law is suspended, as in the state of exception, this is where the force of the police is seen operating at its most powerful. If the law depends on enforceability – that is, on the potential for force – for its authority, then the violence of the police represents that pure enforceability. “By definition,” Derrida writes, “the police are present or represented everywhere there is force of law. They are present, sometimes invisible but always effective, wherever there is preservation of the social order.”⁷¹ Rather than considering torture interrogational, then, it is more appropriate to think of it as the visible enforceability of the law – as always by definition a politically punitive sovereign violence. In “Force of Law”, Derrida claims that Benjamin’s criticism of the police for failing to distinguish between lawmaking and law-preserving violence misdescribes the nature of police power, which in fact subsists in the fact that these two forces that they embody are at no point separate.⁷² The police both exercise the exceptional, sovereign, lawmaking violence that founds the state, and use violence to maintain the authority of the state. As we see elsewhere in this chapter, when conspiring to make torture and other extreme forms of violence a legal possibility, states often, during states of emergency, allow the law to become suspended so that protections are claimed to be unenforceable – either because classes of persons are deemed not to qualify for them or because the emergency has been deemed serious enough to render them irrelevant. Such, during the War of Independence, was the case in Algeria. Acting under the auspices of the special powers act – which suspended the already limited colonial legality and effectively erased the separation of powers in the colonial state – the paratroopers’ military interventions represent the application of sovereign state violence. This legal suspension is the state terror that Arendt refers to in *On Violence* as “the form of government that comes into being when violence, having destroyed all power, does not abdicate but, on the contrary, remains in full

⁷¹ Derrida, “Force of Law”, p. 278.

⁷² Derrida, “Force of Law”, p. 272.

control.”⁷³ These connections will be developed in the next chapter, in my reading of *The Battle of Algiers*.

There remains the question of how to describe the operation of this sovereign force in the thanatopolitical institution. Mitchell Dean observes that as the art of government becomes understood as the micromanagement of populations, which is to say, as biopolitics becomes central to political government, the force of sovereignty and the punitive institutions of disciplinary society were bureaucratized and given administrative form by the structuring science of governmentality.⁷⁴ Rather than applying direct sovereign force, disciplinary institutions, through the application of governmental technologies, disallow undesirable life rather than directly ordering death, which implies that the violence of sovereignty withdraws during the course of its institutionalisation. However, in the camp, we see a space where sovereign punitivity is deliberately made possible and given impunity.

Foucault describes biopolitical discipline as operating on populations through institutions (asylums, prisons) and the apparatuses of security (law, police, the military) which are administered through a legalistic and bureaucratic governmentality. Agamben observes that the camp provides the hidden extreme of this disciplinary constellation, the legality and biopolitics of which are described through his tripartite figure of the exception. In the camp, we see a resurgence of disciplinary sovereign violence, administered through a governmentality that sees unelected officials making judicial decisions with regard to a population as a disciplinary operation of power-knowledge. Butler argues that in the modern war prison we see “the resurgence of sovereignty within the field of governmentality”, that is, that the anachronistic sovereign power to directly order violence operates in the war prison through diffuse bureaucratic structures.⁷⁵ In the American military tribunals of inmates of Guantánamo, which were ruled illegal in 2006 due to their unconstitutionality and the lack of a separation of powers, Presidential sovereignty – and its misapplication – was channelled through the structure of governmentality into the hands of unaccountable officials, who were then invested with its power.

In the moment that the executive branch assumes the power of the judiciary, and invests the person of the President with unilateral and final power to decide when, where, and whether a military trial takes

⁷³ Hannah Arendt, *On Violence* (London: Harcourt Inc., 1970), pp. 54-5.

⁷⁴ Dean, *Governmentality*, p. 139.

⁷⁵ Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004), p. 56.

place, it is as if we have returned to a historical time in which sovereignty was indivisible, before the separation of powers has instated itself as a precondition of political modernity. [...] Yet the fact that managerial officials decide who will be detained indefinitely, and who will be reviewed for the possibility of a trial with questionable legitimacy, suggest that a parallel exercise of illegitimate decision is exercised within the field of governmentality.⁷⁶

Butler alleges that governmentality allows for the resurgence of an anachronistic sovereignty within the disciplinary institution; the legalisation and institutionalisation of disciplinary torture is at the same time the reappearance and codification of extralegal sovereign violence. The police then operate as the terminal point of a diffuse chain of sovereign decision: they are the agents of a sovereign punitivity that has multiple sources. On the level of decision – concerning who counts as a legitimate grievable subject – and on the level of practice – concerning what is done with their biological life – sovereign violence, when delegated to the police through exceptional governmentality, is legible in the form of police violence committed during the state of exception.

2.3: Bare Life: *Muselmänner* and Muslims

Dean observes that the rule of liberal democracy is “completely consistent” with “authoritarian rule of colonial societies and, by extension today, with post-colonial rule of societies in which populations are yet to attain the maturity required of the liberal subject.”⁷⁷ Liberal democracies, he writes, have always had certain categories of people who have been made deserving of disciplinary interventions.⁷⁸ The physical expression of the exception is bare life, the forms of life or populations that sovereign power attempts to remove from the political community; the trajectory of bare life traced throughout the thesis, from the denationalised Jews of WWII, through the racially subjugated victims of colonialism, to the Ghost Detainees of the GWOT, will be elaborated in this final section of the chapter. After a brief discussion of bare life, this section will describe the role of cultural and political discourse in the construction of such undesirable populations, and describe the role of culture

⁷⁶ Butler, *Precarious Life*, p. 54.

⁷⁷ Dean, *Governmentality*, p. 133.

⁷⁸ Dean, *Governmentality*, p. 134.

in the construction of what Judith Butler calls the “differentials in grievability” that exacerbate such dehumanisations.

2.3.1: On the Bottom

Although the figure of *homo sacer* underpins Agamben’s entire *Homo Sacer* series, *Remnants of Auschwitz* is the text in which Agamben, through his readings of Holocaust testimony, addresses the *Muselmann* and introduces the notion of the camp as the space for the production of a unique form of bare life. To Agamben’s abstract examples of the overcomatose patient or human guinea pig, Anthony Downey adds more concrete examples of bare life such as “the refugee, the political prisoner, the disappeared, the victim of torture, [and] the dispossessed”, the unifying feature of whom is their lack of clear legal status and the indeterminate political meaning of their death.⁷⁹ As observed above, bare life is the remainder from the process in which the political subject is constituted; his exclusion from politics is the foundation of politics. The nomenclature *homo sacer* is not used to describe all bare life; it describes politically unacceptable and unregenerate bare life, the form of bare life that is decisively “excluded from the religious community and from all political life”, those who cannot “perform any juridically valid act.”⁸⁰ *Homo sacer*’s “proper place” is “beyond both penal law and sacrifice” as his death would be too politically worthless to be considered murder, and could not be considered sacrificial as any death he met would punish without cleansing.⁸¹ For the purposes of this thesis, the person abandoned by the law so that they are available to torture can be understood in these terms, because the effect of hegemonic demonising discourse is to remove these persons from the human community in order for their availability to violence to seem acceptable.

Agamben’s discussion of the *Muselmann*, the figure of the defeated prisoner who remains physically alive despite his metaphysical destruction, in *Remnants of Auschwitz* is illuminating with regard to Agamben’s conception of this biopolitical underclass. Agamben invokes Levi’s explanation in *If This is A Man* that the *Muselmann* illustrates the double meaning of the extermination camp. The man subjected to the humiliations of the extermination camp, Levi says,

⁷⁹ Agamben, *Homo Sacer*, pp. 160-165 and pp. 154-159. Anthony Downey, “Zones of Indistinction: Giorgio Agamben’s ‘Bare Life’ and the Politics of Aesthetics”, *Third Text*, 23: 2 (2009), p. 109.

⁸⁰ Agamben, *Homo Sacer*, p. 183.

⁸¹ Agamben, *Homo Sacer*, p. 83.

will be a man whose life or death can be lightly decided with no sense of human affinity, in the most fortunate of cases, on the basis of a pure judgment of utility. It is in this way that one can understand the double sense of the term ‘extermination camp’, and it is now clear what we seek to express with the phrase: ‘to lie on the bottom’.⁸²

Levi refers to the ambiguity of the German term *Vernichtungslager* (extermination camp); the double meaning of *vernichtung* (destruction) allows the camp to be understood as the place in which people are both ‘exterminated’ and ‘made into nothing’. Whilst this is clearly true in terms of systematic mass executions, what the *Muselmann* demonstrates is that people can be made into nothing (*vernichtet*) without death occurring, that this making of nothing can actually be a production of a particular form of life, an abjection-metamorphosis of the subject into bare life. A biopolitical system can manufacture politically useful populations, but it can also manufacture their opposite: an atomised mass of depoliticised individuals without community. For Levi and to some extent for Agamben, this is theorised as a metaphysical transformation of man into a liminal zombie-like figure: for the concerns of this thesis, the *Muselmann* is more compelling as a figure of absolute political abandonment.

The *Muselmann* has an echo in the secret war prisons of the GWOT. As it was only one component of what Kaplan calls a “global penal archipelago”, Guantánamo became an unofficial precedent, a template for the treatment of other American prisoners.⁸³ General Miller, an artilleryman with no prison experience promoted to command of Guantánamo in 2002, was promoted again to the command of Abu Ghraib in 2003, where he proceeded to “Gitmoise the operation.”⁸⁴ The category of enemy combatant applies in these overseas prisons, and interrogators operate in similar conditions of impunity. The techniques legalised for use in Guantánamo migrated to other war prisons such as Abu Ghraib in Iraq and Baghram in Afghanistan. These conditions of force drift and the routinisation of violence were mirrored in Abu Ghraib and other war prisons, where, as the photographs of abuse testify, the brutality became routine. Indeed, the exception itself could be construed as a misnomer; as Judith Butler observes, “‘Indefinite detention’ does not signify an exceptional

⁸² Primo Levi, *If This is A Man*, trans. by Stuart Woolf (London: Abacus, 1987 [1958]), p. 33.

⁸³ Kaplan, “Where is Guantánamo?”, p. 831.

⁸⁴ Janis Karpinski, speaking in *Standard Operating Procedure*. See also Janis Karpinski with Steven Strasser, *One Woman’s Army: The Commanding General of Abu Ghraib Tells Her Story* (New York: Hyperion, 2005), pp. 196-201.

circumstance, but, rather, the means by which the exceptional becomes established as a naturalised norm.”⁸⁵ Much as the colonial situation was defined as an ongoing state of crisis in which extreme violence became routine, after 9/11, Butler observes, “war seems to have established a more or less permanent condition of national emergency, and the sovereign right to self-protection outflanks any and all recourse to law.”⁸⁶ Peace during colonial occupation took the form of continual conflict, and similarly, the tendency of national emergency to become routine reflects the perceived need for peace to be sustained through constant application of force in extraterritorial areas – either through conflict on the distant battleground or interrogational torture in the hidden war prison. This is the sense in which Guantánamo becomes legible as the biopolitical paradigm of the GWOT: the legal improvisation that made Guantánamo possible also legitimised and made normal a penal template that quickly became common throughout American war prisons and which allowed other CIA funded non-US torture prisons to be legitimate nodes in the American intelligence network.

In these extraterritorial black site prisons we find the *Muselmann* of the GWOT, the form of bare life specific to the global war prison: the ghost detainee, or OGA (Other Government Agency – this acronym refers to the unspecified agency under whose control the detainee was kept, generally suspected to be the CIA).⁸⁷ Ghost Detainees were “never formally admitted to [Abu Ghraib], or assigned prisoner numbers... The MPs [Military Police] were supposed to take care of them, but they weren’t supposed to acknowledge their presence in any paperwork.”⁸⁸ Perhaps the best known ghost detainee is Manadel al-Jamadi, who was murdered during interrogation in Abu Ghraib and whose corpse was photographed with Sabrina Harman giving a smile and a thumbs-up. After beating, hooding and extended interrogations, al-Jamadi was attached to the bars of a window in a position known as Palestinian Hanging.⁸⁹ Although the inquest into his death identified him, nobody was tried for his murder. As Philip Gourevitch writes, “nobody [at Abu Ghraib] knew how to handle the corpse of someone who had been officially nonexistent when he was alive.”⁹⁰ While al-

⁸⁵ Butler, *Precarious Life*, p. 67.

⁸⁶ Butler, *Precarious Life*, p. 80.

⁸⁷ The acronym is “usually a euphemism for the CIA, but was also used at the prison to describe various other secretive or clandestine investigative outfits, such as the Defense Intelligence Agency, the FBI, Taskforce 121, or Taskforce 6-26.” Gourevitch and Morris, *Standard Operating Procedure*, p. 95.

⁸⁸ Gourevitch and Morris, *Standard Operating Procedure*, pp. 95-6.

⁸⁹ Palestinian Hanging is a positional torture wherein the wrists are fixed to a high object behind the back and made to support the weight of the entire body. This position restricts breathing and produces levels of physical pain similar to crucifixion.

⁹⁰ Gourevitch and Morris, *Standard Operating Procedure*, p. 175.

Jamadi was incarcerated, he was included in political life only through his decisive removal from it, and was forced to exist primarily in terms of his total availability to disciplinary control. Agamben claims that the *Muselmann* “marks the threshold between the human and the inhuman”, and this is true also of these captured al-Qaeda fighters.⁹¹ Deemed to have forfeited their humanity through their involvement in terrorist activity, they are also deemed to have performed upon themselves the denationalisation that the Nazis performed upon their prisoners to prepare them for Auschwitz. As Agamben reminds us, the Nazis used the term “*entwürdigen*, literally to ‘deprive of dignity’” to describe this process. He continues: “The Jew is a human being who has been deprived of all *Würde*, all dignity: he is merely human – and for this reason, non-human.”⁹² The guilt of terrorism is deemed to merit complete removal from the human or political community, and it is in the figures of these ghost prisoners that this removal is most complete.

For Agamben the *Muselmann* is representative of a transitional limit concept, a non-life and a non-death, a liminal status between life and death. As the testimony of *Muselmänner* reproduced at the end of *Remnants of Auschwitz* shows, one can return from the deathlike zone in which the *Muselmann* exists, but only as one changed: one is first human, then *Muselmann*, then a survivor. Existing at the zero point of biopolitical life, the *Muselmann* also exists at the zero point of language and memory: the *Muselmann* cannot testify (those who were *Muselmänner* and who have survived to produce testimony are no longer *Muselmänner*) because the nature of the biopolitical *vernichtung* perpetrated by the concentrationary system of which the *Muselmann* is the complete witness places him at the zero point of language, either in death or a state of complete indifference, wherein, as Levi says, “their capacity for observation was paralysed by suffering and incomprehension.”⁹³ Like the immediate moment of physical pain, the transition to *Muselmann* resists representation or testimony.

The process of returning from the state of *Muselmann* is where the radical potential of testimony can be seen: Agamben closes *Remnants of Auschwitz* with testimony of former *Muselmänner*, which shows that such defeat is not irreversible. The act of engaging in discourse produces a rehumanising effect, ventilating trauma with the potential for compassion. Ewa Ziarek writes that testimony is “an ethical act of survival that testifies to the

⁹¹ Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. by Daniel Heller-Roazen (New York: Zone Books, 2002 [1999]), p. 53.

⁹² Agamben, *Remnants of Auschwitz*, p. 68.

⁹³ Levi, *The Drowned and the Saved*, p. 6.

impossibility of the total destruction of the human.”⁹⁴ I will also later argue with relation to *Standard Operating Procedure, Guantánamo: ‘Honor Bound to Defend Freedom’* and *The Road to Guantánamo*, that testimony also has an activist political potential. Although Guantánamo remains open, the legal process would not have achieved as many gains against it without the vital testimony of inmates, their families, and their lawyers, which has found an important platform in cultural representations. The political reach of testimony may be uncertain, and it is certainly not the only representational strategy available to those seeking to challenge the discursive operations of sovereign governmentality, but it is certainly a mode of address that can gesture towards an ethical connection such as those discussed in the previous chapter. Discipline can perhaps not be undone by testimony, but it nonetheless has a vital recuperative function, aiding to some extent both the metaphysical recovery and political rehabilitation of the victim.

2.3.2: (Neo)Colonial Cultural Racialisations

Scholars have observed that Agamben’s philosophical approach occludes the specificity of the material conditions in which the biopolitics he describes take place. Judith Butler observes that “[i]f bare life, conceived as biological minimum, becomes a condition to which we are all reducible, then we might find a certain universality in this condition.”⁹⁵ However, she continues by observing that to ascribe universality to the notion of the biological minimum ignores the racialisation that so often accompanies the political constitution of a population as bare life, occluding the ways that “this power functions differentially, to target and manage certain populations, to derealise the humanity of certain subjects”.⁹⁶ As discussed above, Algerian Muslims were excluded from full French citizenship, and there existed, of course, a connection between this quite deliberate political disenfranchisement and a discourse of native inferiority that operated to authorise economic exploitation and disciplinary violence. In order to entrench privilege and legitimise the financial exploitation of Algerian land and resources, a discourse around the subhumanity of the native Muslim Algerian arose. As Vidal-Naquet asserts, “the Algerian was legally a citizen of France, [but] he was not a Frenchman,” and “in the eyes of many Frenchmen, including many of those

⁹⁴ Ewa Ziarek, “Evil and Testimony: Ethics ‘After’ Postmodernism”, *Hypatia* 18: 2 (2003), p. 203.

⁹⁵ Butler, *Precarious Life*, p. 67.

⁹⁶ Butler, *Precarious Life*, p. 68.

responsible for forming French public opinion, he was not even a human being.”⁹⁷ For example, the racism of *piéd noir* attitudes towards Algerians is demonstrated by the fact that the term frequently used to describe roundups of Algerians, *ratonnade*, is also a word used to describe the process of purging a building of rats.

The construction of knowledge about the subject race was essential to this operation. Sartre writes in “Colonialism is a System” that “[o]ne of the functions of racism is to compensate the latent universalism of bourgeois liberalism: since all human beings have the same rights, the Algerian will be made a subhuman.”⁹⁸ In order to circumambulate the obligation that human rights must apply universally, racist discourses describe populations as not entirely human in order to facilitate their availability to exclusionary biopolitical practices. In order to allow colonial subjugation of native populations, discourses of natural superiority had to surround the coloniser, supported by a body of evidence that purported to prove the natural inferiority of the native population. Richard Price writes that knowledge systems “are essential for empire.” He continues:

Naturally, the knowledge systems that are used in empire seldom capture the realities of their subjects’ lives. But this hardly matters, since the purpose of such systems is to legitimate the superiority that the colonisers know they enjoy. If the knowledge that the colonisers possess is to be functional in imperial culture, it must reinforce and feed the colonisers’ own view of themselves and of what they are actually *doing* in their imperial role.⁹⁹

Such knowledge systems may produce volumes of data and some of the analyses may be persuasively descriptive, but their political function – their responsibility to create a discourse in terms of which colonial rule can be described as therapeutic, benevolent, and civilising – is their primary characteristic. Paul Gilroy draws connections between this form of knowledge and the operations of biopolitical violence when he observes that the intellectual prehistory of ideas such as racial hygiene – which materially contributed to the violence of the Holocaust – can be traced to the relationship between power and epistemological inquiry in German

⁹⁷ Pierre Vidal-Naquet, *Torture: Cancer of Democracy, France and Algeria 1954-62*, trans. by Barry Richard (London: Penguin, 1963), p. 17.

⁹⁸ Jean-Paul Sartre, “Colonialism is a System”, in Sartre, *Colonialism and Neocolonialism*, trans. by Azzedine Haddour, Steve Brewer and Terry McWilliams (London: Routledge, 2001 [1964]), p. 18.

⁹⁹ Richard Price, *Making Empire: Colonial Encounters and the Creation of Imperial Rule in Nineteenth-Century Africa* (Cambridge: Cambridge University Press, 2008), p. 154. Emphasis in original.

colonies.¹⁰⁰ The production of knowledge about subject peoples and about the kinds of interventions appropriate to their effective administration is a central feature of this discourse, and literary production is of course not innocent of this function. *The Centurions*, for example, and its history as a teaching resource in military schools, demonstrates clearly that literature is one of the material factors that contribute to the discursive development of a field of intelligibility – a knowledge in terms of which situations can be explained – in which violent colonial interventions seem natural and necessary.

Said notes that the European scientist “*constructs* [the native], and the very act of construction is a sign of imperial power over recalcitrant phenomena, as well as a confirmation of the dominating culture and its “naturalisation”.”¹⁰¹ The strategic collection and organisation of knowledge about colonised people is used to objectively “prove” the superiority of the colonising culture, and to naturalise abuses as diverse as slavery, the sustained exploitation of resources, and the aforementioned systematic disenfranchisement of native populations. Fanon refers to this discourse when he stresses that “the settler is right when he speaks of knowing ‘them’ well. For it is the settler who has bought the native into existence and who perpetuates his existence.”¹⁰² The purpose of attributing monstrosity to colonised people is to bolster the image of the coloniser as an improving, therapeutic and benevolent presence. As Said remarks, this is “a cultural discourse relegating and confining the non-European to a secondary racial, cultural, ontological status”, and “[t]his secondariness is, paradoxically, essential to the primariness of the European.”¹⁰³ Without the imagined brutality of the native, which Fanon calls “the native correlative to the European’s feeling of superiority”, the settler would have no authority; for this reason, the apparatus of colonial rationality sets about measuring and documenting this barbarism in order to justify its own supremacy.¹⁰⁴ Significantly, narratives such as *The Centurions* represent a form of such politically instrumental knowledge about the colonial apparatus and its subject races: as well as providing a narrative that is affirmative of French imperialism, Lartéguy both reproduces and reinforces colonial racism towards Asians from Indochina by referring to them as “termites” and “sexless insects.”¹⁰⁵

¹⁰⁰ Paul Gilroy, *Between Camps: Race, Identity and Nationalism at the End of the Colour Line* (London: Allen Lane, 2000), pp. 141-143.

¹⁰¹ Edward Said, *Orientalism* (London: Routledge and Keegan Paul Ltd., 1978), pp. 145-6. Emphasis in original.

¹⁰² Fanon, *The Wretched of the Earth*, p. 28.

¹⁰³ Edward Said, *Culture and Imperialism* (London: Chatto & Windus Ltd., 1993), p. 70.

¹⁰⁴ Frantz Fanon, *Black Skin, White Masks*, trans. by Richard Philcox (New York: Grove Press, 2008 (1952)), p. 73.

¹⁰⁵ Lartéguy, *The Centurions*, p. 27.

Such logics are also visibly operational in the GWOT. Peter Morey and Amina Yaqin observe that much post-9/11 media discourse that represents Muslims unfavourably tends to place emphasis on understanding difference “racially – as an epidermal schema where the other-who-disrupts-the-nation can be recognised and marked out as visibly different on the grounds of ethnicity.”¹⁰⁶ As is well-known, such rhetoric became commonplace in the approaches to the invasions of Afghanistan and Iraq, and the international Islamist terrorist became a cultural bogeyman. Julie Mertus and Kristin Rawls discuss the way that the terrorist was constructed in the American media as a racialised totem:

As a result of the September 11 attacks, Americans – indeed, anyone, according to Bush, who “loves freedom” – are now a nation of victims, and the perpetrator, an entire group of people – Muslims. [...] Just as the actual, physical victims of terrorism were deemed immaterial, so now the actual perpetrators are immaterial. Arab and South Asian Muslims now represent the crime that was done to the American people.¹⁰⁷

Whilst this may seem sweeping, in spirit it is correct. As seen above, inclusion in the category of “terrorist” entails the exclusion from the human community and the loss of one’s human rights as a detainee. The architects of the GWOT differentiate between ally and enemy, then, on explicitly biopolitical grounds, as Islamist terrorism and mainstream Islam become conflated in the public imagination. It is important to observe that anti-Muslim prejudice does not work straightforwardly as a form of racism, because “Muslim” is not a racially determined identity; nonetheless, it is an identity that has been the target of a great deal of reification, oversimplification, scapegoating and prejudice and that is often used in such a way as it is understood to refer simply to Arab populations. Of course, the effects of this discourse – increased surveillance and suspicion, for example, and indiscriminate attacks on communities – operate in ways that are very similar to the effects of racism. Indeed, the very heterogeneity of Islam may be what allows it to attract such a wide array of prejudice, as it can represent a great deal of things to which racists object.

¹⁰⁶ Peter Morey and Amina Yaqin, “Muslims in the Frame”, *Interventions*, 12:2 (2010), p. 149.

¹⁰⁷ Julie Mertus and Kristin Rawls, “Crossing the Line: Insights from Foucault on the United States and Torture” in *Discipline and Punishment in Global Politics: Illusions of Control*, ed. by Janie Leatherman (New York: Palgrave Macmillan, 2008), p. 37.

GWOT discourse mobilises colonial ways of thinking about Otherness that have historically been mobilised in favour of extreme violence. Because their callous and morally impenetrable tactics, such as suicide bombings or the use of human shields, indicate that terrorists “cannot recognise or comprehend standard means”, the terrorist fighter is seen as an objectified figure who “cannot be rehabilitated because they cannot be reconciled with our system of logic and justice”.¹⁰⁸ This enemy was all the more amenable to exaggeration as they could hide in shadows, masquerading as the neighbour, and use unsophisticated tactics to devastating effect. Anticommunist rhetorics of the Cold War and Vietnam eras can often be read in these representations, as they fed upon popular memory of past conflicts; Christina Schwenkel observes that neoliberal US discourse constructing “the uncivilised and barbaric communist Other, in particular, reinscribes essentialist binaries that celebrate the humanitarian and economic achievements of “modern” capitalist societies while berating the presumed moral failures and deficiencies of noncapitalist ones.”¹⁰⁹ Such moral bifurcations were common in the exceptionalist rhetoric of the early GWOT, according to which, as Trevor McCrisken summarises, “US foreign policy should not be regarded as anything other than benign” because “ultimately, the United States is a force for good in the world.”¹¹⁰ American values were made to appear unequivocally positive and universally applicable in contrast to the absolute moral and political bankruptcy represented by the Islamist terrorist.

The terrorist is a figure with subhuman status, who is “included in the community in the form of being able to be killed.”¹¹¹ Judith Butler’s concept of grievability is also relevant here. Her argument is that pro-war media discourses dehumanise distant populations, with the result that they are often not conceived of as fully human. They are, consequently, not seen as “grievable”, which means that their deaths do not register as significant deaths. Butler stresses that ungrievable populations are conceptually distinct from bare life, because her concept of an ungrievable population refers to a foreign population whose deaths during conflict are either unreported or dismissed as irrelevant during news coverage, whereas bare life refers to a category of persons radically removed from the political community and legal protections in a relation of exclusive inclusivity.¹¹² Nevertheless, the concept of

¹⁰⁸ David Trend, *The Myth of Media Violence* (Oxford: Blackwell, 2007), p. 69.

¹⁰⁹ Christina Schwenkel, “From John McCain to Abu Ghraib: Tortured Bodies and Historical Unaccountability of U.S. Empire”, *American Anthropologist*, 111: 1 (2009), p. 34.

¹¹⁰ Trevor B. McCrisken, “George W. Bush, American Exceptionalism and the Iraq War”, in *America and Iraq: Policy-making, Intervention and Regional Politics*, ed. by David Ryan and Patrick Kiely (Hoboken: Taylor & Francis, 2008) p. 182.

¹¹¹ Agamben, *Homo Sacer*, p. 82.

¹¹² Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2009), p. 29.

ungrievability is useful when describing the representation of *homo sacer*; bare life is sometimes also ungrievable life. Butler contends that the “differential distribution of grievability across populations has implications for why and when we feel politically consequential affective dispositions such as horror, guilt, righteous sadism, loss and indifference.”¹¹³ Certainly we are not invited to feel horror or guilt when a terrorist in *24* is the recipient of violence; indeed, such violence is often presented as a narrative satisfaction. A differential distribution of grievability is at work in the production of this effect. When an Islamic terrorist is killed, according to this logic, no crime occurs, because a human life has not been lost: likewise, torture is not understood as violence, merely the extraction of intelligence.

It is worth emphasising the materialist dimension of this critique: this cultural reification is only significant because it has definite effects in the ways that the GWOT is prosecuted. Writing in 2001, Shelley Wright argued that “[t]he truly disturbing aspect of these cartoon images is that the architects of American foreign policy seem to accept them as reality”.¹¹⁴ Further, in 2013 Jeremy Scahill reported that counterterrorist specialist Malcolm Nance told him that the “civilian ideologues” in the Bush Administration were fond of what experts referred to as “Tom Clancy Combat Concepts”: that is, that Rumsfeld, Cheney and their “militia of ideologues” redesigned counterterrorism after 9/11 according to cartoonish ideas about solving geopolitical problems through force that they had inherited from cultural representations.¹¹⁵ As described above, at the same time as this cultural demonisation of Islam was gaining widespread cultural currency, the Bush administration was establishing legal frameworks that would exclude terror suspects from the protections both of International and US domestic laws. What is important about this dehumanisation, wherein terrorist suspects are conceived of as less than human in both legal discourse and cultural representations, is that the phantasmagoric figure of the terrorist provides the military reality of the battlefield detainee with a reinforcing cultural counterpart: a fictional image legitimises real violence.

¹¹³ Butler, *Frames of War*, p. 24.

¹¹⁴ Shelley Wright, “The Horizon of Becoming: Culture, Gender and History after September 11”, *Nordic Journal of International Law* 71 (2002), p. 222.

¹¹⁵ Jeremy Scahill, *Dirty Wars: The World is a Battlefield* (London: Serpent’s Tail, 2013), p. 58. Describing the extent to which culture was partially constitutive of military-political decisions, Nance remarks that “[t]hey came out and just started reading these books and magazines and start thinking, ‘We’re going to be hard, we’re going to do these things, we’re going to go out and start popping people on the streets and we’re going to start renditioning people.’ The decision makers were almost childlike in wanting to do high, Dungeons and Dragons, you know, dagger and intrigue all the time.”

Conclusions

This chapter has sketched a conceptual narrative that makes possible the reading of a common constellation of juridical-political characteristics across diverse historical and political conditions. The central claim has been that the states of exception and emergency are those in which torture is made possible, as it provides the legal foundation and material conditions of possibility for indiscriminate roundups, concentrationary incarceration, and police impunity. In contradistinction to the ticking bomb justifications depicted in texts such as *24* and *The Centurions*, I argue, this approaches a realistic nexus through which to understand the ways in which torture is actually perpetrated; the texts that most effectively present anti-torture narratives and representations are those that talk in these terms. The Guantánamo Bay detention facility is a generative example because, I argue, its extraterritorial and extralegal spatial configuration exists within a colonial paradigm of exception and permissible violence comparable to the biopolitical logics of the colonial exception and the concentrationary. Those it incarcerates are *homines sacri*, a biopolitical remainder from the sovereign decision on the limits of politically legitimate life, constructed both through legal and cultural discourse to be deserving of extraordinary violence. In the chapters that follow, we will trace specific iterations of such representations across the Algerian War of Independence and the GWOT.

CHAPTER THREE
THE ALGERIAN WAR OF INDEPENDENCE, 1954-1962
TORTURE IN THE EUROPEAN LITERATURE AND FILM OF
ALGERIAN DECOLONISATION

This chapter analyses three European cultural narratives of political torture that emerged from the Algerian War of Independence. Reading firstly the ways that the state of exception is invoked, legitimated, or critiqued by texts, and secondly the ways that the texts frame reality and torture, this chapter reads the ways that torture is justified or critiqued by the texts. It also reads the ways that these discourses can be read as originating in colonial disciplinary biopolitics and as prefiguring narratives and discourses that either justify or critique the torture and indefinite incarcerations of the GWOT, because representations of torture from this conflict have continued to exert a powerful influence on the ways that torture is represented in Anglo-American and European literature and film after 9/11.

Jean Lartéguy's novel *The Centurions* provided a narrative of French right-wing military self-perception. Filmed in Spain for an American audience as *Lost Command* in 1966, it is the first narrative that uses the ticking bomb scenario as its basis for endorsing torture; as I argued in the Introduction and as we will see both below and in the following chapter, this scenario grew in popularity and became widespread as both a narrative device and a politicised rhetorical strategy after 9/11. This chapter reads the way that this text narrativises Counterrevolutionary War Theory, with specific focus on the way that the ticking bomb scenario operates as a fictional frame which makes torture seem not only militarily necessary but morally imperative. I also argue that the text has a significant material afterlife, and that through its institutionalisations it has contributed in a significant way to the field of intelligibility in which torture is discursively constructed as a legitimate counterterrorism measure.

The second text examined in this chapter is Gillo Pontecorvo's anti-colonial film *The Battle of Algiers* (1966). Reflecting this thesis' concern with exceptionality and violence, this chapter reads Pontecorvo's film in terms of the political exception, reading the extralegal violences shown in the film in terms of the contrasting interpretations of extralegal sovereign violence that Agamben identifies in *State of Exception*. One of the strengths of Pontecorvo's film is that a representation of Counterrevolutionary War Theory is brought into collision with anti-torture representations: it is an anti-torture film that takes seriously the arguments of

pro-torture thinkers. I argue that the conflict between divine revolutionary violence and the sovereign violence of torture can be read as the film's structuring principle. It was also widely discussed after 9/11, and even cited by the American Pentagon as a training resource, and so provides a concrete instance in which the Algerian conflict was deployed as an example pertinent to post-9/11 conflicts.¹ Here I read this relevance as an example of the reactionary translatability of time discussed in Chapter One: although the film is unambiguously critical of torture, the narrative can be read in such a way as to conclude that, despite its moral repugnance, torture can be strategically effective.

The final text this chapter reads is Jean-Luc Godard's second feature film, *The Little Soldier* (1960). The texts by Lartéguy and Godard embody differing phenomenologies of torture – radically differing notions of what it is, how it happens, and what it entails – and when placed into dialogue with one another, they are mutually illuminating. Whereas Lartéguy conceives of torture as a surgical military intelligence intervention necessary for the preservation of the French Empire, Godard conceives of it as routine, ineffective, and morally repugnant. This chapter reads Godard's film as an anti-torture text, describing the representational strategies that perform a critique of torture. However, I also argue that although the film is powerful in many respects, its critique has many shortcomings, including its Eurocentric focus and its representation of the endurance of torture.

This chapter has several foci. The representation of torture acts is central: *The Centurions* depicts torture as a form of targeted warfare rather than as an institutionalised and systematic biopolitical violence, and *The Battle of Algiers* provides powerful yet aestheticised images of torture. The potential for these representational strategies to depoliticise and obfuscate both the acts and their political context is central to the political problems these representations raise. The stark and powerful representation of torture in *The Little Soldier* goes some of the way towards addressing these issues. Each text is also concerned with framing “the truth” of the war, often in ideological ways that directly conflict. Lartéguy's novel purports to represent the “real” experience of the French Army, *The Little Soldier* contains one of Godard's most notorious and misunderstood aphorisms about truth – protagonist Bruno Forestier says that “photography is truth, and film is truth 24 times a second” – and Pontecorvo's *The Battle of Algiers* was produced according to the principle of

¹ See for example Michael T. Kaufman, “What Does the Pentagon See in *The Battle of Algiers*?”, *New York Times* (07/09/03), available <http://www.nytimes.com/2003/09/07/weekinreview/the-world-film-studies-what-does-the-pentagon-see-in-battle-of-algiers.html> (accessed 10/04/2008), or Stuart Klawans, “Lessons of the Pentagon's Favourite Training Film”, *New York Times* (4/1/2004) available at <http://www.nytimes.com/2004/01/04/movies/film-lessons-of-the-pentagon-s-favorite-training-film.html> (accessed 12/04/2010).

a “dictatorship of truth.” This chapter addresses the ways that these truths conflict and how they are related to the representation of torture acts.

3.1 Another Indochina: *The Centurions* (1960) and *Lost Command* (1966)

3.1.1: *The Centurions*

Michael Schwartz writes in his 1962 review of *The Centurions* that “[t]he novel is a tract, written expressly to sell the author’s ideas on the role of the army. As a novel, it hardly exists.”² Schwartz is essentially correct: Lartéguy’s priority is his exposition of military thinking. In particular, its narrativisation of the ticking bomb scenario is very significant to this thesis. *The Centurions* does not represent the ordinary iteration of the ticking bomb scenario: in André Malraux’s 1928 novel *The Conquerors* there is a comparable scene in which torture is used to prevent the imminent poisoning of a water source.³ However, Lartéguy’s narrative was more significant for the emergence of a pro-torture argument because of his exposition of his reasons for endorsing torture – narrative persuasion is less present in Malraux – and because of the post-WWII conception of terrorism as an expression of civilisational friction that Lartéguy helped to popularise. In this chapter I discuss the text’s conception of sovereignty and war, its recommendation of torture, and the way that it became embedded in military-political discourse. First, I argue that Lartéguy diagnoses the sovereign force that is represented by the camp, and argues that strategic utilisation of the naked violence it represents is an effective way to win wars. Secondly, I argue that the application of torture in Algiers is defended by Lartéguy, and represented as both necessary and successful through his narrativisation of the ticking bomb scenario. Finally, I argue that the text, as a material artefact of the Algerian War with a significant afterlife, is implicated in the constitution of the post-9/11 field of intelligibility in which torture is comprehensible not as a brutal excess of governmentality but as a necessary and compassionate military intelligence intervention.

² Michael Schwartz, “What the French Army Needs: A Fighting Man’s Ideology”, *The Harvard Crimson* (24/02/1962), available at <http://www.thecrimson.com/article/1962/2/24/what-the-french-army-needs-a/>, accessed 13/05/2010.

³ See André Malraux, *The Conquerors*, trans. by Stephen Becker (London: The Journeyman Press, 1983 [1928]) pp. 168-170.

3.1.1.1: The Enemy; Sovereignty in the Camp

France attempted a colonial retrenchment after the Second World War, in the course of which Communism was represented as a privileged civilisational enemy. House and MacMaster write:

As the cold war deepened after 1946, and many in France feared a Communist insurrection, numerous conservatives and Socialists entertained an apocalyptic view of a global crisis in which Communism threatened to envelop and strangle the West through support for nationalist wars of liberation that would lead to the collapse of colonial empires.⁴

To Lartéguy, and many who shared comparable positions on the political spectrum, the anticolonial wars across the French Empire were comparable not because they were struggles for national self-determination of colonised peoples but because they represented a theft of their colonial territory by global Communism. Colonel Raspéguy, for example, remarks in *The Centurions* that the Algerian War is “the same war as in Indochina.”⁵ Although the catastrophic French defeat at Dien-Bien-Phu was certainly a rallying cry to nationalist groups in the French Empire, and although the goal of decolonisation was common to many French colonies, to say that all of the wars of decolonisation fought by the French were the same war against Communism is to fundamentally misunderstand each war and the specificities of their discrete anticolonialisms. Nonetheless, such comparisons are evidence of the clash of civilisations discourse that makes the narrative of *The Centurions* comprehensible.

In the first part of the novel, “Camp One”, the paratroopers who make up the cast of the text are incarcerated in a Vietminh concentration camp, and here they discuss the nature of the wars of decolonisation. Reflecting upon his defeat, the paratrooper Glatigny remembers that “[t]he explosion of a grenade in his dug-out made him take leave of the Greco-Latin-Christian civilised world. When he regained consciousness he was on the other side... among the Communists.”⁶ The West and Communism are conceived of as totally

⁴ Jim House and Neil MacMaster, *Paris 1961: Algerians, State Terror, and Memory* (Oxford: Oxford University Press, 2006), p. 49.

⁵ Jean Lartéguy, *The Centurions*, trans. by Xan Fielding (London: Arrow Books, Ltd., 1961), p. 273.

⁶ Lartéguy, *The Centurions*, p. 24.

separate and irreconcilable universes, whose relation is understood to take the form of what Schmitt would call a fundamental concrete antagonism. Esclavier and Boisfeuras in particular describe Soviet expansionism as threatening to deprive the entire planet of its freedom. This civilisational clash has important repercussions with regard to Lartéguy's representation of the violence of war. In the camp, Esclavier declares:

‘For a prisoner, everything is justified,’ Esclavier had declared, ‘stealing, lying... from the moment they deprive him of his freedom he is given every right.’

Boisfeuras had asked him:

‘And what if a régime, a political ideology deprived the whole world of its freedom?’

‘Then there are no holds barred.’⁷

In another context this dialogue could be attributed to an anticolonial agitator: colonial counterterrorism takes on the appearance of an embattled resistance so that audiences can more readily sympathise with the heroes as underdogs. Crucially, Esclavier here insists that the defence of the colonial possession against Communism justifies the counterterrorist violences at the end of the book. The function of this first section is to acclimatise the reader to the nature of the Communist threat to the French Empire and to allow them to understand the relevance of Esclavier's advice. In Camp One the paras gain an intimate familiarity with the intensity of war; Schwartz writes that the “awareness of the real issue, Lartéguy says in effect, is gained on the battle-field (or in the prison camp).”⁸ The privileged access to authentic experience that this suffering confers upon the heroes of *The Centurions* equips them to perceive that this urgent civilisational war is an arena to which peacetime standards of moral behaviour are irrelevant.

David O'Connell elaborates upon this relationship between the experience of the camp and the paras' capacity for extreme violence: “Having learned about *efficacité* in the frigid but precise universe of the Vietminh re-education camp, there will be no substitute for victory.”⁹ The paras, although priding themselves on their resistance to the Communist propaganda to which they were exposed in the camp, nevertheless learn from the humiliations

⁷ Lartéguy, *The Centurions*, p. 65.

⁸ Schwartz, “What the French Army Needs”.

⁹ David O'Connell, “Jean Lartéguy: A Popular Phenomenon”, *The French Review*, 45: 6 (1972), pp. 1089-90.

endured there that in order to ensure victory against Communism, they must grasp the absolute sovereign violence of the camp and utilise it; if the camp demonstrates how to thoroughly destroy a man, they must not flinch at anything less than using equivalent violence if they wish to win. Later, in a briefing that prefigures the soldiers' briefing in *The Battle of Algiers*, Lartéguy's paras are told by a superior officer that they are "not here to discuss points of procedure but to fight. We've got to do this job irrespective of all legality and conventional method."¹⁰ Invoking military necessity, characters consistently argue that the state of crisis into which the fight against Communism has plunged the French Empire legitimates any tactics that will reassert power. For example, at one point Esclavier remarks that Boisfeuras has loaned him Arthur Koestler's *Darkness at Noon* and has underlined the following passage:

When her existence is threatened, the Church is absolved of all moral commandments. Unity as an aim sanctifies every means, cunning, treachery, violence, simony, imprisonment and death. For all order exists for the purpose of the community, and the individual must be sacrificed for the common good.¹¹

This passage, in which Ludwig Pastor paraphrases the work of Dietrich von Nieheim, is used by Koestler – not uncritically – as an epigraph to a chapter about political persecution.¹² The point of the original remarks is that the schism in the fifteenth-century church over the correct succession of the Papacy led von Nieheim to conclude that the state of necessity to which the schism had brought the church justified extreme actions in order to decisively refound the church.¹³ It clearly invokes the state of exception as discussed in the previous chapter: it argues that when sovereignty is threatened, normative law can be suspended in order to allow the use of extreme violence to restore order. Boisfeuras uses it to justify a reprisal massacre; here Lartéguy explicitly interleaves political ideas into his novel in order to make explicit justifications of violence.

¹⁰ Lartéguy, *The Centurions*, p. 405.

¹¹ Lartéguy, *The Centurions*, p. 324.

¹² Arthur Koestler, *Darkness at Noon* (London: Vintage, 2005 [1940]), p. 81.

¹³ Ludwig Pastor, *The History of the Popes from the Close of the Middle Ages*, ed. by Frederick Ignatius Antrobus, Sixth Edition, Volume One, pp. 192-194.

3.1.1.2: Torture

In the third section of the text, “The Rue De La Bombe”, the paras return to duty in Algeria and defeat various terrorist adversaries through the use of counterrevolutionary tactics. Before reading the exemplary ticking bomb scene itself, however, I will briefly contextualise the way that Lartéguy represents torture in the preceding sections of the text.

In *The Centurions*, torture is always successful. There are four major interrogational torture scenes, and the information gleaned in each leads procedurally to the next stage of the narrative. The importance of this needs underlining: the idea that torture can be used as a procedural tool is one of the most misleading torture myths. Whereas it is true that torture does force people to speak, the second stage in this logic – that it can be used as a method of precise and controlled investigation – is an ideological invention that justifies the abuse of power. Boisfeuras, advocate of von Nieheim and the para most often in charge of torture, is described by Lartéguy as belonging “to his own just and efficient world, just with a justice which thinks nothing of men being slaughtered, women being raped or farms being burnt to the ground.”¹⁴ Unique among the paras, Boisfeuras understands that to achieve their goals he must break the rules of accepted military practice, and central to this is his uncritical acceptance of the idea that torture solves problems. As we will see in the next chapter, 24’s Jack Bauer embodies similar values and qualities.

In the second major torture scene, FLN leader Si Millial is tortured by Min, a Vietnamese soldier under the command of Boisfeuras.¹⁵

In the ‘schoolroom’ stood Min.

‘The address of the letter-box?’ Boisfeuras asked once again.

Si Millial slowly shook his head and Min took a step towards him.

Marindelle had opened the window and was taking deep breaths of the cool night air. He knew it had come to this, that this was the ghastly law of the new type of war. But he had to get accustomed to

¹⁴ Lartéguy, *The Centurions*, p. 427.

¹⁵ The first torture scene describes the technique that recurs throughout the following torture scenes, and insists that such torture originates in Veitminh culture, rather than in the French culture that employs it. “Min went out, then came back again with a sock filled with fine sand dangling from his hand. Without striking too hard, he started hammering Ahmed’s head, as the Viet’s [sic] had taught him, always on the same spot.” Apart from the distance that it insists on placing between the French and their torture techniques, the scene is unremarkable in comparison to the much longer scenes that follow and that I read in more detail here. Lartéguy, *The Centurions*, p. 322.

it, to harden himself and shed all those deeply ingrained, out-of-date notions which make for the greatness of Western man but at the same time prevent him from protecting himself.

‘22, Rue de la Bombe,’ Boisfeuras eventually informed him.¹⁶

A question is posed, violence is applied, and useful information results. However, we do not witness the violence: as soon as it is established that force is about to be applied, the narration looks away – in this instance, literally out of the window – and provides instead a justification of what is occurring. These repeated justifications demonstrate that nobody tortures out of cruelty or malice or for pleasure: it is shown as a utilitarian tactical decision, because for Lartéguy refusing to torture is equivalent to refusing to fight. Reiterated here too is the notion that experience of war brings moral clarity: professional and experienced soldiers like Marindelle and Boisfeuras can appreciate that moral objections to torture are “out-of-date” because they render Western civilisation toothless and unable to protect itself. These ideas are also found throughout *24*, which underscores the uselessness of non-violent tactics against terrorism, while the characters insist that they will do “whatever it takes” to solve the emergencies with which they are faced.

In the ticking bomb scene, ten bombs have been planted by the FLN in civilian targets across Algiers, and Esclavier, the son of a prominent left-wing intellectual (and anti-torture activist) and himself a Gestapo torture victim, has to torture Arouche, a terrorist and a dentist, to prevent their detonation the next morning. The question that the scene poses is not whether torture works, because the previous torture episodes have demonstrated that terrorists consistently respond to physical force. Rather, the central drama is whether Esclavier can overcome his moral qualms about torture and bring himself to admit that the only way to save innocent lives is to torture the information out of Arouche. The scene is structured as a persuasion – Esclavier is convinced through his experience that torture can be necessary. The scene is framed in terms of the utilitarian minimum harm rule, discussed in the first chapter of this thesis, with the effect of heavily suggesting that torturing the guilty character is the only legitimate moral avenue because refusing to torture would result in the certain deaths of unsuspecting victims.

During this scene Esclavier’s mistress telephones him and reveals that her grandfather has been killed by the FLN. His emotional response to this murder convinces Esclavier to

¹⁶ Lartéguy, *The Centurions*, pp. 423-423.

torture Arouche. Lartéguy writes: “By the time the dentist was carried off on a stretcher, in the early hours of the morning, he had confessed everything; none of the fifteen bombs went off.”¹⁷ Although everybody acknowledges that torture is unpleasant, the one thing that can change the mind of the unpersuaded liberal is an act of terrorism. Torture is represented as a decisive answer to irrational violence, and any refusal to use harsh methods is seen, from such a perspective, as a refusal to act in a morally courageous way. Earlier in the novel, Esclavier remarks that “[w]e all suffer from conscience and remorse; that’s why we’re losing.”¹⁸ By the end of the novel, he is made to appreciate the meaning of his own words, as it is revealed to him that only his refusal of his “obsolete” moral code can lead to military victory over terrorism.

