

SITES UNSEEN: SEEING THE RACIALIZED AND TORTURED MUSLIM BODY IN LAW,
MEMOIR, AND MEDIA

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By

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ABSTRACT

In this thesis, I debate our conceptions of the racialized Muslim body and how race and religion contribute to the unraveling of a prisoner. In the first chapter, I argue that Errol Morris' 2008 documentary *Standard Operating Procedure* interrogates the Abu Ghraib photo scandal and the United States' response to the photos, and that Morris forces us to question if we truly see torture or if we see standard operating procedure. I gather that Morris' film not only questions the photos, but our search for truth and justice at the hands of a legal system that renders its victims invisible. In the second chapter, I posit that Lakhdar Boumediene and Mustafa Ait Idir's 2017 dual narrative memoir *Witnesses of the Unseen: Seven Years in Guantanamo* frames the Muslim detainee as containing evidence and ultimately outlines the detainee as stateless a human, to be degraded into a body. Because the military attempts to break down the Muslim detainee into parts, into a body that has bodily functions, the outcome results in a highly visible detainee. Thus, both works attempt to rebuild the racialized Muslim body into something resembling a human so that we may see them not only in the context of the War on Terror, but also in the larger schema of state power over the racialized body. Finally, my conclusion attempts to connect these foreign detained bodies to present day police brutality against Black Americans, ultimately suggesting that similar questions about the stateless body and evidence persist in our domestic law enforcement and legal systems.

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ثُمَّ بَدَأَ لَهُمْ مِنْ بَعْدِ مَا رَأَوُا الْآيَاتِ لَيْسَ جُنُنَهُ حَتَّىٰ حِينٍ

وَالْأَجْرُ الْآخِرَةُ خَيْرٌ لِّلَّذِينَ آمَنُوا وَكَانُوا يَتَّقُونَ

(Then it occurred to the men, after they had seen the signs, [that it was best] to imprison him for a time. ...But verily the reward of the Hereafter is the best, for those who believe, and are constant in righteousness!)

—“Surah Yusuf” from *The Holy Quran*

Real pain, agonizing pain, is inflicted on a person; but torture, which contains specific acts of inflicting pain, it also itself a demonstration and magnification of the felt experience of pain. In the very processes it uses to produce pain within the body of the prison, it bestows visibility on the structure and enormity of what is usually private and incommunicable, contained within the boundaries of the sufferer’s body.

—Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World*

One last point I would like to make. The Court appreciates fully that the Government has a right to appeal its decision as to these five detainees whose petitions I have granted. I have a right, too, to appeal to the senior-most leadership at the Department of Justice, Department of Defense, and the CIA and other intelligence agencies. My appeal to them is to strongly urge them to take a hard look at the evidence, both presented and lacking, as to these five detainees. Seven years of waiting for our legal system to give them an answer to a question so important, in my judgment, is more than plenty.

Judge Richard J. Leon, *Boumediene v. Bush* (2008)

Of course, no apology can make up for the pain and humiliation I endured. Nothing can give me back my daughters’ childhoods. But it would be the right thing to do. And it would make a difference. It would also help if Guantanamo were closed, and if the American government and the American people would take steps to make sure nothing like this ever happens to an innocent man again.

—Lakhdar Boumediene, *Witnesses of the Unseen: Seven Years in Guantanamo*

A hero of war, is that what they see?
Just medals and scars, so damn proud of me
And I brought home that flag
Now it gathers dust
But it's a flag that I love
It's the only flag I trust

—Rise Against, “Hero of War”

INTRODUCTION

In my youth, my Arabic-Islamic Saturday school often held recitation competitions. Students were tasked with memorizing a surah (or chapter) from the Quran of their choosing: the lengthier, the better. It was there I first came across Surah Yusuf, which is a staggering 111 ayahs (verses) long. Unfortunately, memorizing even one ayah proved too difficult for me, but the story of Yusuf, or Joseph, was one that stayed with me as a Muslim, teacher, and student.

Surah Yusuf is a tale that we hear repeated throughout history as it weaves the tale of an innocent man wrongfully persecuted. Yusuf, after being separated from his family due to his brothers throwing him in a well, is falsely accused by a woman. The woman's husband made sure Yusuf was jailed for a crime he did not commit. What is most striking about Surah Yusuf is that Yusuf is blessed with visions in his dream by Allah; jealousy of this ability is the reason why his brothers throw him in the well. However, Yusuf's gift becomes incredibly important during his imprisonment: he interprets his fellow prisoners' dreams and develops a reputation for his timeless wisdom. So much so, his gift catches the attention of the king, and Yusuf is offered a spot on the king's counsel to continue to provide interpretations and advice. After years of bartering information, he asks the king to speak to his accuser in order to prove his innocence. The woman recants her accusation, Yusuf becomes a steward of the kingdom, and eventually, he is reunited with his family and forgives his brothers (List 235-236).

While the story of Yusuf is one based in religion, the surah outlines several key aspects of the American legal system and our belief in the law: the right to face one's accuser and the right to appeal a court's verdict. It also provides the hope that the innocent man will overcome presumed guilt, and that his eventual release is rooted in the government's admittance of a

mistake: “It is better that ten guilty persons escape than that one innocent suffer,” as William Blackstone once said.

My interventions in this work rely on these key human rights that are afforded to American citizens but are not applicable to those detained by the American military. If history, American legacy, and international law demand us to subscribe every human the same basic rights, I question how the surviving prisoners and artifacts of the War on Terror challenge our perceptions of truth, the body, human rights, and the War on Terror at large. Through an understanding of how legal jargon is manipulated to fit into narratives of post 9/11 conflict, I debate our conceptions of the racialized Muslim body: what makes and unmakes a human, when a human becomes a body, and how does race and religion contribute to the unraveling of a prisoner.

Errol Morris’ 2008 documentary *Standard Operating Procedure* interrogates the Abu Ghraib photo scandal and the United States’ response to the photos. Morris’ film draws from firsthand accounts of the sexual and physical abuse that Abu Ghraib prisoners endured at the hands of several soldiers, and how photographs of said torture were then leaked and solicited domestic and international backlash. Yet, by also showing several photographs and recreating several instances of torture, Morris forces us to question if we truly see torture or if we see standard operating procedure, or S.O.P. If we do see torture, then Morris interrogates the photos and debates if they function as evidence that torture took place. Throughout his film, however, our deciding on torture or not torture is also rooted in how one may believe that the law intends to find the truth and how the law brings forth justice when a crime is committed. Thus, I gather that Morris’ film not only questions the photos, but our search for truth and justice at the hands of a legal system that renders its victims invisible.

While Morris' film addresses questions surrounding photography and whether we can see torture, Lakhdar Boumediene and Mustafa Ait Idir's 2017 dual narrative memoir *Witnesses of the Unseen: Seven Years in Guantanamo* frames the Muslim detainee as containing evidence and ultimately outlines the detainee as stateless a human, to be degraded into a body. The authors recall the systematic torture inflicted upon their bodies due to the clash of several laws within Guantanamo Bay, though the detainees themselves are suspended outside the law. Because the military attempts to break down the Muslim detainee into parts, into a body that has bodily functions, the outcome results in a highly visible detainee. Thus, both works attempt to rebuild the racialized Muslim body into something resembling a human so that we may see them not only in the context of the War on Terror, but also in the larger schema of state power over the racialized body.

Unlike previous international conflicts, the War on Terror relies on the search for information and ideology rather than just sentencing guilty leaders to justice. Following a brief historical overview, I will discuss vital international laws and the respective American legislation that allowed the torture events to take place. An understanding of both historical and legal context will further demonstrate our acceptance of our government's actions, and how we are remembered for not only the harm inflicted upon hundreds of innocent lives, but also why we felt legally entitled to inflict that harm in the name of national security.

Good Intentions: The Historical Justifications of the War on Terror

Despite Blackstone's Ratio, the United States is no foreigner to the concept of falsely imprisoning people for political gain. The nation's founding relied on the mass removal of Native people from their respective lands through treaties such as the Treaty of New Echota, and

later, the Indian Removal Act.¹ The 20th century and subsequent international conflicts show a common pattern: after America's joining of World War I, President Woodrow Wilson set up camps for anyone of German descent. Not far from that came Japanese internment under the guise of World War II, and later, the forced relocation of hundreds of Vietnamese people. In the last few years alone, our government has opened internment camps for those crossing the Mexican-American border. Our justifications are simple: we need to protect citizens against the enemy, and the enemy changes from potential Nazis, East Asian Americans of all descents, and illegal migrants. For years, we have justified the separation of "us" and "them."

A post 9/11 world has ushered in new policies and government agencies that outline the needed precautions to protect America from future terror attacks; thus began the War on Terror. Yet, internment of Muslim Americans or Iraqi Americans, within U.S. borders, has not been taken as a serious option.² Rather, a more insidious demonstration of U.S. military power cultivated the perfect orchestra of policy, warfare, and occupation stemming from the Middle

¹ In December 1835, the Treaty of New Echota was supposedly signed by official Cherokee Nation members, despite not a single member or representative being present. Even though many people protested the treaty, President Andrew Jackson signed it into law. I mention this specific treaty alongside the more well-known Indian Removal Act to exemplify how little voice Native people had in legal matters that concerned their land and eventual forced relocation. Please see the reference entry "Removal" in Finkelman & Garrison's *Encyclopedia of United States Indian Policy and Law* for further reading.

² I would be remiss if I did not mention the case of former Professor and Palestinian rights activist Sami Al-Arian, who was brought up on several federal charges due to his activist work both prior to September 11th and after the installation of the Patriot Act: "What brought Al-Arian to government attention was his success in creating a viable local political power base for the community and proactively speaking and organizing for Palestine nationally" (Bazian 309). The former University of South Florida professor was arrested in 2003 and brought up on terrorism charges. After reaching a deal, he pleaded guilty to one charge out of the several, and was expected to be deported in mid-2007. Instead, he remained in a legal limbo due to pending criminal contempt charges, and, after years of house arrest and electronic monitoring, was deported to Turkey in 2015 (Bazian). Though Al-Arian's case is not anywhere close to being considered as internment, his highly publicized arrest and trial brings up several questions about how far the Patriot Act can reach in regards to detaining American citizens based on their beliefs or political views.

East to Cuba. The passing of the USA Patriot Act instilled a legislative power unlike no other in American history, granting the federal government the freedom to detain any suspected terrorist without charge, as well as an umbrella of surveillance over the American people. While the Patriot Act has several purposes, its conception stems from the search for information: who are the terrorists, where are they from, and when will they attack again?

However, our search for terrorists and push for security has a price, and with the conception of the War on Terror, the U.S. used legal and rhetorical loopholes that previously existed in international and domestic laws in order to obtain information. Hence, emerging from the 9/11 attacks was the 2003 Invasion of Iraq, though no connection between al-Qaeda, the group responsible for the attacks, and Saddam Hussein, the former President of Iraq, was ever verified. The justification of the invasion was, again, rooted in the possibility of future attack; President Bush's administration was wary of Iraqi production of weapons of mass destruction. Though our occupancy of Iraq may have had outcomes that push forward dreams of democracy, the use of Abu Ghraib, and the prisoner abuse and photo scandal that followed, did not aid in our pursuit of security. Instead, the scandal marks a humiliating moment in the history of military operations. Alongside the abuse at Abu Ghraib is the prolonged use of Guantanamo Bay, which has been under American control since 2002 despite its physical location in Cuba. The infamous legal blackhole of Guantanamo Bay, until recently, made the idea of prolonged detention without charges or legal trial possible. Both spaces allowed the military operations to detain suspects without charges. Both spaces, then, also festered prisoner abuse that spurred future lawsuits and criminal trials, but also memoirs, films, and activist efforts to close Guantanamo and end the War on Terror.

Broken Bones and Language: Legal Jargon and the Effect on the Body

Before discussing how the American government and military ensured that suspected terrorists remained outside the scope of both domestic and international law, we must first discuss what international laws exist to ensure that human rights violations do not occur. The Geneva Conventions are international governing laws that nearly 200 countries, including the United States, signed in hopes to provide humanitarian relief to peoples involved in wartime conflicts. The Conventions state that prisoners of war must be treated with respect and dignity, and that countries cannot torture people at all, but specifically not due to their race, religion, or sexuality.³ However, the United States, in response to the terrorist attack on September 11th, 2001 and the subsequent War on Terror that followed, created specific terms such as “unlawful enemy combatant” and “enhanced interrogation techniques” in order to work within the vague wording of these treaties.⁴ The United States, which has largely abided by the Conventions after their revisions in 1949, took advantage of the “less detailed” standards in the law regarding prisoner treatment, such not providing adequate medical care, taking hostages, and mutilating detainees, to continue prisoner interrogation and detainment (Greenberg 85). By doing so, we can understand how crucial legal terminology can render evidence or people as visible or invisible.

³ Article Three of the Third Geneva Convention states the following: “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.”

⁴ Though the specific term “unlawful enemy combatant” was legally defined after the Abu Ghraib photo scandal by the Military Commissions Act of 2006, many scholars state that the U.S. is not “legally bound to the Geneva Convention” and that “these prisoners are not humans according to the norms established by the Convention” (Butler 964).