3.1.1.3: Circulation, Legitimacy, and the Field of Intelligibility

What is most interesting about *The Centurions*, however, is its circulation amongst audiences and the distribution of its ideas. It was very popular in France at the time of its publication – as Rejali remarks, it “won the Prix Eve Delacroix in 1960, and sold half a million copies, a privilege no book on the real Algerian war can claim”, and further, as ex-paratrooper Paul Aussaresses travelled the world teaching counterrevolutionary tactics in military training schools, Lartéguy’s novel became an educational tool – again, Rejali observes that American military reading lists “place it alongside real classics such as Sun Tzu’s *The Art of War*.”¹⁹ Accordingly, its unequivocal advocacy for torture gained intellectual credibility, and the idea percolated through military culture that in certain situations torture was not only acceptable but militarily necessary. Through the institutionalisation of Lartéguy’s narrative as “knowledge”, torture became comprehensible as a necessary emergency measure: its history as an educational text in American, Israeli and British military institutions has ensured that the colonial discourses of *The Centurions* have become regarded as intellectually legitimate objective knowledge.

This was facilitated, of course, by Lartéguy’s history as a paratrooper and his claim to have accurately portrayed the objective reality of the war. In his author’s note, although he admits to fictionalising personalities, Lartéguy attempts to conflate the diegetic universe of the text with objective reality by claiming that “the facts, the situations, the scenes of action

¹⁷ Lartéguy, *The Centurions*, pp. 442.

¹⁸ Lartéguy, *The Centurions*, p. 74.

¹⁹ Rejali, *Torture and Democracy*, p. 547.

are almost all taken from real life and I have endeavoured to adhere to the correct dates.”²⁰ However, Rejali traces the two documented cases from which he claims Lartéguy could have taken inspiration for this incident, and concludes that either it is a wish-fulfilment romanticisation of a torture which did not occur – Communist bomb-planter Ferdinand Yveton, apprehended but not tortured by Paul Teitgin – or it is a hagiographic rewriting of the discovery of the grenade-thrower of Oran, in which a narrative of successful torture was circulated to “disguise the real police sweep, the gruesome torture of forty people”.²¹ Either way, the event did not take place, so Lartéguy’s narrative is a recirculation of a political myth presented as a fictionalisation of history.

As we will see in the next chapter, although Lartéguy’s novel fell into relative obscurity, the pro-torture rhetoric it popularised remained ingrained in military thinking. Here we can observe through tracking the translations of *The Centurions* the ways that the Algerian conflict can productively be read as an influence on GWOT discourse. The Afrikaans edition was published in 1963, and remained popular during the years that the South African apartheid state was engaging in widespread torture during its counterterrorism operations against the ANC. The text was translated into Hebrew by Israeli security forces in the 1960s, a decade that featured several difficult and internationally unpopular wars in Israel-Palestine and in the course of which torture was employed by Israel.²² Xan Fielding’s English translation also appeared in 1961, and was republished in 1966 to coincide with *Lost Command*. As we will see in the next chapter, after 9/11 Americans did not republish Lartéguy’s novel until 2011, but the ticking bomb scenario was by then sufficiently ingrained in cultural thinking about political torture to become popular through its rearticulation in 24 without *The Centurions* reappearing. The function of the ticking bomb scenario is not simply to provide a moral and conceptual vocabulary in which torture can be cast as necessary, but also to oversimplify and dramatically aestheticise the discursive frame through which unpopular wars are read. This global publication history suggests that Lartéguy’s ideas acquire cultural resonance and political capital in societies fighting difficult counterterrorist wars. In such conflicts, the retrospective gaze towards Lartéguy’s fictionalised Algeria seems

²⁰ Lartéguy, *The Centurions*, unnumbered prefatory page.

²¹ Rejali, *Torture and Democracy*, p. 546. The Yveton case is particularly strong, as there are many similarities between Esclavier and Teitgin, including their internment in Nazi camps; Teitgin was interned in Dachau. See Horne, *A Savage War of Peace*, p. 204.

²² See Robert D. Kaplan, “Rereading Vietnam: A review of Robert Corum’s *American Patriot: The Life and Wars of Colonel Bud Day*” (19/2/2008), available at http://www.powells.com/review/2008_02_19.html (accessed 12/09/2010).

to provide persuasively uncompromising solutions to the complex questions posed by terrorism.

3.1.2: *Lost Command*

3.1.2.1: Genre and Historical Translatability

Lost Command, Marc Robson's filmic adaptation of *The Centurions*, is the only major pre-9/11 American narrative dealing directly with the Algerian war, and it is broadly supportive of the paratroopers: as such, much American mainstream popular culture memory of Algerian decolonisation would originate in this text.²³ In terms of content, the majority of the film relies much more on generic features of war films, such as gun battles and chases over territory, than it does on what may or may not be interesting about its source material; the ticking bomb scene is removed, for example, although other scenes stressing the efficacy of torture remain. However, the central concern of the novel remains present. The film is structured around the discussion of military tactics, and in particular on how it is appropriate to fight colonial wars. Occupying exclusively the subject position of the French para, the film has a triumvirate of central characters whose differences represent a dialogue on the situational and historical morality of the Algerian situation. In the centre is Raspéguy (Anthony Quinn), whose philosophy is summed up in one yelled sentence: "There's only one rule: Don't die!" This echoes Schmitt's argument that there is no norm applicable to chaos, and it sloganises Lartéguy's argument normalising the use of any means necessary to retain sovereignty. Boisfeuras and Esclavier – both played by ex-paratroopers, Maurice Audin and Alain Delon respectively – represent the opposing ways of achieving this victory: Boisfeuras orders reprisal massacres and torture, and Esclavier advocates less brutal methods and opposes torture. Unlike the novel, in which Esclavier is forced to see the effectiveness of Boisfeuras' tactics, in the film adaptation Esclavier remains resistant and is not decorated

²³ Philip Dine remarks that *Lost Command* is "the only conventionally heroic 'war film' to have been inspired by the Algerian conflict." Philip Dine, "Anglo-Saxon Literary and Filmic Representations of the French Army in Algeria", in *The Algerian War and the French Army, 1954-62: Experiences, Images, Testimonies*, ed. by Martin S. Alexander, Martin Evans, and J. F. V. Keiger (London: Palgrave Macmillan, 2002), p. 141. Despite being sympathetic to the French paratroopers, however, the movie was banned in France for ten years. Martine Astier Loutfi, "Imperial Frame: Film Industry and Colonial Representation", in *Cinema, Colonialism, Postcolonialism: Perspectives from the French and Francophone World*, ed. by Dina Sherzer (Austin, Texas: University of Texas Press, 1996), p. 25.

alongside Boisfeuras and Raspéguy. Significantly, although this conflict is central to the narrative, there is little room for doubt about the colonial project itself.

Contemporary film reviewers observed that *Lost Command* has little to distinguish it from other war films. Bosley Crowther remarked in *The New York Times*, for example, that “[i]t is all too reminiscent, except for the labels of name, time and place, of the many standard war films that have preceded *Lost Command*.”²⁴ As discussed in the Introduction, the role of realist culture is to render the unknown familiar by phrasing it in recognisable terms and couching it in conventional narratives. By making Algeria’s story interchangeable with any other war film narrative, the adaptation process encourages the interpretation of colonial violence as a transplantable template of civilisational conflict. When cultural artefacts continually emphasise planetary clash between technologically advanced militaries and barbaric natives, the inevitability of such warfare seems to gain credibility.

As mentioned above, France attempted a colonial retrenchment after the Second World War, and Communism became the main Cold War enemy for France just as it did for much of the rest of the West. Sartre observes that in Indochina, “nobody talked about a colonial expedition anymore; the French became the sentries of the West, defending in Vietnam Christian and Graeco-Latin values against the Antichrist Stalin and Slavic barbarians.”²⁵ However, it is possible to read this temporal metaphor both backwards and forwards. Not only was defeat in Algeria seen as a repetition and consolidation of defeat in Indochina and elsewhere, but if we read French wars of decolonisation as a specific iteration of a more general Western resistance to international Communism, this authorises a reading of the American War in Vietnam as an extension of that same long anticommunist campaign. I will argue here that *Lost Command* is at once a Western, an Algeria film, and a Vietnam film. This metaphoricity facilitates a slippery and multi-layered rhetorical interchangeability of wars, which makes the Algerian War intelligible in terms that are reducible to a simplistic civilisational antagonism. If Algeria between 1954 and 1962 is compared to Iraq after 2003 or Vietnam between 1950 and 1975 in terms of the civilisational friction it is claimed to represent, then conclusions about one war begin to seem relevant to all of them. As I argue above, this is the way that pro-torture memory is often deployed. Drawing parallels such as these is problematic as it allows situations to seem interchangeable and allows greater and

²⁴ Bosley Crowther, “Quinn at War Again: *Lost Command*”, *New York Times* (15/09/1966), available at <http://movies.nytimes.com/movie/review?res=9F0DE5DC143BE63ABC4D52DFBF66838D679EDE&> (accessed 02/09/2012).

²⁵ Jean-Paul Sartre, “The Frogs Who Demand a King”, in Sartre, *Colonialism and Neocolonialism*, trans. by Azzedine Haddour, Steve Brewer and Terry McWilliams (London: Routledge, 2001 [1964]), pp. 53-4.

more invasive force to seem historically inevitable; the use of force, including torture, seems to offer a transferable template for military intervention.

Post-9/11 torture advocates attempted to use Algeria as an example of a conflict in which torture had provided unambiguous military success. Neil MacMaster, for example, argues that there were definite attempts to derive “the technical and instrumental lessons of French counter-revolutionary warfare so that they could be applied to the global fight against al-Qaida.”²⁶ In January 2002 Paul Aussaresses, one of the only senior French military figures not to publicly apologise for his role in the institutionalisation of torture in Algiers, was interviewed by Mike Wallace on *60 Minutes* as a counterterrorism expert, stating from experience that “the best way to force a terrorist who refused to disclose what he knew was to torture him.”²⁷ His memoir features passages that unequivocally recommend torture as a legitimate counterterrorism strategy. Torture, Aussaresses wrote, “which is unacceptable under normal circumstances, could become inevitable in a situation that clearly defied every rule. The police men had one guiding principle when they had to question a man who had shed innocent blood in the name of an ideal: torture was legitimate in cases when it was urgent to obtain information.”²⁸ Using Aussaresses’ statements, which had the authority of witness testimony, as evidence, the Algerian War was made to appear as an example of a conflict in which military success was compromised by weak vacillating politicians, and as such, seemed to provide a robust case for political unity behind the endorsement of torture.²⁹

Retelling Lartéguy’s story using the visual and narrative conventions of the Western genre increases this potential for interchangeability and generalisation. Shot in Spanish desert, the film often looks like a Western – particularly in its dusty middle third and in the desert gunfight at its conclusion – and its plot inherits much from the Western genre, including its focus on training and discipline, and its central thematic concerns, such as the limits and legitimacy of military violence. Stanley Corkin argues that post-WWII Westerns became more reflective, often representing meditations on and critiques of military policies

²⁶ Neil MacMaster, “Torture: From Algiers to Abu Ghraib”, *Race and Class*, 46: 2 (2004), p. 10.

²⁷ Interview summarised in Anthony Milavic, “The US Military and Torture”, *Counterpunch* (25/9/2005), available at <http://www.counterpunch.org/milavic09242005.html> (accessed 12/02/2010). Aussaresses has made similar statements in other interviews; see for example *Intimate Enemies*, dir. Patrick Rotman (Kuiv Productions/France3, 2002).

²⁸ Paul Aussaresses, *The Battle of the Casbah: Counter-terrorism and Torture in Algeria 1955-1957*, trans. by Robert L. Miller (New York: Enigma Books, 2006 [2001]), p. 17.

²⁹ Aussaresses applied his expertise to the training of recruits. “General Aussaresses took his experience to the United States and South America in 1962-63 as an instructor and advisor at the School of Special Warfare at Ft. Bragg and at the military college in Buenos Aires, Argentina. Aussaresses lectured on torture in the U.S. and in Argentina at that time.” Robert L. Miller, “Publisher’s Introduction”, in Aussaresses, *The Battle of the Casbah*, p. xxvi.

and justifications; however, he continues to remark that the generic markers of these films – not least constant violence against racialised enemies – often functioned to defuse such critiques.³⁰ Corkin also argues that post-war Westerns have a tradition of historical metaphoricity; *The Searchers* (1956) uses the figure of John Wayne’s Confederate veteran of the American Civil War as a way of narrating sociopolitical issues arising from the Korean War, for example.³¹ In much the same way, *Lost Command* uses the French experiences of defeat in Indochina and Algeria as a way of narrating the American experience of entrenched imperial war in Vietnam, a narrative task that would not be explicitly undertaken until two years later with John Wayne’s explicitly propagandistic *The Green Berets* (1968). Though this potentially valuable critique of American policy in Vietnam may be one reading of the film, it is overshadowed by the much more problematic ways in which the generic markers of the Western genre function to make historical conflicts interchangeable.

3.1.2.2: Muslims-as-Indians

Distinguishing Western movies from the visual traditions on which they draw, Edward Buscombe observes that the thematic preoccupations and the characterisations of the Western genre necessarily preclude any sustained interest in those it has to demonise as enemies for the narratives to make sense.³² Likewise, *Lost Command*’s engagement with Islam is partial, reductive, and restricted entirely to conflict. Iraqi mujahideen were known by US forces in Iraq as “the new Charlies”, and Alistair Horne writes that many veterans of the war in Indochina “constantly referred to the FLN as *les Viets*”; the soldiers fighting the wars to some extent relied upon a racist interchangeability for the wars to be comprehensible to them.³³ In *Lost Command* the Algerian nationalist forces appear as the direct inheritors of the Vietnamese soldiers who defeat them in Dien Bien Phu, existing simply as crowds of

³⁰ Stanley Corkin, *Cowboys as Cold Warriors: The Western and U.S. History* (Philadelphia: Temple University Press, 2004), p. 12.

³¹ Corkin, *Cowboys as Cold Warriors*. See esp. pp. 127-163.

³² “Locked into a certain kind of narrative in which ‘action’ is primary, the Western, unlike painting and photography, has been unable to interest itself in Indian culture.” Edward Buscombe, “Photographing the Indian”, in *Back in the Saddle Again: New Essays on the Western*, ed. by Edward Buscombe and Roberta E. Pearson (London: BFI, 1998), p. 43. Buscombe’s argument is that Westerns from their inception drew upon a racist ethnographic tradition of photographing Indians which represented them as vanishing savages. Although he notes that this tradition could have both triumphalist and elegiac dimensions, he argues that regardless of emphasis the effects of this tradition were to normalise and aestheticise the inevitable disappearance of the Native American.

³³ Matthew Alexander [pseud.] with John R. Bruning, *How to Break a Terrorist: The US Interrogators who Used Brains, not Brutality, to Take Down the Deadliest Man in Iraq* (New York: Free Press, 2008), p. 51. Alistair Horne, *A Savage War of Peace: Algeria 1954-1962* (London: Macmillan, 1987 [1977]), p. 167.

antagonists. Both the Vietnamese and the Arab enemies in *Lost Command*, however, also appear as new iterations of the familiar Western enemy, the Native American. This metaphoricity is sticky and multi-layered: at the same time as the film gestures towards imperial overreach in Vietnam, it is also possible to represent Algeria in terms of the Western due to its history as a settler colony. For settler colonialism, as Robert Young writes, decolonisation is “more painful, and resistance more plural and complex”, and the engagement with indigenous populations was often much more fraught and violent than with other forms of colonial interaction.³⁴ Settler colonialism was clearly very different in Algeria and on the North American continent, but *Lost Command* reveals that from the colonial perspective it is possible to represent the two separate phenomena through a shared vocabulary of stereotypes.

Philip French writes that the Native American in Western movies was “a terrifying all-purpose enemy ready at the drop of a tomahawk to spring from the rocks and attack”.³⁵ Indians in the Western, even when they are represented in a way that can be described as sympathetic, are still regarded as fundamentally suspicious and irreconcilably different. This thesis argues that the cultural bogeyman of the Islamic extremist occupies a similar cultural role after 9/11, and that *Lost Command* represents an early stage in this representational translation. It is true that Arabs have, as Jack Shaheen writes, consistently been represented as an enemy *as Arabs* – that is, that “almost *all* Hollywood depictions of Arabs are *bad* ones”, and that the dehumanising stereotype of Arabs includes the capacity to be killed for entertainment without the requirement that they resemble Indians; nonetheless, I argue that this movie emerges at a key historical moment when Muslims were being constructed as the main perpetrators of politically illegitimate violence, and that the translatable iconography of ungrievability is a central part of this transformation.³⁶

Significantly, much like the “Indians” in the Westerns to which Buscombe and French refer, the extent to which the Muslim characters are comprehensible as human is simultaneously the extent to which they appear Europeanised – which is to say, the extent to which they can be differentiated from a culture made to appear savage and ungrivable.

³⁴ Robert Young, *Postcolonialism: An Historical Introduction* (Oxford: Blackwell, 2001), p. 300.

³⁵ Philip French, “The Indian in the Western Movie”, in *The Pretend Indians: Images of Native Americans in the Movies*, ed. by Gretchen M. Bataille and Charles L. P. Silet (Iowa: The Iowa State University Press, 1980), p. 99. See also Donald L. Kaufman, “The Indian as Media Hand-me-down”, in the same volume, pp. 22-34, for an examination of the emergence of this figure from colonial experience, through dime novels, and into visual culture.

³⁶ Jack G. Shaheen, *Reel Bad Arabs: How Hollywood Vilifies a People*, updated edition (Massachusetts: Olive Branch Press, 2009 [2001]), p. 17. Emphasis in original.

Central antagonist Mahidi, for example, is an ex-paratrooper who has rebelled against France in order to defend Algeria, and his sister dresses in European style and is studying for an unspecified doctorate. This is double-edged, however: this comprehensibility is exposed as fraudulent and suspicious. Mahidi, for example, and his family, are urban, comparatively Europeanised Muslims, and their nationalist manoeuvres are facilitated by the extent to which their appearance of integration allows them to infiltrate French sections of colonial Algeria.



FIGURE 3.1: APACHE INDIAN AMBUSH IN *FORT APACHE* I



FIGURE 3.2: *LOST COMMAND* FRAME COMPARISON I

This tension about the extent to which it is possible for a Muslim to appear European without performing some infiltration manoeuvre is a trope we will return to in the next chapter.

Furthermore, the visual conventions used by Robson to frame Mahidi and his insurgent forces clearly echo those used by generations of Western directors. In figures 3.1-3.6, frames taken from a scene towards the middle of the film in which Algerian forces

ambush Raspéguy and his paratroopers, we can clearly see their similarity to scenes in which Apache Indian forces ambush American cavalry and fire down on them from a position of strength in John Ford's 1948 Western *Fort Apache*. Robson is not staging a direct homage to this specific film – rather, Robson is using a set of established generic conventions for representing hostile native forces that has its origin in Westerns such as those made by Ford,



FIGURE 3.3: APACHE INDIAN AMBUSH IN *FORT APACHE* II



FIGURE 3.4: *LOST COMMAND* FRAME COMPARISON II

their exemplary director. Firstly, the Indian and Muslim forces are represented as fighting unfairly: whereas the Cowboys and paratroopers fight on open ground, their antagonists use stolen weaponry to ambush them from relative safety. Secondly, the closeness of the antagonists to the land is emphasised, repeating the colonial trope of native populations as more closely associated with nature – as *part* of nature. This insistence that they remain unable to exist in a relation of exteriority to the territory they occupy emphasises the extent to

which they are represented as pre-modern and as incapable of full political subjecthood. In addition, Mahidi's connection to the land of Algeria gives him both the motivation and the local knowledge to continually thwart Raspéguy's panoptic military apparatus. Knowing the hills intimately, for example, is more effective than owning a helicopter. It is important to underscore the way that this embodied knowledge is connected to torture: if it is argued that



FIGURE 3.5: APACHE INDIAN AMBUSH IN *FORT APACHE III*



FIGURE 3.6: *LOST COMMAND* FRAME COMPARISON III

natives know with the body, then it can be further argued that striking at the body in the intimate violence of torture is the most appropriate way to access this hidden knowledge.

The effect of framing Muslims in this tradition is clear: they appear either as double agents whose Europeanised appearances should not be trusted or as part of an undifferentiated mass of ungrievable enemy soldiers. The resonances this finds in post-9/11 counterterrorism culture are clear: Mark Owen, for example, in his witness account of the

operation to kill Osama Bin Laden, recounts that Kunar province in East Afghanistan was known by coalition forces as “Indian Country” because it represented a particularly intense concentration of enemy forces.³⁷ This reveals that, as well as audiences more generally, servicemen engaged in the fighting rely on these media hand-me-downs to understand the wars in which they are engaged. Although it is clearly not the origin of these sentiments, *Lost Command* is the first American text to articulate them with regard to the Algerian War. Through its representation of the Algerian War as interchangeable with other iterations of a planetary clash, and through its representation of Muslims as Indians, *Lost Command* is an example of the use of memory as military precedent described above.

3.2: War in the Casbah: *The Battle of Algiers* (1966)

It is unclear where the phrase “Battle of Algiers” originates; Saadi Yacef, in interview with Nicholas Harrison, credits the phrase to Jacques Massu, although Harrison himself elsewhere observes that the term has an unclear and politicised provenance and is rarely any longer used by historians without caveat.³⁸ In 1956, Saadi Yacef took the war to the metropole, and central to the events that would later be called the Battle of Algiers was the French army’s breaking of an FLN-instigated general strike through the application of what Rejali calls “overwhelming force”.³⁹ Lazreg describes this key moment during the conflict as “not a ‘battle’ but a military operation mounted against the population of the Casbah”, during which “armed paratroopers stormed houses in the Casbah, raped women in their homes, and tortured men and children also in their homes.”⁴⁰ The objective of crushing metropolitan Algerian resistance was to be achieved twofold: firstly by eliminating key figures in the FLN and secondly by terrorising the Algerian population into submission. In the first respect, as Rejali again observes, it was “a breathtaking military victory against terrorism”, or at least a very effective application of force against an insurgent organisation, as many important leaders

³⁷ “Known as ‘Enemy Central’ or ‘Indian Country’, between January 2006 and March 2010 more than sixty-five percent of all insurgent incidents in the country occurred in Kunar. Native Taliban forces mingle with foreign al Qaeda fighters, while mujahideen militias also operate in the region.” Mark Owen (pseud.) and Kevin Maurer, *No Easy Day: The Navy SEAL Mission that Killed Osama Bin Laden* (London: Penguin, 2013 [2012]), p. 134.

³⁸ Nicholas Harrison, “An Interview with Saadi Yacef”, *Interventions* 9.3 (2007), p. 408. Nicholas Harrison, “Pontecorvo’s Documentary Aesthetics: *The Battle of Algiers* and *The Battle of Algiers*”, *Interventions* 9.3 (2007), pp. 397-8.

³⁹ Rejali, *Torture and Democracy*, p. 480.

⁴⁰ Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad* (Princeton: Princeton University Press, 2008), p. 299n30 & p. 166.

were lost, leading to temporary organisational atomisation.⁴¹ There was also a legacy of deep unpopularity for the FLN amongst the noncombatant Muslim population, because as Nicholas Harrison observes, the FLN “had propelled all the inhabitants of Algiers, including waverers and those not directly involved with the FLN, deep into violence, killing many civilians along the way, without achieving any immediate goal.”⁴² Indeed, so devastating was the military campaign of terror against the Casbah that, writing in 1961, Edward Behr could still describe the Battle of Algiers as an intervention that pacified the Muslim inhabitants of Algiers into a state of “docility and cooperation”.⁴³ However, in the second respect, the French campaign failed terribly. The terrorisation of the public ultimately cost the French the war by precipitating what Benjamin Stora calls a “grave moral crisis” which polarised public sympathy – both in Algiers and mainland France – away from the colonial power and towards the FLN.⁴⁴ Despite proving a brief tactical victory, the Battle of Algiers was ultimately a disaster for the French as it, in Rejali’s words, “forced a politics of extremes [among Algerians], destroying the middle that might have cooperated” with the French.⁴⁵ An operation conceived as an exercise in pacification through domination became an exercise in grand-scale radicalisation that led ultimately to defeat. In this section of the chapter I argue firstly that Gillo Pontecorvo’s film that narrates the events, *The Battle of Algiers*, is structured around the representation of the collision of two forms of sovereign violence – the divine revolutionary violence of the FLN colliding with the sovereign violence of French torture – and secondly that the film is problematically equivocal with regard to its representation of the efficacy of torture.

3.2.1: Divine Violence, Sovereign Torture, and a Gigantomachy Concerning Exceptionality

To begin to read *The Battle of Algiers*, it is worth recalling the legal-political status of Algiers during the time in which the events of the film take place, as it established the political environment in which the extreme forms of violence that took place could be possible.

⁴¹ Rejali, *Torture and Democracy*, p. 480.

⁴² Harrison, “Pontecorvo’s Documentary Aesthetics”, p. 398.

⁴³ Edward Behr, *The Algerian Problem* (London: Hodder and Stoughton, 1961), p. 131.

⁴⁴ Benjamin Stora, *Algeria 1830-2000: A Short History*, trans. Jane Marie Todd (Ithaca and London: Cornell University Press, 2001), p. 50.

⁴⁵ Rejali, *Torture and Democracy*, p. 493.

Under the Special Powers Act of 1956 the Paris government and its delegate in Algiers, the Gouvernement général, were granted exceptional authority to introduce any measures they wished to combat the FLN, and this opened the way to the transfer of police and civil functions to the army, a dangerous concentration of power that slid towards a quasi-fascist, militarised regime.⁴⁶

The French never acknowledged during the course of the conflict that events in Algeria constituted a war; rather, they were referred to euphemistically as police operations. As such, the laws of war and the Geneva Conventions were held by the French not to be relevant; as we see throughout this thesis, the refusal of the protections of international law to combatants prepares the battlefield for the introduction of atrocity; indeed, such a legal situation seems calculated to allow torture to take place. With no separation of powers between the military, the police, and the civil authorities of the state, Algiers existed in a state of exception, which provided the conditions of possibility for massive state terror. In particular, the Muslim Casbah, which was kept under rigorous surveillance, functioned as a zone of exception, in which normative law was suspended and suspects could be interned and tortured upon suspicion alone.

The Battle of Algiers can be read as a staging of the collision of two embodiments of extralegal, exceptional, sovereign violences: the FLN's anticolonial violence can be read as what Benjamin calls "divine violence" and, opposing it, the French paratroopers' use of torture can be read as a direct application of disciplinary sovereign violence to the colonial population. This chapter demonstrates the way that extralegality allows us to theorise the forms of violence represented in Pontecorvo's anticolonial movie. As we saw in the introduction to this thesis, Fanon claims in *The Wretched of the Earth* that productive non-violent political engagements are not possible between the coloniser and the colonised, as "the agents of government speak the language of pure force."⁴⁷ The French government echo this sentiment in Francois Mitterrand's statement that "war is the only negotiation."⁴⁸ Fanon writes:

⁴⁶ House and MacMaster, *Paris 1961*, p. 27.

⁴⁷ Frantz Fanon, *The Wretched of the Earth*, trans. by Constance Farrington (London: McGibbon & Kee, 1965), p. 29.

⁴⁸ Francois Mitterrand, speaking on 5 November 1954, cited in Henry Wilson, *African Decolonisation* (London: Edward Arnold, 1994), p. 128.

He of whom *they* have never stopped saying that the only language he understands is that of force, decides to give utterance by force. [...] The argument the native chooses has been furnished by the settler, and now by an ironic turning of the tables it is the native who now affirms that the colonialist understands nothing but force.⁴⁹

The only politics between the coloniser and the colonised can take, Fanon argues, is that of force. This dialogue can be read in terms of conflicting exceptional violences, and Fanon's description of violence as a political dialectic that defines the colonial situation can be read as the structuring principle of *The Battle of Algiers*. Fanon writes: "Terror, counter-terror, violence, counter-violence: that is what observers bitterly record when they describe the circle of hate, which is so tenacious and so evident in Algeria."⁵⁰ Accordingly, we see the film structured around ever-increasing counter-violence, culminating, after many bombs, shootings and recriminations, in the film's final scenes in which the French defeat the FLN through torture. Opposing these two forms of sovereign violence may seem to reproduce the discourse of reciprocity between torture and terrorism, but in fact this reading of *The Battle of Algiers* takes this discourse seriously and reveals that what is at stake in this reciprocity is sovereignty. Meeting terrorism with torture does not concern a tactical military reciprocity, as the theorists of Counterrevolutionary War Theory may suggest: it in fact reveals a violent antagonism over who bears sovereignty in Algeria.

While keeping our focus on Fanon, here I define Benjamin's divine violence, its applicability to the anticolonial revolutionary situation, and the way that Pontecorvo's representation of FLN terrorism can be read as divine violence. In "Critique of Violence", Benjamin describes divine violence as that violence that exists exterior to the law but that is capable of striking at its foundations, that is capable of unmaking the law; opposing it to "mythic violence", which he identifies with the law-making capacity of the sovereign, Benjamin calls divine violence "a pure immediate violence that might be able to call a halt to mythic violence. [...] If mythic violence is lawmaking, divine violence is law-destroying; if the former sets boundaries, the latter boundlessly destroys them".⁵¹ Directly opposing the law-making violence of the state – the exceptional violence that undergirds the authority of

⁴⁹ Fanon, *The Wretched of the Earth*, p. 66.

⁵⁰ Fanon, *The Wretched of the Earth*, p. 70.

⁵¹ Walter Benjamin, "Critique of Violence", in *Selected Writings, Volume I 1913-26*, ed. by Marcus Bullock & Michael W. Jennings (Cambridge, Massachusetts/London: Belknap Press of Harvard University Press, 1996), p. 249.

the state – divine violence represents “proof that revolutionary violence, the highest manifestation of unalloyed violence by man, is possible”.⁵² In the closing line of the article Benjamin identifies divine violence as sovereign violence – that is to say, Benjamin asserts that there is the potential for authority to stem from divine violence. Divine violence should not be conflated with revolutionary violence, because Benjamin discusses divine violence as the source of revolutionary violence, as evidence of its possibility, rather than as revolutionary violence itself.

Reading the revolutionary violence in *The Battle of Algiers* as a manifestation of divine violence, as what Žižek describes as “the violence which is neither law-founding nor law-sustaining”, as the violence that does not have any originary relation to law, activates a matrix of associations that illuminate the anticolonial trajectory of the film’s protagonists.⁵³ Améry, in his response to Fanon’s anticolonial polemic in favour of revolutionary violence, claims that such revolutionary violence is “eminently *humane*.”⁵⁴ Žižek, reading Che Guevara’s revolutionary violence as containing an invocation to “*love with hatred*”, also identifies divine violence as “the subject’s *work of love*.”⁵⁵ To examine what it means to identify revolutionary bloodshed as a compassionate labour, we can look to André Malraux, who, in *Man’s Estate* (1933), shows the Belgian Communist Hemmelrich realising that vengeful violence contains more love than hate. He experiences a “fierce exaltation” which Malraux describes as “the deepest sensation he had ever known” as he realises that ““You can kill – lovingly. Lovingly, good God!””⁵⁶ In this epiphanic moment, Hemmelrich experiences the newfound impulse towards vengeful political violence as an expression of love for his family; the revolutionary guerrilla’s hatred of the occupying imperialist is derived from the revolutionary’s love for his own community.

Pontecorvo’s focalising protagonist in the first third of the movie, Ali la Pointe (Brahim Haggiag), undergoes a similar – if less explicitly stated – transformation to that of Malraux’s Hemmelrich. Radicalised in prison, the illiterate la Pointe undergoes a conversion from street criminal to anticolonial fighter in the course of the film. Améry insists, following Fanon, that revolutionary violence is a rehumanising endeavour, an enterprise that transforms the revolutionary from a state of oppressed abjection to a state of full humanity. “Revolutionary violence is the affirmation of the self-realising human being against the

⁵² Benjamin, “Critique of Violence”, p. 252.

⁵³ Slavoj Žižek, *Violence: Six Sideways Reflections* (London: Profile Books, 2009), p. 173.

⁵⁴ Jean Améry, “The Birth of Man from the Spirit of Violence: Frantz Fanon the Revolutionary”, *Wasafiri* 44 (2005) p. 16. Emphasis in original.

⁵⁵ Žižek, *Violence*, pp. 172-173. Emphasis in original.

⁵⁶ André Malraux, *Man’s Estate*, trans. Alastair MacDonald, (London: Penguin, 1948 [1933]), p. 239.

negation, the denial of the human being.”⁵⁷ At the core of la Pointe’s transformation into a self-realising human being is his conversion to the revolutionary cause. Before turning to the struggle for national independence la Pointe had what Said refers to as a “shabby history” as a pimp and small-time racketeer; he experiences a personal rebirth through his turn to political violence.⁵⁸ Accordingly, *The Battle of Algiers* both shows the potential for extralegal revolutionary violence to strike at state power and the rehumanising potential of revolutionary conflict. This is particularly significant when contrasted with *Lost Command* – whereas the Algerian resistance are shown by Robson as an undifferentiated mass of ungrivable target bodies, in *The Battle of Algiers* their membership of a collectivity is represented as a source of vital anticolonial agency.

The Battle of Algiers was produced and financed by ex-FLN leader Saadi Yacef, and Pontecorvo was explicit that he “wanted to endorse terrorism” in his film, as these particular terrorist tactics were employed in the course of a justified war.⁵⁹ The expulsion of French colonialism was the exercise of the right of self-determination, which is “a well-established public international right with the status of *ius cogens*, allowing no exceptions in public international law”.⁶⁰ The filmmakers are careful to assert that it is only insofar as revolutionary violence has this transformative power to give birth to the human and to achieve legitimate ends that it remains a supportable enterprise; as a caveat it should be stated that since neither revolutionary violence or divine violence are reducible to terrorism, the interpretation of FLN terrorism as divine violence should not be taken – either in Pontecorvo’s film or in the text of this thesis – as a sanctification of terrorism in general. Indeed, as Neelam Srivastava observes, Pontecorvo’s representation of terrorist violence is “by no means an uncritical endorsement of violence or terrorism.”⁶¹ It is the specifically anticolonial and law-unmaking intent of the terrorist violence in *The Battle of Algiers* that makes it “divine.”

In the previous chapter I argued that police violence is where sovereign power is directly legible in material relations; diffused through the structures of colonial governmentality, sovereign force is expressed through the actions of the police. In *The Battle*

⁵⁷ Améry, “The Birth of Man from the Spirit of Violence”, p. 16.

⁵⁸ Edward Said, “The Quest for Gillo Pontecorvo”, in Said, *Reflections on Exile and Other Literary and Cultural Essays* (London: Granta Books, 2001), p. 288.

⁵⁹ Neelam Srivastava, “Interview with the Italian Film Director Gillo Pontecorvo, Rome, Italy, 1 July 2003”, *Interventions* 9.3 (2007), p. 112.

⁶⁰ Jorri Duursma, “Definition of Terrorism and Self-Determination”, *Harvard International Review*, available at <http://www.harvardir.org/index.php?page=article&id=1757&p=3> (accessed 12/08/2009).

⁶¹ Neelam Srivastava, “Anti-colonial Violence and the ‘Dictatorship of Truth’ in the Films of Gillo Pontecorvo”, *Interventions* 9.3 (2007), p. 100.

of *Algiers*, Colonel Mathieu identifies the role of the paratroopers – who were operating in a state of exception in which normative law was suspended, without an effective separation of powers between the civil and military leadership – as carrying out police work. “[I]t’s the ‘police’ side that matters. I know you dislike that word, but it’s the only one which sums up our task.” Mathieu’s monologues provide an exposition of Counterrevolutionary War Theory as an operation of invasively panoptic power-knowledge more thorough and explicitly theoretical than anything seen in *The Centurions*, and his claim that “if you want Algeria to remain part of France, you must accept everything that entails” recalls the above-quoted statement made in the French Assembly by Mitterand that war was the only negotiation that

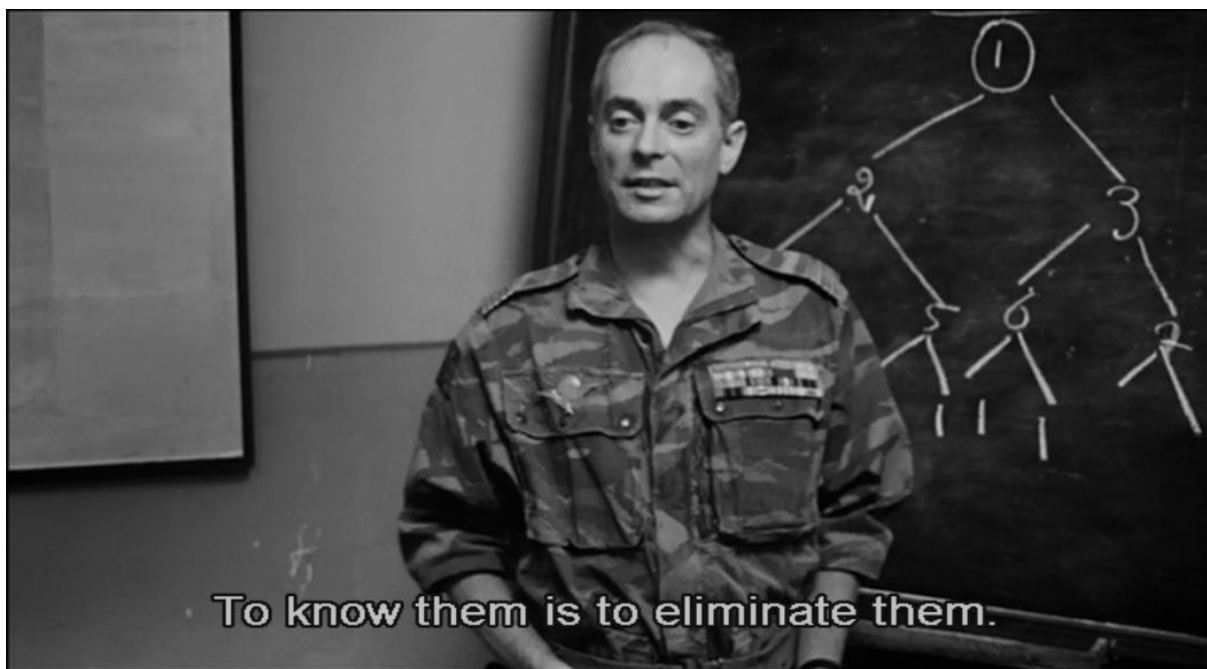


FIGURE 3.7: COLONEL MATHIEU EXPLAINS THE CELLULAR STRUCTURE OF THE FLN

France would countenance. So didactic is Mathieu’s role that he functions more as an expository device used to present colonial discourse than he does as a character in the realist tradition; in many ways his addresses – to reporters, to press conferences and to the troops he trains – prefigure the role of Donald Rumsfeld in *Honor Bound*, discussed in more detail in Chapter Five. These characters, who directly expound on the necessarily uncompromising nature of colonial responses to terrorist violence, both operate as mouthpieces for state power and as demonstrations of the euphemistic jargon used to justify extreme counterterrorist violence.

His description of the cellular structure of the FLN reproduces the organigrammes devised by the framers of Counterrevolutionary War Theory, and in one of Mathieu's most important speeches in the film, his briefing of the paratroopers (which in many ways echoes the preparatory briefings given to Lartéguy's paras) he says that "[i]f we know him, we can eliminate him. [...] The basis of our job is information – the method, interrogation. Conducted in such a way as to ensure we always get an answer." As well as reflecting the connections between collection of a panoptic knowledge of the native population and their systematic violent oppression, this of course expresses Counterrevolutionary War Theory as precise intelligence warfare. As I argued above, Counterrevolutionary War Theory was presented by its advocates as a scalpel but it operated in reality as a sledgehammer. This discrepancy is demonstrated vividly by the film: immediately following Mathieu's careful theoretical exposition of Counterrevolutionary War Theory, the film shows widespread roundups: in order to delicately collect the elusive data that will complete the organigramme, massive swathes of the population suffer sustained disciplinary torture. As we will see below, these sequences are far from unproblematic; but they do successfully undermine the fiction of Counterrevolutionary War Theory as a surgical military intervention. We saw above that Lartéguy's paras imagine themselves as appropriating the pitiless force they witnessed in the camp for the purposes of preserving the empire, and in a way they are right: transplanting the direct sovereign violence of the camp into the military system, they in effect create camp conditions in the Casbah of Algiers. Having theorised torture as an application of sovereign state violence this chapter proceeds to reading in more depth the way that Pontecorvo's film represents this torture violence, both in terms of the Levinasian ethics of representing the victim of torture and the procedural logic of torture.

3.2.2: Between Ethics and Expediency

The first scene of *The Battle of Algiers* shows the aftermath of the torture of an Algerian man who has been tortured into revealing the location of Ali la Pointe. Stephen Eisenman describes this scene, in which French soldiers stand around dispassionately, as "a repudiation of the oppressive, antique pathos formula".⁶² The pathos formula to which Eisenman refers is a tradition he identifies in much Western art wherein the victims of torture are shown affirmatively acknowledging the extent to which they deserve their abuse; his argument

⁶² Stephen F. Eisenman, *The Abu Ghraib Effect* (London: Reaktion Books, 2007), p. 104.

concerning this scene is that it resists the glamorisation of torture that can be seen in many other representations of violence. *The Battle of Algiers* simply shows torture as grisly, sordid and unattractive: its bored perpetrators are morally reprehensible, and its victim is destroyed by his ordeal.

Pontecorvo's representation of the conditions surrounding torture underscores both the way that torture aims to demolish the humanity of the sufferer and on the moral poisoning it precipitates on its perpetrators: whereas anticolonial violence can rehumanise the perpetrator, torture only ever bestialises. Although Pontecorvo uses shocking exposure of suffering bodies at the end of the film, the first torture victim the viewer encounters reveals his suffering through his facial expression and his desperate attempts to

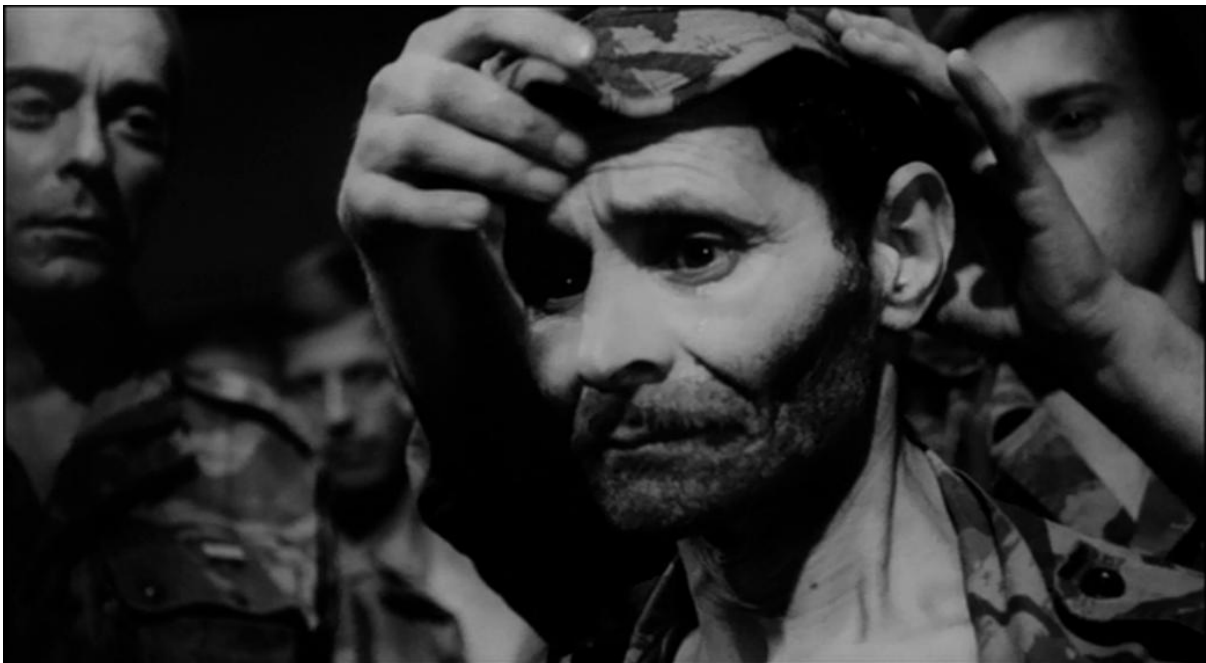


FIGURE 3.8: TORTURE VICTIM FORCED TO COLLUDE AGAINST THE FLN

flee. This scene places great emphasis on the sad and defeated face of this torture victim, and although it is of course impossible directly to empathise with this person the stress laid on his suffering individuality – on his vulnerability – is an ethical appeal to the audience to recognise the suffering he has endured. This is, of course, a deontological opposition to torture: we are shown that torture causes great suffering, and we are invited to empathise with the victim.

However, if we reread the scene in terms of what it says about the military expedience of torture, we can perhaps come to a different conclusion. The man has been hurt in order to

reveal the location of Ali la Pointe: torture has been used effectively as a tool. If one remains unmoved by the suffering of the victim, one can read a utilitarian justification for torture in the procedural logic of the scene: when violence is applied to a body, information results. Rejali is excoriating on this point, claiming that the film elides the truth about French torture – that it very often was used sloppily, indiscriminately, and to no military intelligence purpose – and about the nature of Algerian resistance – although not the hagiography Pontecorvo claims Yacef demanded, the film insists that the FLN defeated the French alone, never mentioning rival anticolonial factions such as the MNA. “Despite being enemies,”

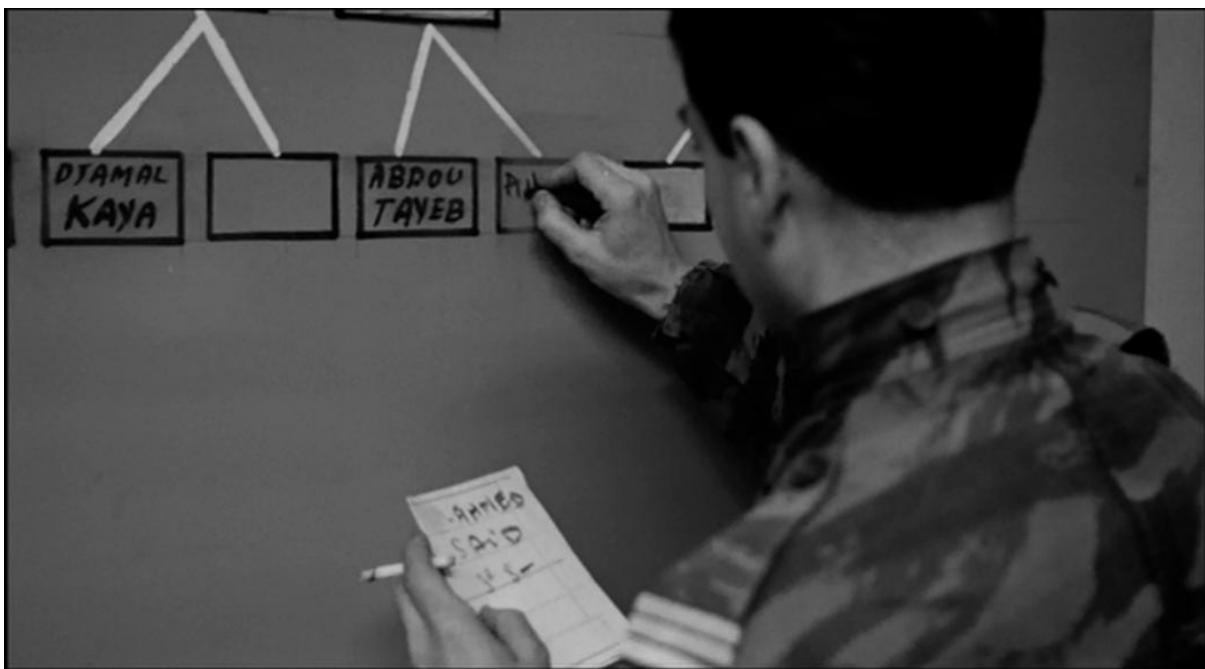


FIGURE 3.9: AN UNNAMED PARATROOPER FILLS IN AN ORGANIGRAMME WITH INFORMATION ACQUIRED THROUGH TORTURE

Rejali writes, “both sides are deeply invested in the story that tells how professional, controlled torture delivered final victory to the French.”⁶³ The film’s scenario allows French veterans to claim that they used torture to a legitimate counterterrorist purpose, “successfully”, and the Algerians to claim that torture – and not Algerian informants or popular anger against the FLN – was the cause for their defeat in the Battle of Algiers. As well as providing no resistance to the claims of Aussaresses, Trinquier or Lartéguy that torture can be disinterestedly applied as a successful military strategy, the narrative success of torture allows the FLN to retain “the view that it *was* the people [...] and that it had no

⁶³ Rejali, *Torture and Democracy*, p. 546.

rivals.”⁶⁴ Although it of course disagrees over whether torture is morally acceptable, the film does not disagree over its efficacy, and it is this supposed efficacy that remains the most dangerous torture myth. *The Battle of Algiers* occupies a peculiar middle ground: it at once provides an ethical representation of torture, insisting on the wrongness of torture, and a deeply problematic representation of torture that insists on its military intelligence potential. Alistair Horne, for example, notes that it is easy to conclude that Colonel Mathieu (Jean Martin), the leader of the French paratroopers, is the film’s hero.⁶⁵ My intention, of course, is not to draw an equivalence between Pontecorvo and Lartéguy, merely to observe that artists as politically polarised as they are can nevertheless both reproduce the fiction of militarily effective torture.

The frame is relevant in complex ways: as well as framing the war in such a way that it emphasises the legitimacy of the political goals of the FLN, the visual style of the film – imitating newsreel – frames its contents in such a way that they seem to guarantee truth. Errol Morris, as we will see in the next chapter, persuasively disagrees that style can guarantee truth; nevertheless, it is a sleight-of-hand that Pontecorvo is content to employ. Documentary realism relies for its effect on the audience habit of trusting footage that seems spontaneous or unfinished: hence the credibility lent by the high-contrast newsreel appearance of *The Battle of Algiers*, which “emulate[s] the on-the-hoof aesthetic of 1960s *cinéma vérité*” through the use of “a handheld camera that wobbled, zoomed, and reframed as though clawing at the action”.⁶⁶ As well as imitating *vérité* spontaneity, the film has a significant visual inheritance from Italian left-wing neorealism. Pontecorvo uses many neorealist techniques such as location shooting, natural lighting, dialogue in the vernacular, and social criticism, all of which add to the immersive quality of the film, establishing an identity between the filmic reality of the text and objective historical reality.⁶⁷ Key among these is the use of a nonprofessional cast which Pontecorvo calls “a chorus”, whose faces bring the “smell of truth”.⁶⁸ It was important to Pontecorvo for both the fabric of the film and the content of the frame to look as close to the “truth” as possible. It is stylistically persuasive for

⁶⁴ Rejali, *Torture and Democracy*, p. 546.

⁶⁵ Horne, *A Savage War of Peace*, p. 15.

⁶⁶ Peter Matthews, “*The Battle of Algiers: Bombs and Boomerangs*”, included in the sleeve notes of the 2004 Criterion Collection edition of *The Battle of Algiers*, p. 9.

⁶⁷ This list is taken from a more exhaustive itinerary in Millicent Marcus, *Italian Film in the Light of Neorealism* (Princeton: Princeton University Press, 1986), p. 22.

⁶⁸ Gillo Pontecorvo, speaking in *Pontecorvo: The Dictatorship of Truth*, dir. Oliver Curtis (Rear Window, 1992).

many; historian Benjamin Stora remarks that “the film’s primary value is as a historical document” in which “there is nothing contrived or staged” about many of the scenes.⁶⁹

However, as Nicholas Harrison observes, many of the techniques used in the film echo generic conventions from gangster movies more than the conventions of documentary.⁷⁰ His examples include the scene in which machine gun fire is exchanged before FLN fighters hide down a well, and the “chiaroscuro image” of the interior of la Pointe’s final hideout.⁷¹ Therefore, Pontecorvo’s “truth” is clearly not simply meant to denote visual style or absolute historical verisimilitude. No genuine French personalities are included, rival nationalist organisations such as the MNA are totally omitted, Hugh Roberts notes that most of the FLN leadership also fall into a “lacuna” in the narrative which allows greater emphasis to fall on Saadi Yacef’s role, and the efficacy of torture is greatly manipulated – indeed, the FLN’s notoriously gruesome use of torture and their use of psychological terror against the Algerian population is entirely absent.⁷² Said also notes many significant elisions, noting that the film featured “only Algerian militants fighting French occupation, and no good doctors, no tormented and conscience-stricken intellectuals.”⁷³ Despite some concessions to neutrality (for example, Pontecorvo insisted on retaining a shot of a baby eating ice cream moments before its death, a decision unpopular with Saadi Yacef, who “pleaded with” Pontecorvo “until the very end” for him to remove it), the truth Pontecorvo is describing is the experiential truth of the Algerian resistance movement.⁷⁴ His “dictatorship of truth” is a representation that interprets the truth as it portrays it.

Whereas Godard, as we will shortly see, troubles the notion that cinema can grant direct access to reality, and in this gesture reveals the gratuitous, pointless, and antiutilitarian reality of torture, both Lartéguy and Pontecorvo are content to conflate the world of their diegesis with the historical reality of the Algerian War of Independence, gestures that include a utilitarian rationalisation of torture. The myth that the precise use of torture led to the crushing of the FLN in Algiers, emerging both from the left and right of the political spectrum, became, through the circulation of these texts – through military schools and through the circulation of Pontecorvo’s film among resistance movements – and the

⁶⁹ Benjamin Stora, “Still Fighting: *The Battle of Algiers*, Censorship and the ‘Memory Wars’”, *Interventions* 9: 3 (2007), p. 366.

⁷⁰ Harrison, “Pontecorvo’s Documentary Aesthetics”, p. 393.

⁷¹ Harrison, “Pontecorvo’s Documentary Aesthetics”, p. 392.

⁷² Hugh Roberts, historian, speaking in *Remembering History* (no director credited: Criterion, 2004).

⁷³ Said, “The Quest for Gillo Pontecorvo”, p. 291.

⁷⁴ Srivastava, “Interview with the Italian Film Director Gillo Pontecorvo”, p. 111.

marginalisation of voices such as Godard's, a problematically "acceptable" lesson that was taught by the representations of this war.

3.3: The Battle of Geneva: *The Little Soldier* (1960)

In Jean-Luc Godard's *The Little Soldier*, Bruno Forestier (Michel Subor) becomes embroiled in paramilitary assassinations in Geneva. Initially agreeing, on behalf of the OAS, to assassinate a left-wing intellectual working for the FLN, Forestier is overcome by indecision and spends the remainder of the film both attempting to escape this commitment to the OAS and seducing Véronica (Anna Karina), a woman working in an unspecified capacity for the FLN. He is unable to decisively align himself politically, and ends up targeted by both the French and the Arabs; he is unable to murder Palivoda and unable to convince Veronica to elope with him, which leads to her torture and murder.

The film has not seen a post-9/11 reappearance as have the other texts in the chapter and it is significantly underrepresented in the critical writing about Godard's films; this may be because it was banned upon release and was not seen until 1963. Nevertheless, it engages in significant ways with the concerns of the thesis. It is an anti-torture text, showing both sides of the Franco-Algerian war employing terrible methods. "As an indictment of the process of torture, and of French involvement in the war," writes Wheeler Winston Dixon, "the film is designed as a brutal and uncompromising piece, a confrontation rather than a seductive fantasy."⁷⁵ Forestier undergoes water suffocation and electrotorture at the hands of the FLN, and the French also torture Véronica to death at the end of the film, off-screen, insisting that nobody's hands are clean. However, I argue here that although the film is powerful in many respects, its critique has many shortcomings, including its Eurocentric focus and its representation of the endurance of torture as a valuable performance of masculinity.

3.3.1: Torture

In *Regarding the Pain of Others* (2004), Susan Sontag observes that "photographs of the victims of war are themselves a species of rhetoric. They reiterate. They simplify. They agitate."⁷⁶ Observing that didactic anti-war images that are intended to shock often achieve

⁷⁵ Wheeler Winston Dixon, *The Films of Jean-Luc Godard* (New York: State University of New York Press, 1997), p. 27.

⁷⁶ Susan Sontag, *Regarding the Pain of Others* (London: Penguin, 2003), p. 5.

this by “[u]glifying, showing something at its worst”, which “invites an active response”, Sontag writes that images that appal are often powerful because of their simplicity and directness.⁷⁷ This is true of Godard’s torture scene, which utilises just such an uglifying didacticism in order to demystify and expose torture. Bruno is captured by the FLN and tortured with simple implements: hotel matches, a shirt, a shower nozzle. There is also electrocution. However, whereas Pontecorvo shows us medieval torture accompanied by St Matthew’s Passion, Godard’s torture scene is unfussily constructed of straightforward mid shots and close-ups, and is accompanied by a quiet and fragmented commentary from Bruno.

Dixon writes:

As Bruno’s face is wrapped in a towel [it is in fact a shirt], and he suffers repeated near-strangulation and/or asphyxiation, Godard’s camera views the scene impassively, as if documenting an everyday occurrence – which is, of course, exactly what this process is for Bruno’s torturers. The lighting and photography are flat [...]. It is not so much neutral, as clinical; not so much documentary, as utilitarian.⁷⁸

This is a problematically general passage. It is not clear what, for example, Dixon means by an “impassive” camera or “utilitarian” photography. Nonetheless, Dixon is correct that the underlit shots that focus a sustained gaze on Bruno’s suffocation – revealing water suffocation as a torture that is terrible despite its non-scarring nature – achieve their impact by being aesthetically unfussy. “Torture is monotonous and sad”, Forestier says in voice-over, and the impact of the scene is indeed generated by its monotony, its lack of aesthetic frills or of affective flourishes; Forestier’s voiceover is oddly expressionless throughout the film, describing his love for Véronica, his frustration at missing the train, and his experience of torture in the same blank tone. It should be stressed, however, that the ordinariness of the torture scene is not to be confused with banality, an error that Richard Roud makes when he describes the presence of “the jar of hair-cream in the bathroom in which the torture takes place” as “another reminder of the banality of it all.”⁷⁹ Jean Améry is uncompromising on this distinction: in *At the Mind’s Limits*, he writes that “[w]hen an event places the most

⁷⁷ Sontag, *Regarding the Pain of Others*, p. 72.

⁷⁸ Dixon, *The Films of Jean-Luc Godard*, p. 27.

⁷⁹ Richard Roud, *Godard*, Third Edition (London: BFI, 2010 [1967]), p. 34. His stills from the torture scene are also subtitled “the banality of evil”.

extreme demands on us, one ought not to speak of banality.”⁸⁰ Although this is a more or less explicit attack on the conceptual confusion activated by Hannah Arendt’s phrase “the banality of evil”, his point remains trenchant, as torture is not banal; torturers may be bored, but the experience of torture can never be banal, and to describe it as such is to empathise with the moral detachment of the torturer. Torture in this film is ugly and quotidian, and the torturers often seem uninterested or bored, but it is not shown to be banal. This professional disinterest, in fact, is the source of the horror of the scene, and not a glib attempt to portray torture as uninteresting or unspecial.

Roud writes that the “real horror [of the scene] was not so much in the actual torture as in the fact that the torturers did not find it particularly horrible.”⁸¹ All concerned, even Bruno, seem to consider everything routine. Scarry writes about the domesticity of much torture and the alienation from reality that this enforces. “The room, both in its structure and its content, is converted into a weapon, deconverted, undone,” she writes. “Made to participate in the annihilation of the prisoners, made to demonstrate that everything is a weapon, the objects themselves, and with them the fact of civilisation, are annihilated.”⁸² When ordinary items or domestic settings are used for torture, “[t]he domestic act of protecting becomes an act of hurting”, and it is this particular discomfort that Godard’s scene articulates: it inverts the meaning of the intimately familiar space of a bathroom by rendering it threatening.⁸³ For Scarry, the defamiliarisation enacted upon domestic space as ordinary items become weapons is a profoundly alienating experience, and reflecting this, Roud calls the torture scene “frighteningly ordinary”, as Forestier is suffocated with a shirt the polite delivery of which we witness.⁸⁴ Between torture sessions the Algerians laugh amongst themselves about the fit of their clothes.

However, although this connection to Scarry’s remarks is illuminating, it is not quite accurate to describe the torture scene as domestic because it takes place in a hotel room. One of the major features of domestic space is its supposed permanence; the familiarity and daily continuity of the domestic environment is what allows it to assume the protective dimension that torture in the home overturns. This is not true of hotel space, which is transitional, anonymous, and repeatable, and it is this impermanence that really constitutes the

⁸⁰ Jean Améry, *At the Mind’s Limits: Contemplations by a Survivor on Auschwitz and its Realities*, trans. by Sidney Rosenfeld and Stella P. Rosenfeld (Indiana: Indiana University Press, 1980 [1966]), p. 25.

⁸¹ Roud, *Godard*, p. 34.

⁸² Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford University Press, 1985), p. 41.

⁸³ Scarry, *The Body in Pain*, p. 41.

⁸⁴ Roud, *Godard*, p. 34.

distinctiveness of this torture environment: the bloodless torture is totally undetectable once it is over, and once the militants and their victim check out of the hotel, the cleaned room will carry no trace of it. The impermanence of the hotel spatiality actively contributes to the disappearance of the torture acts: non-scarring violence is inflicted in a space that contributes to the concealment of the activities carried out in it.

Douglas Morrey observes that “one of Godard’s most remarkable achievements in *Le Petit Soldat* is in conveying some subjective sense of the experience of torture. There is a



FIGURE 3.10: BRUNO MEETS THE GAZE OF THE CAMERA DURING TORTURE

peculiar dilation of time in this sequence, such that it is difficult to say how long the torture has lasted.”⁸⁵ This dilation of time – achieved by changes of costume and cuts to the exterior of the building at different times of day – is accompanied by Bruno’s assertion that he himself lost his sense of connection with the world: “You become detached from the world of the living. You’re soon forgotten. That’s the one privilege you share with the dead: you can no longer die.” This sense of temporal dislocation, in conjunction with the weaponisation of

⁸⁵ Douglas Morrey, *Jean-Luc Godard* (Manchester & New York: Manchester University Press, 2005), p. 37.

the familiar, compounds the alienation from reality that is so central to the experience of torture. There is also a significant moment during the scene, in which Forestier looks directly into the lens: creating eye contact between the viewer and the torture victim, this shot creates a connection to his suffering and creates a space for compassion. Bruno's face turned to the audience in this way represents a deliberate and challenging use of apostrophe. The sequence is oriented towards the revelation of interior experience: Bruno narrates his experience, the sense of temporality is confused, and we remain focused on Bruno's preoccupations. This is significant: the audience is presented with Bruno's naked helplessness.

Unlike the torture scenes of *The Battle of Algiers* or of *Rendition*, discussed in the following chapter, which utilise a similar uglifying demystification of torture, the torture scene in *The Little Soldier* does not have any clear influence on the progression of the narrative. This clearly runs counter to Lartéguy's representation of torture as an infallible military intelligence measure: whereas Lartéguy looks away from the violence of torture but emphasises its value as a tactic, Godard stares hard at the act of torture and underscores its failure to provide answers. This is a deliberate refutation of justifications of torture such as those that Lartéguy or the framers of Counterrevolutionary War Theory provide.

3.3.2: Masculinity and Martyrdom

Like many European texts of the Algerian War, *The Little Soldier* focuses almost exclusively on the effects that the complex and plural demands of decolonisation and modernisation exercised upon European consciousness and subjectivity.⁸⁶ More specifically, the film is about male experience, and this section of the chapter argues that with other avenues for the expression of his masculinity frustrated or unavailable to him, the way that Bruno displays his virility is through his stoic and wordless endurance of torture. I argue that the discourse aligning the endurance of torture with valuable masculinity is problematic.

Godard makes extensive use of literary intertextuality, and these references constantly invoke male military martyrdom. Towards the start of the film, one of the characters quotes from Jean Cocteau's *Thomas the Impostor* (1929). The novel opens by remarking that "[a]t the beginning of the war there was complete confusion: confusion which persisted until the

⁸⁶ Philip Dine writes that "the French literature and cinema of this final and most bitterly opposed stage of the decolonisation of the Maghreb must, inevitably, be a literature and cinema of *European* crisis. The relevant narratives are, it must be stressed, exclusively European phenomena, which have virtually nothing to tell us about the history, people, and culture of Algeria: they are reflections of the European mind alone." Dine, "Thinking the Unthinkable: The Generation of Meaning in French Literary and Cinema Images of the Algerian War", *Maghreb Review* 19: 1/2 (1994), p. 124. Emphasis in original.

end.”⁸⁷ In many ways this is true of *The Little Soldier*, which, as I argue below, deliberately refuses philosophical or political coherence in order to reflect Bruno’s deep ambivalence about the war. Bruno remarks that he’d like to die like Thomas – beautifully, in war, with no separation between lived experience and his fantasies about it. This preoccupation with the validation of life through a meaningful death is also expressed by Godard’s repeated reference to Malraux. For example, in *The Human Condition*, Malraux’s characters are all doomed to futile and tawdry deaths, but their beliefs allow them to die in the illusion that their deaths are given value by the contribution they make to the cause of Communism. As James Greenlee writes, for Malraux’s heroes victory “exists only as a matter of faith, and like a religious faith, it creates the conditions for martyrdom”.⁸⁸ Whereas victory is clearly defined yet tragically unachievable for Malraux’s characters, for Bruno victory is unachievable because his inability to align himself politically has made it nebulous; nonetheless it exists purely as something worth suffering for, as though the suffering itself were the goal. Echoing the heroes of Malraux, Bruno says early in the film that he “thought the most important thing in life was not to be defeated.”⁸⁹ The only way that Bruno finds to fulfil this, his only principle, is to court defeat and to overpower it. Bruno demonstrates his masculine refusal to be defeated through his resistance to torture.

Bruno does not give in to torture, refusing to reveal any information about the OAS. As discussed in the Introduction, this is very unlikely: the overwhelming tendency, even among very committed people, is to “break” under torture. This even seems contradictory in narrative terms, as perhaps informing on the OAS to the FLN would solve Bruno’s problems. Part of the French torture debate was focused on the role of masculinity, and Sartre, for example, argues that torture is a battleground on which the masculinity of the victim is tested. “The torturer pits himself against the tortured for his ‘manhood’ and the duel is fought as if it were not possible for both sides to belong to the human race.”⁹⁰ This representation of torture as a duel is profoundly problematic, because torture is clearly a relationship of domination,

⁸⁷ Jean Cocteau, *Thomas the Impostor*, trans. Dorothy Williams (London: Peter Owen Publishers, 2006 [1929]), p. 5.

⁸⁸ James W. Greenlee, *Malraux’s Heroes and History* (Dekalb, Illinois: Northern Illinois University Press, 1975), p. 74.

⁸⁹ Characters in both *The Human Condition* and *The Conquerors* express this desperate sentiment. See Kyo’s meditations on suicide in captivity as an active refusal to be defeated in *The Human Condition*, pp. 263 and pp. 285-287. In *The Conquerors*, Garine remarks explicitly, “‘There’s still one thing that matters in life: not to be defeated.’” p. 151.

⁹⁰ Jean-Paul Sartre, “Preface: A Victory”, in Henri Alleg, *The Question*, trans. John Calder (Lincoln and London: University of Nebraska Press, 2006 [1958]), p. xxxix.

and whilst masculinity may in fact be at stake, to describe it in these terms attributes to torture victims an element of control over their mistreatment which simply does not exist.

This connection between martyrdom and masculinity is further invoked by the film, as one of the torturers reads from Henri Alleg's torture memoir *The Question*, which articulates attitudes about masculinity and endurance which *The Little Soldier* amplifies. Drawing on memory of the French Resistance to Nazi occupation, both texts articulate the idea of resisting torture as a form of proof of the masculine credentials of the sufferer; Alleg even boasts in his book about how his torturers compared him to an athlete.⁹¹ This discourse reproduces the attitude of the torturer: those who are defeated by torture are weaklings. Geneviève Sellier argues that much Nouvelle Vague filmmaking is ideologically empty chauvinistic masculine posturing. She writes that Bruno's resistance in *The Little Soldier* "becomes a pure test of physical courage, [and] he proves he is a man because he is ready to risk his life 'for nothing,' other than the beauty of the gesture."⁹² Sellier argues that many Nouvelle Vague heroes are Romantic heroes, in the sense that they privilege and aggrandise the subjective experience of solitary men, and further, she argues that Bruno's resistance to torture is little more than another coordinate in this narcissistic constellation. Godard insists in a 1960 interview that his intention was not to glorify pain and that "as [Bruno] has no cause to defend he's not being particularly heroic", but Godard misses the point – regardless of Godard's intent, the scene does articulate this discourse about martyrdom and the performative nature of male resistance.⁹³ The fact that Bruno resists for no political reason reinforces the reading that his resistance is instead a demonstration of masculine virility.

The attitude that torture is ennobling for those it does not break is not restricted to resistance discourse, however. It is also articulated in *The Centurions*, in which the experience of imprisonment and torture provides Lartéguy's heroes with their moral clarity. Although Lartéguy insists, in opposition to Godard, that torture always works and that everybody breaks, his texts make clear that suffering is a crucial factor in the enhanced status that his heroes enjoy. The association of heroism and enduring torture without breaking also resurfaces in *24*, which, as I argue below, in many ways rearticulates *The Centurions* for a post-9/11 audience. Considering the film in context and on its own terms, however, Godard

⁹¹ "‘You’ve done well,’ [a para] said with the air of a connoisseur. ‘You’re very tough.’” He also remarks that a para was able to “congratulate me without spite as he would a champion athlete.” Alleg, *The Question*, pp. 81-82. See also p. 85.

⁹² Geneviève Sellier, “Masculinity and Politics in New Wave Cinema”, *Contemporary French and Francophone Studies*, 4:2 (2000), pp. 480-481.

⁹³ Yvonne Baby, “Interview with Jean-Luc Godard”, in Godard, *Le Petit Soldat*, translator uncredited, (London: Lorrimer Publishing Limited, 1970), p. 9.

was consciously refuting pro-torture discourse. Sartre writes in his preface to Alleg's *The Question* that "[w]hispered propaganda would have us believe that 'everybody talks', and this ignorance of humanity excuses torture."⁹⁴ Godard, in refuting the received wisdom to which Sartre refers, refuses to allow such excuses for torture, presenting his representation of endurance as a resistance to justifications of torture. However, in aligning "humanity" with failing to speak under torture, Sartre again amplifies the defeat of those who are forced to talk, and here Godard does not differ from Sartre. As we will see below with regard to *Rendition*, criticising torture because it does not work also contains its opposite: if it worked, it would be acceptable. The best challenge to the idea that everybody breaks is not to observe that some do not, but rather to challenge the idea that this is an acceptable basis on which to militarily justify it.

3.3.3: Reality; Suppression/Circulation

The film has a complex relationship to the framing of reality. Forestier says that "photography is truth, and film is truth 24 times a second", and this remark is sometimes misinterpreted as an expression of Godard's artistic manifesto or as a naïve boast about the power of cinema to provide direct access to truth.⁹⁵ However, the line appears in the context of a conversation in which Forestier is betrayed by Véronica: Forestier is talking about grasping truth in the midst of a scene in which he is being deceived: so this line is also a statement that emphasises the elusive nature of truth, the self-deception of claims to have captured it, and the impossibility of representation, rather than a boast about the veracity of cinema. As John Drabinski observes, Godard's cinema, which "is always a philosophical language against presence, coincidence, dialectics, and any coherence of representation", is marked by its consistent resistance to argumentative closure or philosophical conclusion.⁹⁶ Whilst audiences may find this exasperating, it may explain for us the playful nature of Godard's pronouncements on cinematic truth. Godard states in interview that he considers himself "half a novelist and half an essayist", and accordingly, his films address problems

⁹⁴ Sartre, "Preface: A Victory" in Alleg, *The Question*, p. xxix.

⁹⁵ Errol Morris, for example, dismisses it. See Errol Morris, "Lecture: The Anti-Post-Modern Post-Modernist" (undated), available at <http://www.errolmorris.com/content/lecture/theantipost.html> (accessed 12/05/2010).

⁹⁶ John Drabinski, "Separation, Difference, and Time in Godard's *Ici et ailleurs*", *SubStance* 37.1 (2008) p. 158.

argumentatively or contemplatively, whilst consistently refusing to occupy fixed philosophical ground.⁹⁷

The “reality” that *The Little Soldier* addresses is the problem of political activity for the French in the geopolitical situation that existed after the Second World War. Forestier’s main concern in the film is how to act well in a time when political inactivity is not an option. “One of Bruno’s problems in *Le Petit Soldat*,” Douglas Morrey writes, “indeed perhaps his main problem, seems to be in trying to decide on what is important, or even what is *real*, what has the necessary gravity to lead to action.”⁹⁸ Whereas Godard’s political films – particularly those made when Godard was working as part of the Dziga-Vertov group between 1968 and 1972 – were for a period explicitly polemical, *The Little Soldier* is politically equivocal, a film marked by the same political indecision that it takes as its central theme. Martine Loutfi argues that the film is “nihilist, emphasising the destructive absurdity of political engagement,” an opaque portrait of political paralysis and “moral anarchy.”⁹⁹ Refusing answers, the film instead emphasises the intractability of the questions posed by decolonisation. MacCabe insists that for Godard, political cinema “must be a participant in the reality that it attempts to articulate rather than presenting itself as an observer that can show us the truth of any situation”, and indeed this is the case for *The Little Soldier*: the film participates in the indecision on which it comments.¹⁰⁰ Through its characters’ indecision and vacillation, the film is oddly insulated from its own subject matter. Roud writes that Godard is

above all thoroughly honest, and so a film by him about the repercussions of the Algerian situation could only be somewhat confused, because he himself was confused as to the rights and wrongs involved. “I wanted to show a confused mind in a confused situation,” he said afterwards. “Well, that could be considered wrong, because perhaps one should not have been confused. But that’s how it was. My film, in any case, was a kind of auto-critique.”

This attitude is perhaps too defensive for, after all, at the time the film was made, the French were just about as undecided. According

⁹⁷ Godard, speaking to Sterritt in David Sterritt, “Ideas, Not Plots, Inspire Jean-Luc Godard” in *Jean-Luc Godard: Interviews*, ed. by David Sterritt (Mississippi: University of Mississippi Press, 1998), p. 176.

⁹⁸ Morrey, *Jean-Luc Godard*, p. 33.

⁹⁹ Loutfi, “Imperial Frame”, p. 26.

¹⁰⁰ Colin McCabe, *Godard: Images, Sounds, Politics* (London and Basingstoke: Macmillan Press, 1980), p. 54.

to public opinion polls at the time, as much as eighty per cent of the population didn't know what to think about the question and, in fact, didn't want to think about it at all.¹⁰¹

Perhaps this reluctance to address the complexities of the war is at the heart of the popular appeal of a straightforwardly explanatory narrative like *The Centurions*, which provides attractively assertive solutions to nuanced problems; it certainly contributed to the disappearance of *The Little Soldier*, as the film was refused theatrical release for three years and was not particularly successful upon its eventual release. This indecision and uncertainty is perhaps the determining factor of the text, as although the film is unequivocal in its opposition to torture, its approach to the war itself is markedly more tentative, unresolved and contradictory. Although polemically anti-torture, the film reserves judgement on the broader politics of the colonial project, retreating instead into the platitude that each side is as bad as the other.

Forestier represents an ethical problem rather than a representative or argumentative solution. Without principles, Forestier makes decisions based on his aesthetic taste: he loves France for Joachim du Bellay, loves Germany for Beethoven, and hates Algeria for Colonel Lawrence and Albert Camus. Interestingly, a British Arabist and a *piéd noir* novelist form his main idea of an Algerian. Like many *piéd noir* racists, without actively hating them, Muslim Algerians simply do not exist as people to him: "Arabs are lazy. But I've nothing against them," he says. However, there is a certain element of such Eurocentrism also present in the fabric of the text itself: Godard's FLN militants are shown reading Lenin and Mao Tse-Toung, rearticulating the notion discussed above that the Algerian nationalists were primarily Communists and that nationalist or anticolonial politics were secondary to the global Communist project. This rearticulates the Eurocentric preoccupation with the spread of revolutionary Communism described above and refuses the nationalist specificity of the Algerian struggle.

Although it was shot before the publication of *The Centurions* and as such cannot be considered a deliberate reply to Lartéguy, Godard's torture scenes represent a significant resistance to the justifications of torture exemplified by Lartéguy's fiction and the military discourse of Counterrevolutionary War Theory. However, in its Eurocentric lack of clarity about the nature of the war it emphasises a similar narrative of civilisational antagonism

¹⁰¹ Roud, *Godard*, p. 34.

between Communism and the West. Most significant in the inability of the film to reframe the field of intelligibility regarding torture, however, was its suppression. As we will see in the following chapters, contestatory narratives often struggle for cultural space, and this is the case with regard to *The Little Soldier*: its critique was effectively shut down by censorship.

Conclusions

This chapter has argued that representations of the Algerian War of Independence have exerted an influence on the post-9/11 torture debate. *The Centurions* and *Lost Command* romantically articulate French torture during the Algerian War of Independence in a way that suggests both that torture is acceptable in emergencies and that emphasises a narrative of planetary antagonism. In contrast to this we observe that *The Battle of Algiers* and *The Little Soldier* reveal torture in Algeria to be more comprehensible in terms of concentrationary biopolitics than in terms of battlefield expediency. The relevance of each of these positions to the global post-9/11 counterterrorism paradigm is firstly, that *The Centurions* narrativises the ticking bomb scenario in emotionally convincing terms, and that this narrative has remained influential; secondly, I have argued that Pontecorvo's pro-FLN movie can be read against itself to suggest that despite its moral repugnance torture is effective; thirdly, I argue that Godard's *The Little Soldier* undermines the self-romanticisation of Counterrevolutionary War Theory, but it also articulates problematic discourses about planetary antagonism and male resistance to torture. From this emerges a problematic consensus about the expediency of torture that, as we will see in the following chapters, has restrictively framed the field of intelligibility in which it is possible for ideas about torture to make sense.

CHAPTER FOUR
THE GLOBAL WAR ON TERRORISM, PART I
THE TICKING BOMB, EXTRAORDINARY RENDITION,
AND ABU GHRAIB

This chapter is the first of two which deal with representations of political torture in the context of the post-9/11 Global War on Terrorism (GWOT). Originally known as Operation Infinite Justice and later officially renamed Operation Enduring Freedom, the GWOT is most clearly manifested in the US-led invasions of Afghanistan and Iraq in 2001 and 2003; however, it is also an inclusive umbrella term for counterterrorism operations carried out by the US and its allies against al-Qaeda and other Islamist terrorist groups in many locations worldwide.¹ As I established in the Introduction to this thesis, due to the allegations of prisoner abuse and torture by the US military and their allies, this set of military operations sparked a debate about whether it was ever appropriate for a liberal democracy to torture.

The texts read in this chapter engage significantly with this debate, embodying what can be schematically summarised as both the pro-torture and the anti-torture positions. Through its adoption of the ticking bomb scenario as the narrative frame for its televisual counterterrorism drama, I argue, *24* normalises and justifies torture. The series adds to the construction of a field of intelligibility in which the panoptic and violent military discourse of counterterrorism dictates the terms in which the global interactions represented by the GWOT are understood; a utilitarian justification of torture is readily legible in this text. On the other hand, my reading of *Rendition* both demonstrates the ways that anti-torture politics have been mobilised culturally and demonstrates the limitations that are built into certain discourses; I argue that many anti-torture texts fail to argue their points convincingly in important respects – particularly with regard to an insufficient engagement with utilitarianism – and that *Rendition* is an important example of these limitations because it fails adequately to reframe the field of intelligibility through which torture is discussed. Whereas *24* and *Rendition* to some extent represent the two adversarial positions in the torture debate, *Standard Operating Procedure* broadens the frame through which it is possible to critique torture through its emphasis both on the concentrationary nature of GWOT torture and its emphasis on

¹ For a comprehensive new account of the full extent of the GWOT, which includes – in addition to the more or less conventional wars in Afghanistan and Iraq – targeted assassinations, torture, drone strikes, the financial support of warlords, and other clandestine operations across the world, see Jeremy Scahill, *Dirty Wars: The World is a Battlefield* (London: Serpent's Tail, 2013).

compassion for the participants in torture. Although the discourse of GWOT counterterrorism projects an image of global justice, its underlying reality is of a biopolitical policing paradigm at once colonial and concentrationary. Accordingly, this chapter discusses the relationship that these texts have with the notion of the political exception: the way they invoke, naturalise, critique, challenge or expose it. Central again are the notions of truth and realism: *24* naturalises its politics through its aesthetic-political truth-claims, *Rendition* aims to expose the “truth” of GWOT torture policy, in part through its realist aesthetic strategies, and *Standard Operating Procedure* performs a sustained critique of the notion of visual authenticity as part of its critique of the field of intelligibility in which the post-9/11 torture debate is discursively framed.

4.1: The Post-9/11 Centurion: *24 Day Two* (2002-3)

This section of the chapter discusses the second season of Fox TV’s counterterrorism drama *24*. As I establish in the Introduction, this chapter focuses on this particular season because it was the first written and produced after 9/11, and as such is a particularly rich resource of representations, rhetorics and ideas that were current in the initial stages of the GWOT. The plot, which is very elaborate, can be schematically summarised as follows: an Islamic fundamentalist terrorist group called Second Wave smuggles a nuclear weapon into the US, and although the bomb is discovered by the Counter Terrorist Unit (CTU) it cannot be defused, so it is detonated over desert in order that fewer people will suffer. In the second half of the season, the characters attempt to uncover who is ultimately responsible for the bomb, and it emerges that a secret cabal of US oil interests has masterminded the terrorist plot in order to precipitate a retaliatory war in the Middle East; through the investigatory work of CTU and Jack Bauer, such a war is averted. My readings of this text focus on three key areas. Firstly, I argue that its representation of torture as a utilitarian emergency tactic can be understood as a new iteration of the normalisation and justification of political torture seen in my reading of Lartéguy’s *The Centurions* in the previous chapter: torture is represented as an invaluable tool in the counterterrorist policing process. Secondly, I argue that its framing of Islam as the source of terrorist violence is a reiteration of the colonial racisms discussed previously in this thesis: as well as echoing and amplifying more general Islamophobic attitudes, the representation of Muslim characters as ungrievable enemy ciphers or as suspicious double agents echoes and amplifies their cultural representation as such in texts such as *Lost Command*. Finally, I read the reception of the text in broader political

discourse; I argue that much like *The Centurions* became embedded in military thinking and education, *24* has a significant afterlife in the self-perception of military and intelligence services operating in real counterterrorism work, the effects of which contribute to the normalisation of torture.

4.1.1: The Exception

My tripartite reading of the state of exception, elaborated in Chapter Two, serves as a structuring principle for this first section. Firstly, as Anne Caldwell & Samuel Chambers note, a state of terrorism-induced emergency persists throughout *24*; they write that the second series “begins in a state of exception” which “never disappears”.² This state of exception is used to justify the use of extralegal violence, including torture, in the emergency situations that the focalising counterterrorist characters encounter. This state of legal exception does not correspond to any real-world exceptionality and is never explicitly theoretically elaborated: it is merely established (and consistently reiterated) that extreme violences and infringements of human rights and civil liberties can be justified through simple reference to necessity and emergency. As well as its concerns with sovereignty and exceptionality, *24* also inherits the most important of Lartéguy’s specific narrative devices: the ticking bomb scenario is the central dramatic device that animates *24*. The first scene of *24*’s second season is a graphic representation of torture which produces information later described as of “extremely high credibility” and which provides the premise for the remainder of the series: the bomb will be detonated “today”.³ As well as suggesting that torture provides unambiguous and reliably actionable evidence, this scene provides the catalyst for the series’ ticking bomb situation – the Americans now know that there is a nuclear device in Los Angeles the detonation of which, a worst case analysis forecasts, could result in two and a half million fatalities, with a probability of detonation calculated to be 89-93%. This is clearly a national security emergency, and for the characters of *24*, it constitutes a state of exception. Much as Boisfeuras draws on Koestler’s quotation of Pastor’s paraphrase of Nieheim to argue that a crisis over the sovereignty of the colonial territory “sanctifies all means”, the characters in *24* constantly refer to this established state of exceptional necessity

² Anne Caldwell & Samuel A Chambers, “*24* After 9/11: The American State of Exception” in *Reading 24: TV Against the Clock*, ed. by Steven Peacock (London: I. B. Taurus, 2007), pp. 102-103.

³ *24*, Season Two, Episode One, dir. Jon Cassar (Fox TV, 2002).

in order to justify their actions.⁴ For example, in episode eight, Tony Almeida (Carlos Bernard) and his boss George Mason (Xander Berkely) briefly discuss the parameters of permissible force. “Just tell me how hard I can push him,” begins Almeida, to which George replies, “As hard as you have to. Stick bamboo shoots under their fingernails. Get what they got. Time’s running out.”⁵ Although in this instance torture does not eventuate, the principle that George establishes is that in urgent situations where the stakes are high, time is limited, and information is crucial, violence against prisoners is the least worst option. In my readings below, I will address the ways that this is connected in the show both to utilitarian decisions about the necessity of torture and to the role of the unitary executive – that is, to the right of the sovereign to the absolute decision.

Secondly, in terms of the spatial exception, two aspects of the show’s narrative conceit are significant. Almost all of the action takes place in city situations: Los Angeles is the main metropolitan centre, although other cities (Visalia, for example) are involved at various moments in the show. Torture is conceptualised as a battlefield policing decision that can occur at any place and time, and this framing of torture situations, which has significant inheritances from Counterrevolutionary War Theory, returns us to the definition of the police elaborated in the previous chapter as the agency in which sovereign violence is most visible. The second aspect of this non-specific spatial location is that it masks the reality of the American counterterrorism torture that was actually occurring at the time: by removing torture from its institutional context and framing it as a battlefield expedient, it masks the nature of the concentrationary archipelago in which much US torture takes place. As Athey remarks, in the early years of the torture debate, “[h]ypothetical torture became a big story when actual violations went unreported.”⁶ The transfer of torture from realistic political contexts and into depoliticised and dramatically rewarding contexts, I argue, is one of the most effective strategies through which torture is made to seem morally permissible and militarily necessary.

Thirdly, the biopolitical dimension of the exception is the victim of torture, the person who is placed outside of the law in order that torture may be performed upon them. In *24*, the biopolitical decision on who qualifies for this treatment is determined by whether they can be identified as a terrorist or as associated with terrorism. Once anyone is identified as a

⁴ Ludwig Pastor, *The History of the Popes From The Close of the Middle Ages*, ed. by Frederick Ignatius Antrobus, Sixth Edition, Volume One (London: Kegan Paul, Trench, Trubner and Company, 1938 [1906]), p. 194.

⁵ *24*, Season Two, Episode Eight, dir. James Whitmore, Jr. (Fox TV, 2002).

⁶ Stephanie Athey, “Rethinking Torture’s Dark Chamber”, *Peace Review: A Journal of Social Justice* 20 (2008), p. 13.

terrorist, they are identified as a person against whom violence is not only legitimate but required; read in Agamben's terms, thus terrorist is "included in the community in the form of being able to be killed."⁷ Any violent intervention is authorised against this person: their actions have to be prevented, and if surveillance and capture are not enough, then killing and torture are logical and permitted steps.

Judith Butler's concept of grievability, discussed above, is also relevant here. Her argument is that pro-war media discourses dehumanise enemy populations, with the result that they are often not conceived of as fully human. They are, consequently, not seen as "grievable", which means that their deaths do not register as significant deaths. The ideological and representational mechanisms through which populations become understood as ungrievable facilitate the popular acceptance of the political mechanisms through which people are removed from the legal protections associated with citizenship. Many of the terrorists in *24* are Muslims, so there is clearly a connection to the media apparatus that seeks to make distant Muslim populations suspicious and ungrievable and to make American Muslims seem a source of threat. Peter Morey writes that in *24*, "'Americanness' and American values are distinguished from those of the villains via a process of racialisation wherein all threatening elements become, in a sense, 'Muslimised' – expelled from the bosom of the nation which is here conceived as an extension of the white, blond, Protestant family."⁸ Although Morey is right, antagonists come in a multiplicity of forms in *24*, and are not reducible to Islamic terrorism; the category of "terrorist" is more inclusive than this suggests, as non-Muslim characters are also subjected to torture for their roles in the terrorist plot of season two of *24*. In what follows I will read the way that Islam is represented as a source of threat and the way that a certain conception of motiveless and irrational terrorism is made to dovetail with it, but I will also argue that the mechanisms through which characters are made available to torture are not limited to this racialised suspicion. Compassion for torture victims does not appear in *24* – the text is resistant to any Levinasian reading, because a central logic on which it relies is that terrorists deserve torture.

⁷ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998 [1995]), p. 82.

⁸ Peter Morey, "Terrorvision: Race, Nation and Muslimness in Fox's *24*", *Interventions*, 12: 2 (2010), p. 255.

4.1.2: Torture

There are many torture scenarios in this season of *24*; here I discuss three of them. In the first, *24*'s American President David Palmer (Dennis Haysbert) directly orders the torture of a senior member of his staff – the head of the National Security Agency (NSA), Roger Stanton (Harris Yulin) – in order to make him reveal details of a conspiracy to usurp the Presidency. Across three episodes, an ex-CIA operative conducts electro-torture using a medical defibrillator, and once the resistance of the NSA chief is broken through force the President conducts a verbal interrogation which reveals details of this conspiracy.⁹ Significantly, this later becomes one of the grounds on which his cabinet attempt to remove him from office, but he is ultimately vindicated for his use of torture through a utilitarian demonstration of its positive results.¹⁰ Stanton reveals information that allows the narrative to proceed – including corroboration of the location of the bomb – and which is demonstrated through the progression of the plot to be true.¹¹

The importance of decisive leadership is a major theme in *24*. The nature of Presidential authority in particular is thoroughly addressed, and torture by direct Presidential command is a clear example of this theme. Sovereignty is again what is at stake: the President directly orders violence as a strategy for retaining his hold on his position of power. This also clearly invokes the discourse of the untouchable unitary executive. After 9/11, central members of the Bush Administration such as Vice President Dick Cheney and his aide David Addington significantly expanded presidential authority and modified the extent to which the President could make unilateral security decisions. Schahill writes that Cheney and Defense Secretary Donald Rumsfeld wanted the American presidency to operate as “a national security dictatorship, accountable only to its own concepts of what was best for the country.”¹² As observed above, the Bush White House took significant influence from Carl Schmitt's theories of decisionistic sovereignty and sovereign violence, and in *24* we can observe a similar – although never explicitly theorised – model of sovereignty. The show takes the principle of the unitary executive to an extreme and shows the President directly ordering the application of sovereign violence in the form of torture. It is also significant that the victim of torture here is a middle-aged white man, and not a Muslim terrorist – the show

⁹ *24*, Season Two, Episodes Eleven, dir. Frederick K. Keller, Twelve, dir. Frederick K. Keller, and Thirteen, dir. Jon Cassar (Fox TV, 2002).

¹⁰ *24*, Season Two, Episode Twenty-one, dir. Ian Toynton (Fox TV, 2002).

¹¹ *24*, Season Two, Episode Thirteen.

¹² Schahill, *Dirty Wars*, p. 9.

is inclusive with regard to who it will make available to torture violence, and whilst this may function to obscure that this violence often functions in a very racialised way, it actually reveals a more authoritarian and indiscriminate logic of violent securitisation: anybody can deserve torture.

The second scene occurs in episode twelve, which dramatises the use of torture to address a ticking bomb scenario. Syed Ali (Francesco Quinn), the member of Second Wave responsible for detonating the bomb, is apprehended during a raid on a mosque. Ali proves resistant to physical force; as a last resort Jack stages the mock execution of one of Ali's sons. This mixture of physical and psychological torture makes Ali relinquish the information, which leads other CTU agents to uncover the bomb. The procedural logic demonstrates the ticking bomb argument stage by stage: CTU apprehend the terrorist, and through the controlled application of force, they avert the destruction of Los Angeles. *24* uses a clear narrativisation of the ticking timebomb scenario to make the argument that torture works as a counterterrorism tool. The notion of necessity that fuels the ticking bomb scenario also fuels *24*: the choices of CTU and Jack in particular are, as Sharon Sutherland and Sarah Swan write, "inevitably justified by results".¹³ As necessity is frequently invoked as a foundation to the state of exception, it is used in *24* as a short-circuit argument to justify acts of exceptional violence.

Attempting to defuse criticism for the show's representation of torture, from writers such as Jane Mayer, for example, executive producer and writer Evan Katz describes the use of torture in *24* as "a narrative device" rather than an ethical engagement with or an exploration of any related politics.¹⁴ Katz claims that he doesn't believe that the show condones torture because when deploying it as narrative strategy the writers "deal in very clear cut black and white decision points that don't exist in real life."¹⁵ However, it is not the specific content of *24*'s torture scenes that is problematic, it is the underlying functional logic: torture is represented as an unpleasant yet effective tool, so it is exactly this utilisation of torture as a narrative device that constitutes the ethical failure in *24*. Much like the scenes in *The Centurions* in which torture plays an abhorrent yet necessary investigative role, there

¹³ Sharon Sutherland and Sarah Swan, "Tell me where the bomb is or I will kill your son': Situational Morality on *24*" in *Reading 24: TV Against the Clock*, ed. by Steven Peacock (London: I. B. Tauris, 2007), p. 120.

¹⁴ Jane Mayer, critiqued the show's representation of torture in "Letter From Hollywood: Whatever it Takes: The Politics of the Man Behind *24*", *The New Yorker* (19/02/2007), available at http://www.newyorker.com/reporting/2007/02/19/070219fa_fact_mayer?currentPage=all (accessed 22/12/2008). Evan Katz responded obliquely to it in *24 Season Six: Inside the Writers' Room* prod. Jill Hoppenheim [no director credited] (Sparkhill Productions, 2007).

¹⁵ Katz, speaking in *24 Season Six: Inside the Writers' Room*.

is in *24* a demonstrated evidential trail in which torture provides decisive information that could not be gleaned any other way. It may be unpleasant – for example, Kate Warner (Sarah Wynter), a civilian aiding the investigation, is visibly disgusted by the mock executions – but the clear message is that its use-value overrides such considerations. Here we also see the way that *24* attempts to defuse deontological objections to torture: nobody claims that it is a good thing, merely that it is the least worst option in a lose-lose situation.

The third scenario I address is one in which Jack Bauer himself undergoes torture.¹⁶ He is tortured with a Taser, with an ammonia-soaked scalpel, a soldering iron, and a fictional drug named Beroglide.¹⁷ There are two effects of this scene that I want briefly to discuss: firstly, the way that non-CTU torture is represented, and secondly, the way that Jack's victimhood is represented. In *24*, torture is a neutral tool, used irresponsibly or excessively by villains but effectively and reluctantly by heroes; for example, in episode nine Sayed Ali and his henchman tie up a character the audience knows to be innocent and torture him with an angle grinding tool.¹⁸ This is shown as shocking and gratuitous, mainly because sympathetic characters are in the position of victim but also because the torture methods are messy. As I argued in the Introduction, the torture perpetrated by liberal democracies is often described in a way that makes it seem reasonable in comparison to the messy and meaningless barbarities committed by uncivilised enemies. Both Ali's torture of Kate Warner's friend and Second Wave's torture of Jack Bauer are shown as gratuitous and sadistic in comparison to the strictly utilitarian and proportionate torture committed by CTU. Whereas Ali moves straight to a power tool, CTU question noninvasively before using any force; Jack also blames Ali for forcing him to execute his sons, indicating that he would only torture so extremely under intense duress and when other avenues are exhausted – that is, that his actions are justifiable as they have a utilitarian rationale, are proportionate, and are involuntary. The effect that torture has on Jack again recalls the texts discussed in the last chapter. Like Godard's Bruno, Jack does not break. We saw in the previous chapter how *The Little Soldier* narrated the idea that suffering torture without “breaking” demonstrates the masculine virility of male

¹⁶ *24*, Season Two, Episode Nineteen, dir. James Whitmore, Jr., and Episode Twenty, dir. James Whitmore, Jr. (Fox TV, 2002).

¹⁷ A Taser is a small weapon that delivers controlled yet intense electric shocks; they are intended to immobilise otherwise uncontrollably aggressive people – rioters, for example, or people on amphetamines – but can also be used as a tool of electrotorture against captives. See Darius Rejali, *Torture and Democracy* (Princeton: Princeton University Press, 2007), pp. 225-258. Beroglide is a fictional drug described on the *24* Wiki as “a chemical which causes respiratory paralysis when injected intravenously.” In the show a doctor claims that it will collapse Jack's lung. No Author Credited, “Beroglide”, *Wiki 24*, undated, available at <http://24.wikia.com/wiki/Beroglide> (accessed 12/05/2011).