Specifically, in the case of “unlawful enemy combatant,” Article Four of the Third Geneva Convention defines the term “prisoner of war.” Article Four affords some protections for prisoners of war, yet the Bush administration coined the term “enemy combatant” after the 9/11 attacks to further scrutinize potential terrorists. Bush’s labels onto the Taliban or al-Qaeda operatives conveniently separates them from prisoners of war, and therefore, they may not fall under the protections of the Geneva Conventions. According to the MCA 2006, an unlawful enemy combatant is someone who:

(1) engaged in or supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant; or (2) been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or other tribunal established under the authority of the President or the Secretary of Defense (Secretary). (109th Congress of the United States)

MCA 200 also “[p]rohibits commission findings, holdings, and other precedents from being introduced or considered in any proceeding of a court-martial convened... [and] prohibits a combatant subject to trial by commission from invoking the Geneva Conventions as a source of rights.” With these precise and targeted terms, the U.S., under the President’s discretion, is free to detain anyone so long as it deems them as an unlawful enemy combatant.

One final term that I argue is pivotal in this work as well as the War on Terror is “enhanced interrogation techniques.” As mentioned above, the Geneva Conventions also, broadly, protect people from torture and inhumane interrogation.⁵ By suggesting that military black sites and prisons use “enhanced interrogation techniques,” there is, thus, no torture taking

⁵ The Geneva Conventions are not the only international treaties that prohibit the use of torture in war time. Consider the United Nations Convention against Torture (UNCAT). The U.S. has, interestingly, signed the UNCAT in 1988, but has not established the inspection protocols that would allow international inspections of detention centers.

place, as methods such as waterboarding or stress positions are considered enhanced interrogation techniques rather than torture. The coining of “enhanced interrogation techniques” maneuvers around the international guidelines and greenlights a new set of particularly cruel methods of interrogation, including “...cramped confinement, wall standing, stress positions, sleep deprivation, insects placed in a confinement box, and waterboarding,” all of which should teach obedience to detainees (Chwastiak 494). The purpose and use of the new term has been contested by several groups. Some simply believe it is torture wrapped in legal jargon. Others, like Chwastiak, suggest such terms allow Bush to “render torture as uncontentious by trying to create the appearance that it was as ordinary as any other government activity” (495).

By putting these new terms in conjunction with one another, the U.S. can now freely torture without facing legal repercussions from the international community. However, the illegal detainment of peoples is not a single instance in American history, and quite often, relies on racial grouping and targeting. Brian Levin outlines an extensive timeline of wartime detainment and military trials, stating the illegality of “using race as a general criteria for criminal suspicion. However, race can be used to the extent that it is part of an individualized description of a particular suspect” in response to FBI Director Robert Muller’s claims that post 9/11 arrests, detainments, and investigations were not racial profiling but merely a coincidence that many people of interests shared similar “ethnic and religious background[s]” (Levin 395). Inherently, race and detainment are intertwined, and after the 9/11 attacks, the entanglement of racism, policy, and fear of another domestic attack led to several hundred domestic and international detainments.

From Bodies Unworthy: The Stateless, the Punished

While there is a rich amount of theory, ranging from numerous fields of study, to contextualize the War on Terror and its effects, a general background in primary conversations about torture, punishment, and the body will better situate my interventions and questions. As I have briefly demonstrated above, a seemingly perfect balance of politics and law created the perfect conditions to move forward with state sanctioned prisoner torture that is not only legal, but also conveniently distant. While news crews gathered to document the fall of the Twin Towers and then present the faces of those responsible, punishment, and thereby torture, “become[s] the most hidden part of the penal process” (Foucault 9). Islamic terrorism and our decision to torture suspected terrorists does not require a spectacle as domestic terrorism is just not potent enough to solicit swift policy and military change as Islamic or international terrorism requires.⁶ Moreover, the distance of having black sites for torture such as Abu Ghraib and Guantanamo allow the torture to remain out of the public eye.⁷

Less visibility gives way to the ritualistic nature of torture, especially in regards to black sites. The extraction of information is key and takes precedent over the welfare of the prisoner. Elaine Scarry’s commentary on torture and the unmaking of the tortured body defines torture in two primary acts: the physical and the verbal. The verbal is key in soliciting information from the body, and once the verbal uncovers the “motive” or “answer,” our focus on the physical shifts to the “verbal aspect of torture... accomodating and crediting the torturers” (35). Scarry

⁶ As controversial as this statement reads, events depicting white supremacy, such as the deadly Charlottesville “Unite the Right” rally in 2017 and the even more recent siege at the United States Capitol in January 2021, suggest that the government’s response to domestic terrorism done by White supremacists is minor compared to the near immediate and crushing response to Islamic terrorists and international Islamic terror groups.

⁷ Please refer to my first chapter where I specifically cover the public eye and reactions to torture in the Abu Ghraib torture photos.

later suggests that systematic torture bars the prisoner's agency while "pretend[ing] that he is the agent of some things" (45). Of course, the detained body can become the agent if he chooses to reveal information that he may or may not have; the end of his torture is in his grasp as we see in both Morris' film and Boumediene and Ait Idir's memoir. Moreover, Scarry's emphasis on systematic torture further describes the regulation of detainees' lives and bodies. Torture is (usually) done on a schedule, done in a way that is outlined in interrogation manuals, and made visible in methods such as stress positions.⁸ Yet, for the most part, the systematic regulation of the body through stress positions remains largely invisible.

On the other hand, Michael Richardson's *Gestures of Testimony* suggests the following about the body:

Bodies are thus sites of potential unlocked in encounter, in the collision of surfaces, in the affects connecting body to world and world to body. Encounters between bodies constantly occur, but not all encounters are equally affective. Certain encounters can change bodies radically, can cause them to grow, enlighten, transform, strengthen them-- or mutate, freeze, rupture, break, traumatize. (35)

In a literal sense, Muslim bodies confined to torture sites constantly "collide" with their setting. The mere dynamic between torturer and tortured demonstrates how the body can break and become a site for trauma; yet, Richardson, through a study of the *Torture Memos* and poetry from Guantanamo Bay, suggests that pain is not the only immediate effect of torture: "...there is an affective dimension to the pain of torture... This affectivity is inescapable, since torture is

⁸ Please refer to my second chapter where I describe the regulative nature of torture in Guantanamo Bay. In most cases, the exception to regulated behaviors and interrogations was any rule breaking (as minor as looking at an official or as major as attacking a guard). In the same chapter, I analyze why minor issues and body movements and functions become the reasons for violent measures taken upon prisoners.

always relational: someone inflicts the pain, someone witnesses humiliation, someone is feared” (72). Richardson’s claim that the body changes is only further propelled by a discussion of stress positions, in which no one is inflicting pain onto the body, but the body still is “affected and affecting.” The excess of affect inevitably warps the tortured body and permeates through all aspects of the prisoner, during and after his detainment.

It is clear that Abu Ghraib and Guantanamo destroy, unmake, harm, erase the body; but how? As mentioned earlier in this introduction, the clever concoction of laws, new legal terms, and conveniently located black sites set the stage for what Giorgio Agamben calls “a state of exception.” Yet, before we consider this, I turn to Agamben’s theoretical work on *homo sacer*, in which he claims that the “sacred man” simultaneously exists outside of law and within the law (*Homo Sacer: Sovereign Power and Bare Life* 72-73). Such a concept is only further illustrated when we reconsider how the unlawful enemy combatant is not protected by the Geneva Conventions, but he can be punished under American foreign policy. Later, Agamben notes the “legally unnamable and unclassifiable” nature of the Patriot Act which brings us full circle to how the law suspends the body in both a stateless and criminal mode:

...if exceptional measures are the result of periods of political crisis and, as such, must be understood on a political and not juridico-constitutional grounds (De Martino 1973, 320), then they find themselves in the paradoxical position of being juridical measures that cannot be understood in legal terms, and the state of exception appears as the legal form of what cannot have legal form. (*State of Exception* 1-3)

Essentially, the state of exception that Agamben describes becomes the pivotal instrument to perform state sanctioned torture; with the body barely visible, barely alive, and barely considered

human under the law, the American military complex swoops in and gets to work on preventing the next Islamic terrorist act, if it comes.

However, as many scholars have written extensively, the War on Terror cannot simply exist as it is currently. One cannot actually wage a war on a concept or belief. But if we do consider ourselves to be in the War on Terror, how do we measure who wins? How do we stamp out every last Islamic terrorist so we can regard every other practicing Muslim as an equal being under the law? This work poses this question, as well as others, in hopes to understand our role in the War on Terror and the subsequent consequences that emerge from our actions in the Middle East.

My first chapter focuses on Errol Morris' film *Standard Operating Procedure* to study the Abu Ghraib prisoner abuse photos. To torture is to extract meaning and information from the body and voice of the tortured, which aligns with the actions that took place in Abu Ghraib. If torture is easily visible, then the photos from the Abu Ghraib should show an immediate distinction between military procedure and illegal torture. Yet, consequences were scarce, with only low level officials facing repercussions. While the film at first seems too cinematic or excessively focused on the voices of military officials, I find that the film directly contributes to several important contemporary scholarly conversations about photography, ethical response, and law. Judith Butler suggests that a photo compels the event to continue, and Morris' film answers Butler's claim with his reenactments, enticing us to expand our capacity of ethical response while pointing to the consequences of state-sanctioned torture: that letters and photos are not evidence to hold a government accountable, and that the legal system criminalizes the racial Other.

The following chapter will center around the memoir *Witnesses of the Unseen: Seven Years at Guantanamo* by Lakhdar Boumediene and Mustafa Ait Idir. Here, I will demonstrate how the nation-state bypasses several laws and codes of conduct to continue to punish the Muslim body. The negligence of following international law, especially in Guantanamo, creates several layers of law that further suffocate the detainee, and I argue that military codes, tribunals, and medical oaths exemplify the state of exception and state of punishment that the detainee cannot escape from. I claim that the excess of law and regulation visibly appears onto the body, first causing its legal erasure, and then allowing the body to reappear once more in the courtroom. In the memoir, similar questions of evidence, seeing, and racialized bodies emerge as the authors recall their detainment at Guantanamo.

If both an excess of law in black sites and depletion of useful and protective measures exist at once, there can only be an excess of questions that I leave unasked and unanswered. Both texts are rich in analytical material and theoretical frameworks; moreover, these are but two works from a growing corpus of contemporary prison literature and media that stems from the War on Terror, the Iraq War, the War in Afghanistan, as well as several domestic incidents that include the regulation and punishment of Muslim bodies, such as the recent travel ban.⁹ While my intervention leaves us with difficult conclusions, numerous questions, and painful considerations towards domestic affairs, international military operations, and our tumultuous

⁹ On Friday, January 27, 2017, former President Donald J. Trump signed an Executive Order, barring foreign peoples from several predominately Muslim countries. Shortly after, the American Civil Liberties Union of Washington (ACLU-WA) filed a lawsuit, stating that the travel ban was violates the Constitution (“Timeline of the Muslim Ban”). Following this backlash, the Trump administration “scaled back” some of the provisions listed in a newly revised order; however, the administration’s reasoning for the ban came from the need to protect Americans from Islamic terrorism (Meckler & Kendall).

relationship with race, I hope we can continue to interrogate and, eventually, understand our actions and their consequences on the world.

CHAPTER I

“Pictures Were Taken, You Have to See Them”: Seeing Torture in Abu Ghraib and Photography

After the fall of Saddam Hussein, the United States Army turned Abu Ghraib, Hussein’s former prison notorious for mass killings, into a military detention center for the Army to detain Iraqi civilians who were suspected of crimes ranging from petty theft to terrorism and attacks against the United States. While the Army kept several detainees in tents outside the prison, more heinous interrogations took place in cellblocks 1A and 1B; during these interrogations, several military officers and private military contractors began to systematically abuse detainees, including but not limited to stress positions, sleep deprivations, sexual assault, rubbing human excrement on detainees’ bodies, and an array of other dehumanizing methods. While this treatment has occurred at Guantanamo Bay, Cuba, the Associated Press reported the abuses at Abu Ghraib several times through 2003 and 2004, interviewing former detainees about their treatment while at camps; in response, a former detainee named Rahad Naif simply said, ““There is no law”” (Hanley). Still, not many of these articles garnered public interest until April 28th, 2004, when the CBS’s *60 Minutes II* broadcasted the photos for the first time (Bennet et al. 467). Governments and peoples around the globe began to question the purpose behind the gruesome torture. Several organizations, including the United Nations, called for some international intervention into American occupation of Abu Ghraib, going as far as labelling the actions at Abu Ghraib “war crime[s]” (Hoge A6). While over half the country felt that the United States should not engage in torture, significantly fewer people understood that the Bush administration had greenlighted the very policies that would allow this torture to continue. The outcry of the public did not dissuade the administration from their commitment to torture during interrogation. While the government stalled nearly every news article and television broadcast of the Abu

Ghraib photo scandal in regards to classified information regarding the Department of Defense, mainstream news outlets failed to continuously report on Abu Ghraib, though human rights campaigns urged investigations into the prison camp. Gradually, the scandal vanished from the public eye, yet illegal torture continued.