¹⁸ *24*, Season Two, Episode Nine, dir. Rodney Charters (Fox TV, 2002).

characters, and this Romantic masculine myth returns in *24*. Although Jack may not have confessed any information, his resistant body has confessed its superior value.¹⁹

As discussed above, in *24* torture is conceptualised as a battlefield decision that can occur at any place and time. Either in improvised locations such as the mosque basement in which Syed Ali is tortured or in CTU's interrogation booths, torture is a procedural violence more extreme than but as valid as any other. Added to this routinisation of torture, a secondary effect of framing torture in this way is that it removes torture from its concentrationary context, supplanting any consideration of prisons or camps with a narrative about exciting police work. Unlike government agencies such as Joint Task Force Guantánamo (JTF-GITMO), the CIA, or Task Force 121, who shuttle between prisons committing torture, CTU are a metropolitan policing unit endowed with a gigantically resourced panoptic surveillance capacity and Presidential sanction to kill who they must at any time. We saw in the previous chapter how the French paratroopers' police presence represented the visible enforceability of the law; according to Derrida, the police are "present, sometimes invisible but always effective, wherever there is preservation of the social order."²⁰ As CTU are directly charged with maintaining the social order in the face of extreme challenges – indeed, as the terrorist plots they face are routinely apocalyptic, they are often charged with maintaining the sovereignty of the US – they can certainly be understood as a frontline police force. Just as the French generals in Algiers exercised power with absolute discretion, so the agents of CTU use the state of emergency as a platform for the use of invasive and aggressive tactics. Significantly, this freedom to use potentially unlimited violence attendant upon suspension of the law is part of the show's appeal, as it creates exciting terms for a fiction in which anything is possible.

The way that metropolitan police torture is represented as heroic draws much from the cultural contexts in which *24* circulates. *24* reprises the romanticised figure of Lartéguy's unthanked soldier doing the dirty work of an ungrateful and overly liberal society. Rejali observes that Lartéguy's novel "feeds on a long-felt, common anxiety that democracy has made us weak and there are no real men anymore", showing clearly "that failing to torture is the sissy's response; only a real man knows what to do."²¹ Jack Bauer reproduces this

¹⁹ There is not room to adequately address this here; I discuss the representation of torture survival on the construction of hegemonic masculinity in a separate publication, "Terrorism as Sexual Envy: Adversarial Masculinities in Two Fictions of Ticking Bomb Torture" in *Terrorist Transgressions: Gender and the Visual Culture of the Terrorist*, ed. by Sue Malvern and Gabriel Koureas (London: IB Tauris, 2013), pp. 183-203.

²⁰ Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority'", in Derrida, *Acts of Religion*, ed. by Gil Anidjar (London: Routledge, 2002), p. 278.

²¹ Rejali, *Torture and Democracy*, p. 548.

masculine ideal: he is continuously shown to be right where others, less willing to commit acts of violence, are wrong. For example, in the first episode of the season, between the summary execution of a witness and the decapitation of his corpse, Jack fulminates at Mason: “That’s the problem with people like you George, you want results but you never want to get your hands dirty. Well, it’s time to roll up your sleeves.”²² *24* reproduces the conventionalised stock figure of the disapproving liberal boss to demonstrate the toothlessness of non-violent means in the battle against terrorism.

This is also a function of genre. As I observed in the Introduction, many post-9/11 representations of political violence follow familiar patterns and invoke familiar political discourses. Significantly, although the explicit advocacy for torture in *24* is original, many aspects of its representation are familiar. Counterterrorism fiction is not a “new” televisual form, but rather an amalgam of existing fictional conventions. Although it incorporates elements of the Western (for example, embattled masculinity proving itself against dangerous Others, or what Torin Monahan calls “the constant valorisation of direct action”), *24* is essentially adrenalised crime fiction, providing a new interpretation of what Les Cooke calls “a basic formula in which society is protected and the status quo maintained by the forces of law and order”, a tradition in which “an increasingly lawless society” demands the use of “extreme tactics” for the exercise of the heroes’ duty.²³ A relatively simple genealogy of Jack Bauer’s character type can be traced back to Harry Callahan (Clint Eastwood), the protagonist of the *Dirty Harry* franchise (1971-1998): *24* reinscribes the cop show tradition of law enforcers doing “real work” to the chagrin of authority figures into the world of post-9/11 American counterterrorism. However, my argument is that through this synthesis of generic conventions and the political context of the state of exception, Jack Bauer is more a cipher of the counterterrorist centurion charged with the maintenance of civilisational identity than he is of the tough street cop.

There is also a clear effect on the way that torturers are received by audiences when they are represented in this way. Stephen de Wijze explicitly compares Jack Bauer to the military police who perpetrated torture and abuse in Abu Ghraib:

²² *24*, Season Two, Episode One.

²³ Torin Monahan, “Just-in-time Security: Permanent Exceptions and Neoliberal Orders”, in *Reading 24: TV Against the Clock*, ed. by Steven Peacock (London: I. B. Tauris, 2007), p. 114. Les Cooke, “The Crime Series”, in *The Television Genre Book*, second edition, ed. by Glen Creeber (London: BFI/Palgrave Macmillan, 2008), pp. 29-33. See also David Holloway, “The War on Terror Espionage Thriller, and the Imperialism of Human Rights”, *Comparative Literature Studies* 46: 1 (2009), p. 39.

Torturers themselves very often develop into monsters and become the personification of the system's excess, ultimately destroying themselves and the very system that gave them legitimacy. The scandal of Abu Ghraib with the photos of the jailers clearly enjoying the torment of their prisoners is a recent reminder of this phenomenon. [...] Given the choices Jack faces, he cannot act without becoming morally polluted. Paradoxically, Jack ought to be both praised for having the courage and fortitude for doing what had to be done but also condemned for committing terrible actions such as torture, deceit and murder.²⁴

Here de Wijze compares systematic abuse in a war prison by soldiers who were globally demonised with the actions of fictional counterterrorist agents who are made to seem heroic. As we will see later in this chapter, the Abu Ghraib MPs were placed in an impossible position: although this in no way justifies their actions, which remain abhorrent, the institutional conditions to which they were subject meant that it was also impossible for them to act without becoming morally polluted. Although this may or may not be true of Jack Bauer, who one journalist refers to as “the world's most popular torturer”, what is significant about de Wijze's remarks is that they reveal that even a very sophisticated reader can be made to feel compassion for a torturer if they are represented as a sympathetic hero facing impossible decisions.²⁵ The framing of counterterrorism in terms of such generic markers contributes to the construction of a field of intelligibility in which torture remains terrible but has become morally permissible.

4.1.2: Islam and the Mosque as a Source of Terrorism

The adversarial figure who corresponds to the post-9/11 centurion is the Islamist terrorist, who, as established earlier in this thesis, is perceived as a new kind of villain. The tenor of much discourse is again familiar, recalling racialised Orientalist tropes in which Muslims

²⁴ Stephen de Wijze, “Between Hero and Villain: Jack Bauer and the Problem of ‘Dirty Hands’”, in *24 and Philosophy: the World According to Jack*, ed. by Jennifer Hart Weed, Richard Davis, and Ronald Weed (Oxford: Blackwell Publishing, 2008), pp. 20-24.

²⁵ Jon Weiner, “Fox Show ‘24’: Torture on TV”, *The Nation* (15/01/2007), available at <http://www.alternet.org/story/46757> (accessed 13/01/2009).

appear as what David Holloway calls “madmen raging impotently at modernity”, or, as Edward Said quips, as “nothing but trouble”.²⁶ The discursive figure of the terrorist is deliberately constructed as a person whose violent character makes greater violence necessary against them because the law is too unwieldy and permissive to cope: they are defined as those against whom exceptional measures are necessary. Gregory observes that this discursive strategy of both overdetermining the figure of the terrorist by loading it with cultural meanings and underdetermining it by leaving its boundaries unfixed attempts to make the exception “invisible by conjuring a shape-shifting, nomadic enemy who inhabits the shadows beyond the human.”²⁷ This leads to an indistinction in which anyone can be a terrorist and the terrorist can be anything, a discursive slipperiness that attests to the potentially endless nature of the GWOT.

24 uses these standards as the foundation for its moral compass: Americans are good, and Islamist terrorists are their total political and moral opposite. Here we see CTU’s counterterrorism as what Baudrillard pithily calls “the continuation of the absence of politics by other means” – a negotiation vacuum in which the conflict between political opponents is understood as an apolitical Manichaeism of good and evil.²⁸ Significantly, the terrorist antagonists in *24* are frequently Muslim: as established in above, there is a widespread popular conflation of Islam and terrorism among many ordinary Americans, and *24* exploits this for its characterisation shorthands. Here I argue that *24*’s characterisations of terrorism reprise colonial demonisations of Islam: the mosque is shown to be the source of terrorism, American Muslims are treated with suspicion throughout, and the Middle East is represented as an undifferentiated enemy zone.

Syed Ali is apprehended after prayers at a mosque, and his accomplice Mamud Faheen (Anthony Azizi) is apprehended in a thrift store operating as a cover for his base of operations.²⁹ Both of these moments function to foreground the connection between Muslim establishments and terrorist cells by reproducing discourses that conflate Islam and terrorism and by insinuating that Muslim identity is not authentically American; further, they function to emphasise that a threatening alterity remains a shallow distance beneath a superficially Westernised appearance. The mosque is a particular site of anxiety; it is represented as a place into which terrorists can invisibly blend and consequently as a site of potential

²⁶ David Holloway, *9/11 and the War on Terror* (Edinburgh: Edinburgh University Press, 2008), p. 24. Edward Said, *Covering Islam* (London: Vintage, 1997 [1981]), p. xv.

²⁷ Derek Gregory, “The Black Flag: Guantánamo Bay and the Space of Exception”, *Geografiska Annaler*, 88:4 (2006), p. 410. Emphasis in original.

²⁸ Jean Baudrillard, *The Spirit of Terrorism*, trans. by Chris Turner (London: Verso, 2002), p. 34.

²⁹ *24*, Season Two, Episode Seven.

contagion. The apprehension of Ali in the mosque is also interesting because it is facilitated by Kate Warner infiltrating and surveilling the mosque wearing a hijab. In a reversal of the scene in *The Battle of Algiers* in which FLN women dress in short skirts and eyeliner to facilitate their bombings, a civilian working on behalf of CTU dresses as a Muslim woman in order to facilitate his capture and torture interrogation.³⁰

The threatening ambiguity imputed to Western Muslims in *24* can be read with particular clarity with regard to Reza Naiyeer (Philip Rhys). Like Mahidi in *Lost Command* and Anwar in *Rendition*, he is shown as intelligible to the extent that he is Westernised, whilst this very Westernisation is simultaneously an index of his untrustworthy nature. Almeida questions Reza:

Reza: I grew up in London. I'm marrying an American girl. A protestant. So if you're going to racially profile me, you should at least get it right.

Almeida: Our main targets are European Muslims, with Western educations, passports, and the potential to blend in to Western society. So, tell me Reza, how's my racial profiling going now?³¹

Reza is wealthy, successful, and free of any explicitly non-Western identifiers such as religious dress or heavy accent; through the lens of counterterrorism, this is exactly what renders him suspicious. Although he turns out to be innocent of any terrorist connection, it is his non-specifically Islamic identity that is dramatically exploited for narrative tension. Significantly, this connection of Islam and terrorism may turn out to be false in this one instance, but its conspicuous foregrounding with regard to Ali and Faheen more than compensates for this.

When President David Palmer asks for information about the state affiliation of Second Wave, his assistant tells him that "officially they're not recognised by any of the Middle Eastern states." "Unofficially?" he asks, and he is shown a document which is not revealed to the viewer.³² In the course of a later conversation with the Prime Minister of this unnamed country, the President threatens retaliation should the bomb detonate; the Arab

³⁰ *24*, Season Two, Episode Eleven.

³¹ *24*, Season Two, Episode Six, dir. Jon Cassar (Fox TV, 2002).

³² *24*, Season Two, Episode One.

Prime Minister says that should such retaliation occur, America “will have created an enemy of over one third of the world’s population.”³³ Most significant among the assumptions and connotations at work here are, firstly, that terrorist groups operate as unofficial state armies for Middle Eastern countries, and secondly, that attacking one Middle Eastern country would make an enemy of every Muslim in the world (for surely this is the population to which the statistic refers). The first is a Cold War rhetoric that refuses to acknowledge that modern Islamist groups are often privately financed and frequently have political agendas that are not based on nation-state politics, and the second conflates the entire Middle East with hostile Islam. Conforming to the observations of Butler, Said, and Morey, from the outset Islam is represented in *24* as homogenous, indistinct, and dangerous.

4.1.5: Realism: Reality Effects and a Regime of Veridiction

The politics that the show narrates are examples of the way that, to paraphrase Judith Butler, *24* frames its conflict in order to recruit viewers to an epistemological and ideological position. Observing that “media representations have already become modes of military conduct”, Butler acknowledges the contribution such framing makes to pro-war discourse, and the way in which the production of such images coincides with making war.³⁴ Lartéguy claims in his author’s note to reproduce the real world, and in a similar truth-claim, *24* provides its ideological universe with believability through its consistent, slick visual style. The aesthetic framing of a realistic diegetic universe makes unrealistic content plausible: accepting its aesthetic terms prepares an audience to accept its underlying political assumptions. By “selectively producing and enforcing what will count as reality”, *24* uses its complex visual truth-claim to present a diegetic universe constructed in terms of colonial discourse as objective reality.³⁵ As Surnow claims, the show attempts “to convey a very real sense of the world of terrorism” by showing “heightened reality, [or] something that resonates with an inner truth but not necessarily the procedural truth of the way things are.”³⁶ This “inner truth” is defined in terms of a neocolonial political ontology that conceives of the GWOT as a civilisational conflict between Western humans and inhuman terrorists.

³³ *24*, Season Two, Episode One.

³⁴ Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2009), p. 29.

³⁵ Butler, *Frames of War*, p. xiii.

³⁶ Joel Surnow, executive producer, speaking in *Biothreat: Beyond the Series*, dir. Marc Ostrick (Sparkhill Productions, 2004).



FIGURE 4.1: 24. CLOCKWISE FROM TOP LEFT: CTU AGENTS SEARCH THE MOSQUE WHERE A TERRORIST IS APPREHENDED; SAYED ALI IS TORTURED BY JACK BAUER; THE SECRETARY OF DEFENSE IS TORTURED BY A CIA OPERATIVE ON PRESIDENTIAL COMMAND; KIM BAUER RUNS FROM HER ABDUCTORS.

The show is shot “as though we were observers watching an unfolding scene in a documentary kind of style”, using camerawork that is “kinetic” yet unostentatious.³⁷ The complex and busy visual gloss of the show is marked by simple shot construction, fluid steadicam work, and location shooting. The split-screen technique, shown in figure 4.1, gives the illusion of simultaneity: rather than cross-cutting between scenes to achieve this effect, we can frequently see events unfolding simultaneously. This aesthetic uncontainability – it is impossible to absorb everything on the screen – implies that the real world is being channelled to the viewer in all of its overflowing multiplicity. By allowing the show to seem to capture the complexity of the real world through these strategies, it naturalises its pro-torture position by presenting it as one aspect of reality among many that the show channels into narrative. The writers of the show dismiss the accusations of endorsing torture by insisting that the show’s world is not the same as the real world. Howard Gordon stresses the difference between “this television show and that reality”, and Kiefer Sutherland says that 24

³⁷ Rodney Charters, director of photography, speaking in *Unsung Heroes: The 24 Camera Department*, (Sparkhill Productions, 2006). Jon Cassar, director, speaking in *24 Exposed (Part One)*, dir. Marc Ostrick (Sparkhill Productions, 2003).

is “a television show coming out of the imagination of writers”, elsewhere commenting that it is “a fantastical show [in which] torture is a dramatic device.”³⁸ However, it is not the specific events that are problematic, but rather it is the way that *24* insists that it is telling the truth about the nature of political phenomena such as torture and terrorism. It is possible for audiences to accept that the epistemological frame, political ontology, and military logics of *24* correspond to reality without believing that its narratives actually took place.

Further, *24* was for a time constantly invoked in mainstream American political discourse, so Surnow’s remarks about *24*’s ability to articulate the inner truth of the GWOT must be taken seriously. Keren Tenenboim-Weinblatt notes that over the course of the first decade of the twenty-first century “the embeddedness of *24* within the contemporary political culture became increasingly apparent”, and that American politicians could expect to boost their popularity if they were to express national security viewpoints in sympathy with those narrated in the show.³⁹ One of Tenenboim-Weinblatt’s best examples is a column by Pat Buchanan, in which he asserts that “[b]elieving the character of this war, where the enemy’s preferred tactic is to slaughter civilians with terror bombings, people seem to agree that we have to follow Jack Bauer’s rules, not American Civil Liberties Union rules.”⁴⁰ Elsewhere, Philippe Sands observes that for Michael Chertoff, erstwhile Secretary of Homeland Security who praised CTU for “showing the kind of character and tenacity that would help America defeat terrorism”, there “was no line dividing fiction from reality. ‘That is what we do every day,’ he said of *24*, ‘that is what we do in the government, that’s what we do in private life when we evaluate risks.’”⁴¹ Carlos Bernard, who portrays CTU agent Almeida, also remarked that his character’s mention of Finsbury Park Mosque predated the raid there.⁴² It is difficult

³⁸ Howard Gordon, executive producer & writer, speaking in *24 Season Six: Inside the Writers’ Room*. Kiefer Sutherland, executive producer & “Jack Bauer”, speaking in *24 Exposed (Part One)*. Jane Mayer, “Whatever it Takes”.

³⁹ Keren Tenenboim-Weinblatt “Where Is Jack Bauer When You Need Him?’ The Uses of Television Drama in Mediated Political Discourse”, *Political Communication*, 26: 4 (2005), p. 368.

⁴⁰ Pat Buchanan, “What Would Jack Bauer Do?”, *WorldNetDaily* (23/01/2006), available at http://www.wnd.com/news/article.asp?ARTICLE_ID=48457 (accessed 23/09/2010).

⁴¹ Philippe Sands, *Torture Team: Uncovering War Crimes in the Land of the Free*, Second Edition (London: Penguin, 2009), pp. 88-89. Chertoff was speaking at an event called “‘24’ and America’s Image in Fighting Terrorism: Fact, Fiction or Does it Matter?”, which was hosted by The Heritage Foundation on June 23, 2006, and moderated by conservative talk-show host Rush Limbaugh. See Paul Farhi, “Calling On Hollywood’s Terrorism ‘Experts’: Homeland Security Chief Compares Reality and ‘24’”, *The Washington Post* (24/06/2006), available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/23/AR2006062301804.html> (accessed 24/08/2010).

⁴² It is not clear whether Bernard claims that this moment in *24* led directly to this raid, but he certainly emphasised the coincidence. “My character brought up this mosque in London called the Finsbury Park Mosque,” said Bernard. “Well, we shot that I think in October or September (of 2002), and come January, they raided that very mosque and busted some terrorists there.” Amy C Sims, “Fact and Fiction Mix on *24*”, *Fox News* (11/05/2003), available at

to know how to assess such claims, but what is certain is that *24* presents a high-profile ideological narrative of the GWOT that endorses torture, that lionises torturers, and that is very popular globally. There is definitely an extent to which it serves a pro-GWOT propaganda function by constructing a high-profile field of intelligibility in which torture has a clearly defined intelligence function.

Interviewing Diane Beaver, Staff Judge Advocate of JTF-GITMO and author of a legal opinion supporting the increased interrogation methods, Philippe Sands also discovered that Jack Bauer “had many friends at Guantánamo Bay.”⁴³ According to Beaver, the show was very popular with the staff at the detention facility, and it “contributed to an environment in which those at Guantánamo were encouraged to see themselves as being on the frontline – and to go further than they otherwise might.”⁴⁴ What we can see here is that the material effect of *24*’s ticking bomb narrative is to reinforce the perceived legitimacy of pre-existing punitive impulses towards torture violence: in an already febrile environment, *24* validated the impulse towards torture by making it seem effective. In the post-9/11 American climate, it is not difficult to imagine that untrained soldiers under pressure for interrogational results would find in *24* attractive methodological answers to their difficulties. “Is it any wonder that American forces subjected their Iraqi captives to brutal and dehumanising treatment?” Derek Gregory asks, summarising this point. “They had been told repeatedly that this was a war against Evil incarnate, so that they were not fighting enemies so much as casting out demons.”⁴⁵ As described above, the ticking bomb scenario misdescribes a defeat scenario in which revenge impulses take the place of a military decision as a scenario in which violence will avert apocalypse. By representing this misdescription as achievable, *24* makes political torture appear, in Scarry’s word, “sanctionable.”

4.2: Towards a Political Cinema of Torture: *Rendition* (2007)

In Gavin Hood’s 2007 anti-torture film *Rendition*, the innocent engineer Anwar El-Ibrahimi (Omar Metwally) is captured, secretly flown to a dungeon in North Africa, and tortured for information about his suspected involvement in a suicide bombing that has killed an American agent. It is a significant anti-torture movie which shows how an innocent man will

<http://www.foxnews.com/story/2003/05/11/fact-and-fiction-mix-on-24/> (accessed 12/07/2011).

⁴³ Sands, *Torture Team*, p. 73.

⁴⁴ Sands, *Torture Team*, pp. 73-74.

⁴⁵ Derek Gregory, “Vanishing Points: Law, Violence and Exception in the Global War Prison”, in *Violent Geographies: Fear, Terror and Political Violence*, ed. by Derek Gregory & Allan Pred (New York: Routledge, 2007), p. 30.

confess under torture, and which is critical of US involvement in extraordinary rendition. As discussed in the Introduction to this thesis, audiences rejected the film, but its release nevertheless marked a significant moment because, until 2007, almost every mainstream cinematic narrative of the GWOT told its story from a traditional war film perspective, that is, from the perspective of soldiers on the battlefield and not from the perspective of those who suffer war powerlessly. Even anti-war films such as Nick Broomfield's *Battle for Haditha* (2007) and Brian de Palma's *Redacted* (2008) remained locked inside the perspective of American troops in foreign territory. *Rendition* was the first high-profile mainstream Hollywood narrative to criticise American torture in a cinematic fiction produced for and marketed towards a popular American audience.

This section of the chapter argues that whereas 24 narrativises pro-torture arguments by framing counterterrorism in diegetic terms that normalise torture, *Rendition* challenges and undermines this representational framework by exposing torture as an illegitimate excess. As elaborated above, the tripartite structure of exception is relevant to extraordinary rendition. The entire point of extraordinary rendition is the evasion of the law and the denial of human rights: Amnesty International write that “[t]he rendition network’s aim is to use whatever means necessary to gather intelligence, and to keep detainees away from any judicial oversight”, so the legal logic of exception is clearly present.⁴⁶ The torture chambers to which the suspects are rendered are outside of US jurisdiction, and often exist as black sites; the spatial logic of exception is therefore present. The physical logic of exception is also present, as the rendered prisoners constitute a form of bare life unique to the carceral network of the GWOT. Like *homo sacer*, whose “proper place” is “beyond both penal law and sacrifice”, the Ghost Detainees of extraordinary rendition are only legally relevant through their availability to disciplinary violence and their exclusion from human rights or legal protections.⁴⁷ This can be read in *Rendition*, and is an important sense in which it provides a valuable critique. As well as illustrating the way that extraordinary rendition is used to avoid the law, the film obliquely critiques the ticking bomb scenario. The spaces of exception in which torture occurs are revealed as dungeons rather than the battlefield, and this chapter will discuss the representation of the torture techniques employed there, with particular emphasis on waterboarding. The torture victim, of course, is the final element of

⁴⁶ Amnesty International, *Below the Radar: Secret Flights to Torture and ‘Disappearance’* (London: Amnesty International, 2006), p. 2. See also Joseph F.C. DiMento and Gilbert Geis, “The Extraordinary Condition of Extraordinary Rendition: The CIA, the DEA, Kidnaping, Torture, and the Law”, *War Crimes, Genocide & Crimes Against Humanity*, Volume 2 (2006), pp. 35-64.

⁴⁷ Agamben, *Homo Sacer*, p. 83.

exception, and this film attempts the rehumanisation and rehabilitation into the political community of this figure, an endeavour that I insist is not without its problems. *Rendition* does important and politically necessary work as it brings some of the realities of GWOT torture into the frame of dramatic representation, attempting to forge a political cinema of torture.

4.2.1: Critique; the False Positive Narrative

Rendition's anti-torture message is didactically expressed. Its multi-threaded narrative structure, in which several parallel narrative strands play out with many of the characters never meeting one another, allows the film to contextualise the issue by having characters embody relevant political discourses. Through this device *Rendition* invokes, and is critical of, political doctrines such as those espoused by Dick Cheney, for example, who famously said that Americans would "have to work, sort of the dark side, if you will. [...] That's the world these folks operate in, and so it's going to be vital for us to use any means at our disposal, basically, to achieve our objective."⁴⁸ This soundbite quickly became emblematic of the illegality of the American counterterrorism strategies that sought to circumvent the legal protections of suspects. Extraordinary rendition was seen as a particularly disingenuous sleight of hand that would allow President Bush to honestly say that America did not torture whilst at the same time exporting people to places where they would be tortured by others. *Rendition*'s Senator Corrine Whitman (Meryl Streep) obliquely justifies extraordinary rendition in terms that recall Cheney's words: "Honey, this is nasty business. ... so I'm glad I'm doing this job and you're not." She also tells CIA operative Douglas Freeman (Jake Gyllenhaal) that "the United States does not torture." By putting such words into the mouth of a character who fiercely prioritises national security imperatives over human rights or due process, and showing how the actions of this person lead directly to the torture of the innocent protagonist, the film is directly critical of both torture and the rhetorics used in its defence. This device is similar to that employed by Pontecorvo in *The Battle of Algiers* and Slovo and Brittain in *Honor Bound*: Colonel Mathieu functions as a mouthpiece for French colonial discourse and Rumsfeld narrates the Bush administration's position on torture, and

⁴⁸ Vice President Dick Cheney, speaking in interview with Tim Russert on NBC's *Meet the Press*, 16/09/2001. See Mayer, *The Dark Side*, pp. 9-10.

analogously, Senator Whitman embodies the pro-torture counterterrorism discourse of *Rendition's* White House.

Freeman discovers that the information Anwar provides under torture is demonstrably false, and, trying to persuade the North African Minister of the Interior to release Anwar, he states explicitly the film's message. "In all the years you've been doing this, how often can you say that we've produced truly legitimate intelligence?" Freeman asks rhetorically, before asking the Minister to show him "anything, anything that outweighs the fact that if you torture one person you create ten, a hundred, a thousand new enemies." With this didactic anti-torture dialogue, the text unequivocally insists that torture does not produce legitimate information and that the use of torture radicalises one's enemies.

Aside from this explicit polemicism, the film also obliquely critiques the ticking bomb scenario. One of the film's diegetic strands follows Khalid El-Emin (Moa Khouas), a young North African who detonates a suicide vest at the end of the film. Through the cross-cutting of the narrative strands, the audience is encouraged to believe that this story is simultaneous with Anwar's torture, and perhaps, that if Anwar were to provide information, Khalid could be caught and prevented from detonating himself. However, Khalid's story is revealed at the film's climax to be a flashback and his suicide bomb is revealed as the bomb that led to Anwar's capture; that is, the triggering event for the movie's narrative. This confounding temporal revelation relies on the expectation an audience would have for torture to provide the information required for heroes to avert disaster: in *24*, Anwar would speak, his interrogators would act successfully on his information, and Khalid would be apprehended. *Rendition* refuses this logic, demonstrating through this structural device both that Anwar was tortured because of a terrorist attack with which he was unconnected and that torturing a false positive cannot prevent terrorist attacks.

Rendition also describes the exceptional spatiality of torture. Whereas *24* follows Trinquier by conceiving of torture as a battlefield situation, *Rendition* locates torture in the realistic post-9/11 contexts of extraordinary rendition and the overseas black site, exceptional locations that are included in the political order of the GWOT through the fact of their providing military intelligence services with an available outside in which US law cannot be applied. Agamben insists that the camp can have many forms, and that it is a legal loophole rather than a set of physical coordinates, a spatial-temporal logic that corresponds to the state of exception and which houses *homines sacri*. Extraordinary rendition is a political technology that facilitates the placing of undesirable persons within camp conditions, and it is a significant strength of *Rendition* that it narrates this clearly.

The false positive narrative, however, is the central dramatic conceit used by the film, and it is what allows this reading to move to a more critical mode. A false positive is an innocent person who confesses under torture: their evidence falsely corroborates their torturer's accusations. False positive narratives use the story of such a character to make the polemical point that torture is a self-defeating strategy and a self-fulfilling prophecy. If you torture somebody enough, they will confess to anything and all of the results will be bad: you will falsely convict an innocent person and you will gather useless information that will not prevent terrorism. *Rendition* uses this narrative strategy: Anwar is innocent and yet he confesses. Other GWOT narratives, notably Anna Perera's *Guantánamo Boy* (2009), use this frame, and indeed it is a persuasive deontological objection to torture because it reveals torture as morally wrong. However, its utilitarian dimension remains intellectually incomplete in one important respect, because this narrative frame does not account for the question of whether it is appropriate to torture the guilty, which is the only argument that is used to frame torture as morally acceptable. In fact, the false positive narrative dramatises a position with which it is difficult for anybody to disagree: if it is useless to torture somebody, they should not be tortured. The ticking bomb scenario, though obliquely critiqued, is not answered on its own terms.

4.2.2: Torture

In *Regarding the Pain of Others* (2004), Susan Sontag observes that “photographs of the victims of war are themselves a species of rhetoric. They reiterate. They simplify. They agitate.”⁴⁹ This is the intent behind the explicit representation of torture in *Rendition*: the revelation of the political mechanisms involved in torture and the revelation of what that torture entails. Accordingly, Anwar's torture is not the battlefield interrogation of a terrorist: it is the illegal indefinite detention of an innocent man. Anwar suffers beatings, close confinement, waterboarding and electrocution.⁵⁰ Further, there is a significant sense in which this film is about South Africa. Anwar is apprehended travelling home from an engineering conference in Capetown (the first shot of the film is a landscape of Table Mountain) and the

⁴⁹ Susan Sontag, *Regarding the Pain of Others* (London: Penguin, 2003), p. 5.

⁵⁰ Gavin Hood speaks in several places about the research he put into the film; the DVD commentary features remarks about the interviews conducted with torture victims, and in an online interview he states that he “could make you a 50-hour film about this subject. There's a great deal of academic writing on it now, there are books about it.” See Edward Douglas, ‘Oscar Winner Gavin Hood on *Rendition*’ (12/10/2007), available at <http://www.comingsoon.net/news/movienews.php?id=38208> (accessed 22/06/2010).

torture represented in it is similar to that used by the apartheid state. According to the South African TRCR, very similar tortures were used in South Africa during apartheid. The TRCR lists “assault; various forms of suffocation, including the ‘wet bag’ or ‘tubing’ method; enforced posture; electric shocks; sexual torture; forms of psychological torture, and solitary confinement.”⁵¹ The use of historical parallel here carries a clear accusation: America is prepared to use colonial torture techniques against people it removes from the protection of the law in the same way as did an apartheid state.

It is also important that the film insists that waterboarding constitutes torture. Waterboarding is a water torture in which the nose and mouth are flooded in such a way that the victim cannot fully drown but the victim nevertheless experiences suffocation and extreme terror. Describing the experience of water suffocation in Algeria, Henri Alleg writes in *The Question*: “I had the impression of drowning, and a terrible agony, that of death itself, took possession of me.”⁵² Rejali observes that although it “is sometimes called ‘an illusion of drowning’, the reality is that death will follow if the procedure is not stopped in time.”⁵³ Waterboarding is a serious and extreme procedure, and *Rendition* challenges the popular misconception, described in the Introduction, that waterboarding is not torture.

Rendition’s waterboarding scene derives its impact from a visual reveal, in which the revelation of the nature of waterboarding is literally enacted by the structure of the shot. A close-up shot of falling water slowly pans downwards, following the stream of liquid as it falls onto Anwar’s hooded and suffocating face. The camera lingers in close-up for several seconds as the bucket empties of water. The impact of this visual revelation is twofold: the torture scene follows a subdued telephone conversation between members of Anwar’s anxious family, and this juxtaposition of quiet dialogue with explicit violence generates a structural impact; on the level of shot detail, the reveal shot in which an image of flowing water moves to a sustained close-up side-on shot of a choking face generates a shock.⁵⁴ Contrasting the falling water with the ugly suffering it causes reveals waterboarding as an unpleasant torture. As I argued above with regard to *The Little Soldier*, it is the starkness and visual simplicity of the scene has the effect of uglifying the torture. The film as a whole is well-lit and beautifully shot, and this insertion of a simple and harsh scene in the context of a

⁵¹ South African Truth and Reconciliation Commission Report (2003), vol. 6, section 5, chapter 2, p. 649.

⁵² Henri Alleg, *The Question* trans. John Calder (Lincoln and London: University of Nebraska Press, 2006 [1958]), p. 49.

⁵³ Rejali, *Torture and Democracy*, p. 279.

⁵⁴ The same principle is taken to a stylistic extreme in Amnesty International’s anti-waterboarding film *Stuff of Life*, which features luxurious advertising-style shots of water contrasted with extreme images of choking. See the video online at <http://www.youtube.com/watch?v=yLL7O9hIloA> (accessed 10/07/2010).



FIGURES 4.2-4.5: WATER SUFFOCATION IN *RENDITION*

visually glossy film increases its shock value through juxtaposition. Much film violence – and certainly the violence in *24* – follows a derealised and formulaic pattern inherited from the tradition of cartoon violence described by Leo Charney as “moments of kinetic violence, and running around before and after those moments of kinetic violence”.⁵⁵ Through the representation of uglified violence, *Rendition* takes movie violence out of this tradition and attempts to challenge the audience with a more realistic representation of torture violence. Here we see that a shocking revelation of the “reality” of torture – the wrongness of what it actually entails – is used as part of a deontological argument against torture.

4.2.3: Reservations

By showing how rendition serves to place Anwar outside of the legal norm, *Rendition* shows America’s role in global politics to be compromised by the practice of extraordinary rendition. In 2007, when much political discourse was bellicose and unapologetic, it was remarkably radical for a mainstream American movie to take such a position. However, this criticism is not unproblematic. Its critique is framed in terms of Oriental contamination, as America undermines its own moral authority through its association with the East; whatever Hood’s reasoning may have been for refusing to locate his story in a particular state – in the DVD commentary for the film he quite reasonably says that he may have made it difficult for some members of his international crew to return home if he directly accused any particular state of torture – the result of these artistic decisions is the construction of an imaginary Arab-land from a familiar palette of reductive Orientalist tropes.⁵⁶ We see a division of violent labour that allows the only blood on American hands to be figurative: Senator Whitman may be at fault for outsourcing Anwar’s torture and Senator Hawkins (Alan Arkin) may fail to protest against it, but the torturers are Arabs. Indeed, *Rendition* fails to escape long-entrenched codes of representing the Arab world. Director Gavin Hood says that he wanted to create a “fictional North African country” which “could be any one of a number of countries in the rendition programme”.⁵⁷ As a consequence of this avoidance of specificity his film takes place in what Jack G. Shaheen calls “Arab-land”, and although *Rendition* avoids the more egregious clichés that this tends to entail, the film does deliver a composite culture built

⁵⁵ Leo Charney, “The Violence of a Perfect Moment”, in *Violence and American Cinema*, ed. by J. David Slocum (New York & London: Routledge, 2001), p. 60.

⁵⁶ Director Gavin Hood, speaking on the DVD commentary of *Rendition*.

⁵⁷ Gavin Hood, speaking *Intersections: The Making of Rendition*, dir. Laura Nix (Herzog Cowen Entertainment/New Line Home Entertainment, Inc., 2008).

out of stereotypes about the Arab world.⁵⁸ *Rendition*'s North Africa is an example of what Edward Said in *Orientalism* (1978) calls "imaginative geography", a cultural strategy of imagining life in Arab countries in generalised or fabricated terms which



FIGURE 4.6: NORTH AFRICA AS ARAB-LAND

“legitimizes a vocabulary, a universe of representative discourse peculiar to the discussion and understanding of Islam and of the Orient.”⁵⁹ Although *Rendition*'s North Africa is a modern state, it is also established as Other through the use of familiar Oriental tropes such as minaret sunsets, belly dancing, opium dens and of course, violence. The only explicit appearance of Islam is in the context of a mosque which also functions as the base of operations for a militant group. Islam is rendered as little more than a militant ideology that provides an avenue of expression for Khalid's frustrated personal and political anger. For all that *Rendition*'s message about the violent exploitation of legal-spatial indeterminacy is radical, its system of representational shorthands remains reductive.

The film exposes and negotiates the legal state of exception and the extraterritorial prison, so in two important respects it challenges discourses of exception. On a first viewing, it may also appear to challenge the logic of ungrievability; Anwar is an innocent man tortured for no reason, and by showing his story it could be assumed that a rehumanisation of those reduced to the status of *homo sacer* is enacted over the course of the film. However, this project meets with failure because Anwar's already existing grievability is a condition of his status as a sympathetic figure.

⁵⁸ Jack Shaheen, *Reel Bad Arabs: How Hollywood Vilifies a People*, Updated Edition (Massachusetts: Olive Branch Press, 2009 [2001]), p. 14.

⁵⁹ Said, *Orientalism* (London: Routledge and Keegan Paul Ltd., 1978), p. 71.



FIGURE 4.7: MUSLIM RAGE

Anwar's pregnant wife Isabella (Reese Witherspoon) seeks the help of an old college friend, Alan Smith (Peter Sarsgaard), who works for a Senator. His concise explanation of rendition flights, and their expanded use after 9/11, is another instance of characters expressing the film's didacticism; after some contextualising material he tells Isabella that "the government has authorised the seizure and transfer of anyone they suspect of being involved in terrorism to secret prisons outside of the US." However, Isabella's response to this is revealing. "Alan," she says, "Anwar is not a terrorist. There's nothing extremist about him. He coaches Jeremy's soccer team, for Christ's sakes." The characters proceed to establish that although Anwar never applied for US citizenship, he holds a valid green card, pays his taxes, and does not visit a mosque. This reveals a fundamental differential of suffering that the film does not challenge: what is shocking about Anwar's treatment is not that the rendition programme exists, but that as a member of a grievable population Anwar has been made subject to it. Further, it is clear that the characteristics by which he is marked as grievable are also those by which he is marked as secular and Westernised. Like Reza Naiyeer in *24* and the Arab characters in *Lost Command*, Anwar is marked as trustworthy and comprehensible as human to the extent that he is not visibly Muslim.

However, the film exploits this ambivalence for dramatic effect. Part of the film's dramatic impetus comes from establishing the biopolitical truth about Anwar, which is to say, whether he is or is not a terrorist, whether he is "really" a valid grievable American. We sympathise with Anwar through his friends, but we await confirmation of his grievability. Much narrative tension hinges on whether Anwar is guilty, on whether or not his torture will be legitimised by results. Consequently, the establishment of Anwar's grievability becomes

the territory for the film's narrative impetus. The frame through which the film establishes Anwar's grievability – an ethically suspect endeavour to begin with, as it relies on a differential of suffering wherein his torture will only be shocking if he is revealed to be grievable and if his torture is revealed to have no utilitarian justification – relies on the structure of interrogation to achieve its ends. As Elaine Scarry observes, torture “is itself a language, an objectification, an acting out”; torture attains much of its power through its performativity.⁶⁰ Through forcing the prisoner to accept the torturer's terms, the interrogation becomes a dramatic staging of the torturer's power. “Even the confession,” asserts Lucia Folena, “is a mere echo of the question.”⁶¹ Remaining in this position of uncertainty with respect to Anwar's innocence identifies an audience with those who are trying to establish Anwar's biopolitical identity: the interrogators. The narrative conventions of the thriller story through which *Rendition* narrates torture rely on certain generic attributes, such as tension and closure. We, as an audience, wait for Anwar to answer – that is, to be broken by torture – before we establish that he is a grievable false positive. He answers the questions and we know him; through this, we rely on torture as the means of establishing the truth.

Freeman only identifies Anwar's innocence after he fact-checks his confession and uncovers nothing: the confession is therefore central to the discovery of Anwar's innocence. Anwar's suffering body is reduced to what Folena calls “a mere text to be read by the hermeneutics of inquisition”, and consequently, torture's ability to make the body confess its hidden political truth remains unquestioned.⁶² It is certain that Anwar's suffering leads him to physically testify to the corrupt power of torture; however, it only does this through obeying the logic of torture, in which the tortured body is, in Folena's words, “just a means of access to its own real meaning, and simultaneously an obstacle, an opaque diaphragm interposed between the interpreter and the full disclosure of that meaning”.⁶³ Torture forces Anwar's body to reveal the truth of his innocence.

In the closing movement of the film a young North African man who is caught agitating against the government has some information tortured out of him. This torture is presented to the audience as further evidence of the corruption of America's North African ally and does not provide any kind of narrative satisfaction of the kind seen in *24*; indeed we

⁶⁰ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford University Press, 1985), p. 27.

⁶¹ Lucia Folena, “Figures of Violence: Philologists, Witches, and Stalinistas”, in *The Violence of Representation: Literature and the History of Violence*, ed. by Nancy Armstrong & Leonard Tennenhouse (London/New York: Routledge, 1989), p. 228.

⁶² Folena, “Figures of Violence”, p. 228.

⁶³ Folena, “Figures of Violence”, p. 228.

do not directly witness the torture, merely three shots of a bloodsmear youth tied to a chair as the information is passed on. However, it is the very brevity of this scene that is problematic, for two reasons. First, it shows that torture worked on a person who had something to reveal. Secondly, his torture is a small element within one of the film's subplots, and is quickly dismissed as the film proceeds towards its narrative resolution. It is the moral irrelevance of the successful torture of "guilty" people that is most problematic. At the same time as it condemns the torture of the innocent Anwar, who is a member of a grievable population illegitimately made available to torture, the film instrumentalises the torture of a guilty, ungrievable Arab as a plot device.

In an interview, Gavin Hood claims that his use of a multi-threaded narrative structure was a way to "try and tap every argument in this debate from all sides, and then leave the audience with something to debate."⁶⁴ However, Anwar's side of the story is not heard. The moral uncertainty and political doubt it causes for Freeman and the personal suffering and fear that it causes for Isabella are well-covered by the film, but it is a condition of the film's narrative intrigue that the subject position of the victim of torture is left without content. The film encourages us to identify with Anwar's story through Freeman, who is being emotionally and intellectually tested by witnessing Anwar's torture, and through Isabella, who is searching for her lost husband. Casting is significant to this point. All of the white American characters are played by well-respected, high profile American stars; as Elizabeth Swanson Goldberg observes, it is often the case in Hollywood narratives of international conflict that "white Western protagonists with major star appeal provide a point of recognition and identification for white, Western viewers, thereby becoming the vehicle for these viewers' identification" with the unpleasant historical events, and so it is in *Rendition*.⁶⁵ There is also evidence that audiences are likely to respond more strongly to images of torture when they experience what Batson et al. call "identity-relevant personal anger", which is to say, they are more likely to emotionally respond to the suffering of people of their own social or racial group.⁶⁶ This may account for the extent to which *Rendition* focuses on the inner experience of its non-Arab characters.

By refusing the audience any access to Anwar's interiority and by refusing to render an Egyptian Muslim as in any way clearly Muslim, the film falls into the trap of reducing

⁶⁴ Douglas, "Oscar Winner Gavin Hood on *Rendition*".

⁶⁵ Elizabeth Swanson Goldberg, "Splitting Difference: Global Identity Politics and the Representation of Torture in the Counterhistorical Dramatic Film", in *Violence and American Cinema*, ed. by J. David Slocum (New York & London: Routledge, 2001), p. 249.

⁶⁶ See C. Daniel Batson, Mary C. Chao, Jeffery M. Givens, "Pursuing Moral Outrage: Anger at Torture", *Journal of Experimental Social Psychology*, 45 (2009), pp. 155-160. See in particular the conclusions on p. 159.

Anwar's alterity to the familiar. There may be connections to his close friends, but there is no connection to the interiority of Anwar, and this is a serious ethical lacuna in the film's narrative. As Badiou remarks, too often the Other is only acceptable to the extent that he resembles "us" – that is, difference is only valued to the extent to which it is not really difference.⁶⁷ This is the case with *Rendition*. We rely on a utilitarian demonstration of the wrongness of torture that cannot be given any empirical or strategic value, rather than on any connection with Anwar, who remains opaque throughout. Empathy remains conditional on his guilt or innocence, which is not a robust challenge to any logic of grievability. Although *Rendition* presents an anti-torture message, ultimately it fails to challenge the inner logics of torture. Torture, Butler reminds us, has long been used as "a way to coercively produce the Arab subject and the Arab mind", as a technique through which colonising powers come to both know and to produce the colonial subject.⁶⁸ Through reproducing this mode of invasive enquiry, in which the audience are implicated, *Rendition* reproduces the logic of torture by reducing Anwar to a physical body from which answers can be torn with violence.

The final problem with the diegetic frame in which *Rendition* places torture consists in the closure of its narrative. In a redemptive gesture, Freeman frees Anwar and exposes the scandal of his capture to the press. By focusing on traditional forms of narrative resolution, such as seeing Anwar's heterosexual family unit sentimentally reunited or allowing the young Freeman to challenge Senator Whitman's abuse of authority, this closure defuses the political urgency of the issue. No details of the long-term psychological or political effects on Anwar are admitted into the narrative. No attention is paid to legal redress, either for Anwar personally or against the US government institutionally. No direct challenge is put to Fawal. By closing on a shot of Anwar embracing his newborn son, the film allows audiences a way out of any political complexity or moral complicity, seeming to suggest that releasing one prisoner and political exposure in the press is enough to solve the problem.

This politically fudged ending plays into a prominent political discourse in post-9/11 American culture. Michael Ignatieff, for example, argued that the way to remedy political abuse of authority such as that of the Bush Administration in the early years of the GWOT was to trust in the self-regulatory mechanisms of American institutions because "they at least create the possibility for correcting error."⁶⁹ This concept of adversarial review, in which

⁶⁷ Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, trans. by Peter Hallward (London: Verso, 2012 [2001]), p. 24. Emphasis in original.

⁶⁸ Butler, *Frames of War*, p. 126.

⁶⁹ Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror* (Edinburgh: Edinburgh University Press, 2004), p. 11. See also chapter one, pp. 1-24.

“republican democracy would apply a political and ethical fix to rogue political administration”, insists that the checks and balances built into the system will automatically contain abuses of executive power.⁷⁰ This discourse is problematic, however, because as Holloway observes, by allowing the Bush Doctrine to be “rhetorically contained within ideologies of adversarial review that positioned the Bush White House as a detour in authentic republican history,” a crisis posed by the abuse of presidential authority, such as extraordinary rendition, could be seen as “time-limited and self-correcting, and thus not really a crisis at all.”⁷¹ This discourse also fails, Holloway argues, to account for the fact that executive abuse of power was made possible by the same institutions that are invoked as the remedy; in seeing the post-9/11 excesses of the Bush Doctrine as “not an embodiment of living traditions in American political history or a product of the political system itself”, this discourse seeks to minimise the culpability of American democratic institutions in the production of such excesses.⁷² In much the same way, *Rendition* raises the problem of extraordinary rendition only to make it disappear. Although Senators are corrupt, there remain parts of the institution self-aware enough to challenge their abuse of authority and to correct their errors. Although it has a strong anti-torture message, the film ultimately operates in the past tense, seeming to claim that although extraordinary rendition *was* awful, audiences no longer have to worry about it because Americans can trust their self-correcting institutions.

To summarise, although *Rendition* is an ambitious film for Hood to have made in Hollywood, and despite its positive message about the uselessness of torture as an intelligence-gathering technique, *Rendition* equivocates on its anti-torture position and implicates the audience in the torturers’ quest to establish innocence or guilt without critiquing the interrogatory position into which this places them. Finally, it imposes closure on the issues, undercutting its radical potential by allowing the audience to leave the cinema feeling that the issues have been resolved.