The American public was bought into a post-9/11 world that required advanced methods of interrogation and long term occupation to face Islamic terrorism and to prevent future domestic attacks. Early on in our occupation of Iraq, the general assumption revolved around the idea that prisoner abuse was necessary to obtain information about future terrorist attacks.¹⁰ Abu Ghraib stands as one of many prison camps where American soldiers detained, interrogated, and later tortured Iraqi civilians, but what followed was the unraveling of one of the most shameful military scandals. The Abu Ghraib photos, years later, revealed how many of the detainees were subjected to racially and religiously fueled abuse. As the photos of the detainee abuse spread through domestic and international news outlets, most of the world was, at first, utterly repulsed by the photographs of naked detainees. This shock was short lived. Beyond closing the prison down and taking smaller officials to court, the government did not make serious changes addressing prisoner treatment or reassess methods of interrogation as many are still presently used at other camps, such as Guantanamo Bay. Indeed, the United States had participated in its fair share of torture and interrogation, fulfilling Scarry's definition that physical torture must occur so that the United States could find information pertinent to the larger arc of the War on Terror and Islamic terrorism.

¹⁰ In a 2005 interview with PBS Frontline, former Brigadier General and supervisor of Abu Ghraib prison Janis Karpinski states, "The vast majority of them... 75 percent... were innocent of any terrorism or related activity" ("Interview Janis Karpinski—The Torture Question").

Rather controversially, director Errol Morris interviewed several military officers and contractors who were found guilty of the abuse of prisoners for his documentary film *Standard Operating Procedure*. His use of the Interrotron camera and the absence of his narration and questions allows the viewer to look directly at the interviewees as they describe their time at Abu Ghraib. While we may think the law intends to find truth and justice through its regulation of the Othered body and that photography provides a methodology into finding truth, Morris' film suggests that this search is fruitless, especially in regards to the Abu Ghraib photos. Rather, Morris' cinematic techniques, such as narration, reenactments, and the original photos, question the seemingly legible conclusions from the photographs.

In this chapter, I explore how Morris, through layering the various perspectives of the photos, pushes against the binary between illegality (prohibited actions that will ensure consequences from the legal and military systems) and standard operating procedure (the guidelines of what actions are allowed while detaining people) by suggesting that "reading" a photograph, especially one that includes the tortured, racialized, sexualized body. Morris' film shows that we have no capacity for ethical or affective response if the events and photos remain illegible, regardless of how many frames we layer on top of the original images: "a frenzy of the visible" that remains, to Morris and the rest of the country, as completely invisible. Ultimately, this deconstruction of "truth" suggests that the American imperialist system works to destroy whatever reasoning and logic that does not aid in the process of war and torture; we can never extract the law's intention with the Othered body. Consequently, the reasoning behind the government and military's actions at Abu Ghraib do not appear as logically coherent when we see Morris' interviews alongside the photographs; we expect a conclusion, a narrative about

torture from the photographs, but are afforded none because our responses to the photos are mediated by the imperialist, racist military system.

Voices off Camera: The Photo, the Photographed, and the Public

But what do the photographs at Abu Ghraib tell us and why photography over other forms of narrative? Some of us may believe the old adage that a picture is worth a thousand words that a photo captures a definite moment of truth and solidifies that moment and ensures that the moment has occurred. Historically, journalists took photographs of wartime conflict as methods to spread news of conflict, to show others who do not experience war that atrocities happen beyond the scope of someone's mere sight. In regards to the American Civil War, in which photography of dead soldiers and war torn battlefields became visible to the public, Cara Finnegan writes the following: "Although viewers could not yet view actual photographs... photographs of dead soldiers nevertheless shaped these citizens' experience of national life... [and] frequently encountered public conversations about them in print" (14).

Photos have also long served as forensic evidence. For instance, many war photographers and photojournalists took dozens of photos during the killings of civilians in the Vietnam War. While the American public, at first, did not believe such mass killings occurred at the hands of the military, published photos quickly absolved any rumors or doubts against the events. Moreover, the American government used photos from the gruesome Mỹ Lai massacre to charge several officers with the killings of hundreds of innocent Vietnamese citizens. However, the photos and military trials did not do much to achieve any sense of justice for those who perished in the Mỹ Lai massacre. Kendrick Oliver explains that while fifteen people were charged, fourteen of them had their charges dismissed, and the final person, William Calley, was found guilty of the murder of twenty-two people (247-248). Taking photos of a crime scene or of what

we suspect may be criminal activity has been used to indict people as we assume photographs capture either a clue of a potential crime or the actual crime in action. Yet, historically, photos do not have the same evidentiary muster we hope they have. In regards to the War on Terror and torture, if photos of torture were taken, then they must be an appropriate medium to discuss the events that transpired at Abu Ghraib, and from the photographs, we should deduce what is torture and what is not torture. Yet, according to military officials later interviewed in Morris' film, this distinction is not easily made.

Still, because of photography and videography, war is no longer a far away event; it appears in "living rooms," in the form of breaking news of bloody segments and constantly updated death tolls (Sontag 18). In *Regarding the Pain of Others*, Susan Sontag meditates on the accessibility of violence through media, first stating that "photographs of the victims of war are themselves a species of rhetoric... a means of making 'real' (or 'more real') matters that the privileged and the merely safe might prefer to ignore" (6-7). However, war is still only in the living room and not domestically present, still a great amount of distance between the viewer and the viewed. On the other hand, photographs provide the "deeper bite" in wartime in contrast to the steady stream of information we receive through television and the internet (Sontag 22). As we spend every 9/11 after 2001 memorializing the destruction of the Twin Towers, we post and recall photos of planes crashing into tall buildings and beams of light projected into the New York City skyline; "Something becomes real... by being photographed" (23).

The photos, the real, therefore, became evidence for the physical abuses, the physical harm done onto Iraqi civilians, but not evidence towards the larger military complex that was responsible for allowing the torture to occur in the first place. If this is the case, if photographs show us the real, then the Abu Ghraib torture photos should have deeply impacted the American

society. The photos should have been compelling evidence to not only bring consequences to those who took part in the torture, but also to reevaluate the so called “enhanced interrogation techniques” that the government allowed the military to use. Yet, very little changed. American military forces relinquished control of Abu Ghraib in 2006 to the Iraqi government, but the events at Abu Ghraib were only an extension of the practices that occurred on American military prisons across the Middle East, and across the ocean in Guantanamo Bay. Policies became amended, laws briefly looked over, but few military trials took place, forcing the lower level officers to face repercussions of the military complex at large. Sontag, in “Regarding the Torture of Others,” later writes, “The pictures taken by American soldiers in Abu Ghraib... reflect a shift in the use made of pictures -- less objects to be saved than messages to be disseminated, circulated. And even if our leaders choose not to look at them, there will be thousands more snapshots and videos. Unstoppable” (“Regarding the Pain of Others” 26).

I now turn to a discussion of Errol Morris’ documentary film *Standard Operating Procedure* which documents the aftermath of the publication of the Abu Ghraib photos and on whether or not we should regard them as evidence. If photos depict the real and should be considered as evidence, Morris presents the photos as evidence. Because Morris pairs them with the narration of several military officials, the viewer can, perhaps, see the evidentiary nature of the photos. Morris’ pairing does develop the photos as evidence, but his lack of narration leaves the conclusion of whether or not they are evidence to the viewer. Morris is rather well known for his lack of a narrative voice in his documentaries, and *Standard Operating Procedure* follows a similar style. The film consists of several interviews of military officers and private contractors who were found guilty of mistreatment of detainees, and each officer responds to what we assume are questions and statements posed by Morris, though Morris’ voice is rarely heard, and

we do not know what he asks the interviewees. Morris' film outlines the officers' recollections of when the abuse began to the later repercussions many of them faced after the scandal broke; not only that, Morris also touches upon the interpersonal relationships among the officers, often focusing on how many of them simply stated they were following orders of higher officials, like Charles Graner, who is not interviewed due to being incarcerated for the prisoner abuse. Morris' film, in a sense, allows the viewer to listen to the justifications of the interviewees' actions, and then come to the conclusion if their justifications are believable in regards to the torture of Iraqis.

In the film, former United States Army reservist Sabrina Harman states that her taking the pictures was only to "document the shit that was going on" (Morris). Documentation did not, at the time, correlate to collecting evidence for Harman, though Morris' film does, to some extent, collect and compile the narratives from various military officers, intersecting his interviews with the photos they reference. While Sontag once suggested that "Visual representation of suffering has become clichéd... our capacity for ethical responsiveness has become diminished," Judith Butler responds by stating that photographs "do not merely portray or represent, but they relay affect" (Butler 955). Relaying affect, if not the purpose of the photos, was, perhaps, temporary at best, if we are to remember that Sontag suggests photographs only create "temporary" feelings. So we are left with the same question, just further troubled by Morris' film; what was the purpose behind the photographs, but more importantly, why did they not accomplish more than relaying brief affect to the American public? Essentially, through Morris' artistic take on the Abu Ghraib photo scandal, what can we learn about the law and its reach, or role, in the scandal?

To possibly answer this, I turn to Judith Butler, who continues to ponder how our response to the suffering of other people and her commentary on the frame of a photograph,

which “takes part in the active interpretation... it is itself interpreting, actively” (952). Through interviews, Morris provides another frame beyond what we see when we look at the photos, the frame of what we initially believed were a single group of rogue soldiers carrying out abuse simply because they wanted to cause suffering. When the Bush administration insisted that these abuses were only from a few that disregarded American values, the lackluster response could be the attempt to “control affect” (Smeulers & Niekerk, Butler 953). Morris, therefore, questions how “the frame permits, orchestrates, and mediates” the torture and questions our ethical capabilities for the “value and dignity of human life” when he chooses to only include the narration of the soldiers instead of also including his own (Butler 958, 955). Photography can relay affect, but photography as evidence does not have the similar impact; affect simply does not last, and in a world where war photography is more accessible, photographs will continue to bring these moments to life, but the public has become desensitized to the realities they allegedly pose through seeing photographs. Instead, photographs of the torture done at Abu Ghraib outline a logical flaw; photographs should have been evidence to prohibit further torture, but only existed as evidence in incarcerating lower level officials rather than bringing about substantial change to the military’s methods of interrogation. Morris, therefore, questions whether or not photography alone can be evidence, ultimately showcasing how political and social contexts prevent photos from having any evidential role.

Sites Unseen: (Un)knowing through Sight

Before I get to the photographs, I want to suggest that the theme of seeing and unseeing permeates throughout Morris’ artistic choices. His film, I would argue, begins with how seeing has a vital role in assessing the role of American military occupation in the Middle East as Donald Rumsfeld visits the prison, but does not actually see it entirely. Morris’ *Standard*

Operating Procedure begins with former Colonel Janis Karpinski, now retired Army Officer who commanded forces in Abu Ghraib and surrounding prisons in Iraq, describing Rumsfeld's first visit to Abu Ghraib: "He wanted to see the prison. He wanted to see the progress and he wanted... a trip to the torture chambers and the hanging facility. So we scheduled different events" (Morris). Karpinski's description suggests Rumsfeld's trip to Abu Ghraib was simply a quick visit rather than an assessment of the U.S. army's current occupation of the prison. Though Rumsfeld's tour of the prison is one rooted in transforming Abu Ghraib from an Iraqi prison to an American one, he does not complete his tour after "the first stop" of "Saddam's hanging chambers" (Morris). Instead of continuing, Rumsfeld allegedly asks soldiers to take pictures with soldiers: "'No. I don't wanna go anywhere else. Let some soldiers come over here, and we'll take some pictures. I don't need to see anything else in the prison.' And then he left" (Morris). By not fully assessing the progress in his visit, Rumsfeld appears patriotic to the soldiers and photographer but fails to lead the very soldiers he poses with. Yet, the photograph of himself with soldiers will provide a narrative beyond his failures of "seeing" the prison in its entirety. We may look at this as a portrait of Rumsfeld as a patriotic government official. These photos will be seen by soldiers and other officials, thus reinforcing patriotism as the relentless support that the American public and government has for military officers. If what we see is what we know, then Rumsfeld not completing his tour renders the sites unseen. On the other hand, Rumsfeld does not see the horrid conditions at Abu Ghraib, and by extension, he cannot see the evidence we see in the photos. While both the Rumsfeld photo and the Abu Ghraib photos that appear later on in the film have a speculative nature surrounding them, the crucial difference is that Rumsfeld is in control of his photo-op. He asks the soldiers to gather for the photo. He poses at free will. This calculated photo introduces Morris' main question: how does seeing allow us to

know what we know, and how can we be sure that photographs are “truthful?” Though Rumsfeld, in numerous documents and memos, encourages military officers to continue with their enhanced interrogation methods, the photo opportunity simply shows that he visited and visually assessed the grounds, which does not lead to knowing, at large, the atrocities committed onto Iraqi citizens.

Just like the term “enhanced interrogation techniques,” which is used to avoid the word “torture,” the events at Abu Ghraib are simply not as they seem. The explicit photos show military officers engaging in or witnessing torture, yet Army Special Agent Brent Pack strongly advocates for the public to see the photos as either “illegal” or “standard operating procedure.” While the roots of Abu Ghraib can trace back to the vague definitions of torture in the Conventions, Abu Ghraib is plagued by the question of which actions are illegal (according to international laws) and which are simply procedural. Morris’ film does not provide a definition for either term. While the lack of information may seem counterproductive, as many scholars posit Morris’ film as “truth finding,” by not providing clear definitions, Morris allows his viewers to define these terms ourselves. Morris, early on, tasks us with seeing the photos, and asking us to place them on the spectrum of illegality and standard operating procedure. Yet, Morris includes Special Agent Brent Pack and his attempts to break down what the civilian should see in the photographs, specifically towards the end of Morris’ film:

You have to look at exactly what the pictures depict. It was important to separate those that were criminal acts and those things that were not criminal acts.... The individual with the wires tied to their hands and standing on a box, I see that as somebody that's 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.... The panties on the

head are an added touch, but it's no more than sleep deprivation. They weren't being tortured per say. . . (Morris)

Here, Pack speaks to the viewer, outlining that the assumptions the public makes of the photographs are baseless. Public outcry, as mentioned above, suggests that Americans did not want their country to resort to torture and dehumanization. Moreover, the most common assumption surrounding Abu Ghraib is that only a handful of officials took part in the detainee abuse: a few rotten apples does not spoil the hundreds of others deployed to Iraq. Alongside that assumption, Pack suggests that the public needs to scrutinize the photos thoroughly, and that if they do, they too will see the difference between a criminal act and standard operating procedure.

However, Pack, by asking us to “look at exactly what the pictures depict,” suggests that the frame of the photographs do not matter; the subject matter itself (stress positions, psychological torture and fear) is legal. Beyond admitting that the officers use sleep deprivation in the next breath, the viewer cannot simply disregard the frame because the film, rather loudly and in bold red lettering, shows the phrase “CRIMINAL ACT” over certain photos, including the infamous pyramid photo, which I discuss later in this chapter. Morris, in his film, labels the photos according to what Pack suggests, but Pack suggests that the photos label themselves if you literally look at the photos’ subjects. Pack states that the sexual nature of the naked pyramid photo means it is a criminal act. The naked bodies on top of one another make it a criminal act. Yet, almost in contradiction, Morris shows us a photo of a naked detainee wearing a hood over his head, and Pack deems the photo’s contents as not sexual in nature, and hence, not a criminal act. By posing these two instances together, Morris questions what exactly makes one photo more of a criminal act than the other. Once more, Pack refers to another rather infamous photo of a hooded man balancing on a box, with wires attached to his body. Morris’ film stamps “S.O.P”

over the picture ““They don’t look like they’re real electrical wires. Standard Operating Procedure. That’s all it is”” Pack quotes, but not specifying who he is actually quoting (though we can assume he is quoting either his orders or the training he received). While Pack emphasizes that the positioning of the body is simply a stress position, and that no one was physically injured, Pack fails to see the terrifying psychological effect that may take place: something Morris makes clear when he reveals the photo to his viewers. The wires are definitely attached to the hooded person, and Pack has admitted they are, indeed, in a stress position, with their arms spread. Pack may say this is standard operating procedure, but Morris asks us to consider otherwise.

This constant contention between illegality and procedure, I argue, is part of Morris’ thesis of the film as the intersection of his interviews of the people involved and the leaked photos of Iraqi civilians illuminate the seen and unseen. With these intersections, Morris questions the binary between illegal and standard operating procedure, why it exists as a binary, and how the military navigates what is exactly illegal or not. Pack, at the conclusion of the film, insists that only well versed military officials can understand the difference, and that the public will see all the photos as cruel torture. One cannot help but ask why this distinction can only be made by trained officers: perhaps because this difference is outlined in the CIA’s manual. As Scarry argues, “Almost anyone looking at the physical act of torture would be immediately appalled and repulsed by the torturers” (Scarry 35). And, for the most part, repulsion was the case; in directly seeing the photos, both domestic and international governments condemned the torture at Abu Ghraib, “[b]ut for the American public, they in the end provoked no question affecting national policy” (Lingis 84). From seeing, most of the world agreed that what occurred could fall under the definition of torture. So while seeing the leaked photos elicited disgust,

citizens could not take this visual repulsion and act upon it, which fulfills Scarry's claim of "looking" but, perhaps, not the entire effect of repulsion.

Pack, who was tasked with determining which photos depicted prisoner abuse and which were S.O.P., describes how "the pictures spoke 1,000 words, but unless you know what day and time they're talking, you wouldn't know what the story was" (Morris). Pack situating himself as the storyteller of the hidden messages behind the Abu Ghraib photos is problematic as his training obviously allows him to err on the side of the military. As an investigator of the scandal, Pack suggests the photos tell the story of the government trying to protect its citizens by interrogating possible terrorists. Yet, by including Pack's binary, Morris' interviews contest this binary of knowing and unknowing, of seeing and unseeing, and poses the question: what are the stories behind the photographs, who sees what in the photographs, and how do these photographs contribute to the goal of interrogation: to find out information from Iraqis, and what role does the public "seeing" the photos play?

Morris begins to answer some of these questions when he decides to not only show the photo to the viewer, but also add the context of interviews from the officers who took part in the scandal. Most of this context comes from the interviews, but the film also includes handwritten letters from Sabrina Harman to her wife, Kelly. Morris has Harman narrate sections of the letters and positions the letters to the audience as if Harman writes to the viewer of the film. Thus, the idea of seeing, through these letters, moves from private to public. Rather infamously at the peak of the scandal, Rumsfeld stated that the photos "had not even arrived in the Pentagon," and by doing so, Brown suggests that "visual information [is] something to be regulated and rendered invisible" (134). I would like to take Brown's statement a step further by contesting this claim; Morris suggests that yes, the state channels, such as the Pentagon, regulate the flow of

information that is given to the public. In short, the government argues that the photos should not have been published, and Rumsfeld suggests that the photos should have no audience beyond military officials. Yet, these letters appear prior to Morris providing the actual photo to the audience. In turn, the photos of Harman's letters then further positions the viewer as reading a private, secretive military operation. To exemplify Harman's letters and how they may curate distrust of her narration and the photos, Morris begins the scene with a close up of a naked man, with his hands cuffed to the bars of a window behind him, wearing women's underwear on his bowed head. He then cuts to the actual photo before pivoting back to Harman, who resumes narrating what she wrote to her wife. The film then transitions into the handwritten letter in which Harman wrote the term taxi-cab driver in quotation marks. Morris including these quotation marks suggest that Harman does not believe that the prisoner is not actually a taxi cab driver, and that she, like the rest of those at Abu Ghraib, suspect working Iraqi citizens as more than what they seem. By focusing on the written phrase, Morris posits us to ask if we believe the man is who he claims. These quotation marks elicit suspicion, disbelief; the man may not be a taxi-cab driver. This variant of seeing, I postulate, differs from the seeing that Rumsfeld somewhat does. On one hand, Rumsfeld conducts the motion of "seeing" as an assessment of his surroundings. Here, however, Harman attempts to "see" past the identity of the taxi-cab driver and tries to "see" evidence of another label: terrorist. As Pack must determine the legality of the actions in the photos, Harman must take it upon herself to decipher the body's true intentions.

Morris then inserts another photo; this time, the photo depicts a man wearing female underwear on his head (it is unclear if the man in the second photo is the same as the previous man in the first photo), with his arms spread and cuffed behind him to a metal cage. While the audience takes in this photo, Harman's voice narrates that "He looked like Jesus Christ. At first I

had to laugh...” (Morris). Morris layers Harman’s comment with the photo, questioning if the prisoner indeed looks like Christ. Besides the arms being spread, Harman’s comment almost seems absurd as his arms being spread appears to be the only similarity between the depiction of Christ on the cross and the prisoner. By crossing the photo with Harman’s comment, Morris asks us what we see: do we see Christ? Susan Sontag writes, “And all photographs wait to be explained or falsified by their captions” (10). Neither Harman’s comment nor Morris’ decision to pair the comment with the photo provide an explanation of the photo; rather, Morris posits if our initial assumptions still ring true. We do not see Jesus Christ because we are literally seeing a naked prisoner, and therefore, what we see does not logically align with what Sabrina Harman sees, and it does, in fact, trouble our previous assumptions. Harman’s letters act as captions that truly falsify the photos when we take a closer look at them. These falsified captions, then, alienate the viewer from Harman’s initial reasoning to photograph torture victims; she exclaimed someone should document what is going on at Abu Ghraib. But, her comment of the prisoner being akin to Jesus Christ leads us to further question not only her motives for taking the photos, but also the racial and religious contexts of the photo.

Along with Harman’s letters, Morris, rather controversially, uses reenactments of some of the more notorious photos that emerged from the Abu Ghraib scandal. Morris, like most filmmakers or documentarists, pay those they interview, yet the entire film focuses on the interviews of military officials. There are no Iraqi civilians or voices in Morris’ film. To some extent, we may question if his decision to reenact photos is to fill this gap. To me, the lack of Iraqi voices falls short. However, I would like to suggest that the reenactments are extensions of the original photographs: confusing, and only speaking to a frame rather than the full story. For example, Morris chooses to show a reenactment of the “dragging” that Lynndie England

allegedly did when she and her fellow officers tied a leash around a prisoner's neck. But the reenactment is blurry, almost entirely illegible, while also "too cinematic" (Benson-Allott 39). Only after intense scrutiny can we understand that Morris' portrayal of the dragging is hyper fixated on a man's arm and armpit, with his fingers briefly in the frame. The actor has significantly lighter skin than the actual photographed prisoner, Gus. And even more confusing, Morris does not show anyone dragging the actor in his reenactment. Thus, by extension of not clearly seeing, we cannot clearly distinguish military operations from illegal torture. Illegible reenactments, however, suggest that the viewer does not truly know what they are seeing. The viewer must question what is in front of them, must pay attention to the details that Morris focuses on (the flesh, the fingers) as opposed to the original photo itself because Morris purposefully blurs what we first perceived as truth. If photographs are snapshots of the truth, if "the photograph provides a quick way of apprehending something and a compact form for memorizing it," Morris, through his layers of written words, reenactments, and then, finally, the original photo, asks us to question what we see: do we see a man being dragged? (Sontag 22) And does being dragged fall under what we perceive as torture?

For now, I call this technique layering; to place murky reenactments right on top of Harman's letters, which Morris poses as suspicious, with the illegible reenactments prior to revealing the original photo suggests that "reading" a photo or scene is how we approach and further complicate the binary between illegality and standard operating procedure. Neither show us a definitive answer, and both easily fit into the gray area between the extremes, but they also move beyond and into a chaotic, unreadable spectacle. When Lynndie England speaks of her infamous photo, where she pulls on a leash that is tied around Gus' neck, she also claims she did not drag him. Morris then chooses to cut into England's interview with camera sounds and close

ups of a camera taking photos of the leash. England insists there is “slack” on the leash and says, “You can see it.” Morris asks us to see the slack by hyper fixating on the leash before showing us the entire photo: a small, boyish England holding the leash wrapped around Gus’s neck. Gus, who is naked, is on his side, and much darker than the reenactment suggests. Still, we should “see” the information, the slack in the leash, and the similarities between fiction and the photo, but we do not; our imposed ideas upon what we understand is “slack” are constantly in question, with no answer in sight. Morris effectively suggests, then, that photos are completely unreadable. Though England asks us to “see,” Morris layers different interpretations of the photo, fully expands on the circumstances of the photos, and continues to press England as she recalls taking the leash in her hand. The very act of holding a leash makes Gus appear as an animal, a spectacle. Yet, the fixation on the slack and leash lead us to question whether or not the viewer understands what should be considered torture, especially if we are presented with evidence (the photo) that is illegible. Because the binary between S.O.P. and legality is just as illegible, the law and the government render these photos as unreadable, and therefore, not conclusive in regards to whether or not torture took place.

As Morris demonstrates, events and photos are not as they seem, or rather, enhanced interrogation is not torture, naked bodies are not strange occurrences in Abu Ghraib, and questions about procedure are not questions but interruptions. By simply layering photographs with narrative voices, Morris deconstructs the truths we initially associated with Abu Ghraib. For the arriving soldiers at Abu Ghraib, there is no clarity between standard operating procedure and illegality, and military officers are tasked to use the bodies of detainees to unravel these definitions. And when we take photos of those bodies, Morris posits that there are no conclusions from photography alone, and that they exist as illegible moments of the seemingly visible.

Obstructed View: On Understanding the Racialized and Sexualized Body of the Detainee

While the officers such as Pack say “seeing” is enough to distinguish differences between torture and standard operating procedure, we find out later in the film, and from government documents, the interrogations at Abu Ghraib did not solicit much information from prisoners.¹¹ Their bodies, which have gone through tremendous stress, more often than not did not reveal anything new or revolutionary about terrorism against American soldiers. Sontag, in “Regarding the Torture of Others,” writes on the Abu Ghraib photos, stating, “The pictures taken by American soldiers in Abu Ghraib... reflect a shift in the use made of pictures -- less objects to be saved than messages to be disseminated, circulated. And even if our leaders choose not to look at them, there will be thousands more snapshots and videos. Unstoppable” (“Regarding the Pain of Others” 26). Yet, this claim of the circulation of photography as “unstoppable” does not show us the political and racial causes for “documentation.” From lynching postcards to the photos of the horrific Mỹ Lai Massacre during the Vietnam War, “spectacles of abuse, the taking of photographs and videos, the preservation and the circulation of the visual image of the tortured/lynched body, the erotic sexual exploitation... all these practices are continuities in the history of American racism” (Carby). It is not the image that is unstoppable, but the Western need to mutilate and humiliate Othered bodies.