⁷⁰ Holloway, *9/11 and the War on Terror*, p. 39. Ignatieff writes: “Liberal democracy has only endured because its institutions are designed for handling morally hazardous forms of coercive power. It puts the question of how far government should go to the cross fire of adversarial review. Adversarial review procedures do not just pit one branch of government against one another. Within each branch there are, or should be, checks and balances, fire walls that guarantee the independence of institutions that perform intra-agency review. [...] The ultimate safety in a democracy is that decisions filtered down through this long process stand less of a chance of being wrong than ones decided, once and for all, at the top.” Ignatieff, *The Lesser Evil*, pp. 10-11

⁷¹ Holloway, *9/11 and the War on Terror*, p. 39.

⁷² Holloway, *9/11 and the War on Terror*, p. 39.

4.3: “Like One of Those Hitler Things Almost”: *Standard Operating Procedure* (2008)

Standard Operating Procedure is a non-fiction feature about the Abu Ghraib abuse scandal, in which the Military Police (MPs) responsible both for the photographs and for the abuse they document provide interviews to camera. The thesis of the film is that whereas much media coverage and public discourse during the Abu Ghraib scandal portrayed the individual perpetrators as evil aberrations, the abuse was in fact the result of a collision of systemic factors – including an entire official infrastructure dedicated to committing and concealing torture – with the aggressive peccadilloes of certain personalities, and was not causally reducible to either. The triple visual register of the film – which interleaves interviews, archive materials, and glossy reconstructions – functions as a significant intervention in the post-9/11 torture debate through its problematisation and interrogation of such complex and politicised notions as reality, representation, authenticity, and truth-value. This section of this chapter reads three aspects of the film. Firstly, I argue that the film reveals the ways that the abuse was made possible both by a climate of urgency and by institutional structures that encouraged abuse; I again draw on my tripartite reading of the exception to make this argument, as the film also addresses the indeterminate legality and concentrationary spatiality of Abu Ghraib. Secondly, I argue that the film performs a sustained critique of the figure of the charismatic or demonic torturer, and that it allows a potentially compassionate gaze to be levelled at the participants in torture. Finally, I engage with the aesthetics of the film, and argue that its formal interrogation of evidence broadens the frame of intelligibility placed around torture.

4.3.1: Framing and Exceptionality

Summarising many non-fiction features addressing torture in the GWOT, Julia Lesage argues that torture documentaries

offer a path to mastery over a complex topic, even if it is only a provisional mastery that becomes more nuanced and revised the more we consider other facts and other voices on the subject. [...] the films are a valuable tool for any concerned viewer, especially activists, since the films place an emphasis on understanding and also draw

attention to *how* we understand. That is, the films indicate how information about torture is repressed, mediated, and filtered before it ever gets to the public eye.⁷³

This is particularly true of *Standard Operating Procedure*: the most significant element of the film is the way that it addresses the framing of the events now retrospectively summarised as the Abu Ghraib scandal. It broadens the field of intelligibility through which the events were originally comprehensible, with a critique specifically focused on the role of visual evidence in the construction of political narratives. As well as supplying trenchant critique of the exception by underlining the systemic and routine nature of prisoner abuse in Abu Ghraib, the film critiques the representational frames through which visual culture purports to give us access to torture. As Ian Baruma observes of the abuse photographs, “[t]he pictures don’t show the whole story. They may even conceal more than they reveal. [...] photographs which seem to tell one story actually turn out to hide a much bigger story.”⁷⁴ *Standard Operating Procedure* insists that the Abu Ghraib photographs did not show the entire story, but that because their explicit and shocking nature tended to discourage further enquiry, they could function as a deflection from the systematic nature of abuses and the worse tortures occurring unphotographed. Through a series of aesthetic strategies – re-enactments, direct address, jump-cuts – Morris’ movie functions as what Scott Tobias calls an “ontology of the photograph”, a philosophical enquiry into the meaning of the representation of torture.⁷⁵ Morris’ work foregrounds the ways that both the frame of the image and the discursive frame in which images are presented and contextualised determines their meaning; through this, the film foregrounds the ways in which images that seem unmediated are in fact heavily pre-interpreted. Brian Wallis observes that “the often-banal images” of Abu Ghraib suggest that “war is systematic cruelty enforced at the level of everyday torture, a reality that war photography tends to mask rather than reveal.”⁷⁶ Morris’ film complicates this interpretation by showing that the discursive frame through which the Abu Ghraib abuse was mediated – that of a scandal – served to mask its real nature.

⁷³ Julia Lesage, “Torture Documentaries”, *Jump Cut* 51 (2009). Emphasis in original.

⁷⁴ Ian Baruma, “Ghosts”, *The New York Review of Books* (26/06/2008), available at <http://www.nybooks.com/articles/archives/2008/jun/26/ghosts/> pp. 1-2 (accessed 12/09/2010).

⁷⁵ Scott Tobias, “Film Review: Standard Operating Procedure”, *AV Club* (24/4/2008), available at <http://www.avclub.com/articles/standard-operating-procedure,2983/> (accessed 12/09/2010).

⁷⁶ Brian Wallis, “Exhibition Introduction: Inconvenient Evidence: Iraqi Prison Photographs from Abu Ghraib”, (17/09/2004), available at http://museum.icp.org/museum/exhibitions/abu_ghraib/introduction.html (accessed 10/07/2009).

In “Regarding the Torture of Others”, Sontag’s most penetrating question about Abu Ghraib was a question not about the photographs themselves but about the legal nature of the violence at the prison that they seemed to reveal.

The issue is not whether the torture was done by individuals (i.e., “not by everybody”) -- but whether it was systematic. Authorised. Condoned. All acts are done by individuals. The issue is not whether a majority or a minority of Americans performs such acts but whether the nature of the policies prosecuted by this administration and the hierarchies deployed to carry them out makes such acts likely.⁷⁷

The film answers this question, asserting not only that the directive for torture came from above but that the legal systems in which Abu Ghraib was located made such acts likely. Brigadier General Janis Karpinski clearly argues in the film that torture was imported from Guantánamo Bay by General Miller. Paraphrasing her superiors, Karpinski says that the message from the military hierarchy was “a downward spiral. This isn’t working. Try this. This worked in Gitmo. This worked in Bagram. Try this. It’s okay.” The Guantánamo rules that were exported to Abu Ghraib comprised a transferable legal framework of exceptionality found throughout the concentrationary archipelago of the GWOT rather than a legal constellation site-specific to Guantánamo.

Further, the title of the film is taken from one of the statements of Brent Pack, the investigator charged with identifying criminal acts in the photographs, who claims that the most infamous image of Abu Ghraib – the hooded man standing on the box – represents standard operating procedure. “The individual with the wires tied to their hands and standing on a box, I see that as somebody that is being put into a stress position. I’m looking at it thinking they don’t look like they’re real electrical wires. Standard operating procedure. That’s all it is.” What this means, of course, is that by subjecting the inmates of the prison to these humiliations, the Abu Ghraib MPs were following, not breaking, the rules. This unequivocally answers Sontag’s question, arguing that, far from being the activities of what the US administration referred to as “bad apples,” the abuse emerged from a set of institutional conditions – including Bybee’s aforementioned redefinition of torture – that made torture permissible.

⁷⁷ Susan Sontag, “Regarding the Torture of Others”, 2004, available at <http://southerncrossreview.org/35/sontag.htm> (accessed 10/07/2009).

The companion book to the film, written by Philip Gourevitch, elaborates the “protracted spate of legal improvisation” that led to the legal situation at Abu Ghraib.⁷⁸ Factors leading to the absence of meaningful restraint at Abu Ghraib included Bybee’s 2002 redefinition of torture, the legitimisation of interrogation techniques that when creatively concatenated constitute torture, and the proliferation of confusing legal paperwork that had the effect of establishing the precedent that “the humane treatment of prisoners in the war on terror was optional”.⁷⁹ The interviews in the film reflect this permissive and flexible attitude towards violence at Abu Ghraib. Gourevitch asserts that “the confusion about the law among those who were laying it down for Abu Ghraib suggested that the interrogation rules were not really rules but a kind of guesswork, and that they invited exceptions”.⁸⁰ Two quotations from two of the MPs speaking in the film, Lynndie England and Javal Davis respectively, illustrate the normalising effect that this had on violence.

We thought it was unusual, and weird, and wrong, but when we first got there the example was already set. That’s what we saw. I mean, it was okay.

I know what I can do, and I think I know what I can’t do. I think I know what I can’t do. But I see these guys doing this and I see the CIA guys coming in doing this, you know, after a while it’s like, You know what? It’s free reign. Just don’t kill them.

Whereas torture and mistreatment at Guantánamo was heavily codified, at Abu Ghraib the rules were opaque, and an insistent demand for results led to a situation that was close to uncontrolled. Gourevitch writes that “the absence of a code was the code at Abu Ghraib.”⁸¹ The film reveals this confusion through the words of the MPs, who seem deliberately never to have had the standard operating procedure of Abu Ghraib explained to them.

Central to the film’s critique of the notion of exceptional violence is the absence of any discussion of situational morality, which is the conceptual territory on which both *24* and *Rendition* explore torture. By limiting their approach to torture to the emergency situation, the first two texts explored in this chapter fail to fully grasp the concentrationary and routine

⁷⁸ Philip Gourevitch & Errol Morris, *Standard Operating Procedure* (London: Penguin, 2008), p. 48.

⁷⁹ Gourevitch & Morris, *Standard Operating Procedure*, p. 48.

⁸⁰ Gourevitch & Morris, *Standard Operating Procedure*, p. 54.

⁸¹ Gourevitch & Morris, *Standard Operating Procedure*, p. 92.

paradigm in which US torture in the GWOT occurred. *Standard Operating Procedure*, however, uses a different conceptual vocabulary to address torture, one which excludes the individual emergency as irrelevant. After Lynndie England and Megan Ambuhl list some of the techniques employed in Abu Ghraib, Morris asks Ambuhl directly: “Did any of this seem weird?” She replies:

Not when you take into account that we’re being told that that’s helping to save lives. And you see that people are coming in from right outside the wire with their body parts missing and they need to know who’s doing it so they can stop it, and these are your battle buddies.

Showing that the routine torture and abuse at Abu Ghraib were motivated by a revenge impulse and a feeling of impotence brought on by the inability to cope with the strategic situation, Ambuhl’s words reveal how narratives that stress the capacity of violence to solve urgent problems can camouflage actions undertaken through desperation and anger as militarily necessary. The situation described is one in which torture appears strategically necessary because it is presented as a morally compassionate measure that helps to save lives. This of course echoes the attitude described in the Introduction to this thesis, in which the grisly nature of the beheadings perpetrated by al-Qaeda makes clean and non-scarring torture seem noninvasive by comparison. England summarises this comparison:

We didn’t kill them. We didn’t cut their heads off. We didn’t shoot them. We didn’t cut them and let them bleed to death. We just did what we were told to soften them up for interrogation and we were told to do anything short of killing them.

The horrors of the frontline – for Abu Ghraib was located between Baghdad and Fallujah, and was subject to insurgent mortar fire on a daily basis – and the atrocities of the enemy are used to invoke necessity and to relativise the abuse. What this reveals is similar to Philippe Sands’ observation about the soldiers at Guantánamo who took encouragement from 24. Sands points out that institutional torture was frequently misdescribed as a battlefield situation, and Ambuhl’s words echo this self-justifying misperception.

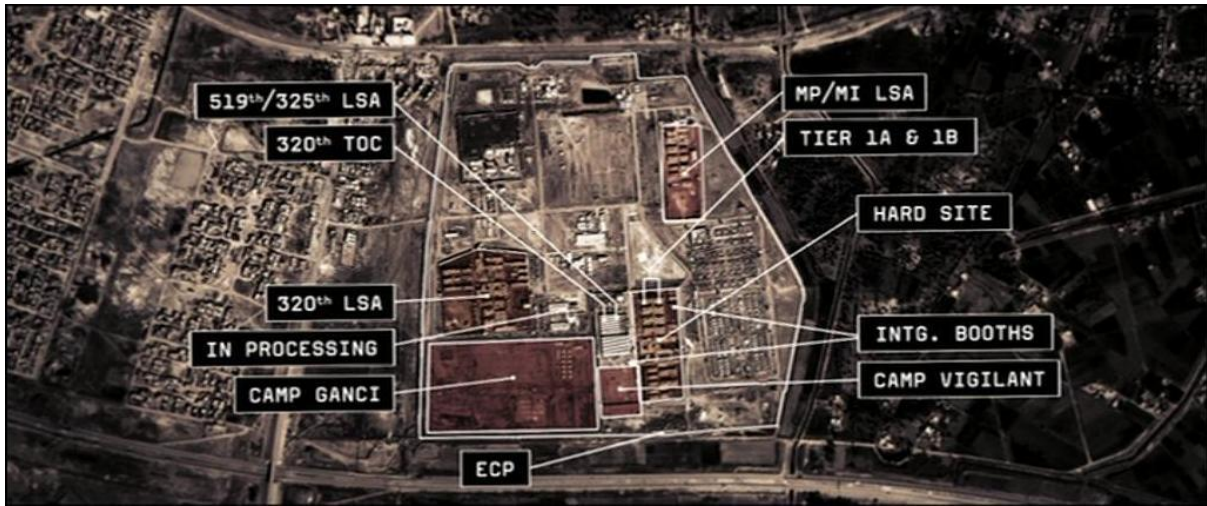


FIGURE 4.8: ABU GHRAIB

The legal state of exception used to permit violence against prisoners in Abu Ghraib is indivisible from the spatial dimension of the exception. As a concentrationary spatial manifestation of the state of exception, Abu Ghraib clearly corresponds to the topological structure of exception. As a site that connects most of the elements of torture in the GWOT – operating under extended Guantánamo rules, receiving rendered subjects, operating at least partially as a black site – it can operate as a prism through which it can be observed that much GWOT torture policy operated as though the state of exception was the rule. In Gourevitch’s text, Javal Davis describes the squalor of “Saddam’s old penal colony” – the five under-resourced, understaffed, overpopulated prison complexes that comprised Abu Ghraib – as “like one of those Hitler things almost.”⁸² Not just a prison, Abu Ghraib functioned as a camp in the full sense of Agamben’s description. What *Standard Operating Procedure* observes, following Benjamin’s observation in his eighth thesis on the philosophy of history, is that the exception, rather than a temporary withdrawal of the law, became the rule.⁸³

The spatiality and legality of the exception are, in turn, indivisible from the reduction of enemies to bare life. Javal Davis relates in the film how American patrols would often “go out in the middle of the night and sweep up every single fighting age male and lock them all up. [...] Imagine someone coming to your town and taking all the men in it.” In a clear echo of the round-ups of the Holocaust and the dragnet interrogations of Algeria, Davis tells how prisoners “would come in like on cattle trucks, like cattle. [...] They’re, like, taxi cab drivers

⁸² Gourevitch & Morris, *Standard Operating Procedure*, p. 15 & p. 78.

⁸³ Walter Benjamin, “Theses on the Philosophy of History”, in Benjamin, *Illuminations*, ed. by Hannah Arendt (London: Pimlico, 1999), pp. 248-249.

and welders, bakers, and they're at Abu Ghraib." The majority of the prison population was constituted of innocent people detained indefinitely in squalid conditions. Patrick Cockburn observes that private contractors and US soldiers "had immunity if they killed Iraqis", and it can be further observed in the arbitrary arrest of huge swathes of the population that everyday Iraqis were what Butler would call an ungrievable population, against whom the Americans could offend with impunity.⁸⁴ Although the entirety of Abu Ghraib was a zone of legal indistinction, however, it was the hard site, reserved for prisoners deemed (rightly or wrongly) to be directly relevant to the insurgency and where the photographs were taken, where the state of exception was most concretely located. Agamben observes in "Beyond Human Rights" (1996) that "[w]hen their rights are no longer the rights of the citizen, that is when human beings are truly *sacred*, in the sense that this term used to have in the Roman law of the archaic period: doomed to death."⁸⁵ As Agamben reminds us, the Nazis used the term "*entwürdig*, literally to 'deprive of dignity'" to describe this process of removal from the protections of the law that is simultaneously an exposure to the force of law.⁸⁶ Again we observe the removal of the protections of citizenship being instrumentalised in order to make populations available to disciplinary torture violence.

As discussed above, in the political discourse of the early GWOT the suspicion of involvement in terrorism was deemed to merit complete removal from the human and political community, and it is in the figures of the rendered terrorist suspects who in Abu Ghraib were known as Ghost Detainees, or OGA prisoners, that this removal is most complete. Javal Davis, again, is strikingly clear on this point.

They had no rules. We called them the ghosts because they come in and you don't know who they are. Whoever their prisoners were, you never logged them. 'How's it going there soldier. Here's this guy, don't log him in the book. He's not here, hasn't been here, just put him in a cell in here and don't mark it. When the Red Cross comes, move them to another place. When the Red Cross go to the other place, move them back to where they were. They don't exist here.'

⁸⁴ Patrick Cockburn, *The Occupation: War and Resistance in Iraq* (London & New York: Verso, 2006), p. 176.

⁸⁵ Giorgio Agamben, "Beyond Human Rights", in *Means Without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minneapolis Press, 2000 [1996]), p. 22.

⁸⁶ Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. by Daniel Heller-Roazen (New York: Zone Books, 2002 [1999]), p. 68.

The hard site was a place in which OGA prisoners did not exist; their presence in the black site was their removal from any political community and from the legal protections of the law. The hard site operated as a black site, a node in the GWOT's concentrationary network of secret prisons, and it is of great value that *Standard Operating Procedure* reveals this; However, the viewpoint of the prisoners is a conspicuous absence in the film. The exclusion of victim testimony is perhaps understandable because of the tightly delimited territory the film covers, but it remains an uncomfortable exclusion, as much of the most important material related to Abu Ghraib and other torture prisons comes from this perspective.

4.3.2: Eichmann in Abu Ghraib?

As well as highlighting the existence of Ghost Detainees, which is a significant intervention as by definition they were secret, *Standard Operating Procedure* has a significant intellectual project with relation to the representation of the torturer. The film challenges the notion of the charismatic torturer that we have seen informing, to differing extents, both *24* and *Rendition*. I use the intellectual optic of Arendt's notion of the banality of evil here, because it allows me to negotiate complex territory such as demonisation and culpability; however, as I argue below, I do not believe it is a fully adequate explanatory mechanism for Abu Ghraib, because it cannot be meaningfully extrapolated to account for group actions – even if it is accepted that Arendt's characterisation of Eichmann is accurate, it cannot be unproblematically generalised onto many people. Morris dealt with the central question raised by the banality of evil in a previous film, *Mr. Death: The Rise and Fall of Fred A. Leuchter, Jr.* (1999). This film investigates the author of *The Leuchter Report*, a document introduced as evidence in the 1988 trial of Ernst Zündel for Holocaust denial, which claimed to scientifically prove that the gas chambers in Auschwitz-Birkenau had never been used to exterminate anyone.⁸⁷ Unlike many Holocaust deniers, Leuchter apparently honestly believes in the goodness of his work. At the heart of the film, Morris asserted in an interview, was the question of whether “people have evil in their hearts, or do they do sometimes commit truly despicable acts while convincing themselves they're good?”⁸⁸ This theme is reprised in *Standard Operating Procedure*.

⁸⁷ Deborah Lipstadt gives a thorough account of this trial and the fraudulence of Leuchter's expertise in *Denying the Holocaust: The Growing Assault on Truth and Memory* (London: Penguin, 1994), pp. 157-182.

⁸⁸ Peter Applebome, “A Taste for the Eccentric, Marginal and Dangerous”, *The New York Times* (26/12/1999), available at http://www.errolmorris.com/content/review/mrd_applebome.html (accessed 12/8/2010).

Before unpacking this further, we should take a moment to clarify Arendt's much-abused phrase. In her postscript to *Eichmann in Jerusalem* (1963), Arendt writes that "Eichmann was not Iago and not Macbeth," and that aside from self-interest, "he had no motives at all." The heart of Eichmann's evil was that he "merely, to put the matter colloquially, never realised what he was doing."⁸⁹ Arendt's point is not that Eichmann and the phenomenon of evil are in any way unremarkable, because clearly this is untrue; rather than being radically evil in the Kantian sense, however, the defining characteristic of Eichmann's evil was, according to Seyla Benhabib, "not stupidity, wickedness, or depravity but one [Arendt] described as 'thoughtlessness.'"⁹⁰ The phrase has its roots in Arendt's work on totalitarianism, wherein she outlines ideological indoctrination and mass thoughtlessness as essential preconditions for terror as a form of government. Amos Elon clarifies Arendt's meaning in his 2006 introduction to *Eichmann in Jerusalem*. Although the text was not intended as a theoretical treatise on the nature of evil, Arendt's book implicitly maintains the thesis that evil "possesses neither depth nor any demonic dimension".⁹¹ Banal evil, as distinct from radical evil, is defined by the fact that the people committing it do not understand why what they are doing is wrong.

Accordingly, to emphasise the banality of evil is not to diminish that evil, merely to insist that one should not project onto it a level of dramatic grandeur that does not exist, which Arendt felt was being attempted by the architects of the Eichmann trial. As Benhabib summarises, "an 'ordinary' Eichmann did not fit the role that the prosecution in the case (led by Gideon Hausner) had in mind. They presented a diabolical and fanatical Eichmann, inflating his actual crimes into a near comprehensive responsibility for the Holocaust."⁹² The overdetermination of Eichmann as a totemic enemy suited the political ends of the Israeli government. *Standard Operating Procedure* engages with the Abu Ghraib MPs in a similar way as Arendt does with Eichmann: Morris' aim is to demolish the notion that the MPs were exceptionally evil. Lynndie England, for example, was often singled out for particular opprobrium, both for her failure to act as a soldier should and in terms that pathologise her as a particularly diseased individual woman.⁹³ In Judith Thompson's play *Palace of the End*

⁸⁹ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Penguin, 2006 (1963)), p. 287. Emphasis in original.

⁹⁰ Seyla Benhabib, "Arendt's *Eichmann in Jerusalem*", in *The Cambridge Companion to Hannah Arendt*, ed. by Dana Villa (Cambridge: Cambridge University Press, 2000), p. 75.

⁹¹ Amos Elon, "Introduction: The Excommunication of Hannah Arendt", in *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Penguin, 2006), p. xiii.

⁹² Benhabib, "Arendt's *Eichmann in Jerusalem*", p. 67.

⁹³ For commentaries upon this demonisation of England, see for example Barbara Ehrenreich, "Feminism's Assumptions Upended", in *Abu Ghraib: The Politics of Torture* (California: North Atlantic Books, 2004), pp.

(2007), for instance, England is represented as an inarticulate racist brat who boasts, for example, that “I am very proud to say that the naked human pyramids WAS ALL MY IDEA.”⁹⁴ This impulse to demonise and dismiss the Abu Ghraib MPs, the film insists, is the same as the knee-jerk desire to demonise Eichmann; in this form of blame, the crime is contained through its association with a totemic and irredeemably separate figure who bears its burden.

However, the film goes beyond Arendt’s characterisation of procedural evil as thoughtless, and emphasises that the Abu Ghraib MPs were not acting amorally. Gourevitch writes:

Inexperienced, untrained, under attack, and under orders to do wrong, the low-ranking reservist MPs who implemented the nefarious policy of the war on terror on the MI block of the Abu Ghraib hard site knew that what they were doing was immoral, and they knew that if it wasn’t illegal, it ought to be.⁹⁵

As disciplining subjects at once administering violent discipline and subject to the institutional conditions of the worst war prison in Iraq, the MPs were trapped in the standard operating procedure of Abu Ghraib. The film reveals that, far from morally vacant and unreflective, the soldiers were aware of their predicament and were not always as delighted to torture as the selectively revealed photographs – or Judith Thompson’s play – may have suggested. Linda Williams, for example, writes of Lynndie Engand that “neither is she quite the villain she seemed to be in all the pictures, nor should she be pitied as a misunderstood victim of her circumstances. Rather, she is viewed as an ethical being wrestling with her acquiescence to an unethical situation.”⁹⁶ This attempt to create understanding, if not commonality and compassion, with the Abu Ghraib military police, has made the film attract negative attention from those who claim that it functions as an apology for the torture at Abu Ghraib. Bill Nichols, for example, writes – in a piece addressed directly to Morris – that “[y]ou seem to think that, as victims, they deserve a chance to offer their rationalisations to us. But as perpetrators, they were found guilty, and sentenced to jail. Believe me, Errol, I

65-70, or Marita Gronnvoll, “Gender (In)Visibility at Abu Ghraib”, *Rhetoric and Public Affairs*, 10:3 (2007), pp. 371-398.

⁹⁴ Judith Thompson, *Palace of the End* (London: Oberon Books, 2010 [2007]), p. 15.

⁹⁵ Morris and Gourevitch, *Standard Operating Procedure*, p. 164.

⁹⁶ Linda Williams, “Cluster Fuck: The Forcible Frame in Errol Morris’s *Standard Operating Procedure*”, *Camera Obscura* 73, 25: 1 (2010), p. 40.

understand how they were used as scapegoats by the administration but sometimes scapegoats are also guilty.”⁹⁷ It seems that Nichols imagines that unless they explicitly disprove them, filmmakers necessarily approve of or agree with the people whose opinions they solicit. However, part of Morris’s strategy is to allow people to self-incriminate; the film does not leave their guilt in question, and does not require a viewer to accept anything anybody says uncritically. Secondly, perpetrator culpability is regrettably under-theorised – condemnation and judgment often takes the place of understanding, whereas I argue that justice is poorly served when motives are undivined and when circumstances and context are inadequately perceived. Justice has an investigatory dimension which certainly does not diminish its capacity to condemn, and empathy, which I will discuss below, is not automatically forgiveness.

As we saw above, Stephen de Wijze acknowledges that torture destroys torturers and corrodes institutions at the same time as he praises Jack Bauer’s willingness to break the rules to get things done. He stops short of praising Jack’s willingness to torture, but emphasises the extent to which he is trapped by the irreconcilable demands of his job, at the same time as his example of the moral degeneracy of torture is the Abu Ghraib prison. The value of *Standard Operating Procedure* is that it underscores that the morality of the situation is not as clear-cut as generalisations like this suggest. The reason that de Wijze can celebrate Jack at the same time as he can demonise people who actually do Jack’s job is because of the narrative context in which we encounter them: Jack is endowed with emotional complexity – he has a family, a love life, and so on – whereas real-world torturers are made one-dimensional scapegoats. Crucially, Jack is a skilled and experienced soldier in the field making second-by-second decisions which, it is heavily suggested, we cannot second-guess, and he is not an uneducated prison torturer engaged in routine violence. In their everyday speech register, in their casual dress, in every production decision which refuses to demonise the MPs, Morris emphasises not the exceptionality of the Abu Ghraib MPs but rather their familiarity. This film refuses both the idea of the demon torturer and the heroic torturer, showing them instead as ordinary people. At one point, for example, the film includes one of the home videos from Abu Ghraib showing Charles Graner playing with a kitten, a pastoral image all the more challenging for the humanity it reveals in the ringleader of the MP abuse. By showing the Abu Ghraib MPs as ordinary people involved in an extraordinarily awful situation, *Standard Operating Procedure* dismantles the idea of the torturer as an “exceptional” personality. Quite rightly

⁹⁷ Bill Nichols, “Feelings of Revulsion and the Limits of Academic Discourse: Letter to Errol Morris”, *Jump Cut*, 52 (2010).

there are many narratives that address the experience of torture survivors in depth and complexity, and the next chapter is dedicated to this experience; however, we won't understand torture properly until the image of the torturer is developed away from the polar misrepresentations of exoneration and condemnation. *Standard Operating Procedure* is an important gesture in this direction.

The most significant visual dimension of Morris' representation of the MPs is the camera technology that Morris uses, a teleprompter-like device known as the Interrotron that invites the interviewees to speak directly to the lens. This allows viewers eye contact with the people speaking on screen.⁹⁸ This frontality has many effects, most important of which is that, as Alex Gerbaz writes, an audience will “come close to experiencing the face-to-face encounters between Morris and [his interviewees], even though the use of the Interrotron means those encounters were never ‘direct’.”⁹⁹ Gerbaz draws here on Levinas' figure of the face-to-face encounter as an ethical confrontation, arguing that the frontality of the cinematic images produced by Morris' Interrotron encourages the viewer's gaze to be ethical. “The face on screen, positioned frontally, invites our response – our responsiveness. By reaching out from the diegesis of the film, it implores us to listen and look beyond the narrative.”¹⁰⁰ It is an engaging, rehabilitative and potentially compassionate gaze, he argues. By requiring us to



FIGURE 4.9: FRONTALITY: JANIS KARPINSKI

⁹⁸ See Errol Morris, “Eye Contact: The Interrotron”, *FLM Magazine* (2004), available at <http://www.errolmorris.com/content/eyecontact/interrotron.html> (accessed 23/09/2010).

⁹⁹ Alex Gerbaz, “Direct Address, Ethical Imagination, and Errol Morris's Interrotron”, *Film-Philosophy* 12(2), 2008, p. 26.

¹⁰⁰ Gerbaz, “Direct Address, Ethical Imagination, and Errol Morris's Interrotron”, p. 22.

look directly into the face of the MPs, Morris' technique of direct address compels us to take the MPs seriously as other human people: we may find them flawed, ridiculous or offensive, but as an audience we are compelled to do so in terms that do not reject the MPs as incompr-



FIGURE 4.10: FRONTALITY: LYNN DIE ENGLAND

ehensible demons. Crucially, Levinas insists that the ethical encounter will be a potentially terrifying moment, and indeed Morris has staged an uncomfortable encounter: it is certainly disconcerting to be invited to understand torture from the subject position of the torturer. However, broadening the field of intelligibility with regard to the humanity of the torturer whilst retaining an abhorrence of their actions may well be one of the most demanding compassions. Nonetheless, it is a vital component of a full understanding of torture. As well as unearthing the presence of *homo sacer* with its discussion of OGA prisoners, *Standard Operating Procedure* shows the MPs as people and refuses their demonisation through its negotiation of the frame through which they are viewed.

4.3.3: Visual Polyphony

Through a series of self-reflexive formal devices, *Standard Operating Procedure* calls attention to its nature as a constructed artefact. The interviews feature conspicuous jump-cuts, for example, as interviewees' statements are restructured for the purposes of the film's narrative arc, underscoring the editor's intrusion into the source material. CGI graphics render certain details visually. No voiceover guides the viewer through the material. In this final section, I discuss two areas of Morris' visual methodology. Firstly, I argue that his

engagement with the digital archive of photography from Abu Ghraib functions to broaden the frame of intelligibility through which counterterrorism and torture are comprehensible. Secondly, I argue that his restagings of torture trouble the notion of visual authenticity, undermining the extent to which visual truth-claims can be trusted.

Arguing that “style doesn't guarantee truth”, Morris disregards the notion of visual authenticity. Morris' filmmaking practice is a direct response to the often disingenuous practice of vérité filmmaking that attempts to smuggle didacticism past the viewer by pretending to spontaneously capture the real world as it occurs.¹⁰¹ Geoff King observes that visual roughness often seems to “signify that events have not been staged for the convenience of the production of images”, and it is this truth-claim folded into visual roughness that Morris seeks to challenge.¹⁰² Vérité documentary by its nature conflates the real world with the diegetic world of the film, but seeks to disguise this through visual tactics that seem to insist on their own truth-value through their unfinished appearance. “People often trust low-res images because they ‘look more real.’ But of course they are not more real, just easier to fake,” Morris insists.¹⁰³ As discussed above, much fictional production, such as *The Battle of Algiers* and *24*, attempts to guarantee verisimilitude through aesthetic strategies that purport to capture the real world in an unmediated way, and the question of why audiences accept visual roughness as a guarantor of authenticity is central to *Standard Operating Procedure*.

The status of photographic evidence itself is central here: part of the point of *Standard Operating Procedure* is to ask why we as consumers of images trust the act of exposure and why, when we see a rough image of brutality, it seems easy to believe. For example, *Four Days Inside Guantanamo* is a film that examines tapes of the interrogation of Omar Khadr, a young Canadian national incarcerated in Guantanamo since the age of fifteen. The significant body of the film is the content of this tape, and the point is that the video evidence has “left its confinement to fall directly under the public spotlight.”¹⁰⁴ Assumed here is that such visual evidence is transparent and self-explanatory, and that its exposure is automatically a radical confrontation of power; *Standard Operating Procedure* makes no such claims. The Abu Ghraib photographs are by no means self-explanatory: indeed, partially because of their

¹⁰¹ Errol Morris, “Lecture: The Anti-Post-Modern Post-Modernist” (undated), available at <http://www.errolmorris.com/content/lecture/theantipost.html> (accessed 12/05/2010).

¹⁰² Geoff King, “‘Just Like a Movie?’: 9/11 and Hollywood Spectacle”, in *The Spectacle of the Real: From Hollywood to Reality TV and Beyond*, ed. by Geoff King (Bristol: Intellect Books, 2005), p. 50.

¹⁰³ Errol Morris, “Photography as a Weapon”, *The New York Times Opinionator Blog* (11/8/2008), available at <http://opinionator.blogs.nytimes.com/2008/08/11/photography-as-a-weapon/> (accessed 12/07/2010).

¹⁰⁴ Patricio Henriquez & Luc Côté, directors of *Four Days Inside Guantánamo* (Les Films Adobe, 2010); text taken from DVD sleeve.

explicit nature and partially due to the political narrative – which stressed the revelatory nature of the photographs – that accompanied their release, they seemed more transparent than in fact they were. The film critiques the act of exposure, revealing that its power to challenge authority is limited. This is significant with regard to *Rendition*, for example, because one of the ethical limitations of that text is its closure, in which self-correcting institutions are decisively challenged by an act of revelation. What real stories of whistleblowers such as Bradley Manning reveal is rather that such acts of exposure are heavily punished and that the abuses they expose are often allowed to continue. *Standard Operating Procedure* insists that the Abu Ghraib photographs did not show the entire story, but that because their explicit and shocking nature tended to discourage further enquiry, they could function as a deflection from the systematic nature of abuses and the worse tortures that occurred unphotographed. *Standard Operating Procedure* emphasises the multivalence of the images and refuses to close interpretation.¹⁰⁵

The torture scenes in *Standard Operating Procedure* are provocative. Where *Rendition* uglifies images of torture for didactic effect, *Standard Operating Procedure* beautifies its re-enactments to critique the act of looking, demanding an active reading. The re-enactments are close-ups shot in slow-motion, not so much scenes as examinations of details. Detractors claim that they are gratuitous, an example of what journalist J. Hoberman calls Morris' "obtrusive mannerism" that merely has ethically suspect titillation value.¹⁰⁶ Caetlin Benson-Allott claims, more convincingly, that they foreground the "malleable digitality" of the photographs, performing a self-reflexive and apostrophic questioning of representational form intended to foreground the uncertainty of seeing.¹⁰⁷ As Sontag observes in *On the Suffering of Others*, images that are didactic and shocking "create the illusion of consensus", and it is this consensus that the imagined details shown in Morris' images are

¹⁰⁵ "Photography allows us to uncritically think. We *imagine* that photographs provide a magic path to the truth. What's more, photographs allow us to think we know more than we really do. We can imagine a context that isn't really there. [...] What we see is not independent of our beliefs. Photographs provide evidence, but no shortcut to reality. It is often said that seeing is believing. But we do not form our beliefs on the basis of what we see; rather what we see is often determined by our beliefs." Errol Morris, *Believing is Seeing (Observations on the Mysteries of Photography)* (New York: Penguin, 2011), pp. 92-93. Morris' argument here is made in the context of an essay on Abu Ghraib and the apparent transparency of photography of atrocity; he argues that since such images have great force, they appear to reveal more than in fact they do, and that the nature of what they reveal – about, for example, the philosophical nature of evil or about individual culpability for specific crimes – is determined more by the subject position from which they are viewed than by the material content of the photographs.

¹⁰⁶ J Hoberman, "Errol Morris Lets Torturers Off Easy: Documentarian cuts the Abu Ghraib MPs some slack, while Harold and Kumar escape Gitmo", *Village Voice* (22/04/2008), available at <http://www.villagevoice.com/2008-04-22/film/get-out-of-jail-free/1/> (accessed 12/05/2010).

¹⁰⁷ Caetlin Benson-Allott, "Standard Operating Procedure: Mediating Torture", *Film Quarterly*. 62: 4 (2009) [unclear pagination].

designed to unsettle.¹⁰⁸ It was often taken for granted that it was obvious what the Abu Ghraib images showed, and the film at other points reveals that many of the famous shots were reframed for publication to exclude crucial details such as people smoking, filing their nails, or ignoring the abuses, details that can significantly refocus an interpretation of an image.

Comparing the re-enactments in *Standard Operating Procedure* to the use of news footage in *Taxi to the Dark Side*, a documentary feature that examined secret prisons in Pakistan, Afghanistan and Iraq, Benson-Allott notes that documentary photographs “do not invite questions” or “make us uncertain about what we know or how we read them”, whereas Morris’s reconstructions “emphasise a showmanship which may in fact be inherent, even when it is not acknowledged, in all documentary reconstructions.”¹⁰⁹ Where *Taxi to the Dark Side* uses archive footage to attempt to render reality more authentically, *Standard Operating Procedure* aims to fracture the illusion of consensus by deliberately rendering events in a way that is obviously untrue in order to raise epistemological questions about the ability of the image to deliver truth. Importantly, Morris insists that truth exists and can be discovered through investigation; his project is not to claim that the images are meaningless, but rather to emphasise that images are untrustworthy routes to truth.¹¹⁰

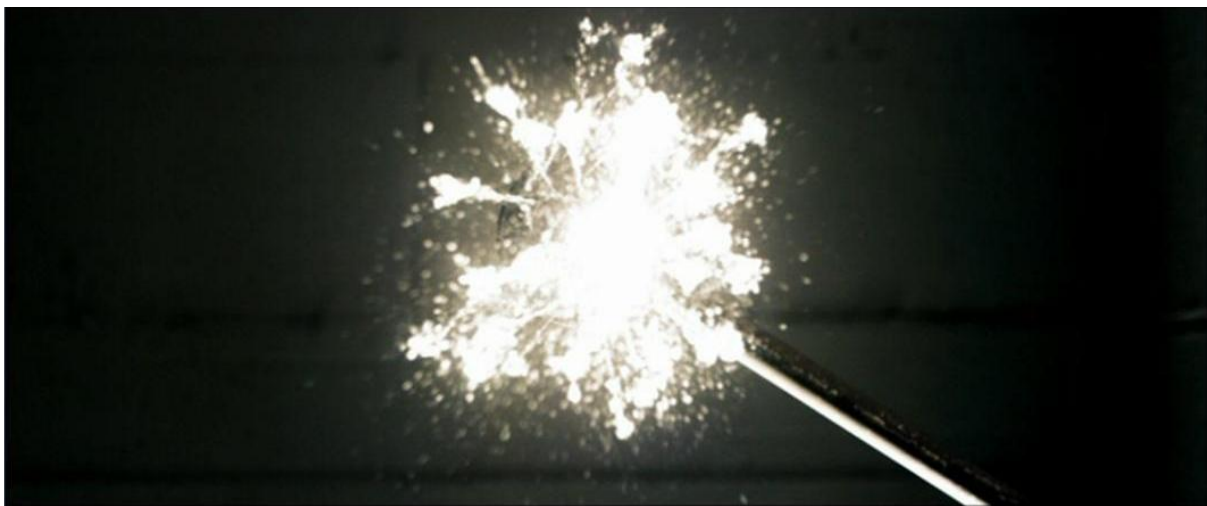


FIGURE 4.11: NOZZLE

Standard Operating Procedure features a waterboarding scene that is structurally similar to the scene in *Rendition*. While Javal Davis describes waterboarding, a series of

¹⁰⁸ Sontag, *Regarding the Suffering of Others*, p. 5.

¹⁰⁹ Benson-Allott, ‘Standard Operating Procedure’, [unclear pagination].

¹¹⁰ See Errol Morris, “There Is Such a Thing as Truth”, *This I Believe* (2/5/2005), available at <http://thisibelieve.org/essay/28/> (accessed 12/08/2010).



FIGURE 4.12: WATER SUFFOCATION

images illustrate his description. The first shot (figure 4.11), as Benson-Allott observes, “recreates a point of view that by definition never existed” as water falls through light directly towards the viewer.¹¹¹ Two shots later we see the person whose face is receiving the water, and his head is obscured beneath a burlap sack (figure 4.12). The point of view from which the descending water was seen is impossible, and this explicit use of the impossible perspective casts the other perspectives into doubt.

The scenes are uncomfortable to watch. Nichols again critiques Morris for the perspectives imagined during these recreations, insisting that they place the viewer into a position of culpability with the perpetrators of abuse.

I felt the strongest visceral urge to flee the theater when you gave us tracking shots down corridors populated by ghosts as you reenacted actual interrogations and legalised torture. I felt pinned to a morally impossible space. It was like the grotesque tracking shot in *Schindler’s List* when Spielberg has the camera slowly approach the door to the apparent gas chamber housing Schindler’s Jews. We slip past the Nazi guards clustered around the door’s peephole to see the panic and fear inside that chamber. It’s a grotesque point of view shot because it is literally the point of view of the death camp guards.¹¹²

¹¹¹ Benson-Allott, “Standard Operating Procedure”, [unclear pagination].

¹¹² Nichols, “Feelings of Revulsion and the Limits of Academic Discourse”.

However, it is not clear whose perspective the images occupy, and they are certainly not from any unified position. It is also not certain that they are simply illustrative. We saw how *vérité* documentary by its nature conflates the real world with the diegetic world of the film, but seeks to disguise this through visual tactics that seem to insist on their own truth-value through their unfinished appearance. This is also true of the Abu Ghraib images – their very roughness seems to guarantee their authenticity. However, Morris’s torture scenes are glossy close-ups shot at a thousand frames a second: they are not so much scenes as close examinations of details. Some of the perspectives are impossible, some unclear, some imaginary: none trustworthy or authentic. By deliberately highlighting the distance between his images and their real world referents, Morris foregrounds the gesture through which images appear to capture reality, and casts doubt on the capacity of images to deliver truth.

The images of abuse that emerged from Abu Ghraib in 2003 have undergone much scrutiny and many interpretations. Sontag contests that they testify to an “admiration for unapologetic brutality” that runs through American culture.¹¹³ Geoffrey Robertson has observed that their unfixable meaning has become weaponised, as they “have become recruiting posters for al-Qaida throughout the Middle East”.¹¹⁴ Adrian Parr claims that for a certain sector of America, viewing the images “was in fact a way of countering the memory of 9/11 not on ideological grounds but as a way in which a battered nation saw a way out of the malaise” and that the images “swelled national confidence at a time when it was needed most.”¹¹⁵ Žižek and Butler both claim that the images demonstrate the neocolonial construction of the dominated subject. Žižek claims that the “tableaux vivant” of the images echoed many American initiation rituals, and that accordingly, “[i]n being submitted to the humiliating tortures, the Iraqi prisoners were effectively *initiated into American culture*”.¹¹⁶ Butler is more convincing when she argues with less hyperbole that the “scenes of sexual debasement and torture are part of the civilising mission and, in particular, of its efforts to seize absolute control over the construction of the subject of torture.”¹¹⁷ The very multiplicity of these interpretations shows the unfixable nature of the content of the images. Each of these interpretations is an attempt to contain the instability of the images in an explanation, to close

¹¹³ Sontag, “Regarding the Torture of Others”.

¹¹⁴ Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, Third Edition (London: Penguin, 2006), p. 590.

¹¹⁵ Adrian Parr, *Deleuze and Memorial Culture: Desire, Singular Memory and the Politics of Trauma* (Edinburgh: Edinburgh University Press, 2008), p. 108. See also pp. 94-108.

¹¹⁶ Slavoj Žižek, “What Rumsfeld Doesn’t Know That He Knows About Abu Ghraib”, *In These Times* (21/05/2004), available at <http://inthesetimes.com/article/747> (accessed 23/07/2009). Emphasis in original.

¹¹⁷ Butler, *Frames of War*, pp. 127-8.

the problem that the image poses. Morris' provocative restagings refuse the fixed interpretive closure that such interpretations apply to the image, denying easy consensus. What Morris' filmic reimaginings insist upon is that shock is necessary but shallow, and we should be suspicious and interrogative of images and the purposes to which they are put. None of this is to deny abuse: it is in fact to emphasise it. Rather than conflating the diegetic universe of his text with objective reality to naturalise a didactic position, Morris reveals the distance that lies between images and reality, broadening the frame through which political violence is observed in order to undermine the idea of exceptional violence and to include both the OGA prisoner and the humanity of the torturer within the political community.

Conclusions

This chapter has read the ways that post-9/11 texts diegetically and visually frame torture. *24* justifies torture, framing it as an emergency battlefield decision; *Rendition* critiques the political technologies of exception; through unorthodox representational strategies, *Standard Operating Procedure* performs a meta-critique of the representational and political frames through which political violence is understood. Addressing Guantánamo Bay as the visible tip of a global carceral network and demonstrating in more detail the complicity of the exception in the justification of torture, the following chapter reprises the themes of this chapter with specific reference to the cultural representation of Guantánamo.

CHAPTER FIVE
THE GLOBAL WAR ON TERRORISM, PART II
GUANTÁNAMO BAY IN THE EUROPEAN LITERARY AND
CULTURAL IMAGINATION

Like its predecessor, this chapter addresses the representation of torture in GWOT texts, demonstrating both the ways that disciplinary political constellations are readily legible in Guantánamo and that representations can have a material effect on the ways that such forms of violence are popularly understood and politically resisted. Whereas Chapter Four addressed American visual texts and their relationship to situational morality and the representation of torture, this chapter focuses on the ways that three European representations of Guantánamo Bay attempt to present resistance to the dehumanising discourse surrounding terrorism suspects. Centrally, these texts bypass the notion of necessity so central to 24, as the stories they tell and the frames through which they are told are deliberately constructed in order to challenge the utilitarian rationale for torture that such narratives furnish. Rather, they reframe the field of intelligibility through which counterterrorist torture is made legible by emphasising the routine, concentrationary and disciplinary nature of torture and indefinite detention in Guantánamo Bay.

Guantánamo Bay represents a pivotal node in the post-9/11 torture debate. Much exposure of the violations of human rights committed by the US centres around this particular prison, and accordingly many prominent texts, written by journalists, lawyers, and translators, began very soon after its establishment to constitute a multidisciplinary human rights literature exposing this prison and the central role it plays in receiving rendered prisoners and subjecting them to torture.¹ The role of fiction and narrative has been central, but it has not been univocal. Dan Fesperman's thriller *The Prisoner of Guantánamo* (2006), and two comedies – Jon Hurwitz and Hayden Schlossberg's *Harold and Kumar Escape From Guantánamo Bay* (2008) and Alex Gilvarry's *From the Memoirs of a Non-Enemy Combatant*

¹ Journalist David Rose, for example, referred to below, published *Guantánamo: America's War on Human Rights* (London: Faber and Faber, 2004), and Michael Ratner and Ellen Ray co-authored *Guantánamo: What the World Should Know* (Adlestrop: Arris Publishing, Ltd., 2004). Human rights lawyer Clive Stafford Smith published *Bad Men: Guantánamo Bay and the Secret Prisons* (London: Phoenix, 2008), which details conditions at the camp and stories of inmates. Much of his book centres around the treatment of Binyam Mohamed. International lawyer Philippe Sands' *Torture Team: Uncovering War Crimes in the Land of the Free*, Second Edition (London: Penguin, 2009) was also a significant text. Translator Mahvish Rukhsana Khan published *My Guantánamo Diary: The Detainees and the Stories They Told Me* (New York: PublicAffairs™, 2008).

(2012) – have served little activist purpose, and could, at the risk of humorlessness, be accused of trivialising Guantánamo; these texts are potent reminders of McClennen and Slaughter’s point that “as often as cultural forms make human suffering visible they distort perceptions in ways that make it possible to disenfranchise and abuse others.”² Although they may not directly authorise violence, such texts make Guantánamo normal by treating it as something other than an outrage. More prominent, however, has been the tendency for cultural responses to Guantánamo to present political resistance to it. In addition to the texts discussed in this chapter, the camp has generated children’s literature, such as Anna Perera’s *Guantánamo Boy* (2009), adapted for the stage in 2012, and Frances Ya-Chu Cowhig’s play *Lidless* (2010), which staged a fictional future aftermath of Guantánamo. Documentary films such as Alex Gibney’s *Taxi to the Dark Side* (2007) and Patricio Henriquez and Luc Côté’s *Four Days Inside Guantánamo* (2010) also represent valuable exposures of the political contexts surrounding, and institutional conditions within, Guantánamo; in 2007 a book of poetry by the prisoners themselves was published.³

These narratives and representations have great potential. Arguing that “we cannot imagine what we cannot tell as a story”, Shelley Wright writes that international law, like other discourses, relies on narrative for its coherence. “Where histories are invisible, or silenced, or disappear, then the ‘humanness’ of the owners of those stories also disappears.”⁴ Like Butler, Wright identifies a deliberate differential in the extent to which the humanity of certain subjects is recognisable; it is this differential that the literary and cultural responses to Guantánamo analysed in this chapter seek to both expose and redress by framing narratives in which the humanity of the prisoners – the subjectivity of the victim of torture – is central. The intervention that such activist single-issue texts make in the torture debate is both cultural and legal: through exposing its absence, all three texts call for justice. This chapter addresses a deliberately heterogeneous selection of the texts about Guantánamo – a play, a television film, and a literary novel – in order to reflect the multidisciplinary nature of the cultural response to GWOT torture. Gillian Slovo and Victoria Brittain’s 2004 play *Guantánamo: ‘Honor Bound to Defend Freedom’* (hereafter *Honor Bound*), foregrounds the humanity of the inmates in its presentation of the story of several British prisoners by staging the verbatim testimony of those closely affected,. Matt Whitecross and Michael Winterbottom’s 2006

² Sophia McClennen and Joseph Slaughter, “Introducing Human Rights and Literary Forms; or, the Vehicles and Vocabularies of Human Rights”, *Comparative Literature Studies* 46: 1 (2009), p. 8.

³ *Poems from Guantánamo: The Detainees Speak*, ed. by Marc Falkoff (Iowa City: University of Iowa Press, 2007).

⁴ Shelley Wright, “The Horizon of Becoming: Culture, Gender and History after September 11”, *Nordic Journal of International Law* 71 (2002), p. 233.

docu-drama *The Road to Guantánamo* restages the story of the Tipton Three – three British Muslims who were incarcerated in Guantánamo after being apprehended in Afghanistan, but who were later released because the charges against them had no factual basis – and places emphasis both on the humanity of the prisoners and on the disciplinary and concentrationary nature of post-9/11 US torture. Dorothea Dieckmann’s 2004 novel *Guantánamo* inhabits the psychological interiority of Rashid, a fictional occupant of Camp X-Ray, focusing on the dehumanising physical and emotional effects of indefinite detention, and describing the production of Guantánamo’s unique biopolitical substance.

5.1: Staging the Exception: *Guantánamo: ‘Honor Bound to Defend Freedom’* (2004)

The most consistent themes throughout the theatre of the GWOT are the use of historical verisimilitude, direct address, and the attempt to add human depth to the global events of the GWOT. David Hare’s *Stuff Happens* (2004), for example, is a history play with documentary elements which narrates the early events of the invasion of Iraq through a combination of restaged interviews and imagined scenes. Later plays addressed and critiqued torture itself more directly: Judith Thompson’s *Palace of the End*, discussed briefly in the previous chapter, examined the occupation of Iraq through three monologues, each of which examined the invasion from both a political and an emotional perspective, and Cowhig’s *Lidless*, mentioned above, examines the potential aftermath of Guantánamo by staging the reunion of a former inmate with his torturer. *Honor Bound* is a documentary play by Gillian Slovo and Victoria Brittain based on the verbatim testimony of many of those connected with Guantánamo, featuring as characters several British prisoners, including Moazzam Begg and Ruhel Ahmed, lawyers Clive Stafford Smith and Gareth Pierce, and political figures such as Donald Rumsfeld and Jack Straw. Historical verisimilitude is sought through the use of verbatim testimony, and I argue below that through the use of both the radical political potential of the theatrical encounter and the intimacy and immediacy of testimony, the play aims to rehumanise its characters, many of whom at the time were forced to occupy the legal status of enemy combatant and were as such in a position analogous to *homo sacer*, those to whom no legal recourse was available and upon whom disciplinary violence could be inflicted with impunity.

The writers of *Honor Bound* are established presences in the liberal left: South African Slovo, daughter of anti-apartheid campaigner Ruth First and leader of the South African Communist Party Joe Slovo, has written on political torture before in *Red Dust*

(2000), a novel about the South African Truth and Reconciliation Commission later filmed in 2004 by Tom Hooper. Brittain, a former associate foreign editor of the *Guardian* newspaper and co-founder of the Palestine Festival of Literature, writes widely on world politics and worked as ghostwriter on Moazzam Begg's memoir *Enemy Combatant* (2006) upon his release in 2005.⁵ The play's title reproduces the military motto of Joint Military Task Force Guantánamo (JTF-GITMO), highlighting its clear irony, which has been used as a recurring motif by opponents of US torture; Clive Stafford Smith, for example, uses it as chapter headings in his book *Bad Men*, and Dorothea Dieckmann uses it as an epigraph for her novel discussed below.⁶ This repetition is one example of many such textual overlaps – this text can be read as a nodal point in a network of associations in the critical literature of the early years of the GWOT, because it represents one of the first attempts to crystallise the events of the early GWOT into a narrative. This section of the chapter discusses the ways that the text attempts an ethical representation of the inhabitants of Guantánamo, describes the nature of its appeal to justice, and finally reads the text in terms of its representation of Islam, biopolitics and torture.

5.1.1: Form and Rehumanisation

As we have seen throughout this thesis, anti-torture interventions frequently aim to narrativise the exposure of atrocity, and there is much of the exposé about *Honor Bound*. It is didactic activist writing, using representation for the purpose of politically educating its audience about the conditions of captivity in Guantánamo and the political contexts that make it possible. Schematically, the first act narrates the ways that the prisoners were arrested, the second narrates their experience of captivity, and the third stages a call for justice. *Honor*

⁵ Brittain writes frequently about Guantánamo. See for example “Britain is Complicit in this Horror”, *The Guardian* (04/08/2004), available at <http://www.guardian.co.uk/world/2004/aug/04/guantanamo.britainand911/>, accessed 14/08/2012; “A Call for Justice”, *The Guardian* (08/01/2007), available at <http://www.theguardian.com/commentisfree/2007/jan/08/post880>, accessed 14/08/2012; “A Shocking Welcome”, *The Guardian* (20/12/2007), available at <http://www.theguardian.com/commentisfree/2007/dec/20/ashockingwelcome>, accessed 14/08/2012; “Smoke, Mirrors, and American Justice”, *The Guardian* (12/02/2008), available at <http://www.theguardian.com/commentisfree/2008/feb/12/smokemirrorsandamericanjustice>, accessed 14/08/2012; “An Empty Judgment”, *The Guardian* (13/06/2008), available at <http://www.theguardian.com/commentisfree/2008/jun/13/guantanamo.terrorism>, accessed 14/08/2012; “Ken Clarke's Guantánamo Credibility Test”, *The Guardian* (10/12/2010), available at <http://www.theguardian.com/commentisfree/libertycentral/2010/dec/10/ken-clarke-guantanamo-shaker-aamer>, accessed 14/08/2012.

⁶ Chapter one of Smith's book is titled “Honor Bound”, chapter eleven “Defending Freedom”. David Rose also titles the first chapter of his *Guantánamo* “Honor Bound”.

Bound interleaves many forms of address, bringing conflicting discourses into dialogue. Several prisoners narrate their stories and read the censored text of letters sent home, Clive Stafford Smith and Gareth Pierce discuss the illegality of indefinite detention, and Donald Rumsfeld engages with a press conference.

Thomas Fahy locates the political potential of the theatre of imprisonment in its ability to engineer direct encounters between audiences and those affected by imprisonment; he observes that “by putting the prison experience into a palpable and confined space (on stage) with real people (actors) [the theatre of imprisonment] creates an intimacy between audience and actor that forges a personal investment in the topic and can become the starting point for social change.”⁷ Although a consensual hour in a comfortable theatre can in no way approximate the long, painful, and lonely experience of indefinite detention, by forcing the audience to occupy the same physical space as the prisoner plays about imprisonment can nonetheless gesture towards common-feeling with victims of injustice. This intimacy, Fahy argues, has the potential to politically galvanise audiences, and whilst this is not automatic or inevitable, it remains a very important potential. In addition to this principle, *Honor Bound* resists the generalising and dehumanising tendency of media discourse to treat prisoners in Guantánamo as interchangeable, automatically suspicious, and faceless, by narrating the stories of specific individuals.

Honor Bound is similar to Morris’ *Standard Operating Procedure* in that it demonstrates the compassionate and demythologising potential of testimony, and engineers an ethical encounter with controversial figures. The political potential of the play is also connected directly to the Levinasian ethics of the face. In responding to the immediate frontality of the theatrical encounter staged by the many monologues, an audience will potentially be able to recognise the immanent humanity of the people whose stories the play narrates. By frontally directing the testimony to the audience as monologues, rather than staging it as dialogue, a direct encounter is created in which a recognition of the humanity of the speaker is possible. *Honor Bound* attempts – like Errol Morris’ metatextual insistence upon the artificiality of documentary and the eye contact established by use of the Interrotron – to use the positive potential of facial frontality as a representational route to a connection with the human. It is the artificiality of the theatrical experience – the theatrical performance space, the knowledge that the performers are actors – that can emphasise and sustain the distance between representation and reality that allows it to achieve this. Both the direct

⁷ Thomas Fahy, “Captive Audience: An Introduction”, in *Captive Audience: Prison and Captivity in Contemporary Theatre* (London: Routledge, 2003), p. 1.

address monologue form and the content of the speeches, then, create an opportunity for the audience to recognise the humanity of the prisoners of Guantánamo.

Personal correspondence and testimony provides the ethical encounter with the humanity of the prisoners. Personal detail and the appeal to experiences and values that most people in an audience would be able to sympathise with – aspects of family life, for example, or professional aspirations – are used to establish that the prisoners are ordinary people. Wahab Al-Rawi, for example, talks about his brother Bisher’s love of sport and describes their petty sibling rivalries.⁸ Moazzam Begg’s father describes his son’s excellence in school and his charitable work in Muslim countries.⁹ This is merely characterisation, but in this context it has the effect of fleshing out the lives and personalities of ordinary people to whom the label of “terrorist” has been applied. However, this does not simply work to exonerate individuals. In tandem with the play’s appeal to universal justice, discussed below, it complicates the representation of terror suspects by placing complex humans with relationships, families and personal histories in opposition to Donald Rumsfeld’s scaremongering accusations of demonic terrorism.

The sections of the play that recreate statements by Rumsfeld provide the foil to Slovo and Brittain’s position: he narrates clearly the legal equivocation and dehumanising political discourse that the play openly confronts. Like Pontecorvo’s Mathieu, Rumsfeld represents the official voice of colonial discourse. For example, the play reproduces, in the context of a restaged press conference, statements such as “these people are among the most dangerous, well-trained, vicious killers on the face of the Earth.”¹⁰ He also insists that each prisoner was individually determined to be dangerous, although he admits that “determined” is “a tough word.”¹¹ The case that Rumsfeld makes is that the terror suspects detained in Guantánamo are all guilty and that their detention is not only legal but vital to keep the world safe from the inexplicable fury of the terrorist.

It is worth analysing these statements in order to fully contextualise the nature of the play’s response to them. They formed part of a pattern in the many televised proclamations of guilt made by spokespeople for the Bush Administration. Philippe Sands observes that “[f]rom the outset it was clear that the die was cast. For the Bush Administration, the

⁸ Gillian Slovo and Victoria Brittain, *Guantánamo: ‘Honor Bound to Defend Freedom’* (London: Oberon Books, 2004), pp. 9-10.

⁹ Slovo & Brittain, *Honor Bound*, p. 8, p. 17.

¹⁰ Slovo & Brittain, *Honor Bound*, p. 33.

¹¹ Slovo & Brittain, *Honor Bound*, p. 31.

detainees' guilt was not in question."¹² This very public presumption of guilt was designed to bolster the appearance of governmental competence, but it also had the effect of potentially prejudicing the trial of every single prisoner. The arbitrariness of many of the detentions is shown by President Obama's need, in writing the 2009 executive order closing the facility, to state explicitly that "[s]ome individuals currently detained at Guantánamo may have committed offenses for which they should be prosecuted."¹³ When they were captured, their guilt was not in doubt; many years later, when the camp began the still incomplete decommissioning process, this guilt had still not been established. In his essay on Kafka and the entrance to the law, Agamben describes the Kafkaesque nature of indefinite detention in a way that resonates clearly with Guantánamo:

[N]either guilt (which, in ancient law, is not necessary) nor punishment define the trial, but rather, the accusation. Indeed, the accusation is, perhaps, the juridical 'category' par excellence (*kategoria*, in Greek, means accusation), that without which the entire edifice of the law would crumble: the implication of being within the law.¹⁴

The prisoners are within the law to the extent that they have been accused of a crime, but no further than that. Implicit in the accusation of terrorism – and it is the accusation which remains the primary mechanism through which the inhabitants of Guantánamo Bay are included within the law – is not any specific guilt but rather the identification of the accused as a civilisational enemy in the Schmittian sense: those in opposition to whom Western identity is constructed.

The prisoners are identified as terrorist in such a way that they seem to cease to be human at all, and in such a way that *habeas corpus* and due process are made to seem irrelevant. Butler writes:

¹² Philippe Sands, *Lawless World: Making and Breaking Global Rules*, Updated Edition (London: Penguin, 2006 [2005]), p. 162.

¹³ Barack Obama, "Executive Order -- Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities", 22/01/2009, Section 2, Paragraph (f), available at http://www.whitehouse.gov/the_press_office/closureofGuantánamodetentionfacilities/, accessed 12/11/2009.

¹⁴ Giorgio Agamben, "K", trans. by Nicholas Heron, in *The Work of Giorgio Agamben: Law, Literature, Life*, ed. by Justin Clemens, Nicholas Heron and Alex Murray (Edinburgh: Edinburgh University Press, 2008), p. 15.

If they are pure killing machines, then they are not humans with cognitive function entitled to trials, to due process, to knowing and understanding a charge against them. They are something less than human, and yet – somehow – they assume a human form. They represent, as it were, an equivocation of the human, which forms the basis for some of the scepticism about the applicability of legal entitlements and protections.¹⁵

Upon suspicion of having engaged in terrorist activity the prisoner enters the category of those undeserving of human rights. This is a decision on the exception: to designate somebody a terrorist is to exclude them from the mainstream political community; it is, indeed, to define the political community in opposition to them. At the same time as it described the terrorist enemy as irreversibly antagonistic to the West (imagining the two to be separate and mutually exclusive entities), such rhetoric functioned to reinscribe and underline the irreconcilability of “the West” and “Islam” in such a way as to make civilisational war seem inevitable and justified. Butler describes the neo-Orientalism that this masks as “the same binarism that returns us to an anachronistic division between ‘East’ and ‘West’ and which, in its sloshy metonymy, returns us to the invidious distinction between civilisation (our own) and barbarism (now coded as ‘Islam’ itself).”¹⁶ The accusations against specific individuals are attached through association and innuendo to Islam and Muslim identity themselves, and by revealing the humanity of specific individuals – the very phenomenon that this rhetoric is intended to obscure – the play directly challenges the dehumanisation that this rhetoric facilitates.

In addition to critiquing the neo-Orientalism of such statements, it can be observed that the proclamations of guilt were often simply untrue. Otterman refers to official documents that explicitly refute the claims:

A CIA analysis in 2002 found that more than half of the detainees didn’t belong there, while a more recent 2006 survey [Otterman’s book was published in 2007] by a European inspection team found only thirty to forty “real” terrorists at the prison. [...] An investigation using data provided by the Pentagon found that 40 per cent of the

¹⁵ Judith Butler, *Prekarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004), p. 74.

¹⁶ Butler, *Prekarious Life*, p. 2.

detainees are not affiliated with al Qaeda and only 8 per cent have fought for a terrorist group. The majority, roughly 60 per cent, are merely accused of being “associated with” terrorists – an amorphous category that includes unknowingly supporting a charity that is deemed by the USA to be sympathetic to terrorist causes.¹⁷

Acknowledging this, in the third act, Clive Stafford Smith describes the absurdity of the claims made against some of the prisoners: The Tipton Three (Ruhul Ahmed, Shafiq Rasul, Asif Iqbal, who are the subjects of *The Road to Guantánamo*, discussed below) confessed to training at the Al-Farouq camp in 2000 despite all being provably employed by Curry’s in Birmingham in 2000.¹⁸ Moazzam Begg was accused of plotting to send an unmanned drone (an extremely specialised aircraft to which only the American military has access) to drop Anthrax on Westminster.¹⁹ Revealing the absurd nature of the accusations is an important intervention, as it deflates the grandiose Rumsfeldian rhetoric of incontrovertible guilt.

As well as providing an ethical encounter with prisoners and presenting the facts of individual miscarriages of justice, however, *Honor Bound* challenges Rumsfeld’s baggy and insupportable accusations, and the discourse of exception they embody, by interspersing Rumsfeld’s words with interpretive legal commentary from Gareth Pierce and Smith. In direct response to Rumsfeld’s comments that the prisoners are not being treated as POWs because the US is assuming that Geneva applies, Pierce says that because this “meant that there were international treaty obligations to provide prisoners of war with rights, the regime very quickly had to redefine what it had”.²⁰ She goes on to explain that the status of enemy combatant was devised explicitly to avoid the applicability of Geneva to these prisoners, exposing this redefinition as the use of law as a tactical removal of the prisoners of Guantánamo from the protections of international law. Here we see a concrete example of the law applying in its own withdrawal, of law as tactic, or as trap. Smith is also penetrating, because he observes that Guantánamo is “a massive diversion”. Identifying the global penal archipelago in which Guantánamo is merely the most visible node, he observes that “none of [the people that they think are] the bad dudes are in Guantánamo Bay, because the American government will never put them there while there is a possibility that we’ll get jurisdiction to

¹⁷ Michael Otterman, *American Torture: From the Cold War to Abu Ghraib and Beyond* (London: Pluto Press, 2007), pp. 143-144.

¹⁸ Slovo & Brittain, *Honor Bound*, pp. 55-56.

¹⁹ Slovo & Brittain, *Honor Bound*, p. 55.

²⁰ Slovo & Brittain, *Honor Bound*, p. 31.

litigate to get them out of there.”²¹ Without using an explicitly theoretical vocabulary, Pierce and Smith identify the state of legal exception in which the prisoners have been placed and identify the prison network of which Guantánamo Bay is the most visible node.

As well as representing prisoners as human, the representation of lawyers themselves in *Honor Bound* is significant. In the previous chapter we saw how in *24* liberal authorities are singled out for contempt as part of the show’s criticism of non-violent counterterrorism strategy. Further to this, in season three (2003) a central character describes due process as “stalling”, and in season four (2004) a representative of fictional advocacy NGO Amnesty Global (very obviously a malicious caricature of Amnesty International) is called a “slimy lawyer” and shown as a tool of the terrorists as his insistence on due process prevents the torture interrogation of a villain that the audience knows is guilty.²² This confounding legal intervention is meant to represent human rights law as an unnecessary bureaucratic obstacle that ties the hands of those on the frontline in the fight against terrorism. *24*’s representation of Amnesty Global as protectors of terrorists also mobilises the suspect notion that lawyers must be working on behalf not of those arrested for terrorist offences but on behalf of “terrorism” itself. In response to this trope, in which the law is represented as not merely an obstacle but as actively complicit with al-Qaeda, Pierce and Smith speak eloquently and simply in favour of the human rights of the prisoners, giving uncomplicated and perceptive arguments in terms of first principles. The human rights position that most of the texts opposing Guantánamo put forward can be summarised by a statement made by Moazzam Begg’s father, who says in *Honor Bound* that “I am not asking mercy from anyone. I am asking justice.”²³ Nobody says that everyone should be released, merely that due process should be introduced, the guilty fairly punished and the innocent freed.

This representation of the law as a positive factor is a key component of the play’s abstract appeal to justice. Although *Honor Bound* lays emphasis on ethical address and rehumanisation in its representation of the prisoners, its central appeal is to the rule of law. To defend the victims of torture is not to defend terrorism; rather, it is merely to insist on fair, evidence-based, legal trials. To develop this, it is worth noting that the law, although it should operate universally without prejudice, is often a site of great inequality. Victoria Brittain writes that the meaning of Guantánamo to British Muslims is not the same as it is for the white middle class.

²¹ Slovo & Brittain, *Honor Bound*, p. 33. Square parentheses in original.

²² *24*, Season Three, Episode Four, dir. Ian Toynton (Fox TV, 2003). *24*, Season Four, Episode Eighteen, dir. Ian Toynton (Fox TV, 2004).

²³ Slovo & Brittain, *Honor Bound*, p. 57.

In one strand of multicultural Britain, the detail of these cases [of British Muslims interned in Guantánamo] are hugely well-known. They are a symbol of why many Muslims feel this society regards them as second-class citizens who do not have the same rights to justice as the white middle class.²⁴

Not only is it possible for British Muslims to be incarcerated in Guantánamo: the victims of injustice, she writes, continue to be treated badly by the judicial system when they return to Britain. In response to this existing differential in access to justice, the play underlines the legal principle that everyone must have access to the protections of the law.

Here we also encounter a tentative solution to the problem, invoked by Badiou earlier in this thesis, of recognition in Levinasian ethics. Badiou writes that the ethics of recognition are bound up with relations of power, and that those recognising the humanity of victims of human rights violations are most often Western middle-class subjects. For Badiou, this reveals that it is those people who have the ability to circumscribe the nature of acceptable humanity; further, he argues that this recognition functions as a filter, and that subjectivities unacceptable to white Western middle class sensibilities are left incomprehensible. However, in making the prisoners of Guantánamo comprehensible as humans, the play does not attempt to reduce them to the familiar, to accept them in as much as they are politically palatable, or to define acceptable parameters for the human: it simply argues that the inhabitants of Guantánamo, as victims of injustice, are already human, and that it is the law which should catch up with this already existing humanity. The rehumanisation of the Muslims incarcerated in Guantánamo does not entail the elision of or apology for Muslim identity – it does not mean that to deserve justice Muslims must resemble the white middle class to whom justice is readily available. Rather it simply means that justice itself must be above difference.

5.1.2: Islam, Biopolitics, Torture

The Muslim identity of the prisoners is unmistakably clear from the opening of the text. The five calls to prayer recur throughout the play: the call to *fajr* is sung after Lord Justice Steyn's introductory remarks, *dhuhr* and *asr* are played through a loudspeaker in the second act

²⁴ Victoria Brittain, "A Shocking Welcome".

(reproducing the way salah is announced in Guantánamo), *maghrib* opens the third act and *isha'a* closes the play.²⁵ Prisoners mention the intensification of faith they have experienced as a result of incarceration; ex-prisoner Jamal Al-Harith, for example, calls worship “a release” and “something to hold on to”.²⁶ Al-Harith later remarks that Guantánamo “made me stronger but it opened my eyes, sometimes I do think it’s a war on Muslims, a war on Islam.”²⁷ These elements of the play highlight aspects of the prison that mark Guantánamo as an institution that conspicuously incarcerates Muslims. Smith explicitly demonstrates the politics of prejudice that inform Guantánamo: drawing on his experience of representing death row suspects, he argues that Guantánamo is evidence that racialised hatred is transposed onto international politics, because “we hate Muslims, and let’s be honest that’s what’s going on here, despite the pathetic attempts to pretend that’s not true.”²⁸ Islam is highlighted in *Honor Bound* in order to make an argument about its demonisation as an enemy religion. Through the exposure and deflation of this negative mythologising, *Honor Bound* attempts to resist it. Crucially, the play does not attempt to rehabilitate or apologise for Islam itself, because to do so would lend credence to the idea that Islam is itself responsible for terrorism. Rather, the play highlights these associations and challenges them.

One of the central concerns of this thesis is the representation of torture acts. There is an emphasis on the moral and practical unacceptability of torture, of course; referring both to extraordinary renditions and to the poor information received through torture, Gareth Pierce explains, “there is a process of shipping people for instance to Egypt, where you know they’ll be tortured. [...] And what are you getting out of it? Well maybe that’s where the weapons of mass destruction came from. Certainly the product you’ll get is bound to be complete nonsense”.²⁹ Indeed, Jeremy Scahill writes that the crucial verification of the false claim that Saddam Hussein’s Iraq was developing weapons of mass destruction did in fact come from torture.³⁰ With this dismissal of the supposed effectiveness of torture, the text explicitly dismisses the justification of necessity: if torture cannot reliably produce meaningful results, it cannot be justified as necessary. As I have emphasised throughout this thesis, torture is

²⁵ Slovo & Brittain, *Honor Bound*, pp. 8, 29, 41, 45, and 59.

²⁶ Slovo & Brittain, *Honor Bound*, p. 41.

²⁷ Slovo & Brittain, *Honor Bound*, p. 51.

²⁸ Slovo & Brittain, *Honor Bound*, p. 41.

²⁹ Slovo & Brittain, *Honor Bound*, p. 33.

³⁰ Arguing that the Bush Administration “wanted to find WMDs and to retroactively prove that its claims of Iraq possessing them were true”, Scahill quotes an interview with human rights attorney Scott Horton, who investigated torture policy: “I think that the use of torture was authorised largely because of an expectation that it would produce results. I don’t think there was ever any expectation that it was going to produce the truth, but it would produce people saying what they wanted them to say, that would somehow back this up.” Jeremy Scahill, *Dirty Wars: The World is a Battlefield* (London: Serpent’s Tail, 2013), p. 150.

wrong in utilitarian terms as well as deontological terms: a useless tactic is by definition never necessary.

Honor Bound does not, however, stage any violence, preferring to refer to torture obliquely. However, the theatrical space does not have to accommodate acts of violence – simulated or actual – in order to address violence in bodily terms. As Stanton Garner writes, “[t]o restrict the staging of the suffering body to the spectacular [...] is to ignore the complexity of [the] body’s presence in the contemporary political theatre.”³¹ Although the play is often largely static, it remains a theatre of the body because of the continuous imprisonment of many of the characters, some of whom sit in cages throughout the performance. Although there are some direct references to beatings and cold confinement, however, the most significant strategy the play uses to represent violence is the verbal foregrounding of its concealment.³² Al-Harith, for example, highlights the pervasive manipulation of language in Guantánamo by explaining that interrogation was also called “exhibition” and “reservation.” Highlighting this use of benign language to misdescribe aggressive interrogations guides the audience toward a conclusion on the true nature of the interrogations. “They use words but there’s evil behind it man. There’s malice.”³³ Smith makes a further point about euphemism, explaining the sinister reclassification of suicide attempts as Manipulative Self-Injurious Behaviour – which meant that suicide attempts were treated as acts of asymmetric warfare, and as such as aggression against their incarcerators – that was used in order to artificially deflate the suicide rate.³⁴

The text also makes use of the framed silence. For example, when reading letters from prisoners to their families, redactions in familial correspondence are performed, as actors mouth censored words.

MOAZZAM: [...] Whilst I do not at all complain about my personal treatments, conditions are such that I have not seen the sun, sky, moon etc for nearly a year!

MOAZZAM mouthing (censored words).

³¹ Stanton B. Garner, Jr., “Post-Brechtian Anatomies: Weiss, Bond, and the Politics of Embodiment”, *Theatre Journal* 42: 2 (1990), p. 147.

³² For cold confinement, see Slovo & Brittain, *Honor Bound*, p. 39.

³³ Slovo & Brittain, *Honor Bound*, p. 38.

³⁴ Slovo & Brittain, *Honor Bound*, p. 39.

since it is the same three times a day, everyday – for all the time that I’ve been here! [...] I believe it is wrong for me to be kept like this and I have more than served enough time for whatever has been perceived about me, yet I still see no end in sight.

MOAZZAM mouthing (censored words).

and passed to

*MOAZZAM mouthing (censored words).*³⁵

These foregrounded lacunae constitute performed silences, highlighted absences, which testify to the incompleteness of the story the play is able to present. At an earlier point, as he changes into an orange boiler suit, Bisher Al-Rawi’s letter to his mother informs us that “[a]fter winning first prize in the competition, I was whisked to this nice resort with all expenses paid. [...] Everybody is very nice. The neighbours are very well behaved. The food is first class, plenty of sun and pebbles, no sand I’m afraid.”³⁶ This sarcastic use of positive language that deliberately rings very untrue establishes the need for the audience to interrogate the language that emerges from Guantánamo. The conspicuous incompleteness and implausibility of the communications, particularly in the light of the legal commentary alongside which they are presented, heavily implies the presence of ill-treatment and torture. The play highlights the legal state of exception and the racialised demonisation that helps to legitimise the reduction of prisoners to *homo sacer*, and further, it frames the concealment of the exceptional forms of violence that occur in the prison in such a way as they are made silently clear. This is also similar to Errol Morris’ project, in *Standard Operating Procedure*, to reveal the incompleteness of official revelations. Whereas Morris reveals that the exposure of torture through the lens of an abuse scandal was in fact a form of concealment by laying stress on the fact that the abuse and torture at Abu Ghraib represented standard practice in GWOT prisons, *Honor Bound* lays stress on the fragmentary nature of the information that is able to emerge from Guantánamo in order to underline the fact that much of the practice at Guantánamo is systematically misdescribed.

³⁵ Slovo & Brittain, *Honor Bound*, p. 53. See also pp. 26, 33, & 54.

³⁶ Slovo & Brittain, *Honor Bound*, p. 30.

5.1.3: Reception/Reservations

The critical reception of the play was frequently positive, praising the play's political power; the *Sunday Times* reported that it had "the authority and dignity of a moral tribunal", and the *Evening Standard* called it "politically motivated theatre of a serious, noble sort."³⁷ However, the lack of theatrical activity in the play in favour of monologue has led to critical attack. Critic Christopher Piatt, for example, refers to it as an "un-play," calling the play "unengaging" because it only allows for "dryly delivered testimonials [which] reveal next to nothing about global politics or the human beings they affect."³⁸ Although an ungenerous theatre critic may not be the best source for trenchant exegesis, his points perhaps remain valid: the gravity of the subject matter sometimes seems to overwhelm the aesthetic dimensions of the play. This is a fairly widespread criticism of documentary theatre: playwright David Edgar observes that "ultimately, fact-based drama seems like a kind of abdication of the writer's role to inhabit and to explain (as opposed to just assembling the documentary evidence, and inviting the audience to make of it what it will)."³⁹ The play's dramaturgy is skeletal, there is no narrative arc, the characters barely interact: the play is a lesson, and it is possible that the play's earnest, didactic evangelism could detract from its theatrical impact.

In *Diary of a Bad Year* (2007), one of Coetzee's narrators imagines a ballet called *Guantanamo, Guantanamo!* which extravagantly dramatises and critiques prisoner abuse at Guantánamo. After a description of its aesthetic flourishes, the narrator briefly concludes that it "will have absolutely no effect on the people it targets, who could not care less what ballet audiences think of them."⁴⁰ The criticism of political art here is that it is aesthetically absurd, morally self-important, and politically toothless, and although it may be cynical, this critique should be taken seriously. This critique primarily draws on the idea that the audience for political art is self-selecting, and that the perpetrators of violence to whom it is addressed are not interested in or affected by it. The audience for *Honor Bound* will also be self-selecting, and its message may meet with little resistance from its audience. This is important, because

³⁷ See a collection of positive press, from which these remarks were taken, at <http://www.tricycle.co.uk/about-the-tricycle-pages/about-us-tab-menu/archive/archived-theatre-production/guantanamo-honor-bound-to-defend-freedom/>, accessed 12/12/2010. Negative press is dealt with in the following two notes.

³⁸ Christopher Piatt, 'Untitled Review: *Guantánamo: Honor Bound to Defend Freedom*', *Time Out Chicago* (19/02/2005), available at <http://timeoutchicago.com/arts-culture/theater/40019/guantanamo-honor-bound-to-defend-freedom> (accessed 12/02/2011).

³⁹ David Edgar, "Enter the New Wave of Political Playwrights", *The Guardian* (28/02/2010), available at <http://www.guardian.co.uk/stage/2010/feb/28/david-edgar-new-political-theatre> (accessed 12/02/2011).

⁴⁰ J.M. Coetzee, *Diary of a Bad Year* (London: Vintage, 2008), p. 37.

the play's persuasive potential will be wasted on the already persuaded, and high-profile hegemonic productions such as *24* remain to a great extent unchallenged. Nonetheless, the play is significant, because it has been performed globally and in front of congress; it has had a material effect in the reframing of the GWOT. The next text discussed here, *The Road to Guantánamo*, has had a greater impact on the field of intelligibility that allows torture to be justified, due to its wider reach and the fact that it was broadcast on television.

5.2: Four Boys From Birmingham: *The Road to Guantánamo* (2006)

In late 2001, three young Muslim men from Tipton in Birmingham went to join a friend in Pakistan for his wedding. While the four were exploring Karachi in October, they decided to take an exploratory trip to Afghanistan; while they were there the US-led invasion began, and as they attempted to return to Pakistan they were captured by the Northern Alliance. As they were assumed to be foreign fighters associated with the Taliban, they were incarcerated in Sheberghan prison and Kandahar airbase in Afghanistan, and eventually Camps X-Ray and Delta at Guantánamo Bay. One of the men, Monir, was lost before their apprehension and has never been found. Michael Winterbottom and Matt Whitecross' docu-drama *The Road to Guantánamo* narrates the story of their treatment: interleaving testimony from the three surviving friends – Shafiq Rasul, Asif Iqbal and Ruhel Ahmed – with a dramatisation of events, the film represents a powerful iteration of the false positive narrative. In this section of the chapter, I describe the intervention in the torture debate that this text represents, arguing firstly that it explicitly challenges the pro-torture rhetoric of the GWOT and provides a space for empathy with the victims of torture, and secondly that it reveals both the concentrationary nature of GWOT torture policy and that it stages a revelation of the specific forms of torture used in Guantánamo and elsewhere.

5.2.1: Form, Rehumanisation, Frontality

The Road to Guantánamo, like *Honor Bound*, stages an explicit comparison of Rumsfeldian rhetoric with stories of individual prisoners. Winterbottom stated in an interview that his intention in the film was

to contrast the messiness of reality and real people's lives and of who they are with the simplicity of Bush and Blair's insistence that they know these people, they're bad people, that it's a fight of good against evil, it's a war against terror. All these absolutes are so deceptive and so misleading. If you just look at the details of their experience, it makes you realise that things are not like that in the real world.⁴¹

Winterbottom's statement again appeals to the revelation of the "reality" of torture, and his explicit intent to confront the official rhetoric of the architects of the GWOT reveals the purpose of truth claims such as those made by Lartéguy, Pontecorvo and Dieckmann: the revelation of truth always works in opposition to and in competition with existing ideas. The film is a deliberately "contestatory" narrative that, as Bruce Bennett argues, will be read not "as a singular historical document, but rather as a complicating account that qualifies or puts into play other accounts of the war and that, in turn, will be read in relation to them."⁴² The film deliberately renegotiates the frame through which the GWOT is made legible by its apologists by positioning its narrative in antagonism to theirs.

There are three significant moments in the film in which members of the Bush administration speak. The first is at the beginning of the film, when Bush himself states that "the only thing I know for certain is that these are bad people. And we look forward to working closely with the Blair government to deal with the issue." The second is when Rumsfeld states, when describing the conditions of captivity in Guantánamo, that "the fact remains that the treatment is proper, and there's no doubt in my mind that it is humane and appropriate and consistent with the Geneva Convention for the most part." The final quotation, from Bush, is from a press conference in which he entreats his audience to "[r]emember these are, the ones at Guantánamo Bay, are killers. They don't share the same values we share." Whenever these quotations appear, they are explicitly refuted by what follows in the narrative: the opening quotation about "bad people" precedes a reconstruction of a domestic scene as Asif gets ready to leave for the airport, and Rumsfeld's words about humane conditions of captivity are followed by several scenes in which prisoners are seen kneeling in sensory deprivation apparatus in the Cuban sun. These juxtapositions, much like

⁴¹ No Author Credited, *Road to Guantanamo Production Notes*, available at <http://static.theacia.com.au/reviews/r/road-to-guantanamo-production-notes.rtf> (accessed 12/09/2011), p. 12.

⁴² Bruce Bennett, "Cinematic Perspectives on the 'War On Terror': *The Road To Guantánamo* (2006) and Activist Cinema", *New Cinemas: Journal of Contemporary Film*, 6: 2 (2008), p. 114.

the sarcastic use of positive description in *Honor Bound* or the juxtaposition of Mathieu's Counterrevolutionary War Theory with indiscriminate roundups in *The Battle of Algiers*, highlight the gap between rhetoric and reality.

The film has three interleaved visual registers. One is a narrative reconstruction of the story of the Tipton Three, starring Riz Ahmed (Rasul), Farhad Harun (Ahmed), Arfan Usma (Iqbal) and Waqar Siddiqi (Monir). The second is composed of interviews with the three surviving ex-prisoners. The third is the archival material and newsreel footage that is peppered through the film, in which Rumsfeld and Bush appear. Here I want to discuss the interviews and argue that these testimonials, in which the speakers are positioned frontally, facing the audience, are also an example of an ethical Levinasian encounter as seen in *Standard Operating Procedure* and *Honor Bound*. Although *Winterbottom* and *Whitecross* do not use a camera apparatus such as the Interrotron, the effect of the direct address is similar to that generated by *Morris*: the audience are again presented with frontal address which compels an audience to engage with controversial figures.

Again, audiences are not obliged to sympathise with the interviewees on screen – the speakers are simply presented to an audience and given a vital space in which to contest the rhetoric used to label them as terrorists. Although their story – in which they claim that they were in Pakistan for Asif's wedding, and that they visited Afghanistan in order to help ameliorate the humanitarian situation and not to attend militant training camps – is a persuasive account of injustice, their innocence is not the only point of this counternarrative. It demonstrates that the path to Guantánamo is arbitrary, full of ambiguity, and much more complex and messy than is suggested by the oversimplified frame through which Rumsfeld and Bush seek to make the GWOT intelligible, in which they claim that they can establish with certainty that every person in their captivity is a killer. Allowing the prisoners to speak both introduces complexity into the debate and helps to undermine the demonising essentialism of the rhetoric that identifies Muslims as suspicious.

However, the testimony of prisoners is by no means an unproblematic register. Badiou's critique, discussed above, in which he argues that admission to the field of human intelligibility – which is what is at stake in the ethical act of recognition – is contingent upon being politically palatable to Western elites, could be relevant. To what extent, for example, are the Tipton Three, for example, always already recognisably human because of their innocence, their fluent English, and their status as British citizens? However, to address this critique, it must be remembered that this film gives audiences an encounter with falsely accused terrorist suspects, which is very different from giving audiences an encounter with

actual terrorists. Rather than revealing the terrorist as a sympathetic figure, as does Pontecorvo in *The Battle of Algiers*, *The Road to Guantánamo* reveals that the mythologised



FIGURE 5.1: FRONTALITY: SHAFIQ RASUL

discursive figure of the “terrorist”, and the rhetoric that identifies everyone in Guantánamo as “terrorists”, is a strategic ideological fiction that forms part of a militarist discourse that justifies torture. Much as *Standard Operating Procedure* rejected the characterisation of the Abu Ghraib MPs as “bad apples” and focused on their accounts of events, *The Road to Guantánamo* rejects the discursive category of the “terrorist” as a meaningful way of discussing Guantánamo, instead focusing on the revelation of the humanity of three people to whom this dehumanising label had been applied.

5.2.2: Torture, the Concentrationary, and the Field of Intelligibility

In this section I discuss the dramatic element of the film. Firstly, I argue that this section of the film is a powerful false positive narrative, and secondly, I will argue that the film reveals the concentrationary and disciplinary nature of the prison archipelago of the GWOT. Finally, I will discuss the effect that the film has upon the field of intelligibility through which torture is made legible.

The film is a false positive narrative. As we saw in the above discussion of *Rendition*, with which I shall contrast *The Road to Guantánamo*, through narrating the story of an innocent bystander who is caught up in torture, the false positive narrative trope provides a position from which a clear argument against torture can be made both in terms of its moral repugnance and in terms of its military inefficiency; stories of this kind are frequently found throughout the literature on torture because so many victims of torture are innocent bystanders caught up in dragnet interrogations. Indeed, the entire rationale for indefinitely detaining prisoners in Guantánamo is their supposed military intelligence value, so reframing debate in such a way as to challenge the intelligence value of torture interrogation is an effective way to challenge this dubious justificatory rhetoric.

The Road to Guantánamo dramatises the way that the three were caught, the way they were shuttled between prisons, and it dramatises the absurd allegations that were made against them. Further, it shows the fact that positional torture and exposure to regimes of sensory deprivation were used to force them into admitting guilt. As mentioned above, all three admitted to training for jihad at the Al-Farouq camp in Afghanistan despite residing in the UK throughout the time they were accused of attending the camp. The key piece of evidence that they were forced into corroborating was a video of a rally at which Osama bin Laden was giving an address; interrogators asserted that Rasul, Ahmed and Iqbal corresponded to three figures in the crowd at this rally. However, as Clive Stafford Smith writes, the three “were not the three shady figures beside Bin Laden in [a] videotape – at the time it was made in 2000, they were in Birmingham.”⁴³ There were employment records for all three and records of the community service and court attendances of Ahmed and Iqbal. The previous chapter is critical of the false positive narrative as represented by *Rendition*, but here I argue that *The Road to Guantánamo* represents a more effective critique than *Rendition*. Throughout the film the innocence of the prisoners is stressed, so the film’s structure does not implicate the audience in the hermeneutics of inquisition referred to above, in which the audience is invited to guess whether or not torture and mistreatment are effectively pressuring the subject of torture into revealing their “true nature”. It is simply stressed throughout that the three are innocent and are being mistreated. Finally, it does not impose closure: although the three prisoners have been released, and the film closes on footage of Asif’s delayed wedding, it is also underscored that Guantánamo remains open and that five hundred prisoners, at that time, remained imprisoned there. This equivocal ending,

⁴³ Smith, *Bad Men*, p. 274. See also Rose, *Guantánamo*, p. 119-120.

which places dual emphasis on their freedom and on the irresolution of the related political contexts, is important: at the same time as it demonstrates that justice is possible, it emphasises that it has not been fully achieved. Whereas *Rendition* defuses the issues it raises through its narrative closure, *The Road to Guantánamo* stresses both that justice is possible for those falsely imprisoned in Guantánamo and that there is more effort that needs to be expended before the injustice is finished.

The false confessions are shown to have been made under extreme duress. Again, comparison with *Rendition* is illustrative: the moment of Anwar's confession in *Rendition* precipitates a dilemma for Douglas Freeman, who is forced to meditate on whether torture has proven effective. It is only upon the demonstration of the falsity of Anwar's information that he concludes that torture has definitely not worked and therefore is definitely wrong. For Freeman, the demonstration of its lack of utilitarian justification is what provides his initial deontological misgivings about torture with an empirical basis. Here utilitarian considerations are seen to be primary, because they are practical and empirically verifiable, and deontological objections to torture are seen to be emotional and intellectually secondary: I argued above that the false positive narrative as found in *Rendition* is problematic because, by arguing that innocent people should not suffer political torture because it is useless, it provides insufficient resistance to the notion that those who do in fact pose a threat should suffer torture. Even Rumsfeld, for example, would agree that torturing the innocent is wrong. However, the moment of confession in *The Road to Guantánamo* differs, because its revelation of torture's power to force people to self-incriminate comes in a different context. Whereas Anwar falsifies specific information that his interrogators need for the solution of an imminent problem, the Tipton Three simply confessed to involvement in terrorist training activity. Asif, in interview, says simply "I said it was me." Accompanying this are reconstructed scenes showing sensory deprivation and stress positions. However, it has been clear throughout the film that the three men are innocent – whereas Anwar is left ambiguous to enough of an extent to accommodate doubt – so rather than placing an audience in a position in which they have to evaluate the utilitarian rationale for torture, *The Road to Guantánamo* simply shows that torture is sufficiently unpleasant for the innocent to self-incriminate. Whereas in *Rendition* the moment of confession is an opaque moment, designed to raise questions about the permissibility of torture, in *The Road to Guantánamo* the moment of confession is transparent, designed to confirm emphatically that torture is wrong. Centrally, it demonstrates that the exhausting and deranging effects of torture are central to its inability to generate truth: when placed under enough duress, captives will confess to

whatever they are accused of, making the information collected tautologous, self-confirming and redundant. Deontological objections to torture are therefore made central – and not secondary – to a utilitarian objection to torture, because the profoundly damaging nature of torture is central to its inability to function as a tool of intelligence work.

The revelation of specific torture techniques is also important. Summarising their legal testimony, Brittain writes:

Shafiq Rasul, Asif Iqbal and Ruhul Ahmed have set out the degradation they and their colleagues of many nationalities suffered: shackling in a bent position to a ring in the floor for hours or days, isolation for weeks or months, being held naked, kept in freezing air conditioning, sleep deprivation, near-starvation, imposed injections, forced shaving of hair and beard, withholding of family mail, refusal of medical attention, beatings, interrogations, psychological torture to force false confessions or false testimony against others, being confronted with confessions they never made, sexual humiliation, being shown pornographic photos and videos.⁴⁴

There is no nudity in the film, sexual humiliation is not shown, and medical mistreatment is not represented, but every other technique on this list is shown in the film. Particular emphasis is placed on forced grooming, solitary confinement, exposure to music, and on stress positions. It is significant that these kinds of non-scarring, “clean” violence are revealed as torture, and as leading to the extortion of false confessions, because as I argued in the introduction, the deniability of the suffering that can come from comparatively messless physical interventions is one of the factors that can lead to their normalisation. It may not be immediately clear what is unpleasant about a clean torture, and by representing such techniques forcefully *The Road to Guantánamo* demystifies these techniques.

In addition to showing torture for the purposes of interrogation, the film also underscores the severity of the discipline in captivity. Movement, for example, is heavily policed: whenever prisoners are required to move from one place to another, they are hooded and frogmarched, for example, and prisoners are prohibited from pacing in their cells because of an injunction against exercising. However, as David Rose writes, in Guantánamo “the

⁴⁴ Victoria Brittain, “Britain is Complicit in this Horror”.

default sanction used to uphold its Draconian but ever-flexible rules is physical violence.”⁴⁵ *The Road to Guantánamo* shows how in Camp X-Ray, minor infractions of the labyrinthine rules incur punishment from the Extreme Reaction Force (ERF), which, as Shafiq summarises, “was five soldiers in riot gear who come into your cell. Their job was to secure you.” The literature on Guantánamo Bay varies on the exact name for the ERF: David Rose establishes Extreme or Internal Reaction Force, whereas Clive Stafford Smith finds Emergency Reaction Force or Extreme Repression Force, and Moazzam Begg uses Initial Response Force.⁴⁶ However, what remains consistent is the characterisation of the ERF as a unit that used deliberately disproportionate and intimidating violence against prisoners. It is valuable that *The Road to Guantánamo* reveals the disciplinary nature of the violence in Guantánamo.

All of the prisoners in *The Road to Guantánamo* are Muslims, and this is made clear in order to demonstrate the biopolitical dimension of the prison: that it is a space designed for America to imprison Muslim men. Most significant is the way that anti-Muslim prejudice is shown to be a common part of discipline in Guantánamo. Prisoners are yelled at for praying, and there is a moment where a soldier upsets the prisoners by kicking a copy of the Qur’an around a cell. However, most significant is an episode in which Asif is caught praying by a soldier. “What are you doing, you praying like a Muslim?” he asks. The remarks that follow reveal the extent to which those prosecuting the GWOT understand the values of Islam and the West to be mutually irreconcilable. “What the hell are you doing? I thought you were a Brit. What about your Queen?” Here the soldier reveals that he considers citizenship of a Western nation to be fundamentally mutually exclusive with the maintenance of any Islamic identity; he also reveals that prayer is seen by the soldiers to be a suspicious behaviour, a form of evidence that Asif is in fact a terrorist. Islam and terrorism are seen by the soldiers as mutually reinforcing, as necessarily intertwined. We will see this developed in *Guantánamo* below, as the interrogators in that text seek evidence that prisoners are in fact Muslim in order to corroborate their claims that they are terrorists.

There is an important caveat to this. The representation of prison guards in *The Road to Guantánamo* is more nuanced than the other two texts in this chapter. They are absent from *Honor Bound*, and in *Guantánamo*, as we will see below, they are simply represented as disembodied yelling voices or as agents of violence. There is much violence against prisoners

⁴⁵ Rose, *Guantánamo*, p. 75.