The War on Terror, therefore, continues the onslaught of mutilation that is hammered into America’s history. Yet, for torturing potential Islamic terrorists, using sexual torture that stems from the religious beliefs surrounding Muslim men is a key methodology to find information and dismantle terrorism. Humiliation of the Muslim detainee relies on the presumed notion that Muslim men are sexually repressed and that Muslims as a whole reject

¹¹ In Morris’ documentary, CACI CORP civilian interrogator Tim Dugan says, “Nobody really got any intelligence there.”

homosexuality.¹² Pre-martial sexual relations and homosexual relations are prohibited in many major religions, and Islam is no exception to that rule. Jasbir Puar, in “Abu Ghraib and U.S. Sexual Exceptionalism,” states, “The taboo of homosexuality in Islamic cultures figures heavily in the equation for why torture has been so ‘effective’; this interpretation of sexual norms in the Middle East-- sexuality is repressed, but perversity is just bubbling beneath the surface-- ...informed photographs of the torture at Abu Ghraib” (83).

Nevertheless, the photographs of men wearing feminine underwear are not simply moments of torture, but moments of intense sexualization for the military’s pursuit of information. As we know, many captives practiced Islam, which means for religious reasons and, perhaps, cultural reasons, Muslim men do not look at or touch women. For the officers to then exploit that religious law as a form of torture and then to photograph it is, on one hand, a form of “war porn” as Jean Baudrillard argues. He states, “...war itself... is unable to be simply war, to be simply about killing, and instead turns itself into a grotesque infantile reality-show, in a desperate simulacrum of power” (86). This exercise of power is exclusively done by female interrogators because simply the female seeing the naked Muslim man thus degrades him and forces him into humiliation:

The photographs feature men forced into homosexual acts and piled up, naked penis upon buttocks, in a grotesque forced homosexual orgy before the gleeful smirks of young American women.... There is then something exceptionally triumphant in the derision of

¹² While this chapter does not overtly discuss the sexual overtones and social implications of the Western occupation of the Middle East and detention of Muslim men, I ask us to turn to Gargi Bhattacharyya’s “Introduction” of *Dangerous Brown Men*: “The cultural reference points of the War on Terror are shaped by the cultural politics of recent years... [and] the implication that backward cultures remain entrapped in uncontrollable and excessive homophobia in contrast to our tolerance... The alleged sexual dysfunction that is attributed to extremists and terrorists becomes contrasted with the supposedly healthy attitude to sexuality that characterises free societies” (6).

women guards, and exciting to American viewers... where sexuality is forbidden its dissolution into orgiastic convulsions with the alien. (Lingus 85)

I argue that the sexual exploitation and documentation is a new type of seeing; a seeing that does not place itself as directly connected to the “purpose” of torture. Instead, this seeing, as Morris frames it, has the single purpose of providing evidence that the United States is “dominating” Muslims in the larger narrative of Islamic terrorism and national security. I argue that as we see the reenactments that Morris lays out, we become spectators of the sexual violence, but we are asked to gauge these as moments of power between government and individual.

To some extent, we cannot read the body and place it as illegal or not simply because the body does not produce the answers the military wants. At the very least, the distinction between illegal actions and standard operation procedure should be clear to those in Abu Ghraib, but as we see consistently through the interviewees’ recollections, the distinction is not clear. Sergeant Javal Davis’ first lines in the film exemplify this confusion, and outline the problematic nature of relying on “seeing” to distinguish between illegality and procedure. Davis not only describes the detainees’ bodily harm while at Abu Ghraib, but also the sheer confusion between illegality and procedure that Pack claims is easily distinguishable. Davis, who is later found guilty of dereliction of duty, making false official statements, and battery, arrives in Abu Ghraib, questions the naked state of the detainees:

That's when I saw the nakedness. I'm like, "Hey, Serge, why is everyone naked?" You know. "Hey, that's the MI. That's what the MI does. That's the MI thing. I don't know." Why these guys have on women's panties? He's like, "This is to break them." There guys naked, guys in women's panties, guys, you know, handcuffed in stress positions, you know, in isolation cells, no lights, no windows. You open door, turn the light on. "Oh, my

God, Allah!" Click, turn the light off, close the door. It's like, "Whoa, what is that?" It was like, "Hey, that's Military Intelligence." You know, just stay out their way. And from then on, I was like, "Something's not right here." (Morris)

We should point that “everyone” suggests that regardless of good or bad behavior, everyone in that cell block is subjected to the same punishment right off the bat: nakedness and lack of modesty. This systematic punishment is what Miller previously referred to as “Gitmo-izing” Abu Ghraib, attempting to universalize punishment for all detainees, and only rewarding them if they provide evidence. The other sergeant responds saying “the MI thing,” referring to the branch called Military Intelligence, which is responsible for interrogating detainees for information. “Thing” is an interesting word here because it refutes any specific actions or states of being (such as someone stripping a detainee or the detainee being naked) and suggests that such procedure simply occurs. Military Intelligence “does” the “thing,” removing negative connotation and the acts/being itself from the response.

Davis then points out, as photos show us, detainees wearing women’s underwear on their heads as well as their bodies. The response of “breaking” detainees through feminine underwear, at first, seems ridiculous, as the underwear both on the body and head provide some shield of modesty for detainees. Later, in the film, an unnamed female analyst says the feminine underwear, as well as having a female strip a male detainee, can “break” the detainee as Iraqi (and heavily implied, Islamic) culture forces women into submission. So, naturally, having a woman strip and berate a male detainee can make them feel humiliated, and more willing to speak or provide information.

Davis’ questioning of the naked form is, I argue, a moment of reading the body in front of him. Michael Richardson claims that waterboarding “relies on paradox” as the method gives

the illusion of death but also fails to inflict “severe pain or suffering” (56). Therefore, Davis, in the moment, nearly writes off the naked man wearing underwear on his head as simply an “M.I. thing” because there is no screaming, so there is no pain, and if there is no visible pain, then there must be no visible illegal torture. In essence, Morris poses to us that Davis faces a similar paradox. Davis sees, and then reads, the sexual overtones of the detainee’s underwear and naked form, and suggests “something is not right.” I would posit that Morris’ use of layering the interviews with the photos and reenactments create paradoxes of truth. While viewers may bring their own interpretations and biases as they watch his film, Morris’ relentless shifts in interviews, subjects, and photos force the viewer to question all interpretations, even the ones that do not exist, as Davis struggles to place purpose and reasoning for the detainee’s naked state.

Davis’ questioning encourages us to consider why such sexualization has to occur. Simply, the targeted sexual torture in this scene begins my argument of how the West seeks total domination of the Muslim man. In another scene, Morris’ reenactment and positioning of actors to further drive the sexual nature of certain interrogation and torture techniques. Against the backdrop of stark black, the reenactment shows the detainee, named Wolf who may be responsible for a mortar attack, the interrogator, and oddly enough, the reflection of the detainee. This reflection, appearing on the water on the ground, is a bizarre addition to the scene, as if it is another layer. So while the viewer of the film sees the two people and the reflection, the detainee is subjected to seeing his own reflection as he is humiliated. On the left, we see the sole white calf of a presumably female officer who may be standing over the detainee (Dugan says that two female analysts conducted the interrogation on Wolf). Finally, we see the detainee, crouched on his knees with his head bowed. This positioning of the male body is rather interesting as

Muslims crouch and place their foreheads onto a prayer mat as they conduct *salaat*.¹³ To have his actor positioned this way, Morris emphasizes the religious connotations of the interrogation; yet, instead of bowing in prayer, the detainee is bowing to the military boot. The sheer power needed to make a man bend and bow is palpable here, as the faceless detainee appears to submit to the American military.

This religious connotation is only further exacerbated when we fully understand why the bodies of male Muslim detainees are nude. Dugan, as the reenactment plays, remembers asking why this naked form was important, and the answer is no different from what Javal Davis receives: “we let the females do some things like that, you know, to get over the Arab culture thing.” This “Arab culture” mostly refers to the tenants of modesty that Muslims adhere to in accordance to the Quran.¹⁴ However, this answer slightly differs from the initial; while the both answers lie in the justification of breaking the man for information, the particular answer here actually mentions “Arab,” making the sweeping generalization that Muslim men expect subservient Muslim women; hence, a female American must be the interrogator of the Muslim man as nothing could be more humiliating. Javal Davis states, on behalf of an officer named Cruz, that “There’s lots of different ways we interrogate people” (Morris) but “the sexual is the ultimate site of violation, portrayed as extreme in relation to the individual rights of privacy and ownership accorded to the body” (Puar 81).

¹³ *Salaat* is the Arabic word for “prayer” and refers to one of the five pillars of Islam, in which practicing Muslims are required to perform their five prayers daily. Prayer movements include bowing at the hip, then crouching and eventually pressing a clean forehead to the prayer mat, all of which is done in the direction of the Kabba.

¹⁴ It is important to note that while current day media and Islamophobic policies against head coverings are geared towards women, Muslim men must also follow strict rules of modesty: “Say to the believing men that they restrain their eyes and guard their private parts. That is purer for them. Surely, Allah is well aware of what they do” (“The Holy Quran: Surah An-Nur 24:31”). This modesty includes covering arms up to one’s wrists, covering legs up to one’s ankles, maintaining facial hair, and, in some cases, wearing the traditional *kufi* prayer cap.

If we consider how Morris positions his reenactment, and the surrounding instances of the hallway, then this sexualized torture not only speaks to the Western disdain for some Islamic practices (which, to be fair, may be hijacked by patriarchal governments and interpreted to oppress Muslim women) but the need for the West to dominate the Muslim male body. By reminding us of the female viewer through a single military boot, Morris intertwines the gendered with the political; it is not enough to berate a detainee's religion, but American soldiers must penetrate the masculinity of the men in order to extract information.

These sexualized reenactments and photos may or may not be torture; they are, as the other photos mentioned in the previous section, just as illegible. There may be nothing sexual about a naked man, and this distinction is left to the viewer. Yet, when we revisit Pack's suggestion that the explicit and highly disturbing human pyramid photograph is criminal and illegal due to its sexual nature, we are once again faced with what truthfully occurred in the photo.

The pyramid photo itself naked men on top of each other, but rather than showing the photo first, Morris uses three different interviews to develop the narrative around the pyramid and bring up a moment of contested truth. His scene starts with Specialist Jeremy Sivits, who recalls how Charles Graner pretended to strike one of the prisoners in a photograph. Morris then cuts to that photograph, in which we see Graner with his fist raised over a hooded man. Sivits clarifies, saying, "...he was acting, like, he was gonna strike the detainee. Never struck him, as soon as I took the photograph, he laid the detainee down." Yet, moments later, Sivits recalls that Graner did, in fact, strike a detainee: just not the one Sivits brought to the hallway. So did the punching happen to the detainee in the photo? No, but punching happened, and shortly after, Graner and Javal Davis began stepping on fingers and toes. In a way, Sivits tells a convenient

truth; in this photo Morris shows us, the photo tells a lie; Graner did not punch the detainee. By looking at the photo, we cannot differentiate whether the action took place or not. But, by allowing Sivits to say some sort of punching took place, we can, and maybe should, consider some part of the initial photograph as truthful. At first glance, this moment and photograph seem misplaced; they come before a set of highly sexual photos. However, by placing a moment of contested truth first, Morris asks us to tread carefully as photos are simply not what they seem; there is no evidence to prove that Graner punched someone, but there might be evidence that Graner looked like he was about to punch someone.

With this contention in mind, Morris turns back to Sivits, who then recalls how one of the detainees was in Abu Ghraib for rape. Graner, in response, rips the detainee's jumpsuit open, exposing his buttocks, and then Harman writes, "I AM A RAPEIST" on his thigh. The scene is only made more crude by the odd misspelling of "rapist"; is he a "RAPEIST" or a "rapist"? To pair these moments together forces the viewer to consider whether or not the "rapist" detainee is, indeed, a rapist, especially after Sivits says one photograph shows no punching, but punching did occur. Is the detainee a rapist? At first, the writing on his buttocks is the answer; he is found guilty by those soldiers around him, and therefore, they must mark him as a "RAPEIST." The military believes he is a rapist, and marking him as so makes it true. But the clear answer to the question "Is he a rapist?" is never offered to us. And while the detainee may be guilty of rape, his placement at Abu Ghraib, where American soldiers are tasked to find information about terrorist attacks, seems abhorrent. Yet, the Brown criminal who is suspected for rape can be immediately suspected of other crimes.

Morris shows us the photograph of the partially naked detainee, on the ground, the words clearly on his behind, while a young Lynndie England points to him with one hand, and holds a

thumbs up in another. Behind her are three nude detainees: one crouching with his head down, the second sitting with his back turned to the camera, and the third sitting on the back of the second, his head hooded and arms cuffed behind him. Nothing about the photograph reveals the detainee's criminal status; on the other hand, everything else about the photo shows how easily the Muslim man is dominated by the American military, and how truth rarely has anything to do with imprisonment at Abu Ghraib. The three naked detainees behind England cannot see what is occurring; two of them actively choose to not see by crouching or turning his back. Seeing another man naked would amplify the humiliation that they already feel in a state of nakedness; to acknowledge another's naked form would further degrade their status as Muslim men. Yet, to emphasize, nothing in the photograph suggests that the man labelled as "RAPEIST" is a rapist, and nothing in the photograph suggests that torture is taking place.