⁴⁶ Rose, *Guantánamo*, pp. 68-75. Smith, *Bad Men*, p. 9. Moazzam Begg, *Enemy Combatant: The Terrifying True Story of a Briton in Guantánamo* (London: Pocket Books, 2007 [2006]), p. 296 and pp. 317-8.

in *The Road to Guantánamo*: prisoners are frogmarched, beaten, yelled at, and subjected to stress positions and religious humiliations. However, there are two situations in which the soldiers exhibit compassionate behaviour towards the prisoners. Firstly, Shafiq tries to bond with a fellow prisoner by rapping, and a guard asks to listen. Secondly, a guard makes his way into Asif's cell in order to protect him from a tarantula. These two episodes in the text complicate the representation of prison staff: like *Standard Operating Procedure*, which undermines the stereotype that the Abu Ghraib MPs were unreflective torturers, *The Road to Guantánamo* acknowledges the complexity of relationships in prisons. Although these two glimpses into the humanity of perpetrators clearly does not remedy or redress any of the violence they perpetrate, it does provide important depth to an audience's understanding of the prison.

Finally I will discuss the film's revelation of the GWOT prison network. Upon capture, the three are moved from Sheberghan prison in North Afghanistan through Kandahar airbase and finally onto Camp X-Ray – which Ruhel describes as “a zoo” – and Camp Delta at Guantánamo. This element of the narrative, which traces prisoners' routes through the concentrationary archipelago of the GWOT, is significant, as it emphasises that Guantánamo is not unique – that is, that it is only one prison in a network of prisons. It is also significant that the film dramatises the conditions of captivity. Barbed wire and the wire structure of the cages are constantly emphasised, as characters are frequently shot through several layers of wire. This sustained revelation of the conditions in which Muslim prisoners are incarcerated is significant – by 2006, when the film was released, many audiences will have been familiar with documentary photography of Guantánamo Bay, and by placing such images in an intelligible narrative context the film fleshes out many important details of life in the camp.

The narrative sections in Camp X-Ray are punctuated with archival shots of guards in watchtowers, and whilst on one level these images are straightforwardly referential – they simply reveal what the camp looks like – this archival footage is, of course, also heavily resonant with historical meaning: *The Road to Guantánamo* draws on a visual lexicon familiar from photography of concentration camps. The effect of this is reasonably straightforward; it is a polemic accusation about the form taken by incarceration in Guantánamo, and whilst the film's accusation is not as crass as simply comparing Guantánamo to Auschwitz, the film certainly locates Guantánamo within a trajectory of inhumane disciplinary spaces in which power is exercised brutally and arbitrarily.



FIGURE 5.2: ARCHIVE IMAGE OF GUANTÁNAMO BAY TAKEN FROM *THE ROAD TO GUANTÁNAMO*

It is also significant that this film was made for television. *24* has a huge global audience and *The Centurions* sold half a million copies, so in order substantially to oppose the discourses that justify torture an approach that can reach a broad audience is important. The limited reach of political art is another element of Coetzee's narrator's critique in *Diary of a Bad Year*, and although it was broadcast in the late night documentary slot on Channel Four it is significant that *The Road to Guantánamo* had the potential to reach a wide audience. Indeed, it was released simultaneously on DVD, in cinemas, and online, in order to reach as wide an audience as possible as quickly as possible.⁴⁷ The activist dimension of the film has many dimensions, then: in its attempt to reframe the field of intelligibility through which GWOT counterterrorism is legible, the film highlights the nature of specific injustices done to individuals, it reveals the nature of the clean violence perpetrated in Guantánamo, and it makes explicit the concentrationary nature of the camp.

5.3: The Orange in the Lager: *Guantánamo* (2004)

Dorothea Dieckmann's 2004 novel *Guantánamo* follows its protagonist Rashid Bakhrani, a German prisoner in Guantánamo, from his arrival in Cuba, through life in Camp X-Ray, and

⁴⁷ No Author Credited, "Web 'First' for Guantánamo Film", *BBC News*, available at <http://news.bbc.co.uk/1/hi/entertainment/4708148.stm> (accessed 12/09/2012).

finally into Camp Delta. It has six brief sections and each is separated from its predecessor by an indeterminate space of time; this allows Dieckmann to collapse a great expanse of time into six short but rich snapshots. The content of the novel represents Rashid's interior experience. Details of Rashid's home life, family and capture are interspersed throughout the novel in flashback form. The text ends without Rashid's release, stressing the continual irresolution of indefinite detention. The novel is a complete fiction, although in her author's note Dieckmann insists that it is based on rigorous research, in order, once again, to tell the truth about Guantánamo.

Dieckmann's novel is necessarily a political text. Martin Reiker observes that *Guantánamo* is political in a Brechtian sense – placing emphasis on the effects of extreme conditions on the individual – but with Brecht's characteristic analysis of individual choice removed.

[The novel] is political in the Brechtian sense, in that it constructs a rhetorical model of a person subjected to a particular set of circumstances – in this case, to techniques of institutionalised oppression. Yet this comparison quickly breaks down, because in Brecht characters are faced with ethical quandaries and the experiment is to see what will result from the choices they make. Dieckmann, in contrast, gives us a narrative emptied of choice. There is no ethical quandary within the pages of *Guantanamo* (there is certainly an ethical quandary off the page, where the reader must decide how to respond to this stark portrayal of imprisonment and torture), but for the character there is no decision; there is only circumstance.⁴⁸

I am not convinced that it is helpful to invoke Brecht here; all kinds of political fictions frequently analyse complex situations, alternatives, and difficult choices in specific conditions. Nonetheless Reiker is right that Dieckmann's description of prison life stresses how the removal of prisoners from the systems of normative law totally strips them of agency and control of their own lives. Rashid can make no meaningful decisions, and cannot improve his circumstances, even through cooperation with his captors. Describing life in the

⁴⁸ Martin Reiker, "*Guatánamo* [sic] by Dorothea Dieckmann [review]", available at <http://quarterlyconversation.com/guantanamo-by-dorothea-dieckmann-review>, (accessed 12/07/2010).

thanatopolitical institution, that is, the disciplinary institution which seeks to dehumanise the population that it houses, Dieckmann's novel maps the ways that this dehumanisation is experienced by Rashid.

Dieckmann constructs a very closed and oblique description of life in the institutional conditions of Guantánamo. As well as describing the prisoner's total lack of agency, Dieckmann's use of psychological interiority presents a trenchant, although oblique, commentary on the psychological effects of indefinite detention and torture. The narrative all comes from Rashid's constrained and disorientated perspective, describing the effects of Camp X-Ray on his isolated and confused subjectivity. On the first page of the text, Dieckmann writes that "he's locked in his own body, paralysed [...] his head is shut, nothing can get in or out."⁴⁹ Later in the first chapter she writes that "he's confined to his skull, no way forward and no way back."⁵⁰ Although she is describing the effects of a sensory deprivation hood on Rashid's self-perception, these sentences provide a fitting metaphor for the narrational form of the novel. At all times the text rigidly adheres to Rashid's perception of events, locking us inside his perspective so that we share his confusion; as Michel Faber writes, "[a]t no stage is the outside world permitted to restore some semblance of an objective perspective: we are trapped inside Rashid's increasingly diminished consciousness."⁵¹ Significantly, the use of psychological interiority as a narrative strategy is also a form of rehumanisation, even as it describes suffering and dehumanisation: to admit that a terror suspect has a complex and emotional inner life is to admit him to the sphere of the human and to resist the neocolonial discourse described in the preceding sections of this chapter. Describing Rashid's complex and human psychic life undermines and refuses such bestialising discourse even as it demonstrates its effects. Where *Honor Bound* and *The Road to Guantánamo* create an ethical encounter with the face of the prisoner, *Guantánamo* emphasises the thoughts and emotions of the prisoner. The text also addresses the biopolitics of the camp. The disciplinary technologies of Guantánamo produce a specific biopolitical population, which Dieckmann names, after the jumpsuits, "oranges." This section of the chapter discusses the text's approach to biopolitics and the exception in more depth below,

⁴⁹ Dorothea Dieckmann, *Guantánamo*, trans. by Tim Mohr (London: Duckworth Overlook, 2008 [2004]), p. 1. Unless particular attention is paid to the use of language or sentence structure, for the sake of convenience this text will quote Mohr's translation.

⁵⁰ Dieckmann, *Guantánamo*, trans. by Mohr, p. 4.

⁵¹ Michel Faber, "Scenes from an Execution", *The Guardian* (21/06/2008), available at <http://www.theguardian.com/books/2008/jun/21/saturdayreviewsfeates.guardianreview4>, (accessed 16/12/2010).

after a discussion of its narrational perspective, narrative frame and its representation of torture.

5.3.1: Torture

The novel at first seems to be providing the reader with a false positive narrative. The memories Rashid conjures in the first chapter are of innocent tourism – mountain climbing in Katmandu, hostelling – and his capture by American forces at a demonstration he doesn't understand. Later Dieckmann writes, explaining Rashid's decision to go to Afghanistan, that for Rashid "[t]o go where a war had just ended was almost as exciting as going to war. Just not as dangerous. He hadn't been interested in the war anyway."⁵² Through narrative cues like this, the reader gathers evidence that Rashid is falsely imprisoned as he has no jihadi intentions. Although the false positive narrative frame allows for a critique of torture, however, it is not altogether unproblematic, because it often allows more complex questions to be sidelined. *Guantánamo* is valuable in this context, because it is more complex than many false positive narratives; crucially it engages with the problem of torturing the guilty.

Rashid's backstory is obliquely described through fragmentary and often contradictory flashbacks, which, when they resurface later in the novel, are difficult to separate from his paranoid hallucinations. During an interrogation in chapter three, several irreconcilable versions of his story arise, all of which seem plausible. Rashid accounts for his time in Afghanistan in short, simple statements:

I have no idea whether they were Taliban. No, I didn't know them, not before then. Al Qaida, no, I don't know anything about Al Qaida. I didn't understand much of what was said. Yes, Urdu, and Pashtun probably, and English. No Dari. I don't know – I can't speak Dari. Yes, it was a demonstration. I wasn't attending the demonstration, I just happened to be there. I'm not anti-America. No, I don't want to kill Americans.⁵³

These clear and polite responses seem to tally with the little background information that the reader knows of Rashid so far; such self-explanation also tallies with the many false positive

⁵² Dieckmann, *Guantánamo*, trans. by Mohr, p. 28.

⁵³ Dieckmann, *Guantánamo*, trans. by Mohr, pp. 62-63.

stories of Guantánamo, such as those we see in *Honor Bound* and *The Road to Guantánamo*: Rashid seems like a naïve twenty-year-old who made a wrong decision on his travels and very quickly got out of his depth.

The interrogator has no patience with such simple explanations, however, and yells his counterstory at Rashid:

You wanted to support the Islamic fighters. You had already established contact with them in Hamburg, which is a hive of Islamic militant activity. Most Afghani refugees in Peshawar are Taliban. You were probably a go-between for the groups in Hamburg and the fighters in Peshawar.⁵⁴

The accusations have a superficial credibility to them – supported by the mention of Hamburg, Rashid’s hometown and epicentre of the radicalisation of Mohamed Atta – which the reader does not have adequate information to refute. Rashid appears to panic at this point, and unpredictably claims to be in fact somebody else, Leo Erxleben.⁵⁵ Losing patience, the interrogator orders Rashid’s torture: Rashid is locked in a refrigerator and then put in a position called the “eagle”.⁵⁶ After this torture Rashid confesses:

I’m an enemy, a dangerous enemy. This is a war. There are secrets. I’m not going to squeal. It’s a life and death struggle. That’s why I’m here. I’m a warrior. I know what side I’m on. I’m not going to negotiate. I want to kill Americans. The war is not over.⁵⁷

This self-incrimination seems confrontationally confident and unambiguous. However, there are at least three possible readings of Rashid’s contradictory story, and here we can observe the reader’s ethical quandary to which Reiker refers above. First, we can assume Rashid has become confused and has actually forgotten what is true and what is false; secondly, perhaps he is lying to please his torturers; third, and most problematically, maybe he is actually guilty of some form of terrorist-related activity and he has been caught by his interrogators. There is

⁵⁴ Dieckmann, *Guantánamo*, trans. by Mohr, pp. 65-66.

⁵⁵ Dieckmann, *Guantánamo*, trans. by Mohr, p. 68.

⁵⁶ “He manages to crane his head and sees the legs of a chair on his hands, and the boots and camo pants of someone sitting on it.” Dieckmann, *Guantánamo*, trans. by Mohr, p. 73.

⁵⁷ Dieckmann, *Guantánamo*, trans. by Mohr, p. 80.

supporting evidence for each position later in the text. The first assumption is borne out by Dieckmann's observations at several points that Rashid seems to have lost a sense of the reality of his own life: "Sometimes for a second he remembers what it was like to be Rashid."⁵⁸ As well as referring to the effects of extreme disciplinary confinement, this demonstrates that Rashid's self-representation is unreliable. In the final chapter Dieckmann describes the unreliability of Rashid's words: "they asked him again about Peshawar. He described everyone there despite the fact that he wasn't sure anymore which ones were real."⁵⁹ The second reading is borne out by much of the other detail in the novel: he describes his home life and his girlfriend Jenny, and never seems to remember anything about any terrorist activity apart from during his interrogations, during which time he doesn't seem to be able to distinguish between memory and invention. However, having a girlfriend and a family does not preclude people from participating in political violence, and as Rashid confesses to being an Islamist warrior he inwardly insists that he has to "stick to the truth," which would seem to support the third reading.⁶⁰

Dieckmann's strategy here is to make the truth of Rashid's situation impossible to fix, the most interesting effect of which is to introduce the possibility of guilt into the situation, and to force the reader to address the possibility that torture has worked. This inclusion of the possibility of guilt forces the reader to reassess Rashid as a character and, more importantly, to consider whether the apparent success of torture has justified it. Other false positive texts include coerced confessions, but foreground explicitly the untrue nature of the self-condemnations in order to make their point about the power of torture to force such false confessions. *Guantánamo*, whilst remaining critical of torture, does not explain itself, and this ambiguity is a great strength. We are never presented with a definitive answer to whether or not Rashid is in fact innocent, and the point of this is to demonstrate that torture is absolutely the worst way to establish the truth of such a question. Further, it demonstrates that even if Rashid is guilty, torturing him cannot clarify his story. Rashid's unreliability under interrogation is a refutation of the necessity justification for torture: even when torture seems to work on a guilty person it does not produce meaningful information. This also demonstrates the deranging effect of torture, which is central to its inability to generate truth: deontological objections to torture are again made central to a utilitarian objection to torture.

⁵⁸ Dieckmann, *Guantánamo*, trans. by Mohr, p. 85.

⁵⁹ Dieckmann, *Guantánamo*, trans. by Mohr, p. 74.

⁶⁰ Dieckmann, *Guantánamo*, trans. by Mohr, p. 73.

Much of Dieckmann's writing is composed of long, dense paragraphs of sparsely denotative sentences. Some of the sentences are long, awkward and paratactic, others short, curt, and clipped. Dieckmann describes suffering with the same analytical precision as she describes clothes, food, and indigestion. For example, as Rashid kneels on gravel: "He doesn't dare move. He must wait, breathe, wait, breathe. His weight is poorly distributed, and from weight comes pain, meaning the pain is poorly distributed, too. There's too much pain in his knees, too little in his feet. Just don't move."⁶¹ The detail of the monotone has the effect of showing how physical suffering becomes routine in a total disciplinary institution. The torture represented in the text is also written with the same affectless tone. "He's in a freezer. He can hear himself breathing, in, out, and each time he does he can see a puff of fog blow from his mouth. Steam comes off his skin. The warmth of his breath dissipates as it hits the walls. The only thing alive in here is him. No handle. He pounds on the wall he thinks is a door."⁶² Dieckmann's writing focuses on Rashid's experience of pain, and its lack of hyperbole reflects Scarry's assertion that the "resistance to language" of pain "is not simply one of its incidental or accidental attributes but is essential to what it is."⁶³ Attempts to articulate the experience of pain frequently end in failure, so Dieckmann limits herself to describing conditions. Significantly, much representation of torture revolves around "the verbal sign of the weapon", the description of the technique, which can be "invoked not to coax pain into visibility but to push it into further invisibility".⁶⁴ By focusing on the little of Rashid's experience that she can convey – the effects of suffering in the body of the victim – rather than a description of the technique or the weapon, Dieckmann insists on the physical presence and direct immediacy of suffering.

5.3.2: Guantánamo as Camp

Several languages are present in Dieckmann's text, and American English frequently surfaces as the language of the oppressor. In the first chapter, several registers are observable for the language associated with Rashid's captors. The first is a repeated lie: "*Don't move, don't worry, you are being taken home.*"⁶⁵ The second is the gently firm questioning that will

⁶¹ Dieckmann, *Guantánamo*, trans. by Mohr, p. 11.

⁶² Dieckmann, *Guantánamo*, trans. by Mohr, p. 70.

⁶³ Scarry, *The Body in Pain*, p. 5.

⁶⁴ Scarry, *The Body in Pain*, p. 13.

⁶⁵ Dieckmann, *Guantánamo*, trans. by Mohr, pp. 11, 13, 21, 28. Emphasis in original.

become more forceful later in the novel.⁶⁶ The final, and most frequent, is the abusive command: “*If you don’t stop*, he snarls, *I’ll chain you up for the rest of the fucking night.*”⁶⁷ Later, shouted instructions take the form of hard streams of imperative verbs: “*head down, don’t move, shut up, go-go-go.*”⁶⁸ These registers, which either demand or deceive, show the use of particular forms of speech act – the deception, the question, the barked order – as tools of neocolonial discipline.

During the interrogation Dieckmann observes that violence itself is “a clear, transparent language.”⁶⁹ For the majority of the interrogation Rashid struggles to understand, having to communicate through translators he doesn’t trust; however, once violence enters the situation, everything seems to become clear to Rashid. “Its tones and intonations and the gestures and actions and impressions they’ve left on his body – it all fits together somehow.”⁷⁰ This dovetails with the thought of Fanon, Mbembe, and Wadiwel, discussed in Chapter Two, who observe that colonial biopolitics are expressed through violence and the capacity to wound or be wounded. Through the application of violence at the point where language fails, disciplinary power relationships are unambiguously expressed. This substitution of force for linguistic communication expresses the colonial biopolitical dynamic of Guantánamo.

The disciplinary dimensions of the camp go beyond the use of violence, however. The *Muselmann* was the form of bare life produced by the biopolitical space of Auschwitz, and in a similar disciplinary dehumanisation the global prison network of the GWOT produces its own extreme form of bare life. As discussed above, a biopolitical system that can manufacture politically useful populations can also manufacture their opposite: an atomised population of individuals without community. The “oranges” to which Rashid frequently refers constitute Guantánamo’s dehumanised biopolitical product. The prisoner in the cell next to Rashid, Tarik, is the origin of the word: “*Orangutans* Tarik calls them – and himself with them. Or just *orangs*. Sometimes *oranges*.”⁷¹ Throughout the text Rashid refers to the prison population as “oranges”, and he frequently mentions the way that the colour of the boiler suits saturates life in the camp.

In the fourth chapter Rashid begins to forget his name, as it is so long since anyone has used it when addressing him. “To the interrogators he’s *Mr. Bakhrani*. To the MPs he’s

⁶⁶ Dieckmann, *Guantánamo*, trans. by Mohr, p. 26.

⁶⁷ Dieckmann, *Guantánamo*, trans. by Mohr, p. 95. Emphasis in original.

⁶⁸ Dieckmann, *Guantánamo*, trans. by Mohr, p. 23. See also pp. 16, 26, 27, 29. Emphasis in original.

⁶⁹ Dieckmann, *Guantánamo*, trans. by Mohr, p. 74.

⁷⁰ Dieckmann, *Guantánamo*, trans. by Mohr, p. 74.

⁷¹ Dieckmann, *Guantánamo*, trans. by Mohr, pp. 29-30. Emphasis in original.

sand nigger or *towelhead* or *fucking terrorist*. Outside, the escorts call him *guy* or *man* or *two-O-four*. The number 204 is stitched on the light blue band practically fused to his wrist.⁷² As well as demonstrating the use (and effects) of explicitly racist demonising language, this shows us that the prisoners are treated as part of a biopolitical underclass, an undifferentiated mass, and that such treatment is self-amplifying: when his name is never used, it starts to disappear. In the final chapter, when the prisoners have been moved into cells in Camp Delta, Rashid sees his reflection in his metal basin, and his face “looks as if it doesn’t belong anywhere but here inside these metal boxes”.⁷³ Geoffrey Robertson observed in 2006 that there was “mounting evidence that, allegations of beating and torture and Koran-abusing aside, the conditions in which they have been held for that period have deeply affected their minds and personalities, reducing them to states of ‘learned helplessness’ and despair.”⁷⁴ It is this psychological disintegration that Dieckmann’s observations about prisoners becoming oranges are designed to communicate to the reader. When the prisoners of Guantánamo develop learned helplessness – a condition of passivity induced by repeated, unpredictable, and uncontrollable traumas – the work of Guantánamo’s disciplinary technologies in creating a subjugated prison population is visibly taking effect.

As Rashid spends more time in the camp, its routine and processes change him physically into a new person, giving him a prison body. In the second chapter, Dieckmann describes Rashid’s meal. “Every bite makes him even more of a prisoner: on the outside the orange outfit, and on inside his guts stuffed with the taste of the camp.”⁷⁵ The orange clothing defines him as a prisoner, and as he eats, he internalises his own dehumanisation. “His orange outfit gleams like the red wasteland behind his eyelids.”⁷⁶ He sees himself as orange both on the outside and within himself; he has begun to self-identify entirely as a prisoner. Earlier Dieckmann writes that Rashid’s enforced sedentary lifestyle has made him gain weight: “his body has enclosed itself in its own form of captivity.”⁷⁷ The disciplinary regime of the camp precipitates a metaphysical disintegration.

Nomenclature is significant. Dieckmann only ever uses the word “detainee” once, as it is transmitted over the camp loudspeaker in an official announcement.⁷⁸ At all other times,

⁷² Dieckmann, *Guantánamo*, trans. by Mohr, p. 86. Emphasis in original; in the German text, the italicised words are rendered in English.

⁷³ Dieckmann, *Guantánamo*, trans. by Mohr, p. 142.

⁷⁴ Robertson, *Crimes Against Humanity*, p. 538. See also M.E.P. Seligman, “Learned Helplessness”, *Annual Review of Medicine*, 23 (1972), pp. 407-412.

⁷⁵ Dieckmann, *Guantánamo*, trans. by Mohr, p. 44.

⁷⁶ Dieckmann, *Guantánamo*, trans. by Mohr, p. 76.

⁷⁷ Dieckmann, *Guantánamo*, trans. by Mohr, p. 32.

⁷⁸ Dorothea Dieckmann, *Guantánamo* (Stuttgart: Klett-Cotta, 2004), p. 48. Trans. by Mohr, p. 40.

she uses the word “prisoner” (*Gefangener*) in order to avoid sharing the legally illegitimate nomenclature of the Guantánamo authorities. “Detainee” translates as “*Häftling*”, one of the words used to describe prisoners in Nazi concentration camps; “detainee” and “*Häftling*”, then, are roughly equivalent terms: they are both dehumanising labels, used to denote prisoners whose rights and human status have been deliberately stripped from them. Avoiding the use of these terms and insisting on “prisoner” is a terminological gesture that aims to acknowledge the rights and humanity of the prisoners. Significantly, when Dieckmann writes of “the taste of the camp,” the phrase she uses is “dem Geschmack des Lagers”, showing that although she avoids the loaded word *Häftling* to describe the prisoners, she is prepared to use the equally loaded term *Lager* – rather than *Gefängnis* (“prison”), which would correspond to the word she chooses to use for prisoner, *Gefangener* – to describe Guantánamo specifically as a camp.⁷⁹ Although we have seen above how Guantánamo corresponds to the structure of exception and so can be understood as a camp in terms of Agamben’s theoretical definition, it is nevertheless significant to see it described as such in German, the language in which the camp as a space of destructive exception gained much of its notoriety. As well as “camp”, *Lager* carries many meanings, including “dump” and “storage”, which testify to its nature as a space for the non-human.

The German text features many words and scattered pieces of reported speech rendered in English, and there are also many Arabic excerpts from the later Qur’anic suras, which Rashid attempts to memorise. Towards the end of the novel, as Rashid starts to lose sense of himself, there are often passages where three languages are mixed:

Sie kommen von draussen und versammeln sich unter der Haut, *if we get your help, we’ll help you, das Höllenfeuer sei nun eure Wohnung, und ewig bleibt darin, eschedu enne Muhammeden ’abduhû ve rasûluh, ask your interrogators, antworten Sie, oder Sie warden Ihre eltern nie weidersehen, head down, er ist der Allweise und Allwissende, ask your interrogators, viel zu nah, viel zu laut.*⁸⁰

⁷⁹ Dieckmann, *Guantánamo*, p. 52.

⁸⁰ Dieckmann, *Guantánamo*, p. 95. Emphasis in original. Mohr’s translation reads: “The voices would float in from outside and gather beneath his skin: *If we get your help, we’ll help you, The Fire be your dwelling place: You will dwell therein forever, ash’hadu anna Muhammadan ’abduhu wa rasuluh, ask your interrogators, answer us or you will never see your parents again, head down, He is Oft-Forgiving and Most Merciful, ask your interrogators.* Far too near, far too loud.” pp. 88-89. Emphasis in original. The Qur’anic reference, “The Fire be your dwelling place: You will dwell therein forever”, is from Surah six, “The Cattle”, section 128; “ash’hadu anna Muhammadan ’abduhu wa rasuluh” is the end of the Sunni Tashahhud, an element of Salah (prayer) which translates as “I testify that Muhammad is His servant and messenger”.

These mixtures of interrogators' solicitations and Qur'anic text render the confusing polyglossia of the camp, whose international inhabitants are often as alienated from one another as they are from their American captors. The two voices of Guantánamo are the demands of the interrogator and the countervoice of prayer.

Islam saturates Dieckmann's camp: the loudspeaker continually broadcasts the calls to prayer, "the wail of the camp", reinforcing the depiction in *Honor Bound* of Guantánamo as a prison specifically for Muslims.⁸¹ "All the oranges are pressed up against the fences. They all turn their heads towards Mecca".⁸² Rashid himself is not a Muslim: before life in the camp, he has never read the Qur'an. However, the establishment of guilt during Rashid's interrogation often seems to be in parallel with the establishment of his religion: he frequently denies that he is a Muslim, as though adherence to Islam is equivalent to the guilt of terrorism. "I work in my father's shop. Yes, he's Muslim. No, I'm not Muslim. I never pray. Neither does my father."⁸³ This thesis has emphasised the conflation of Islam and terrorism in the hegemonic discourse of the GWOT: Dieckmann shows that the interrogator's insistence that he is an Islamic terrorist depends just as much on establishing that he is a Muslim as that he is a terrorist, as though one flowed automatically from the other. "He's Indian [Rashid's father is Indian, and his mother is German], and Muslim. America is against Muslims. He is one."⁸⁴ This schematic description of the ethnic basis of the American identification of Rashid as an enemy reveals the biopolitics of the GWOT. For the guards, evidence of Islam is evidence of terrorism.

To conclude, it is necessary to return to Kafka in order to address closure. As well as demonstrating the ways that the inhabitants of Guantánamo are legally defined by their availability to extralegal disciplinary violence, Dieckmann, in a Kafkaesque gesture, sketches Rashid's realisation that it is nobody's job to release him: that he is included within the law to the extent that he is endlessly accused of an offence that can never be legally discharged. "One of [the interrogators] said: *We don't have any idea when you'll get to leave, we're just here to do our job.* That's when the thought first hit Rashid that it wasn't anybody's job to release prisoners – that there was no plan, not even a secret one."⁸⁵ This returns us to the bureaucratic structure of Guantánamo, which is so convinced of the guilt of every prisoner

⁸¹ Dieckmann, *Guantánamo*, trans. by Mohr, p. 38. The German term is "die Lagerklage". Dieckmann, *Guantánamo*, p. 46.

⁸² Dieckmann, *Guantánamo*, trans. by Mohr, p. 35.

⁸³ Dieckmann, *Guantánamo*, trans. by Mohr, p. 58.

⁸⁴ Dieckmann, *Guantánamo*, trans. by Mohr, p. 66.

⁸⁵ Dieckmann, *Guantánamo*, trans. by Mohr, p. 144. Emphasis in original.

that it runs aground when it encounters innocent prisoners; there is no way to accommodate innocence in an entirely punitive disciplinary system. Solzhenitsyn observes that in Stalin's gulags, the difference between innocence and guilt was largely irrelevant, as "the very concept of *guilt* had been repealed by the proletarian revolution", and with it into irrelevance had retreated its opposite.⁸⁶ Guantánamo's inability to identify innocence is little different: in his chapter describing Guantánamo's tribunal process (introduced in 2006), Clive Stafford Smith observes that rather than being released or proven innocent, some falsely imprisoned prisoners were reclassified as NLEC, an acronym which stands for No Longer an Enemy Combatant; as such, the prisoners were acknowledged to pose no terrorist threat, but remained incarcerated nevertheless: "an enemy combatant could be held for the duration of the conflict, even if he was no longer dangerous."⁸⁷ Because the GWOT has as its impossible objective the eradication of terrorism and is as such without a clearly identifiable end point, this could theoretically entail full-life imprisonment without charge.

Butler remarks that Guantánamo is Kafkaesque in its effects.⁸⁸ For corroboration of this we could observe that in *The Trial*, Josef K is told by the painter that there are various ways of ending his trial process, none of which would end in actual acquittal – in fact, despite the nameless painter's encyclopaedic knowledge of the court, he has "never come across a single instance of actual acquittal."⁸⁹ The decentralised and bureaucratic nature of the court in *The Trial*, which invisibly saturates the entire city and for which nobody is individually responsible, also anticipates the diffuse and bureaucratic nature of Guantánamo's disciplinary governmentality. Whereas Kafka's protagonists, however, Josef K among them, often find the release of death, Rashid finds no such exit. Mirroring the potential endlessness of indefinite detention in Guantánamo, Dieckmann's novel ends with no decisive conclusion. Rashid remains in Camp Delta, receiving privileges but unreleased. Whereas *Rendition* defused the issue of political torture through a happy ending and *24* shows that torture solves intractable problems, *Guantánamo* leaves Rashid's story unresolved. This stress on irresolution is important: much like *The Road to Guantánamo*, readers cannot leave *Guantánamo* feeling that there is nothing more to be done.

⁸⁶ Aleksandr Solzhenitsyn, *The Gulag Archipelago: An Experiment in Literary Investigation Volume I*, trans. by Thomas P. Whitney (London: Book Club Associates, 1974 [1973]), p. 76. Emphasis in original.

⁸⁷ Smith, *Bad Men*, p. 157.

⁸⁸ Butler, *Precarious Life*, p. 62.

⁸⁹ Franz Kafka, *The Trial*, trans. by Douglas Scott and Chris Waller (London: Pan Books, 1977 [1925]), p. 176. See also pp. 174-185 for more detail on Kafka's gulaglike legal superstructure.

Conclusions

Addressing Guantánamo Bay as the visible tip of a global carceral network and demonstrating in more detail the complicity of the exception in the justification of torture, this chapter has read the ways that European literary and cultural representations of Guantánamo use the refocusing of the frame to highlight and interrogate the legality of torture and to rehumanise the victims of torture. These three European texts address GWOT torture on different terms to the American texts discussed in the previous chapter. All three explicitly reject necessity as a valid frame through which to discuss torture, showing that even if torture “works,” it remains both morally wrong and practically useless. Crucially, all three texts accept Islam in ways that acknowledge its separateness from terrorism. *Honor Bound* foregrounds the humanity of the prisoners, and describes the legal state of exception that makes possible the prisoners’ mistreatment. *The Road to Guantánamo* presents a high-profile activist narrative of three released prisoners, emphasising torture’s ability to coerce bad information and the irresolution of incarceration in Guantánamo. *Guantánamo* inhabits the psychological interiority of Rashid, resisting his reduction to *homo sacer*, and describes the production of Guantánamo’s unique biopolitical substance, “oranges.”

CONCLUSION

This thesis has argued that the post-9/11 torture debate is articulated within a field of intelligibility which firstly privileges justifications of violence and which secondly contributes materially to the normalisation of extreme violence in the field of material relations described by the term “counterterrorism”. As Jim Whitman observes, through political rhetorics that stress the urgency of violent securitisation, the GWOT “has been presented and reinforced so as to invalidate any nuanced political response or moral engagement that is at odds with the means adopted”, and one of the ways that this has been discursively achieved, I have shown, has been – and remains – cultural representation.¹ Drawing from a heterogeneous textual reservoir in order to reflect the multidisciplinary nature of the cultural torture debate, I have argued that torture is justified by texts that narrativise utilitarian arguments for torture, and that these texts have significant material effects in actual lived violent relations. This justification is couched in aesthetic terms that stress realism, in order to naturalise their arguments by conflating the politics that inform the framing of the diegetic universe with objective reality. For example, *The Centurions* and *24* use the utilitarian ticking bomb argument as a structuring principle for their representations of torture against captured terrorists. Both claim to tell the truth about violence: Lartéguy’s novel stresses its basis in historical events, and *24* is visually and diegetically framed – through split-screen visual polyphony and its real-time narrative conceit – in a way that stresses its correspondence with reality.

Further, I have argued that these texts mask the systematic, disciplinary and concentrationary nature of the torture perpetrated by liberal democracies, describing instead dramatically compelling emergency decision points that do not correspond to the way that political torture is actually perpetrated. Through reference to Giorgio Agamben’s *Homo Sacer* series, I have underlined that when liberal democracies torture, it most often occurs in disciplinary conditions that inherit much from colonial forms of violence. I have argued that when representations such as *Standard Operating Procedure*, *The Road to Guantánamo* and *Honor Bound* successfully expose torture, it is through reference to the sustained and systematic nature of torture in captivity that I describe here. For the field of intelligibility in which torture is made comprehensible is by no means an uncontested political space: cultural

¹ Jim Whitman, “Freeing Force from Legal Constraint”, in *The Geneva Conventions Under Assault*, ed. by Sarah Perrigo and Jim Whitman (New York: Pluto Press, 2010), p. 214.

representations, whether literary, filmic, dramatic, or popular cultural, certainly have the potential to expose torture as an atrocity and to challenge its justification and normalisation.

However, I have emphasised the extent to which the task of constructing an effective anti-torture representation is fraught and complex; when describing successful political resistance to the justification of torture, I have argued that emphasising its moral horror is not enough. Many texts that challenge the justification of torture – *The Little Soldier*, *Rendition* and *The Battle of Algiers*, for example – stress its horror through a realist exposure of torture as it is actually practiced, but I have argued that this is an inadequate response to utilitarian justifications of torture, because such exposure relies on the viewer’s horror – which cannot be guaranteed – and fails to address concerns about whether or not torture can be justified in spite of this horror. The only thoroughly compelling objection to torture, I argue, is one that incorporates both deontological and utilitarian arguments: torture must be opposed because it is a morally bad act in and of itself and because it cannot have any outcomes that can be described as morally or politically desirable. Finally, I have argued that ethical address, testimony, and activist exposure of torture provide partial solutions to these problems. The exposure of the concentrationary nature of torture is one coordinate in this argument, as is a recognition of the humanity of the participants in torture. I have drawn on the ethics of Emmanuel Levinas to make the argument that representations that confront audiences with ethical encounters with those affected by torture – both victims and perpetrators – have the potential to initiate an ethical understanding of torture that necessarily excludes the endorsement of it. These ethical encounters can be made possible visually – through an emphasis on useless suffering, and through the reproduction of testimony – or in literary terms – *Guantánamo*, for example, stresses psychological interiority at the same time as it stresses a realist representation of the conditions of captivity in the camp.

Further Research

The torture debate is ongoing: the debates discussed in this thesis remain vital. Because this thesis deals with contemporary material and with current debates, the archive of potential textual territory for its analysis continues to swell across a wide range of cultural registers. American popular culture, for example, is a constant source of new texts dealing with torture and related issues. In Kathryn Bigelow’s *Zero Dark Thirty* (2012), for example, torture is represented as contributing materially to the discovery of Osama bin Laden. Jane Mayer writes that Bigelow “milks the U.S. torture program for drama while sidestepping the

political and ethical debate that it provoked. In her hands, the hunt for bin Laden is essentially a police procedural, devoid of moral context.”² I agree that the film emphasises procedure at the expense of moral commentary: torture in *Zero Dark Thirty*, like torture in *The Centurions* and *24*, is one technique among many, less palatable than but just as potentially useful as any other intelligence measure. However, I disagree that this represents a sidestepping of any political or ethical debate. Representing torture as procedurally successful and refusing to morally or politically condemn it is not neutrality: *Zero Dark Thirty* argues that torture has long-term utility despite its repellent nature and its short-term failures. This is not an evasion of debate: it is a defence of torture.

There are many forms of cultural resistance to the GWOT. Jeremy Scahill’s *Dirty Wars* (2013), for example, reframes the field of intelligibility surrounding extrajudicial warfare, and Niall McCormick’s *Complicit* (2013) is a counterterrorism drama that narrates both deontological and utilitarian objections to torture. Crucially, *Complicit* has been shown on television, so has the potential to reach a popular audience: this is key, because anti-torture representations need to reach as wide an audience as possible for their political work to be effective. The Algerian War has remained a vital coordinate in the Anglo-American torture debate. Florent Siri’s film *Intimate Enemies* (2007) explores torture during the Algerian War from the perspective of the paratroopers, and also exposes the French use of napalm during this war. Jérôme Ferrari’s 2012 novel *Where I Left My Soul* also focuses on the memory of perpetrating torture. Like Errol Morris, one of whose concerns in *Standard Operating Procedure* was to reveal that the perpetrators of evil often experience profound moral misgivings and uncertainty rather than the intellectual emptiness or narcissism often attributed to them, Ferrari explores aspects of the nature of perpetration that are not addressed by narratives such as *The Centurions* or *24*, which normalise and justify it, or anti-torture narratives such as *Rendition* or *Guantánamo*, which leave the subject position of the torturer vacant. The insight that systematic evil sometimes occurs for reasons that are not reducible to stupidity, cowardice, innate aggression, or venality is an important intellectual contribution to the discourse around torture. In conclusion, even though the torture debate may suffer from the saturation of political spaces with hegemonic discourses justifying violence, there are important cultural resistances operating in opposition.

² Jane Mayer, “Zero Conscience in *Zero Dark Thirty*”, *The New Yorker* (14/12/2012), available at <http://www.newyorker.com/online/blogs/newsdesk/2012/12/torture-in-kathryn-bigelows-zero-dark-thirty.html> (accessed 16/12/2012).

BIBLIOGRAPHY

Adams, Alex, "Terrorism as Sexual Envy: Adversarial Masculinities in Two Fictions of Ticking Bomb Torture" in *Terrorist Transgressions: Gender and the Visual Culture of the Terrorist*, ed. by Sue Malvern and Gabriel Koureas (London: IB Tauris, 2013), pp. 183-203

Adib-Moghaddam, Arshin, *The Metahistory of the Clash of Civilisations: Us and Them Beyond Orientalism* (Columbia: University of Columbia Press, 2011)

Agamben, Giorgio, *Homo Sacer: Sovereign Power and Bare Life*, trans. by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998 [1995])

Agamben, Giorgio, "K", trans. by Nicholas Heron, in *The Work of Giorgio Agamben: Law, Literature, Life*, ed. by Justin Clemens, Nicholas Heron and Alex Murray (Edinburgh: Edinburgh University Press, 2008), pp. 13-27

Agamben, Giorgio, *Means Without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minneapolis Press, 2000 [1996])

Agamben, Giorgio, *Remnants of Auschwitz: The Witness and the Archive*, trans. by Daniel Heller-Roazen (New York: Zone Books, 2002 [1999])

Agamben, Giorgio, *State of Exception*, trans. by Kevin Attell (Chicago: Chicago University Press, 2005 [2003])

Alexander, Matthew [pseud.], with John R. Bruning, *How to Break a Terrorist: The US Interrogators who Used Brains, not Brutality, to Take Down the Deadliest Man in Iraq* (New York: Free Press, 2008)

Alleg, Henri, *The Question*, trans. John Calder (Lincoln and London: University of Nebraska Press, 2006 [1958])

Améry, Jean, *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities*, trans. by Sidney Rosenfeld and Stella P. Rosenfeld (Indiana: Indiana University Press, 1980 [1966])

Améry, Jean, "The Birth of Man from the Spirit of Violence: Frantz Fanon the Revolutionary", *Wasafiri* 44 (2005), pp. 13-18

Amis, Martin, "Conspiracy Theories, and *Takfir*", in *The Second Plane: September 11: 2001-2007* (London: Jonathan Cape, 2008), pp. 139-147

Amis, Martin, "The Last Days of Muhammad Atta", in Amis, *The Second Plane: September 11: 2001-2007* (London: Jonathan Cape, 2008), pp. 95-124

Amnesty International, *Below the Radar: Secret Flights to Torture and 'Disappearance'* (London: Amnesty International, 2006)

Anidjar, Gil, "Secularism", *Critical Enquiry* 33:1 (2006), pp. 52-77

Applebome, Peter, "A Taste for the Eccentric, Marginal and Dangerous", *The New York Times* (26/12/1999), available at http://www.errolmorris.com/content/review/mrd_applebome.html, accessed 12/8/2010

Arendt, Hannah, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Penguin, 2006 (1963))

Arendt, Hannah, *The Origins of Totalitarianism* (London: Harcourt Inc., 1967 [1951])

Arendt, Hannah, *On Violence* (London: Harcourt Inc., 1970)

Arendt, Hannah, "The *Vita Activa*: The Public and the Private Realm", in Hannah Arendt, *The Portable Hannah Arendt*, ed. by Peter Baehr (London: Penguin, 2003), pp. 182-230

Arrigo, Jean Maria, "A Utilitarian Argument Against Torture Interrogation of Terrorists", *Science and Engineering Ethics* 10:3 (2004), pp. 543-572

Associated Press in Washington, “US Military Course Taught Officers ‘Islam is the Enemy’”, *The Guardian* (11/05/2012), available at <http://www.guardian.co.uk/world/2012/may/11/us-military-course-islam-enemy>, accessed 15/05/2012

Association for the Prevention of Torture, *Defusing the Ticking Bomb Scenario: Why We Must Say No to Torture, Always* (Geneva: Association for the Prevention of Torture, 2007)

Athey, Stephanie, “Rethinking Torture’s Dark Chamber”, *Peace Review: A Journal of Social Justice* 20 (2008), pp. 13-21

Atkinson, David, “Encountering Bare Life in Italian Libya and Colonial Amnesia in Agamben”, in *Agamben and Colonialism*, ed. by Simone Bignall and Marcelo Svirsky (Edinburgh: Edinburgh University Press, 2012), pp. 155-179

Aussaresses, Paul, *The Battle of the Casbah: Counter-terrorism and Torture in Algeria 1955-1957*, trans. by Robert L. Miller (New York: Enigma Books, 2006 [2001])

Baby, Yvonne, “Interview with Jean-Luc Godard”, in Godard, *Le Petit Soldat*, translator uncredited, (London: Lorrimer Publishing Limited, 1970), pp. 10-12

Badiou, Alain, *Ethics: An Essay on the Understanding of Evil*, trans. by Peter Hallward (London: Verso, 2012 [2001])

Bagaric, Mirko, and Julie Clarke, *Torture: When the Unthinkable is Morally Permissible* (New York: State University of New York Press, 2007)

Bankoff, Greg, “Regions of Risk: Western Discourses on Terrorism and the Significance of Islam”, *Studies in Conflict & Terrorism*, 26:6 (2003), pp. 413-428

Barker, Martin, *A ‘Toxic Genre’: The Iraq War Films* (London: Pluto Press, 2011)

Batson, C. Daniel, Mary C. Chao, Jeffery M. Givens, “Pursuing Moral Outrage: Anger at Torture”, *Journal of Experimental Social Psychology*, 45 (2009), pp. 155-160

- Baudrillard, Jean, *The Spirit of Terrorism*, trans. by Chris Turner (London: Verso, 2002)
- Begg, Moazzam, *Enemy Combatant: The Terrifying True Story of a Briton in Guantánamo* (London: Pocket Books, 2007 [2006])
- Behr, Edward, *The Algerian Problem* (London: Hodder and Stoughton, 1961)
- Benhabib, Seyla, “Arendt’s *Eichmann in Jerusalem*”, in *The Cambridge Companion to Hannah Arendt*, ed. by Dana Villa (Cambridge: Cambridge University Press, 2000), pp. 65-85
- Benjamin, Walter, “Critique of Violence”, in *Selected Writings, Volume I 1913-26*, ed. by Marcus Bullock & Michael W. Jennings (Cambridge, Massachusetts/London: Belknap Press of Harvard University Press, 1996), pp. 236-252
- Benjamin, Walter, “Theses on the Philosophy of History”, in Benjamin, *Illuminations*, ed. by Hannah Arendt (London: Pimlico, 1999), pp. 245-255
- Bennett, Bruce, “Cinematic Perspectives on the ‘War On Terror’: *The Road To Guantánamo* (2006) and Activist Cinema”, *New Cinemas: Journal of Contemporary Film*, 6: 2 (2008), pp. 111-126
- Beynon, Jonathan, “‘Not Waving, Drowning’. Asphyxia and Torture: The Myth of Simulated Drowning and Other Forms of Torture”, *Torture 22: Supplementum 1* (2012), pp. 25-9
- Bignall, Simone, and Marcelo Svirsky, “Introduction: Agamben and Colonialism”, in *Agamben and Colonialism*, ed. by Simone Bignall and Marcelo Svirsky (Edinburgh: Edinburgh University Press, 2012), pp. 1-14
- Brecher, Bob, *Torture and the Ticking Bomb* (Oxford: Blackwell, 2007)
- Brittain, Victoria, “Britain is Complicit in this Horror”, *The Guardian* (04/08/2004), available at <http://www.guardian.co.uk/world/2004/aug/04/guantanamo.britainand911/>, accessed 12/010/2010

Brittain, Victoria, "A Call for Justice", *The Guardian* (08/01/2007), available at <http://www.theguardian.com/commentisfree/2007/jan/08/post880>, accessed 14/08/2012

Brittain, Victoria, "An Empty Judgment", *The Guardian* (13/06/2008), available at <http://www.theguardian.com/commentisfree/2008/jun/13/guantanamo.terrorism>, accessed 14/08/2012

Brittain, Victoria, "Ken Clarke's Guantánamo Credibility Test", *The Guardian* (10/12/2010), available at <http://www.theguardian.com/commentisfree/libertycentral/2010/dec/10/ken-clarke-guantanamo-shaker-aamer>, accessed 14/08/2012

Brittain, Victoria, "A Shocking Welcome", *The Guardian* (20/12/2007), available at <http://www.theguardian.com/commentisfree/2007/dec/20/ashockingwelcome>, accessed 14/08/2012

Brittain, Victoria, "Smoke, Mirrors, and American Justice", *The Guardian* (12/02/2008), available at <http://www.theguardian.com/commentisfree/2008/feb/12/smokemirrorsandamericanjustice>, accessed 14/08/2012

Buchanan, Pat, "What Would Jack Bauer Do?", *WorldNetDaily* (23/01/2006), available at http://www.wnd.com/news/article.asp?ARTICLE_ID=48457, accessed 23/09/2010

Burke, Jason, *Al-Qaeda: The True Story of Radical Islam* (London: Penguin, 2004)

Buruma, Ian, "Ghosts", *The New York Review of Books* (26/06/2008), available at <http://www.nybooks.com/articles/archives/2008/jun/26/ghosts/>, accessed 12/09/2010

Buscombe, Edward, "Photographing the Indian", in *Back in the Saddle Again: New Essays on the Western*, ed. by Edward Buscombe and Roberta E. Pearson (London: BFI, 1998), pp. 29-45

Bush, George, "Remarks by the President in Photo Opportunity with the National Security Team", *The White House Website* (12/9/2001), available at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010912-4.html>, accessed 10/02/2010

Butler, Judith, *Frames of War: When is Life Grievable?* (London: Verso, 2009)

Butler, Judith, *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004)

Bybee, Jay, "Memorandum for Alberto R. Gonzales, Counsel to the President, Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A" (1/8/2002), in *The Torture Papers: The Road to Abu Ghraib*, ed. by Karen J. Greenberg and Joshua L. Dratel, (New York: Cambridge University Press, 2005), pp. 172-217

Byers, Michael, "Terrorism, the Use of Force and International Law After 11 September", *International and Comparative Law Quarterly* 51 (2002), pp. 401-414

Caldwell, Anne, & Samuel A Chambers, "24 After 9/11: The American State of Exception" in *Reading 24: TV Against the Clock*, ed. by Steven Peacock (London: I. B. Tauris, 2007), pp. 97-108

Campbell, Lisa J., "The Use of Beheadings by Fundamentalist Islam", *Global Crime* 7:3-4 (2006), pp. 583-614

Charney, Leo, "The Violence of a Perfect Moment", in *Violence and American Cinema*, ed. by J. David Slocum (New York & London: Routledge, 2001), pp. 47-62

Cockburn, Patrick, *The Occupation: War and Resistance in Iraq* (London & New York: Verso, 2006)

Cocteau, Jean, *Thomas the Impostor*, trans. Dorothy Williams (London: Peter Owen Publishers, 2006 [1929])

Coetzee, J.M., *Diary of a Bad Year* (London: Vintage, 2008)

Cowhig, Frances Ya-Chu, *Lidless* (London: Methuen Drama, 2011)

Cooke, Lez, "The Crime Series", in *The Television Genre Book*, Second Edition, ed. by Glen Creeber (London: BFI/Palgrave Macmillan, 2008), pp. 29-34

Corkin, Stanley, *Cowboys as Cold Warriors: The Western and U.S. History* (Philadelphia: Temple University Press, 2004)

Critchley, Simon, *Infinitely Demanding: Ethics of Commitment, Politics of Resistance* (New York and London: Verso, 2007)

Crowther, Bosley, "Quinn at War Again: *Lost Command*", *New York Times* (15/09/1966), available at <http://movies.nytimes.com/movie/review?res=9F0DE5DC143BE63ABC4D52DFBF66838D679EDE&>, accessed 02/09/2012

Cusick, Suzanne G, "Music as Torture/ Music as Weapon", *Transcultural Music Review* 10 (2006), available at <http://www.sibetrans.com/trans/a152/music-as-torture-music-as-weapon>, accessed 14/04/2012

Dean, Mitchell, *Governmentality: Power and Rule in Modern Society* (London: Sage Publications, 1999)

Derrida, Jacques, "Force of Law: The 'Mystical Foundation of Authority'", in Derrida, *Acts of Religion*, ed. by Gil Anidjar (London: Routledge, 2002), pp. 230-298

Dershowitz, Alan M., *Is There a Right to Remain Silent?* (New York: Oxford University Press, 2008)

Dershowitz, Alan M., "Tortured Reasoning", in *Torture: A Collection*, ed. by Sanford Levinson, Revised Edition (Oxford: Oxford University Press, 2004), pp. 257-280

Dershowitz, Alan M., *The Trials of Zion: A Novel* (New York: Grand Central Publishing, 2010)

Dershowitz, Alan M., "Want to Torture? Get A Warrant", *San Francisco Chronicle* (22/01/2002), available at

<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/22/ED5329.DTL>, accessed 22/11/2009

Dershowitz, Alan M., *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* (New Haven & London: Yale University Press, 2002)

de Wijze, Stephen, "Between Hero and Villain: Jack Bauer and the Problem of 'Dirty Hands'", in *24 and Philosophy: the World According to Jack*, ed. by Jennifer Hart Weed, Richard Davis, and Ronald Weed (Oxford: Blackwell Publishing, 2008), pp. 17-30

Dieckmann, Dorothea, *Guantánamo* (Stuttgart: Klett-Cotta, 2004)

Dieckmann, Dorothea, *Guantánamo: A Novel*, trans. by Tim Mohr (London: Duckworth Overlook, 2008 [2004])

DiMento, Joseph F.C., and Gilbert Geis, "The Extraordinary Condition of Extraordinary Rendition: The CIA, the DEA, Kidnaping, Torture, and the Law", *War Crimes, Genocide & Crimes Against Humanity*, Vol. 2 (2006), pp. 35-64

Dine, Philip, "Anglo-Saxon Literary and Filmic Representations of the French Army in Algeria", in *The Algerian War and the French Army, 1954-62: Experiences, Images, Testimonies*, ed. by Martin S. Alexander, Martin Evans, and J. F. V. Keiger (London: Palgrave Macmillan, 2002), pp. 137-151

Dine, Philip, "Thinking the Unthinkable: The Generation of Meaning in French Literary and Cinema Images of the Algerian War", *Maghreb Review* 19: 1/2 (1994), pp. 123-132

Dixon, Wheeler Winston, *The Films of Jean-Luc Godard* (New York: State University of New York Press, 1997)

Douglas, Edward, ‘Oscar Winner Gavin Hood on *Rendition*’ (12/10/2007), available at <http://www.comingsoon.net/news/movienews.php?id=38208>, accessed 22/06/2010

Downey, Anthony, “At the Limits of the Image: Torture and its Re-Presentation in Popular Culture”, *Brumeria* 10 (Spring 2009), pp. 123-132

Downey, Anthony, “Zones of Indistinction: Giorgio Agamben’s ‘Bare Life’ and the Politics of Aesthetics”, *Third Text*, 23: 2 (2009), pp. 109-125

Drabinski, John, “Separation, Difference, and Time in Godard’s *Ici et ailleurs*”, *SubStance* 37.1 (2008), pp. 148-158

Duursma, Jorri, “Definition of Terrorism and Self-Determination”, *Harvard International Review*, available at <http://www.harvardir.org/index.php?page=article&id=1757&p=3>, accessed 12/08/2009

Ebert, Roger, “*Rendition*: Review”, *RogerEbert.com* (19/10/2007), available at <http://rogerebert.suntimes.com/apps/pbcs.dll/article?AID=/20071018/REVIEWS/710180307>, accessed 20/06/2010

Edgar, David, “Enter the New Wave of Political Playwrights”, *The Guardian* (28/02/2010), available at <http://www.guardian.co.uk/stage/2010/feb/28/david-edgar-new-political-theatre>, accessed 12/02/2011

Ehrenreich, Barbara, “Feminism’s Assumptions Upended”, in *Abu Ghraib: The Politics of Torture* (California: North Atlantic Books, 2004), pp. 65-70

Einolf, Christopher J., “The Fall and Rise of Torture: A Comparative and Historical Analysis”, *Sociological Theory* 25: 2 (2007), pp. 101-121

Eisenman, Stephen F., *The Abu Ghraib Effect* (London: Reaktion Books, 2007)

Elon, Amos, “Introduction: The Excommunication of Hannah Arendt”, in Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Penguin, 2006), pp. vii-xxiii

Elkins, Caroline, *Britain's Gulag: The Brutal End of Empire in Kenya* (London: Pimlico, 2005)

Faber, Michel, "Scenes from an Execution", *The Guardian* (21/06/2008), available at <http://www.theguardian.com/books/2008/jun/21/saturdayreviewsfeatures.guardianreview4>, accessed 16/12/2010

Fahy, Thomas, "Captive Audience: An Introduction", in *Captive Audience: Prison and Captivity in Contemporary Theatre*, ed. by Thomas Fahy and Kimball King (London: Routledge, 2003), pp. 1-8

Falkoff, Marc (ed.), *Poems from Guantánamo: The Detainees Speak* (Iowa City: University of Iowa Press, 2007).