These accounts then lead to the seven man pyramid; Lynndie England begins to narrate the moments leading up to the actual construction of the pyramid, recalling that "[Graner, Davis, and Frederick] were throwing them into a dogpile" as Morris flashes the first photo of the emerging pyramid for us: several Iraqi citizens on the ground, one distinctly with his pants down: the suspected rapist. England continues, saying: "We didn't know what he was doing... And then he told us that he was piling them in a pyramid. And we're like, 'Okay, why?' He's like, 'To control them, so they're all in one area.' So we're like, 'Okay.'" Here, in place of a photo or England's face, Morris uses the video that Harman shot of Graner creating the pyramid, in which officers drag the bodies of detainees. We distinctly see Graner position the first three detainees on their knees before the video fades out, and Morris replaces the clip with a picture of the pyramid from behind: a tangle of Brown limbs, and then a front view, with all the detainees hooded. At first, we may think that Morris' inclusion of the pyramid's scene and photos is for

shock value, yet his introduction to the actual photo spans three different narrators: Sivits, who states he is no longer a nice guy because of the incident; Harman, who takes the photographs and videos of the pyramid and then leaves to call her wife; and finally, England, who says Graner set up the pyramid for her 21st birthday.

All three weave the events of what transpired that night, but all three, I suggest, objectify the Brown body when Morris overlays their narratives with corresponding photos. Sivits proclaims he did nothing wrong and never hurt anyone, which is supported by Harman. But Sivits admits to pushing one of the detainees to the ground; worse, he actively blames the bodies he pushes around for the current state of his mental wellbeing and social status after appearing in the photographs: “Go through what I’ve went through in the last two and a half, three years. See how nice you’ll be” (Morris). Morris, then, depicts the irony of Sivits leaving Abu Ghraib a changed man. Sivits does not think the civilians in the photographs will leave, if lucky to leave, as changed men themselves. However, they will; their naked bodies are now immortalized in photographs, which brings shame and humiliation themselves, but also to their families by extension. Graner, on the other hand, created the pyramid as a crude gesture for England’s birthday, thus objectifying the men. By including these narratives, Morris posits that Brown men are material; Brown bodies inherently become a space in which the military can write narratives of terrorism on their bodies through their skin. Brown bodies are the building blocks to the War on Terror; it just so happens that Graner uses them to build a sexual collage for England, who “wouldn’t have wanted that.” In photographs, detainees looked like they would be punched were not punched, and detainees were labelled rapists without any notion or evidence if they were rapists. Thus, Morris posits that criminality is read on the racialized Muslim body, but appears illegible in the photos; we cannot ascertain the crimes that Pack, Graner, or others so clearly see.

CHAPTER II

“Boumediene 2, Bush 0”:

The Vanishing and Reappearing Detained Body in Guantanamo Bay

The story of Guantanamo Bay is lengthy, tedious, and, at times, frightening to consider when we think of media portrayals; “GITMO” is too often a threat on popular police procedure shows. Since Guantanamo’s conception, television heroes have cited how they can and will send any criminal to the legal black hole; Guantanamo is where the criminals go to disappear.¹⁵

Beyond the entertainment factor, Guantanamo Bay lurks in presidential campaigns and false promises of its eventual closure. Former President Barack Obama often mentioned his desire to close Guantanamo, proclaiming how the site “drains” military resources and that its use is “a stain on our broader record of upholding the highest standards of rule of law” (“Remarks by the President on Plan to Close the Prison at Guantanamo Bay”). On the other hand, former President Donald Trump asked the Congress and people to “reexamine our military detention policy and to keep open the detention facilities in Guantanamo Bay” (“Remarks by President Trump in State of the Union Address”). The Cuban prison pops up every now and then, reminding us of the fear of terrorism that now plagues our airports, schools, and government buildings.

I could begin this introduction with Guantanamo Bay and the horrific bodily harm that takes place in military black sites. Instead, I ask you to set aside the usual stories of Guantanamo Bay and any of your recollections of the prison in the news, and to consider the *Cyclura nubila*,

¹⁵ To provide one example of dozens, consider CBS’ popular police procedure show, *NCIS*, or *Naval Criminal Investigative Service*, which focuses on solving crimes against the U.S. Navy. In “Iced,” team leader Jethro Gibbs threatens to the head of a gang: “You have *El Jefe* give me a call, or I book him the next seat on the flight to GITMO.” To ensure the gang’s cooperation, he asks another team member “to produce an intercept between Al Qaeda” and the gang, and to include photos within 24 hours, which the team agrees to do. Because of this fabricated connection, the team receives the green light to set up surveillance of the gang’s storefront, located in D.C. Though the scenario and crime are clearly fictional, the threat works; the gang members are visibly distressed at the mention of “GITMO,” and later, cooperate with NCIS.

or the Cuban iguana. In 2003, when Kuwaiti prisoners were held without charges in Guantanamo, attorney Tom Wilner made the following argument:

When the Cuban iguana crosses the Cuban border into Guantanamo, it is protected by American law, under the Endangered Species Act. However, the human beings held prisoner at Guantanamo were not protected under American law. Wilner concluded that if the Supreme Court did not review his clients' cases, the Cuban iguana would have greater safeguards than human beings at Guantanamo. (Honigsberg xiii)

Thus, the Supreme Court agreed to hear the case, and later, the courts recommended several of the detainees to transfer to face potential criminal charges in Kuwait. At least there, they would face charges.

The Cuban iguana appears only once in Lakhdar Boumediene and Mustafa Ait Idir's memoir, *Witnesses of the Unseen: Seven Years in Guantanamo*, but arguably, it plays the vital role of jumping off point for my work here. Written in a dual narrative, the memoir describes the lives of the two men prior to their arrest: how Lakhdar worked in humanitarian relief and met his wife, and Mustafa's passion for sports and skills as a computer technician, before recalling the systematic torture they endured for seven years at Guantanamo Bay and their eventual release after they are found to have no involvement with terror attacks or terrorist organizations. Days after the 9/11 attacks, the Bosnian government jails Lakhdar and Mustafa and others in a suspected bombing.¹⁶ After spending weeks in a Bosnian prison, what we now call the Algerian

¹⁶ Days prior to his arrest, Lakhdar Boumediene received a phone call from a distressed wife, asking him to find and hire a lawyer on the behalf of her jailed husband. Her husband, Belkacem Bensayah, became one of the Algerian Six, who the American government took from Bosnia and detained in Guantanamo Bay. At the end of *Boumediene v. Bush* (2008), five of the Algerian Six, excluding Bensayah, were found to have no connection to take up arms against U.S. military forces. After appealing the decision, Bensayah was finally released back to Algeria in December of 2013.

Six is beaten and dragged onto a plane on their way to Guantanamo Bay. Both spend seven years in the Cuban prison, and during those years, experience excruciating torture, including physical abuse, religious and sexual degradation, and psychological trauma.

In, perhaps, one of the memoir's minor glimmers of hope, Lakhdar recalls his interaction with the local wildlife. The Cuban iguana is, as Boumediene outlines, a "moment[s] that remind[s] you what it is to smile" as he, with a fellow inmate, corners the creature, scoops it up, and presents it to the guard, who demands the iguana's release (Boumediene & Ait Idir 175). Boumediene cannot recall "if it was the sharp teeth or the \$10,000 fine" that causes the guard's panic, but he watches the guard open the door to let the iguana "scamper off to freedom" (Boumediene & Ait Idir 176). \$10,000 is a substantial fine but also the approximation of the iguana's worth. So, then, what is the worth of the detained Muslim body, which remained unprotected due to the infamous legal black hole? Does it contain something valuable? What does the Muslim body's regulation establish for the American government, and how should we consider its role in the larger schema of the War on Terror?

This chapter does not seek to put value on human life, but rather, define and debate the value that the American government holds on the alleged Muslim terrorist body. I argue that the strict regulation of these prisoners no longer becomes the regulation of potentially harmful or dangerous terrorists, but rather becomes the systematic control of bodies, for these bodies not only allegedly hold information in regards to the War on Terror, but are also representative of so called Islamic terrorism. Yet, the byproduct of this systematic control is the emergence of law upon bodies; subsequently, through Boumediene and Ait Idir's memoir, we can trace how they are reduced from persons of interests to bodies with uncontrollable bodily functions. At the start of the memoir, Lakhdar and Mustafa begin as Muslim men who may hold information regarding

terrorist attacks. Through interrogation and unlawful imprisonment, Guantanamo and the military reduce the men to bodies inhabiting prisons. Their personalities, humanity, and whatever information they may have no longer matter as the military attempts to regulate their biological functions and needs. The failure to regulate the body on every single level, then, emphasizes the excess of law and, perhaps, the intersections of military law, international conventions, and ethical implications outline the failures of detainment. Ultimately, because of this grasp to secretly control all aspects of the Muslim body and excess of law within Guantanamo, the government relinquishes secrecy, rendering the Muslim body as, at first, invisible in the eye of the court, and then, inevitably, visible once more when *Boumediene v. Bush* (2008) grants writs of habeas corpus to detainees.

Re-education through Regulation: Taming the Muslim Body

For years, Guantanamo Bay was known as a legal black hole; because the American prison was in Cuba, American law did not apply to prisoners. As mentioned earlier, the United States circumvented the Geneva Conventions to carry out technically legal torture in military black sites and detainment centers and prisons such as Guantanamo Bay. Further complicating the legality surrounding Guantanamo is the fact the prisoners who were detained there, like Lakhdar and Mustafa, at first, were United States citizens, and therefore, could not be appear in American courts.

By understanding the legal issues surrounding Guantanamo Bay and the President's executive authority over it, we can see how not only international law, but also military code, collides into and onto the prisoners' bodies. Early on from their imprisonment, the physical torture that Lakhdar and Mustafa endure during their detention depict the opposition of the various laws that force military personnel to abide by military orders from higher up officials.

While prisoners at Guantanamo Bay do not have access to courts or trials, they are subjected to whatever military officials want: interrogation, torture, and more. Even though lower level soldiers may disagree with orders or actions, they must press on, as they simply cannot disobey. The expectation for compliance is inflicted upon detainees, as soldiers and interrogators are tasked with soliciting information from prisoners. Not complying is met with swift and certain punishment, both in regards to the detainee's disobedience (punishment is given by the military guard/lower level soldier) and the soldier's (punishment is given by higher military officials).

At first, both authors chose to actively speak with interrogators and provide what limited information they had about Al-Qaeda operations; yet when these moments of verbal compliance become verbal oppositions, we can see these two conflicting sets of law at work that emerge as violence upon Muslim bodies. Lakhdar, despite being taken away to a foreign place and locked up, is "happy when interrogations started," for he finally has a chance to proclaim his innocence. Both he and Mustafa answer questions without any issues, and for weeks, normal, nonviolent interrogations take place. That is, until Lakhdar begins to argue with a Jordanian prison guard on whether Lakhdar, originally from Algeria, can be threatened by someone with Jordanian law. The guard threatens to send Lakhdar to Jordan where "there are no rules against torture" (Boumediene & Ait Idir 92). One may read such a statement with skepticism, since, at this point in the novel, Lakhdar and Mustafa have been verbally abused, punched, and bound so tightly that Lakhdar has permanent scars on his wrists (Boumediene & Ait Idir 82). There were rules at Guantanamo Bay, and suddenly, there are no rules at Guantanamo Bay, according to the Jordanian guard. Up until the interrogation with the Jordanian, Lakhdar has answered every question and complied to all interrogations no matter the time or place.¹⁷ The sudden turn from

¹⁷ Lakhdar recalls how, at times, guards would take him into interrogation in the middle of the night, in an effort to disorient him. Yet, after his fight with the Jordanian guard, he is transferred

nonviolent procedure to aggressive arguing and threats of torture suggest the disappearance of rules; this disappearance and reappearance of rules “against torture” is solely at the beck and call of the interrogator.

Such torture, then, to some extent, is endorsed by the American government because, as the Court of Appeals for the D.C. Circuit concluded in its dismissal, “‘person’ does not include a non-resident alien” in the context of the United States Constitution (*Rasul v. Rumsfeld* 37). With this in mind, because the government does not recognize the detainees as “persons,” prison guards are free to inflict whatever harm without having any consequences for their actions, thus working around the Eighth Amendment.

Yet, the guard’s use of “rules” suggests that in Guantanamo Bay, some rules, most likely the military code of never disobeying an order, on torture prevent him from inflicting serious bodily harm onto Lakhdar (10 U.S. Code § 892.Art. 92). When both men lose their tempers, the unnamed guard “wrapped his thick hands around [Lakhdar’s] neck as though to strangle me. ...But I knew the Jordanian wasn’t going to kill me. ‘You want to kill me?’ I asked. ‘...Then do it!’” (Boumediene & Ait Idir 92-93). Lakhdar verbally pushes his assailant to continue to harm him until the guard releases him. Here, by verbally accosting the guard, Lakhdar understands that the guard is bound by rules, international law and military code that prevent him from being strangled to death. Later, when he is taken to the clinic, he states, “The next day, the Jordanian was gone, and the interrogations went back to normal” (93). “Normal” suggests that such harm was a mistake, and that “normal” interrogations, at least interrogations that are not violent in nature, resume because the guard’s attack is out of the ordinary. However, the reversion back to

to Camp Delta. There, other “unusual” or not normal interrogations were done by females, and consisted of disrobed or naked soldiers, most likely done to cast shame upon Muslim men who usually practice modesty and must turn away from naked women.

“normal interrogations” does not occur, and for the remainder of Lakhdar and Mustafa’s detainment, they face degradation, violence, and bodily harm. In the case of Guantanamo Bay, serious bodily harm is any action up until death; Lakhdar is “bruised... A bit hoarse,” the next day due to the attack. Surviving strangulation and bearing permanent scars are reminders that neither prisoners are dead; the effects on Lakhdar’s body, though damaging, are where the conflicts between international law and military order imposes itself upon him. Military laws in black site spaces such as Guantanamo Bay allow for bodily harm and torture; suffocation is perfectly legal because Lakhdar is not a person. Yet, at the same time, Lakhdar is a person under the Geneva Conventions. He should not be suffocated because he is a person, in accordance with the Convention’s standing. This conflict of laws thus begins to deteriorate Lakhdar’s standing as a “human” or “person,” allowing the military to now regard him as simply a body.