Fall, Bernard B., "Introduction: A Portrait of the 'Centurion'", in Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency*, trans. by Daniel Lee (Westport, Connecticut & London: Praeger Security International, 2006 [1961]), pp. xi-xviii

Fanon, Frantz, *Black Skin, White Masks*, trans. by Richard Philcox (New York: Grove Press, 2008 (1952))

Fanon, Frantz, *The Wretched of the Earth*, trans. by Constance Farrington (London: McGibbon & Kee, 1965)

Farhi, Paul, "Calling On Hollywood's Terrorism 'Experts': Homeland Security Chief Compares Reality and '24'", *The Washington Post*, 24/06/2006, available at <http://www.washingtonpost.com/wp-yn/content/article/2006/06/23/AR2006062301804.html>, accessed 24/08/2010

Farley, Jonathan, "Breaking Al Qaeda Cells: A Mathematical Analysis of Counterterrorism Operations (A Guide for Risk Assessment and Decision Making)", *Studies in Conflict & Terrorism*, 26:6 (2003), pp. 399-411

Farmer, Sarah, *Martyred Village: Commemorating the 1944 Massacre at Oradour-sur-Glane* (London, Berkeley & Los Angeles: University of California Press, 1999)

Ferrari, Jérôme, *Where I Left My Soul*, trans. by Geoffrey Strachan (London: Maclehorse Press, 2012)

Fesperman, Dan, *The Prisoner of Guantánamo* (London: Hodder & Stoughton, 2006)

Fitzpatrick, Peter, “Bare Sovereignty: *Homo Sacer* and the Insistence of Law”, in *Politics, Metaphysics, and Death: Essays on Giorgio Agamben’s Homo Sacer*, ed. by Andrew Norris (Durham and London: Duke University Press, 2005), pp. 49-73

Folena, Lucia, “Figures of Violence: Philologists, Witches, and Stalinistas”, in *The Violence of Representation: Literature and the History of Violence*, ed. by Nancy Armstrong & Leonard Tennenhouse (London/New York: Routledge, 1989), pp. 219-238

Foucault, Michel, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (London: Allen Lane, 1977)

Foucault, Michel, “Governmentality”, in *The Foucault Effect: Studies in Governmentality*, ed. by Graham Burchell, Colin Gordon & Peter Miller (Chicago: The University of Chicago Press, 1991), pp. 87-105

Foucault, Michel, *The Will to Knowledge: The History of Sexuality Volume I*, trans. by Robert Hurley (London: Penguin, 1990 [1978])

Foucault, Michel, “Lecture of 24 January 1979”, in Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979*, ed. by Michel Senellart, trans. by Graham Burchell (Basingstoke: Palgrave MacMillan, 2010), pp. 27-50

Foucault, Michel, “What Our Present Is”, in Foucault, *The Politics of Truth*, ed. by Sylvère Lotringer, trans. by Lysa Hochroth and Catherine Porter (Los Angeles: Semiotext(e), 2007 [1997]), pp. 129-144

French, Philip, "The Indian in the Western Movie", in *The Pretend Indians: Images of Native Americans in the Movies*, ed. by Gretchen M. Bataille and Charles L. P. Silet (Iowa: The Iowa State University Press, 1980), pp. 98-105

Garner, Jr., Stanton B., "Post-Brechtian Anatomies: Weiss, Bond, and the Politics of Embodiment", *Theatre Journal* 42: 2 (1990), pp. 145-164

Garnham, Nicholas, "Introduction", in Godard, *Le Petit Soldat*, translator uncredited, (London: Lorrimer Publishing Limited, 1970), pp. 13-17

Gerbaz, Alex, "Direct Address, Ethical Imagination, and Errol Morris's Interrotron", *Film-Philosophy* 12:2 (2008), pp. 17-29

Gilbert, Martin, *The Dent Atlas of the Holocaust* (London: JM Dent, 1993)

Gilroy, Paul, *Between Camps: Race, Identity and Nationalism at the End of the Colour Line* (London: Allen Lane, 2000)

Gilvarry, Alex, *From the Memoirs of a Non-Enemy Combatant* (New York: Viking Penguin, 2012)

Godard, Jean-Luc, "Shooting *Le Petit Soldat*", in Godard, *Le Petit Soldat*, translator uncredited, (London: Lorrimer Publishing Limited, 1970), pp. 8-9

Goldberg, Elizabeth Swanson, "Splitting Difference: Global Identity Politics and the Representation of Torture in the Counterhistorical Dramatic Film", in *Violence and American Cinema*, ed. by J. David Slocum (New York & London: Routledge, 2001), pp. 245-270

Gourevitch, Philip, and Errol Morris, *Standard Operating Procedure* (London: Penguin, 2008)

Greenlee, James W., *Malraux's Heroes and History* (Dekalb, Illinois: Northern Illinois University Press, 1975)

Greenwald, Glenn, "Sam Harris, the New Atheists, and Anti-Muslim Animus", *Comment Is Free* (03/04/2013), available at <http://m.guardian.co.uk/commentisfree/2013/apr/03/sam-harris-muslim-animus>, accessed 03/04/2013

Gregory, Derek, "The Black Flag: Guantánamo Bay and the Space of Exception", *Geografiska Annaler*, 88:4 (2006), pp. 405-427

Gregory, Derek, "Vanishing Points: Law, Violence and Exception in the Global War Prison", in *Violent Geographies: Fear, Terror and Political Violence*, ed. by Derek Gregory & Allan Pred (New York: Routledge, 2007), pp. 205-236

Gregson, Paul, *Orgies of Torture and Brutality* (London: Walton Press, 1965)

Gronnvoll, Marita, "Gender (In)Visibility at Abu Ghraib", *Rhetoric and Public Affairs* 10: 3 (2007), pp. 371-398

Guyer, Paul, *Kant* (London & New York: Routledge, 2006)

Hammond, Peter, "Rendition", *Maxim.com: Movies* (19/10/2007), available at <http://www.maxim.com/movies/rendition>, accessed 20/06/2010

Hannah, Matthew, "Torture and the Ticking Bomb: The War on Terrorism as a Geographical Imagination of Power/Knowledge", *Annals of the Association of American Geographers* 96:3 (2006), pp. 622-640

Hare, David, *Stuff Happens* (London: Faber and Faber, 2004)

Harlow, Barbara, "'Extraordinary Renditions': Tales of Guantánamo, a Review Article", *Race and Class* 52:4 (2011), pp. 1-29

Harris, Sam, "The Case for Torture", *The Huffington Post* (17/10/2005), available at http://www.huffingtonpost.com/sam-harris/in-defense-of-torture_b_8993.html, accessed 12/09/2012

Harris, Sam, "Response to Controversy", *Sam Harris.org* (09/08/2012), available at http://www.samharris.org/site/full_text/response-to-controversy2/, accessed 12/09/2012

Harrison, Nicholas, "Based on Actual Events: Pontecorvo's *The Battle of Algiers*, 40 Years On", *Interventions* 9:3 (2007), pp. 389-404

Harrison, Nicholas, "An Interview with Saadi Yacef", *Interventions* 9.3 (2007), p. 405-413

Harrison, Nicholas, "Pontecorvo's Documentary Aesthetics: *The Battle of Algiers* and The Battle of Algiers", *Interventions* 9.3 (2007), p. 389-404

Harvey, David, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005)

Heger, Heinz, *The Men with the Pink Triangle: The True, Life-and Death Story of Homosexuals in the Nazi Death Camps* (Boston: Alyson Publications, 1994 [1980])

Hitchens, Christopher, "Believe Me, It's Torture", *Vanity Fair* (08/2008), available at <http://www.vanityfair.com/politics/features/2008/08/hitchens200808>, accessed 12/03/2013

Hoberman, J., "Errol Morris Lets Torturers Off Easy: Documentarian cuts the Abu Ghraib MPs some slack, while Harold and Kumar escape Gitmo", *Village Voice* (22/04/2008), available at <http://www.villagevoice.com/2008-04-22/film/get-out-of-jail-free/1/>, accessed 12/05/2010

Holloway, David, *9/11 and the War on Terror* (Edinburgh: Edinburgh University Press, 2008)

Holloway, David, "The War on Terror Espionage Thriller, and the Imperialism of Human Rights", *Comparative Literature Studies* 46: 1 (2009), pp. 20-44

Horne, Alistair, *A Savage War of Peace: Algeria 1954-1962* (London: Macmillan, 1987 [1977])

House, Jim, "Memory and the Creation of Solidarity During the Decolonisation of Algeria", *Yale French Studies* 118/119 (2010), pp. 15-38

House, Jim, and Neil MacMaster, *Paris 1961: Algerians, State Terror, and Memory* (Oxford: Oxford University Press, 2006)

Hunt, Lynn, *Inventing Human Rights: A History* (New York: W. W. Norton and Company, 2007)

Huntington, Samuel P., "The Clash of Civilisations?", *Foreign Affairs* 72:3 (1993: Summer), pp. 22-49

Huntington, Samuel P., *The Clash of Civilisations and the Remaking of World Order* (London: The Free Press, 2002 [1996])

Ignatieff, Michael, *The Lesser Evil: Political Ethics in an Age of Terror* (Edinburgh: Edinburgh University Press, 2004)

Johns, Fleur, 'Guantánamo Bay and the Annihilation of the Exception', *European Journal of International Law*, 16 (2005), pp. 613-35

Joseph, Pat, "The World According to Errol Morris", *California Alumni Association* (Spring 2010), available at <http://alumni.berkeley.edu/news/california-magazine/spring-2010-searchlight-gray-areas/world-according-errol-morris/>, accessed 12/09/2010

Joynt, Anne E., "The Semantics of the Guantanamo Bay Inmates: Enemy Combatants or Prisoners of the War on Terror?", *Buffalo Human Rights Law Review*, 10 (2004), pp. 427-441

Kafka, Franz, *The Trial*, trans. by Douglas Scott and Chris Waller (London: Pan Books, 1977 [1925])

Kamm, Frances, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm* (Oxford: Oxford University Press, 2007)

Kant, Immanuel, *The Groundwork of the Metaphysics of Morals*, trans. and ed. by Mary Gregor (Cambridge: Cambridge University Press, 1997 [1785])

Kaplan, Amy, "Where is Guantánamo?" *American Quarterly*, 57: 3 (2005), pp. 831-858

Karpinski, Janis & Steven Strasser, *One Woman's Army: The Commanding General of Abu Ghraib Tells Her Story* (New York: Hyperion, 2005)

Kaufman, Donald L., "The Indian as Media Hand-me-down", in *The Pretend Indians: Images of Native Americans in the Movies*, ed. by Gretchen M. Bataille and Charles L. P. Silet (Iowa: The Iowa State University Press, 1980), pp. 22-34

Kaufman, Michael T., "What Does the Pentagon See in *The Battle of Algiers*?", *New York Times* (07/09/03), available at <http://www.nytimes.com/2003/09/07/weekinreview/the-world-film-studies-what-does-the-pentagon-see-in-battle-of-algiers.html>, accessed 10/04/2008

Khan, Mahvish Rukhsana, *My Guantánamo Diary: The Detainees and the Stories They Told Me* (New York: PublicAffairsTM, 2008)

King, John N., "Introduction", in *Foxe's Book of Martyrs: Select Narratives*, ed. John N. King (Oxford: Oxford University Press, 2009), pp. xi-xl.

King, Geoff, "'Just Like a Movie?': 9/11 and Hollywood Spectacle", in *The Spectacle of the Real: From Hollywood to Reality TV and Beyond*, ed. by Geoff King (Bristol: Intellect Books, 2005), pp. 47-57

Klawans, Stuart, "Lessons of the Pentagon's Favourite Training Film", *New York Times*, (04/01/2004), available at <http://www.nytimes.com/2004/01/04/movies/film-lessons-of-the-pentagon-s-favorite-training-film.html>, accessed 12/04/2010

Koestler, Arthur, *Darkness at Noon* (London: Vintage, 2005 [1940])

Krauthammer, Charles, "The Truth About Torture", in *Torture: A Collection*, ed. by Sanford Levinson, Revised Edition (Oxford: Oxford University Press, 2004), pp. 307-316

Kumar, Deepa, *Islamophobia and the Politics of Empire* (Chicago: Haymarket Books, 2012)

Lartéguy, Jean, *The Centurions*, trans. by Xan Fielding (London: Arrow Books, Ltd., 1961)

Lazreg, Marnia, *Torture and the Twilight of Empire: From Algiers to Baghdad* (Princeton: Princeton University Press, 2008)

Lesage, Julia, "Torture Documentaries", *Jump Cut* 51 (2009)

Levi, Primo, *The Drowned and the Saved*, trans. by Raymond Rosenthal (London: Abacus, 1989 [1986])

Levi, Primo, *If This is A Man*, trans. by Stuart Woolf (London: Abacus, 1987 [1958])

Levin, Michael "The Case For Torture", *Newsweek* (07/06/1982), available at <http://people.brandeis.edu/~teuber/torture.html>, accessed 12/06/2012

Levinas, Emmanuel, "Is Ontology Fundamental?", in Levinas, *Entre Nous: Thinking-of-the-Other*, trans. by Michael B. Smith and Barbara Harshav (London & New York: Continuum, 2006 [1988]), pp. 1-10

Levinas, Emmanuel, "The Philosophical Determination of the Idea of Culture", in Levinas, *Entre Nous: Thinking-of-the-Other*, trans. by Michael B. Smith and Barbara Harshav (London & New York: Continuum, 2006 [1988]), pp. 154-160

Levinas, Emmanuel, *Totality and Infinity: An Essay on Exteriority*, trans. by Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969 [1961])

Lipstadt, Deborah, *Denying the Holocaust: The Growing Assault on Truth and Memory* (London: Penguin, 1994)

Loumansky, Amanda, “Critical Legal Theory’s Turn to Schmitt: Not Waving But Drowning?”, *Liverpool Law Review* 34 (2013), pp. 1-16

Loutfi, Martine Astier, “Imperial Frame: Film Industry and Colonial Representation”, in *Cinema, Colonialism, Postcolonialism: Perspectives from the French and Francophone World*, ed. by Dina Sherzer (Austin, Texas: University of Texas Press, 1996), pp. 21-28

Lynch, Marc, “Al-Qaeda’s Media Strategies”, *The National Interest* 83 (Spring 2006), pp. 50-56

MacMaster, Neil, “Torture: From Algiers to Abu Ghraib”, *Race and Class*, 46: 2 (2004), pp. 1-20

Malraux, André, *The Conquerors*, trans. by Stephen Becker (London: The Journeyman Press, 1983 [1928])

Malraux, André, *Man’s Estate (La Condition Humaine)*, trans. Alastair MacDonald, (London: Penguin, 1948 [1933])

Marcus, Millicent, *Italian Film in the Light of Neorealism* (Princeton: Princeton University Press, 1986)

Matthews, Peter, “*The Battle of Algiers: Bombs and Boomerangs*”, included in the sleeve notes of the 2004 Criterion Collection edition of *The Battle of Algiers*, pp. 6-11

Mayer, Jane, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals*, Second Edition (New York: Anchor Books, 2009)

Mayer, Jane, “Whatever it Takes: The Politics of the Man Behind 24”, *The New Yorker* (19/02/2007), available at

http://www.newyorker.com/reporting/2007/02/19/070219fa_fact_mayer?currentPage=all, accessed 22/12/2008

Mayer, Jane, “Zero Conscience in *Zero Dark Thirty*”, *The New Yorker* (14/12/2012), available at <http://www.newyorker.com/online/blogs/newsdesk/2012/12/torture-in-kathryn-bigelows-zero-dark-thirty.html>, accessed 16/12/2012

Mbembe, Achille, “Necropolitics”, trans. by Libby Meintjes in *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society*, ed. by Stephen Morton and Stephen Bygrave (New York: Palgrave MacMillan, 2008), pp. 152-182

Mbembe, Achille, *On the Postcolony* (California: University of California Press, 2001)

McCabe, Colin, *Godard: Images, Sounds, Politics* (London and Basingstoke: Macmillan Press, 1980)

McClennen, Sophia, and Joseph Slaughter, “Introducing Human Rights and Literary Forms; or, the Vehicles and Vocabularies of Human Rights”, *Comparative Literature Studies* 46: 1 (2009), pp. 1-19

McCrisken, Trevor B., “George W. Bush, American Exceptionalism and the Iraq War”, in *America and Iraq: Policy-making, Intervention and Regional Politics*, ed. by David Ryan and Patrick Kiely (Hoboken: Taylor & Francis, 2008) pp. 181-199

Mertus, Julie, and Kristin Rawls, “Crossing the Line: Insights from Foucault on the United States and Torture” in *Discipline and Punishment in Global Politics: Illusions of Control*, ed. by Janie Leatherman (New York: Palgrave Macmillan, 2008), pp. 27-40

Milavic, Anthony, “The US Military and Torture”, *Counterpunch* (25/9/2005), available at <http://www.counterpunch.org/milavic09242005.html>, accessed 12/02/2010

Miller, Frank, *Holy Terror* (Burbank: Legendary Comics, 2011)

Mills, Catherine, *The Philosophy of Agamben* (Stocksfield: Acumen, 2008)

Monahan, Torin, “Just-in-time Security: Permanent Exceptions and Neoliberal Orders” in *Reading 24: TV Against the Clock*, ed. by Steven Peacock (London: I. B. Tauris, 2007), pp. 109-17

Morey, Peter and Amina Yaqin, “Muslims in the Frame”, *Interventions* 12: 2 (2010), pp. 145-156

Morey, Peter, “Terrorvision: Race, Nation and Muslimness in Fox’s 24”, *Interventions* 12: 2 (2010), pp. 251-264

Morrey, Douglas, *Jean-Luc Godard* (Manchester & New York: Manchester University Press, 2005)

Morris, Errol, *Believing is Seeing (Observations on the Mysteries of Photography)* (New York: Penguin, 2011)

Morris, Errol, “Eye Contact: The Interrotron”, *FLM Magazine* (2004), available at <http://www.errolmorris.com/content/eyecontact/interrotron.html>, accessed 23/09/2010

Morris, Errol, “Lecture: The Anti-Post-Modern Post-Modernist” (undated), available at <http://www.errolmorris.com/content/lecture/theantipost.html>, accessed 12/05/2010

Morris, Errol, “Photography as a Weapon”, *The New York Times Opinionator Blog* (11/8/2008), available at <http://opinionator.blogs.nytimes.com/2008/08/11/photography-as-a-weapon/>, accessed 12/07/2010

Morris, Errol, “Studio 360: Morris, Abu Ghraib, Film Club”, 25/04/2008, available at <http://www.studio360.org/2008/apr/25/>, accessed 12/11/2011

Morris, Errol, “There Is Such a Thing as Truth”, *This I Believe* (2/5/2005), available at <http://thisibelieve.org/essay/28/>, accessed 12/08/2010

Morton, Stephen, *States of Emergency: Colonialism, Literature and Law* (Liverpool: Liverpool University Press, 2013)

Nichols, Bill, “Feelings of Revulsion and the Limits of Academic Discourse: Letter to Errol Morris”, *Jump Cut*, 52 (2010)

Norris, Andrew, “Introduction”, in *Politics, Metaphysics, and Death: Essays on Giorgio Agamben’s Homo Sacer*, ed. by Andrew Norris (Durham and London: Duke University Press, 2005), pp. 1-30

Nowak, Manfred, and Elizabeth McArthur, “The Distinction Between Torture and Cruel, Inhuman or Degrading Treatment”, *Torture* 16:3 (2006), pp. 147-151

Nunan, Timothy, “Translator’s Introduction”, in Carl Schmitt, *Writings on War*, trans. and ed. Timothy Nunan (Cambridge: Polity Press, 2011), pp. 1-26

Obama, Barack, “Executive Order -- Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities”, 22/01/2009, available at http://www.whitehouse.gov/the_press_office/closureofGuantanamoDetentionFacilities/, accessed 12/11/2009

Osborne, Peter, “The Shameful Islamophobia at the Heart of Britain’s Press”, *The Independent* (07/07/2008), available at <http://www.independent.co.uk/news/media/the-shameful-islamophobia-at-the-heart-of-britains-press-861096.html>, accessed 12/01/2011

O’Connell, David, “Jean Lartéguy: A Popular Phenomenon”, *The French Review*, 45: 6 (1972), pp. 1087-1097

Otterman, Michael, *American Torture: From the Cold War to Abu Ghraib and Beyond* (London: Pluto Press, 2007)

Owen, Mark (pseud.), and Kevin Maurer, *No Easy Day: The Navy SEAL Mission that Killed Osama Bin Laden* (London: Penguin, 2013 [2012])

Pakenham, Thomas, *The Boer War* (London: Weidenfeld and Nicolson, 1979)

Palmer, Tim, “*Le Petit Soldat*”, *Senses of Cinema* 19 (2002), available at <http://sensesofcinema.com/2002/cteq/soldat/>, accessed 21/07/2012

Parr, Adrian, *Deleuze and Memorial Culture: Desire, Singular Memory and the Politics of Trauma* (Edinburgh: Edinburgh University Press, 2008)

Pastor, Ludwig, *The History of the Popes From The Close of the Middle Ages*, ed. by Frederick Ignatius Antrobus, Sixth Edition, Volume One (London: Kegan Paul, Trench, Trubner and Company, 1938 [1906])

Perera, Anna, *Guantánamo Boy* (London: Puffin, 2009)

Perrigo, Sarah, “Undermining International Humanitarian Law and the Politics of Liberal Democracies”, in *The Geneva Conventions Under Assault*, ed. by Sarah Perrigo and Jim Whitman (New York: Pluto Press, 2010), pp. 222-247

Pettit, Philip, “Consequentialism”, in *Consequentialism*, ed. by Stephen Darwall (Oxford: Blackwell, 2003), p. 95-107

Piatt, Christopher, “Untitled Review: *Guantánamo: Honor Bound to Defend Freedom*”, *Time Out Chicago* (19/02/2005), available at <http://timeoutchicago.com/arts-culture/theater/40019/guantanamo-honor-bound-to-defend-freedom>, accessed 12/02/2011

Pollyea, Ryan, “Mancow Waterboarded, Admits It’s Torture”, *NBC Chicago* (22/05/2009), available at <http://www.nbcchicago.com/news/local/Mancow-Takes-on-Waterboarding-and-Loses.html>, accessed 12/04/2013

Porter, Henry, *Empire State* (London: Phoenix, 2003)

Price, Richard, *Making Empire: Colonial Encounters and the Creation of Imperial Rule in Nineteenth-Century Africa* (Cambridge: Cambridge University Press, 2008)

Priest, Dana, "CIA Avoids Scrutiny of Detainee Treatment", *Washington Post* (3/3/2005), available at <http://www.washingtonpost.com/wp-dyn/articles/A2576-2005Mar2.html>, accessed 12/04/2010

Priest, Dana, "CIA Holds Terror Suspects in Secret Prisons", *Washington Post* (2/11/2005), available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644.html> accessed 12/04/2010

Quinton, Anthony, *Utilitarian Ethics* (London: MacMillan, 1973)

Raday, Sophia, "David Petraeus Wants This French Novel Back in Print! Why Jean Lartéguy's *The Centurions* Appeals to Our Generation's Most Influential Military Strategist", *Slate* (27/01/2011), available at http://www.slate.com/articles/arts/culturebox/2011/01/david_petraeus_wants_this_french_novel_back_in_print.single.html, accessed 12/09/2011

Ratner, Michael, and Ellen Ray, *Guantánamo: What the World Should Know* (Adlestrop: Arris Publishing, Ltd., 2004)

Reiker, Martin, "*Guatánamo* [sic] by Dorothea Dieckmann", *Quarterly Conversation* (undated), available at <http://quarterlyconversation.com/guatanamo-by-dorothea-dieckmann-review>, accessed 12/07/2010

Rejali, Darius, *Torture and Democracy* (Princeton: Princeton University Press, 2007)

Rieff, David, "Cowboy Culture", http://www.powells.com/review/2005_10_06.html, accessed 15/09/2010

Robertson, Geoffrey, *Crimes Against Humanity: The Struggle for Global Justice*, Third Edition (London: Penguin, 2006)

Rose, David, *Guantánamo: America's War on Human Rights* (London: Faber and Faber, 2004)

Roseman, Mark, *The Villa, the Lake, the Meeting: Wannsee and the Final Solution* (London: Allen Lane, The Penguin Press, 2002)

Rothberg, Michael, *Multidirectional Memory: Remembering the Holocaust in the Age of Decolonisation* (Stanford: Stanford University Press, 2009)

Rothe, Dawn L., Ronald C. Kramer, and Christopher W. Mullins, "Torture, Impunity, and Open Legal Spaces: Abu Ghraib and International Controls", *Contemporary Justice Review*, 12: 1 (2009), pp. 27-43

Roud, Richard, *Godard*, Third Edition (London: BFI, 2010 [1967])

Rove, Karl, *Courage and Consequence: My Life as a Conservative in the Fight* (New York: Threshold Editions, 2010)

Rumsfeld, Donald, *Known and Unknown: A Memoir* (New York: Sentinel, 2011)

Said, Edward, *Covering Islam* (London: Vintage, 1997 [1981])

Said, Edward, *Culture and Imperialism* (London: Chatto & Windus Ltd., 1993)

Said, Edward, *Orientalism* (London: Routledge and Keegan Paul Ltd., 1978)

Said, Edward, *Reflections on Exile and Other Literary and Cultural Essays* (London: Granta Books, 2001)

Sands, Philippe, *Lawless World: Making and Breaking Global Rules*, Updated Edition (London: Penguin, 2006 [2005])

Sands, Philippe, *Torture Team: Uncovering War Crimes in the Land of the Free*, Second Edition (London: Penguin, 2009)

Sanyal, Debarati, "Crabwalk History: Torture, Allegory, and Memory in Sartre" *Yale French Studies*, 118 & 119 (2011), pp. 52-71

Sartre, Jean-Paul, *Colonialism and Neocolonialism*, trans. by Azzedine Haddour, Steve Brewer and Terry McWilliams (London: Routledge, 2001 [1964])

Sartre, Jean-Paul, *Dirty Hands*, in *No Exit and Three Other Plays*, trans. by S. Gilbert (New York: Vintage, 1955), pp. 129-248

Scahill, Jeremy, *Dirty Wars: The World is a Battlefield* (London: Serpent's Tail, 2013).

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

Scarry, Elaine, "Five Errors in the Reasoning of Alan Dershowitz", in *Torture: A Collection*, ed. by Sanford Levinson, Revised Edition (Oxford: Oxford University Press, 2004), pp. 281-290

Scheffler, Samuel, "Introduction", in *Consequentialism and Its Critics*, ed. by Samuel Scheffler (Oxford: Oxford University Press, 1988), pp. 1-13

Scheuerman, William E., "Carl Schmitt and the Road to Abu Ghraib", *Constellations* 13:1 (2006), pp. 108-124

Schmitt, Carl, *The Nature of the Political*, Expanded Edition, trans. by George Schwab (Chicago: University of Chicago Press, 2006 [1932])

Schmitt, Carl, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. by George Schwab (Chicago: University of Chicago Press, 2005 [1922])

Schütz, Anton, "The Fading Memory of *Homo non Sacer*", in *The Work of Giorgio Agamben: Law, Literature, Life*, ed. by Justin Clemens, Nicholas Heron and Alex Murray (Edinburgh: Edinburgh University Press, 2008), pp. 114-131

Schwartz, Michael, "What the French Army Needs: A Fighting Man's Ideology", *The Harvard Crimson* (24/02/1962), available at <http://www.thecrimson.com/article/1962/2/24/what-the-french-army-needs-a/>, (accessed 13/05/2010)

Schwenkel, Christina, "From John McCain to Abu Ghraib: Tortured Bodies and Historical Unaccountability of U.S. Empire", *American Anthropologist*, 111: 1 (2009), pp. 30–42

Seligman, M.E.P., "Learned Helplessness", *Annual Review of Medicine*, 23 (1972), pp. 407-412

Shaheen, Jack G., *Reel Bad Arabs: How Hollywood Vilifies a People*, Updated Edition (Massachusetts: Olive Branch Press, 2009 [2001])

Shane, Scott, "Waterboarding Used 266 Times on 2 Suspects", *New York Times* (20/04/2009), available at http://www.nytimes.com/2009/04/20/world/20detain.html?_r=0, accessed 12/10/2011

Shue, Henry, "Torture", in *Torture: A Collection*, ed. by Sanford Levinson (Oxford: Oxford University Press, 2004), pp. 47-60

Silverman, Max, "Interconnected Histories: Holocaust and Empire in the Cultural Imaginary", *French Studies* 62:4 (2008), pp. 417-428.

Sims, Amy C., "Fact and Fiction Mix on 24", *Fox News.com* (11/05/2003), available at <http://www.foxnews.com/story/2003/05/11/fact-and-fiction-mix-on-24/>, accessed 12/07/2011

Slovo, Gillian, *Red Dust* (London: Virago, 2002)

Slovo, Gillian, and Victoria Brittain, *Guantánamo: 'Honor Bound to Defend Freedom'* (London: Oberon books, 2004)

Smith, Clive Stafford, *Bad Men: Guantánamo Bay and the Secret Prisons* (London: Phoenix, 2008)

Solzhenitsyn, Aleksandr, *The Gulag Archipelago: An Experiment in Literary Investigation Volume I*, trans. by Thomas P. Whitney (London: Book Club Associates, 1974 [1973])

Sontag, Susan, *Regarding the Pain of Others* (London: Penguin, 2003)

Sontag, Susan, "Regarding the Torture of Others", 2004, available at <http://southerncrossreview.org/35/sontag.htm>, accessed 10/07/2009

Srivastava, Neelam, "Anti-colonial Violence and the 'Dictatorship of Truth' in the Films of Gillo Pontecorvo", *Interventions* 9.3 (2007), pp. 97- 106

Srivastava, Neelam, "Interview with the Italian Film Director Gillo Pontecorvo, Rome, Italy, 1 July 2003", *Interventions* 9.3 (2007), pp. 107-117

Srivastava, Neelam, "Towards a Critique of Colonial Violence: Fanon, Ghandi and the Restoration of Agency", *Journal of Postcolonial Writing*, 64.3-4 (2010), pp. 303-319

Stark, Holger, "The Forgotten Prisoner: A Tale of Extraordinary Renditions and Double-Standards", *Spiegel Online* (21/11/2005), available at <http://www.spiegel.de/international/spiegel/0,1518,386033,00.html>, accessed 12/07/2010

Steinhoff, Uwe, "Torture: The Case for *Dirty Harry* and Against Alan Dershowitz", *Journal of Applied Philosophy*, 23:3 (2006) pp. 337-353

Sterritt, David, "Ideas, Not Plots, Inspire Jean-Luc Godard" in *Jean-Luc Godard: Interviews*, ed. by David Sterritt (Mississippi: University of Mississippi Press, 1998), pp. 175-178

Stora, Benjamin, *Algeria 1830-2000: A Short History*, trans. Jane Marie Todd (Ithaca and London: Cornell University Press, 2001)

Stora, Benjamin, "Still Fighting: *The Battle of Algiers*, Censorship and the 'Memory Wars'", *Interventions* 9: 3 (2007), pp. 365-370

Sussman, David, "What's Wrong With Torture?", *Philosophy and Public Affairs*, 33:1 (2005), pp. 1-33

Sutherland, Sharon, & Sarah Swan, "'Tell me where the bomb is or I will kill your son': Situational Morality on 24" in *Reading 24: TV Against the Clock*, ed. by Steven Peacock (London: I. B. Tauris, 2007), pp. 119-32

Swain, John, *A History of Torture* (London: Tandem Books, 1965 [1931])

Taft, Casey T., Sherry M. Walling, Jamie M. Howard, and Candice Monson, "Trauma, PTSD, and Partner Violence in Military Families", in *Risk and Resilience in U.S. Military Families*, ed. by Shelley MacDermid Wadsworth and David Riggs (London and New York: Springer Science and Business Media, 2011), pp. 195-211

Tenenboim-Weinblatt, Keren, "'Where Is Jack Bauer When You Need Him?' The Uses of Television Drama in Mediated Political Discourse", *Political Communication*, 26: 4 (2005), pp. 367-387

Thompson, Judith, *Palace of the End* (London: Oberon Books, 2010 [2007])

Trend, David, *The Myth of Media Violence* (Oxford: Blackwell, 2007)

Trinquier, Roger, *Modern Warfare: A French View of Counterinsurgency*, trans. by Daniel Lee (Westport, Connecticut & London: Praeger Security International, 2006 [1961])

Tobias, Scott, "Film Review: Standard Operating Procedure", *AV Club* (24/4/2008), available at <http://www.avclub.com/articles/standard-operating-procedure,2983/>, accessed 12/09/2010

Toolis, Kevin, "'Complicit: How Should Movie Makers Deal With Torture?'", *The Huffington Post* (17/01/2013), available at http://www.huffingtonpost.co.uk/kevin-toolis/how-should-movie-makers-deal-with-torture_b_2485829.html, accessed 05/04/2013

Tzu, Sun, *The Art of War* (LLC: Filiquarian Publishing, 2006)

United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (1984), available at <http://www2.ohchr.org/english/law/pdf/cat.pdf>, accessed 20/06/2010

van der Kolk, Bessel, "The Body Keeps The Score: Memory and the Evolving Psychobiology of Post Traumatic Stress", *Harvard Review of Psychiatry* 1:5 (1994), pp. 253-265

Vidal-Naquet, Pierre, *Torture: Cancer of Democracy, France and Algeria 1954-62*, trans. by Barry Richard (London: Penguin, 1963)

Wadiwel, Dinesh Joseph, "Sovereignty, Torture and Blood: Tracing Genealogies and Rethinking Politics", *Borderlands e-Journal*, 5: 1 (2006), available at http://www.borderlands.net.au/vol5no1_2006/wadiwel_blood.htm, accessed 23/03/2010

Wadiwel, Dinesh Joseph, "Thick Hides: Whipping, Biopolitics and the White Soul of Power", *Social Semiotics*, 19:1 (2009), pp. 47-57

Wallis, Brian, "Exhibition Introduction: Inconvenient Evidence: Iraqi Prison Photographs from Abu Ghraib", (17/09/2004), available at http://museum.icp.org/museum/exhibitions/abu_ghraib/introduction.html, accessed 10/07/2009

Walzer, Michael, "Political Action: The Problem of Dirty Hands", *Philosophy and Public Affairs* 2: 2 (1973), pp. 160-180

Weber, Max, "Politics as a Vocation", in *From Max Weber: Essays in Sociology*, ed. and trans. by H. H. Gerth and C. Wright Mills (London: Routledge, 1991 [1948]), pp. 77-128

Weber, Samuel, "Taking Exception to Decision: Walter Benjamin and Carl Schmitt", *Diacritics* 22: 3/4 (1992), pp. 5-18

Weiner, Jon, "Fox Show '24': Torture on TV", *TheNation.com* (15/01/2007), available at <http://www.alternet.org/story/46757>, accessed 13/01/2009

Whitman, Jim, "Freeing Force from Legal Constraint", in *The Geneva Conventions Under Assault*, ed. by Sarah Perrigo and Jim Whitman (New York: Pluto Press, 2010), pp. 201-221

Williams, Linda, "Cluster Fuck: The Forcible Frame in Errol Morris's *Standard Operating Procedure*", *Camera Obscura* 73, 25: 1 (2010), pp. 29-67

Willis, Susan, "Guantánamo's Symbolic Economy", *New Left Review* 39 (May/June 2006), pp. 123-131

Wilson, Henry S., *African Decolonisation* (London: Edward Arnold, 1994)

Wood, Allen W., *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999)

Wolin, Richard, "Carl Schmitt: The Conservative Revolutionary Habitus and the Aesthetics of Horror", *Political Theory* 20: 3 (1992), pp. 424-447

Wright, Shelley, "The Horizon of Becoming: Culture, Gender and History after September 11", *Nordic Journal of International Law* 71 (2002), pp. 215-254

Young, Robert, *Postcolonialism: An Historical Introduction* (Oxford: Blackwell, 2001)

Young, Robert, "The Violent State", *Naked Punch* (16/10/2009), available at <http://www.nakedpunch.com/articles/38>, accessed 07/03/2010

Ziarek, Ewa, "Evil and Testimony: Ethics 'After' Postmodernism", *Hypatia* 18: 2 (2003), pp. 197-204

Žižek, Slavoj, "The Depraved Heroes of 24 are the Himmlers of Hollywood", *The Guardian* (10/01/2006), available at <http://www.guardian.co.uk/media/2006/jan/10/usnews.comment>, accessed 12/08/2011

Žižek, Slavoj, *Violence: Six Sideways Reflections* (London: Profile Books, 2009)

Žižek, Slavoj, “What Rumsfeld Doesn’t Know That He Knows About Abu Ghraib”, *In These Times* (21/05/2004), available at <http://inthesetimes.com/article/747>, accessed 23/07/2009

No author credited, “Beroglide”, *Wiki 24*, undated, available at <http://24.wikia.com/wiki/Beroglide>, accessed 12/05/2011

No author credited, “*Rendition*”, *Rotten Tomatoes* (2007), available at <http://www.rottentomatoes.com/m/rendition/>, accessed 20/06/2010

No Author Credited, *Road to Guantanamo Production Notes*, available at <http://static.theCIA.com.au/reviews/r/road-to-guantanamo-production-notes.rtf>, accessed 12/09/2011

No Author Credited, “Web ‘First’ for Guantánamo Film”, *BBC News*, available at <http://news.bbc.co.uk/1/hi/entertainment/4708148.stm>, accessed 12/09/2012

FILMOGRAPHY

- 24, Season One, Episode Fifteen, dir. Jon Cassar (Fox TV, 2001)
- 24, Season One, Episode Nineteen, dir. Frederick K. Keller (Fox TV, 2001)
- 24, Season Two, Episode One, dir. Jon Cassar (Fox TV, 2002)
- 24, Season Two, Episode Six, dir. Jon Cassar (Fox TV, 2002)
- 24, Season Two, Episode Seven, dir. James Whitmore, Jr. (Fox TV, 2002)
- 24, Season Two, Episode Eight, dir. James Whitmore, Jr. (Fox TV, 2002)
- 24, Season Two, Episode Nine, dir. Rodney Charters (Fox TV, 2002)
- 24, Season Two, Episode Eleven, dir. Frederick K. Keller (Fox TV, 2002)
- 24, Season Two, Episode Twelve, dir. Frederick K. Keller (Fox TV, 2002)
- 24, Season Two, Episode Thirteen, dir. Jon Cassar (Fox TV, 2002)
- 24, Season Two, Episode Nineteen, dir. James Whitmore, Jr. (Fox TV, 2002)
- 24, Season Two, Episode Twenty, dir. James Whitmore, Jr. (Fox TV, 2002)
- 24, Season Two, Episode Twenty-one, dir. Ian Toynton (Fox TV, 2002)
- 24, Season Three, Episode Four, dir. Ian Toynton (Fox TV, 2003)
- 24, Season Four, Episode One, dir. Jon Cassar (Fox TV, 2004)
- 24, Season Four, Episode Eighteen, dir. Ian Toynton (Fox TV, 2004)

24 Exposed (Part One), dir. Marc Ostrick (Sparkhill Productions, 2003)

24 Season Six: Inside the Writers' Room, prod. Jill Hoppenheim [no director credited]
(Sparkhill Productions, 2007)

The Battle of Algiers, dir. Gillo Pontecorvo (Casbah Films, 1966)

Battle for Haditha, dir. Nick Broomfield (Film4/Hanway Films, 2007)

Biothreat: Beyond the Series, dir. Marc Ostrick (Sparkhill Productions, 2004)

Complicit, dir. Niall McCormick (Many Rivers Films, 2013)

Dirty Harry, dir. Don Siegel (Warner Brothers, 1971)

Dirty Wars, dir. Richard Rowley (Sundance Selects, 2013)

Extraordinary Rendition, dir. Jim Threapleton (Ultrafilm, 2007)

Four Days Inside Guantánamo, dir. Patricio Henriquez & Luc Côté (Les Films Adobe, 2010)

Four Lions, dir. Chris Morris (Film4 Productions/Warp Films, 2010)

The Green Berets, dir. Ray Kellogg and John Wayne (Warner Brothers/Seven Arts, 1968)

Harold and Kumar Escape from Guantánamo Bay, dir. Jon Hurwitz and Hayden Schlossberg
(New Line Productions, 2008)

Intersections: The Making of Rendition, dir. Laura Nix (Herzog Cowen Entertainment/New
Line Home Entertainment, Inc., 2008)

Intimate Enemies, dir. Forent Siri (Les Films du Kiosque, 2007)

Intimate Enemies, dir. Bertrand Tavernier and Patrick Rotman (Kuiv Productions/France3, 2002)

The Little Soldier, dir. Jean-Luc Godard (Les Films Impéria, 1963)

Lost Command, dir. Mark Robson (Red Lion Productions/Columbia Pictures, 1966)

Mr. Death: The Rise and Fall of Fred A. Leuchter, Jr., dir. Errol Morris (Universal Pictures, 1997)

Pontecorvo: The Dictatorship of Truth, dir. Oliver Curtis (Rear Window, 1992)

Red Dust, dir. Tom Hooper (BBC Films/Distant Horizon, 2004)

Redacted, dir. Brian De Palma (Magnolia Pictures, 2007)

Rendition, dir. Gavin Hood (New Line Cinema, 2007)

The Road to Guantánamo, dir. Michael Winterbottom (Channel Four Films, 2006)

The Searchers, dir. John Ford (Warner Brothers, 1956)

Standard Operating Procedure, dir. Errol Morris (Sony Pictures Classics, 2008)

Stuff of Life, dir. Marc Hawker and Ishbel Whitaker (DarkFibre Films, 2008)

Ticker, dir. Albert Pyun (Artisan Entertainment, 2001)

Traitor, dir. Jeffrey Nachmanoff (Overture Films, 2008)

Unsung Heroes: The 24 Camera Department, (Sparkhill Productions, 2006)

Unthinkable, dir. Gregor Jordan (Lleju Productions, 2010)

Zero Dark Thirty, dir. Kathryn Bigelow (Columbia Pictures, 2012)