While there are moments when interrogations mistakenly become violent, most bodies are regulated through violent means under the guise of the law. When prisoners break rules, even in minor instances, they face the brutality of the military. For instance, prisoners take daily rec walks under supervision, but only to the discretion of guards. A former athlete, Mustafa, who “exercised every single day,” recalls when soldiers catch him doing pushups, and how they throw Mustafa into solitary confinement and leave him directly under a bright light. Mustafa suggests that soldiers feared his prior background in sports: “...they were afraid that I would somehow train my fellow detainees” (115). Tim Jom Semmerling, in his response to several articles on the War on Terror and Islam in *The Atlantic Monthly*, points to the “Orientalist fear” of Muslims as the war; his previous work focuses on the racialized image of Arabs in cinema, and his response stems from such work as he suggests the following:

As Americans struggle to defeat their enemies, their efforts to gain victory often lead to change in ideological and mythic identities. ...Roundups, detentions, and deportations of illegal immigrants and suspects of ethnic groups are common events. Those detained are denied access to attorneys, and one detention camp swells to 42,000 detainees. ...The American public accepts these actions not only for its own security against future attacks but also for the protection of Muslims from vigilante violence. (Semmerling 215)

Mustafa's pushups are not just a depiction of his own strength, but the potential strength of detained Muslims. While Mustafa describes the guards' fears as "ludacris," this fear of what terrorists, or, more frankly, Muslims, are capable of allows the military to regulate what detainees' bodies can and cannot do, what qualities they can or cannot possess.

Mustafa is swiftly punished for exercising, and at first, Mustafa declines pain medication because of the "grim stories about the medical 'treatment' on offer at Guantanamo" (Boumediene & Ait Idir 116). Such opposition becomes the first example of how Guantanamo Bay's hospital and clinics become places where the authors intersect American law and military code. The interrogator says, "If you change your mind, we can let the hospital know" (Boumediene & Ait Idir 116). The offer to go to the hospital rather than immediately taking a clearly injured detainee to the hospital differs from the regulatory efforts that the military usually enforces. To send Mustafa to the hospital is a regulatory measure. To offer is to give him a choice, in which the choice becomes an act of resistance, for Mustafa believes that he will not receive the necessary aid in a military hospital.

Regardless of the interrogator's words, when Mustafa eventually requests to go to a hospital, the soldiers do not take him until he has collapsed and is on the brink of death. All Mustafa receives is a painkiller, and the following explanation:

...but he said that he could not treat the underlying condition [a kidney stone and a bladder infection]. He had been instructed not to provide further treatment unless I would provide more information to my interrogators. “All we can do,” he said, “is prevent you from dying. We can only bring you back to your previous state, even if that means you remain in pain. Anything more than preventing your death requires permission.”

(Boumediene & Ait Idir 117)

From here, we can derive two main conclusions. The first is that officers, prison guards, and even doctors and nurses are under strict commands from higher officials; they cannot make any decisions on their own or use their better judgement as we have now seen with the doctor’s prescription for a painkiller. From the hierarchy of commanding officers and military personnel, we know that those who “instruct” the doctor are well aware of whatever abuse Mustafa suffers from due to solitary confinement. The second conclusion is that with the lack of a singular pronoun, perhaps Lakhdar and Mustafa imply that the military does not function as individuals making conscious decisions. Phrases such as “All we can do” and “We can only bring you back...” suggest that the doctor cannot act on his own; he is not an agent of action at all; rather, for him to even function, he must seek the “permission” of others, most likely those who are in a much higher position than him. Though there is no indication that the doctor would provide extra care for Mustafa, I would like to emphasize that the doctor has no choice; the military code, therefore, intervenes in these medical spaces, interrupting other ethical codes, such as the Hippocratic Oath and the Eighth Amendment.

The regulated schedule and decisions regarding sustaining life, therefore, become the methodology for the government to reaffirm power over the detained body. Though Lakhdar and Mustafa insist on not knowing anything about terrorism and Al-Qaeda, from the moment of their

containment, the government assumes they must harbor some information regarding the September 11th or future attacks. By capturing detainees like Lakhdar and Mustafa and transporting them to Guantanamo, the American military renders them stateless, but their religious beliefs and prior lives are enough to consider them as suspicious and aligned with Islamic extremists. However, when interrogations, bargains, and threats fail to solicit information, regulation becomes a desperate attempt to control the detainee's every aspect of existence.

We see this particularly with Lakhdar's hunger strikes, and his first is when the guards subject him to nightly interrogations. Lakhdar marks the change as the "switch back to bad cop," as the year prior, he had relatively nonviolent interrogations, but insisted on his innocence, as mentioned earlier. This changes in February 2003, where the interrogator yells and verbally degrades Lakhdar before telling him that he is innocent. Lakhdar then, briefly, considers his detainment as a "kidnapping" before he decides he will not "speak or eat until [his] treatment improve[s]" (Boumediene & Ait Idir 107). According to his narrative, Lakhdar does not question his imprisonment. Instead, he moves ahead with his silence and hunger strike rather than demanding his release, thus making his hunger strike an act of resistance that he can control. By doing so, we understand that Lakhdar's understanding of his body is inextricably tangled with his seemingly naive understanding of freedom and American law: "I knew that America was a country that believed in democracy, freedom, and the rule of law. I was convinced that once I answered their questions, they would see that I was innocent, that this was all a terrible mistake. They would let me go" (Boumediene & Ait Idir 89). Within the year of his imprisonment and compliance, the government beats this belief out of Lakhdar, and instead, remains determined to

exercise complete control over Lakhdar and the others, regardless of what information they do or do not provide.

Strangely enough, only when the interrogators and guards leave Lakhdar alone is when he ends his first hunger strike. His insistence of prolonging the hunger strike, at first, seems odd, since the maltreatment and violent interrogations stop. Still, the “switch” back to good cop is not enough for Lakhdar to break his resolve; even though the interrogations stop, he decides that ending the strike was “too soon” (Boumediene & Ait Idir 112). He fasts for another three days, only after everyone leaves him alone, demanding the normalcy of his detainment: his usual cell, with zero late night interrogations, and regulated meals and walks. Once he has the same conditions again, he recalls that “Things had gone back to normal” even though he has learned that the circumstances of his detainment are far from normal. However, Lakhdar’s protest stems from his understanding that he can control if he eats or not; while his hunger strike momentarily protests his innocence, his subsequent return to normalcy suggests that the government can and will exercise control over Lakhdar, forcing him to acknowledge that detainment in Guantanamo Bay is his new normal and that aggressive interrogations in isolation are not only brutal, but also not normal. Regulation, in both punishment and interrogation, then allows the government to normalize his experience and renounce him as not only stateless, but also as just a body that happens to be detained. The state rewards the prisoner with coffee and medicine when information of any kind is given as a bartering chip; yet the state reduces them to a less than human status when bodily functions become negotiable.

Nevertheless, this regulation of the physical body, where the body goes and what it does, evolves into a systematic control for the entire body and all of its functions; this grapple for control then leads to the detainee’s hyperfixation on their own bodies as they know the smallest

of infractions can cause disruptions to the normalcy they have established in Guantanamo. Everything from accidental eye contact to speaking out of turn would, eventually, cause an Initial Reaction Force (IRF) to come in and subdue the noncompliant detainee. Thus, the authors outline a strange paradox here; the detainees want normalcy, but their mere detainment is not normal. To ensure normalcy of their detainment, they must surrender uncontrollable functions. Lakhdar laments that “anything [he] cared about would be ammunition” and that prisoners who had “good relationships with their interrogators” would be rewarded with medicine and food (Boumediene & Ait Idir 139-140). Again, providing information would allow detainees to experience the better aspects of Guantanamo Bay, but neither Lakhdar nor Mustafa consider providing false information as an option. After years of detainment, their physical features and bodily function become especially coveted, and protesting their imprisonment fades away. Guards shave Lakhdar twice in efforts to not only humiliate him as a Muslim man, but to also exemplify that regulation of their lives extends not only to their bodies, but also to claim their bodies’ uncontrollable functions, such as growing hair.

While at first, this is a clear sign of dehumanization, upon closer examination, we see that the government’s regulation makes visible the complete disregard for American precedent and law. Peter Jan Honigsberg recalls how the United States has granted due process and humane treatment to various “enemies in the past,” citing Nazi war criminals, Vietnamese soldiers, and domestic terrorists (5-6). Rather, the regulation and systematic degradation of Guantanamo Bay prisoners and their bodies make visible the transition from detainee to body. The detainees become shaved crosses on heads, naked and immodest skin that anyone can glaze their eyes over, and permanent injury that persists beyond their release. By marking their bodies so visibly and making the detainees aware of such markings, the authors point out a second, budding

paradox. The military takes prisoners to Guantanamo Bay to ensure they are invisible to the law and the press, but begins to make them visible through the torture.

Behind Closed Doors: The Law Acted and Appearing on the Brown Body

If the strict regulation of bodies is an effort to extract information from detainees and subsequently render them as invisible, then the immediate consequence of these actions cause the overtly visible physical effects on the body: “The body... is caught up in a system of constraints and privations, obligations and prohibitions” (Foucault 11). These visible markers on the body, such as scars and blood, ultimately depict the detainees’ statuses as *homo sacers*, or “sacred men.”¹⁸ Consider the following:

The camp is the paradigm itself of political space at the point in which politics becomes biopolitics and the homo sacer becomes indistinguishable from the citizen. The correct question regarding the horrors committed in the camps, therefore, is not the question that asks hypocritically how it could have been possible to commit such atrocious horrors against other human beings; it would be more honest, and above all more useful, to investigate carefully how— that is, thanks to what juridical procedures and political devices — human beings could have been so completely deprived of their rights and prerogatives to the point that committing any act toward them would no longer appear as a crime (at this point, in fact, truly anything had become possible). (*Means Without End: Notes on Politics* 40).¹⁹

¹⁸ Giorgio Agamben positions the *homo sacer* as simultaneously under the scurity of the law and outside the scrutiny of the law. Refer to the thesis’ introduction or Giorgio Agamben’s *Homo Sacer: Sovereign Power and Bare Life* for further explanation.

¹⁹ While Agamben’s *homo sacer* suggests that the state can easily kill the sacred man due to his lawless and stateless status, Lakhdar and Mustafa emerge from Guantanamo alive. However, this does not mean detainees have not died at Guantanamo; at least nine have died due to their statuses. The stateless man can die, but only on the military’s terms. For example, Lakhdar

However, though these stateless bodies are still subjected to bare life, the bodies themselves are now spaces where several kinds of law intersect. Attempting to trace every moment in which laws such as the Bill of Rights, the Military Codes, medical law and oaths, and the Geneva Conventions is worthwhile to demonstrate how the memoir showcases the complex legal systems and regulatory practices, but here, I consider Lakhdar's experiences with force feeding as it exemplifies the tedious attempts to both punish and sustain Lakhdar. "[M]eticulous, often minute, techniques" such as controlling bodily function, "[have] their importance: because they define[d] a certain mode of detailed political investment of the body" (Foucault 139).

We may already consider the atrocities in Guantanamo Bay as visible; the American public is has access to stock photography of the Cuban prison, and every few months, when we remember that we hold dozens of people without charge, we read of forced feedings, inhumane torture, and the horrific conditions of the camps. The question that we are often faced with is how the rules of regulation in Guantanamo can supersede other oaths and existing law. When faced with Lakhdar and Mustafa's memoir, though, it is not a matter of which law or rule is prioritized, but how these laws come across one another when the military attempts to regulate the body. Unlike isolation, scare tactics, and desecration of the Quran, the violence upon the body is acutely, but also paradoxically visible: "...the War on Terror mobilises the two contradictory beliefs that everything and everyone must be watched and monitored but that the unimaginable evil that motivates terrorism is invisible to the uninitiated" (Bhattacharyya 73). While Gargi Bhattacharyya's work meditates on the conflict between Western femininity and the sexualized violence taking place in Guantanamo and Abu Ghraib, her statement that "unimaginable evil" that is also entirely "invisible" to the American public allows us to better

recalls how a detainee supposedly hanged himself, but no other detainee believes suicide as the cause of death (Boumediene & Ait Idir 166).

understand how regulation of stateless bodies also serve “as a reminder the malleability... of human bodies” (73). Lakhdar himself wonders if Guantanamo Bay as a place forces regular people to become racist and aggressive when he questions one guard’s particularly humane behavior: a stark contrast to those who make sure that detainees are miserable. If his body is malleable and becomes obedient due to regulation, surely something similar applies to the very guards outside his cell.

In addition to racial tensions rising and the paradoxes made visible due to these intersections, Mustafa outlines the breeches soldiers make upon fellow Muslim army members, which again, is ironic to the reader but supports Lakhdar’s claim that Guantanamo Bay spatially causes these tensions with the collisions of laws. As stated in the Bill of Rights, in the First Amendment, “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof,” and citizens understand that the government has no right to dictate who may practice what religion, and that the government cannot prevent religious practice (U.S. Const. amend. I). Yet, as Mustafa outlines for us, “the handful of Muslim soldiers in Guantanamo were often treated with disrespect too” (Boumediene & Ait Idir 163). Mustafa goes on to explain that Hamza, the prison’s imam, could not privately speak to Mustafa, for the guard standing outside Mustafa’s cell says he was “given instructions not to let anybody talk to a prisoner without one of us listening” (Boumediene & Ait Idir 163). Here, though this verbal opposition does not stem from the detainees, we again read how a soldier operates under the military code, and thus, he cannot disobey a direct order, even though as an agent of the American government, he is committing a crime by suppressing Mustafa’s right to practice Islam. Yet, recall that the government has deemed detainees as not “persons,” so we again hear the verbalization of how the military works around the laws of the Constitution. More

importantly, the guard says “without one of us listening,” and his remark strikes me as utterly bewildering. Not only does constitutional law intersect with the military code here, but the guard divides himself and his orders from Hamza, who still operates under the military as well. Using “us” suggests that even the military, specifically those that do not practice Islam, are starkly against that do practice Islam, even if everyone is under the same military code. When Hamza replies with “My rank is higher than yours,” the guard does not take the military’s strict hierarchy into consideration, for though Hamza is a higher rank and that disobeying him goes against the Uniform Military Code, the guard’s orders, we assume, come from officials who “made Hamza suspect” due to his beliefs (Boumediene & Ait Idir 163). Thus, though Mustafa and Lakhdar have limited understanding of the inner workings of the military, they focus on the subtle hypocrisy between what the American government declares as law and what military officials choose to do due to military orders. Alongside the hypocrisy is how the authors gesture towards what laws exist, matter, and should be followed in black sites like Guantanamo. Guantanamo Bay guards can actively prevent Mustafa from practicing his religion by disregarding the Bill of Rights, and they can alienate their fellow soldiers through religious discrimination because of the way these laws exist, or do not exist, in the prison.

Yet, the intersection among regulation, the Muslim body, and law does allow the tortured body to be visible, which unveils the secrecy surrounding torture at Guantanamo Bay; simply, we more easily see and understand the law’s infliction upon the body due to the regulation and hyper fixation upon bodily function. The law, along with military rules and domestic policy, does not just dictate how stateless bodies should exist in the prison; the law simultaneously bars torture as a method to ensure regulation to protect stateless people while opening the avenue for even more regulatory practices, such as force feeding. For instance, Lakhdar decides to go on a

hunger strike after Eid-al-Adha, or “the Feast of the Sacrifice,” after he learns that the U.S. government has no hard evidence against him and that they know he is innocent.²⁰ Prior to the strike, to further inflict psychological torture, prison guards feed him food scraps or rotten meals. There is no direct law stating that providing scraps of rotten food is torture. The soldiers have done their end of the bargain; they are sustaining detainees through controlling what detainees can eat. Though Lakhdar nears starvation and his fellow detainees urge him to eat, he remains “determined” to keep fasting, as the fast is all he can control. Hence, not eating is an exercise of protest.²¹ Fasting during religious months and holidays is a pillar of Islam; for Lakhdar to extend his religious fast into an act of resistance further solidifies both his devotion to his faith and his innocence. Though, traditionally, fasts are broken with both food and water, Lakhdar decides to only drink minimal amounts of water, sustaining the minimum amount of life in order to further relinquish the military’s control of his body.

However, because his death would be inconvenient, officials begin to force feed Lakhdar, an increasingly controversial technique used to sustain prisoners. Force feeding has become highly medicalized and rationalized as American military officials insist that they cannot leave prisoners to die (Kalk 1). The amount of restraint and force that is required for force-feeding has left the American Medical Association, as well as several international human rights groups, less

²⁰ Eid al-Adha follows the holy month of Dhu al-Hijjah. Muslims have the option to fast the first nine days of the month, and subsequently, Eid al-Adha marks when Ibrahim prepares to sacrifice his son, Ismael, for Allah. Instead, Allah provides Ibrahim with a sacrificial lamb. Following this tradition, Muslims will slaughter a lamb, keep a portion of the meat, and donate the rest to the poor.

²¹ Historically, hunger strikes have played a key role in several movements and protests in the twentieth century, due to hunger strikers’ deaths appearing as “altruistic” and “selfless acts performed for the greater good of a national, religious, or political cause” (Miller 2). In regards to Guantanamo Bay, hunger striking approximately began in 2002, until “the US military announced that it would no longer disclose information about hunger strikes” in late 2013 due to the lack of operational purpose (Miller 8).

than convinced. The infamous chairs used to restrain detainees often act as methods of torture themselves as we read how the straps are “biting” into Lakhdar’s skin (Boumediene & Ait Idir 173). The entire experience of Lakhdar’s feeding is strangely penetrative; the first attempt to pass the tube into Lakhdar’s nose fails due to guards breaking his nose earlier on. The experience is “excruciating” and when the guard switches nostrils, he commands Lakhdar to “swallow,” as if Lakhdar, bound to a chair, can do anything but swallow (Boumediene & Ait Idir 169). The military robs him of the simple pleasure of food and replaces it with a deeply violent method of sustaining life, and everyone from the medical personnel to those who sanction force feeding choose to regulate every aspect of the Othered body, bypassing the ethical concerns regarding their practices in efforts to keep control. The law, therefore, requires the military to keep detainees alive, but the act of sustaining life only opens the detainees to further punishment. If these are stateless people, stateless humans, then they, under laws like the Geneva Conventions, should be allowed some basic protections, but because they are inhuman, simply bodies, they can endure further harm under military regulation. The military, then, exploits Lakhdar’s humanity to make him less human due to the overlapping, or even excess of laws; he cannot escape harm no matter how many laws are in place.

Even the setting of hunger strikes remains controlled by the U.S. as Guantanamo has distinct camps for those on hunger strikes in an effort to separate protestors from other detainees; this grouping of “like” prisoners is an exercise of control over not only their bodily function, but also to deploy very specific torture to those groupings. When Lakhdar moves into the ward meant for those on hunger strike, the guards begin to use his personal items, such as his isomat or Quran, as bartering items for them to stop the hunger strike. The extreme measures taken to control what and when detainees eat is, again, the depiction of who should control death and if

death is legally sanctioned.²² Routinely, soldiers exercise regulation of Lakhdar's feedings by inflicting needless pain onto his body as a reminder that though they must keep him alive, the military does not have to nonviolently keep him alive. He cannot be as he is: obedient, regulated, Muslim, for there is nothing to punish if he is a Muslim who exists but does not provide information on the War on Terror. He exemplifies keeping the prisoner alive in order to make sure he only exists in the state of statelessness.

As mentioned above, laws do not adequately protect detainees from harm, but the excess of law also allow for further torture under the guise of preventing the loss of life at Guantanamo Bay. The development of special feeding chairs and how to restrain detainees is another set of regulation that contradicts the sudden necessity to sustain a detainee's life, for the specialized chair is even more painful. Protection, in this case, is pain, and it is punishment sanctioned by the intersection of military rules and international human rights law. When Lakhdar's shoulders begin to bruise and his blood congeals from needlessly tight straps, Lakhdar strikes a soldier in order to have someone provide medical attention. Lakhdar's demand for the supervising officer reveals two key points. The first is that his demand to have someone "see with his own eyes" his injuries is, oddly, regulatory of himself (Boumediene & Ait Idir 173). Not many of the injuries are documented by the medical officers at the prison; in fact, at one point, Lakhdar experiences a cough that "lingered for months" due to not receiving medicine because he had not cooperated with interrogators (as in, he did not give adequate information) (Boumediene & Ait Idir 140). Yet, Lakhdar does not complain about the actual injury, nor is he surprised to see the same

²² In 2005, Kuwaiti prisoner Fawzi al-Odah asked his lawyers to prevent military sanctioned force feeding as he did not want to continue living, without facing charges, in Guantanamo Bay. However, al-Odah's families, who are also Muslim, did not want him to commit suicide. The ethical choice of either letting prisoners harm themselves or forcibly sustaining their lives has consistently been scrutinized by domestic and international human rights watch groups. ("Guantanamo detainee pleads to die")

soldier days later, continuing his post. The photographs taken of his injury are simply a regulatory measure, but more importantly, Lakhdar allows his body to speak for him, even though the consequence of the injury is nonexistent.

Because the detainee's body is now capable of "speaking," of showcasing injury and harm without the verbalization of such effect, we see how the laws and regulation inflict violence, but also beckon violence as a response to the law's attempt to sustain life. Remember, the law may seem protective, but protection only allows more violence upon the stateless Muslim body; therefore, Lakhdar and Mustafa's only response can be violent. While Mustafa prides himself as an athlete, he explains how his "training took over" when the soldiers ambushed him in his cell; in Guantanamo, he cannot exercise restraint of his body; it "speaks" with violence under the layers of law and restraint imposed on him (Boumediene & Ait Idir 143). Lakhdar, who, for most of the memoir, chooses to oppose his detainment verbally yet "couldn't help himself" and "struck him in the nose" when the soldier refused to call his supervising officer to check and document his injuries (Boumediene & Ait Idir 174). Lakhdar's body, in a sense, depicts how the law tries to fix his body, but also how fixing the body only calls for further punishment. In Lakhdar's case, there is no punishment; the military documents his shoulders and then leaves him be; they do not even punish him for striking the soldier. Lakhdar recognizes that the state "realized that there was nothing left for them to take away" (Boumediene & Ait Idir 174). In this case, and perhaps eerily familiar to Abu Ghraib, documentation or evidence does not hold any value. Ultimately, even his disruptions and violence receive no recognition because there is no human to recognize; Lakhdar is simply no longer a human.

Though he is on route to France, even in his last encounter with military officers at Guantanamo Bay, Lakhdar is patted down, an officer “touching [him] in inappropriate places,” to which Lakhdar lashes out, saying, “‘You motherfuckers,’ ... ‘What are you going to do next, put your hands down my pants?’” (Boumediene & Ait Idir 2007). Lakhdar ends the scene cursing George Bush and other government officials, but the audience, who has now experienced first hand what Lakhdar has, can see how laws are at constant conflict with military orders. Though Lakhdar was imprisoned for nearly a decade and thoroughly searched numerous times, the military still exercises an utmost control over what occurs on the prison site. Time and time again, they search detainees, their hands haunting their bodies, stripping them of clothes to ensure that nothing can be hidden. This last search, simply, is for the physicality, the tangible feel of guilt even though legally, Lakhdar and the others are innocent. The hand down in Lakhdar’s pants is nothing but another exercise of control. If the military wants to touch Lakhdar inappropriately and unreasonably search him, then they can, because no other code exists beyond the military code and government sanctioned orders in Guantanamo Bay, and while not particularly visible, the military’s disregard for international laws plague the detainees’ bodies, in the form of crudely healed injuries, full bladders on lengthy flights, and chains on innocent men.

A Legal Audience of One: The Absent but Visible Body

The detained Muslim body, as I have argued above, is now rendered both stateless and accidentally visible due to the military’s regulatory measures. This visibility is only amplified by the state’s desperate attempts to not place the body in the space of a courtroom. While the courtroom demands we produce a body to face the crimes that the person is accused of, this has not been the case for Guantanamo Bay prisoners. Though detainees cannot be produced in the courtroom, the U.S. military develops Combatant Status Review Tribunals (CSRTs) to allow

detainees to “face” their accusers. These tribunals become yet another set of laws under the pretense to provide a semblance of democracy, human rights, and freedom to detainees who are, at the moment, rendered nothing but stateless bodies. Both authors remind us “not be misled” as “these techniques merely refer individuals from one disciplinary authority to another, and they reproduce, in a concentrated or formalized form, the schema of power-knowledge proper to each discipline” (Foucault 226).

Because Mustafa and Lakhdar are considered “enemy combatants” which, as Peter Honigsberg reminds us, “has never existed as a legal term in international law. ...In manipulating or even making up the law by introducing the term *enemy combatant*, the administration intended not only to circumvent the Geneva Convention, and thereby mistreat detainees without legal consequences” (20).

With this in mind, CSRTs were made up of “panels of three military officers who would... determine whether the prisoner was actually an enemy combatant” (Boumediene & Ait Idir 121). Yet, the mere concoction of these tribunals is notably performative and legally purposeless. They are, rather “designed to give the semblance of juridical order to Guantanamo” enabling the military to erase the detainee’s body and by doing so, “the state recognizes the conceptual possibility of tortured bodies, even as it makes their legal reality a near impossibility” (Richardson 57). Lakhdar has little faith in the tribunals, and recognizes them as the exact opposite as proceedings that would determine his future. Rather, he calls the hearing “a charade, a play,” thus using language that shows his feelings towards the trial and American law as a whole; he would not attend his own CSRT regardless of what the panel decided because he recognizes that such trials would only find him guilty; he could not be found innocent in Guantanamo Bay. The CSRT, however, is another layer of laws and rules on top of the

entanglement of policy, international codes, and military orders. Discipline should remain discreet as:

[t]he ‘invention’ of this new political anatomy must not be seen as a sudden discovery. It is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of application, converge and gradually produce the blueprint of a general method. (Foucault 138)

Yet, the discretion of torture and that of the legal system is lost when there is what seems to be an oversaturation or excess of law that continues to render the detainee as stateless, lawless, and invisible. Perhaps, with this in mind, we understand why Lakhdar does not want to participate in his tribunal. Instead, Lakhdar does come as a witness for the CSRTs of several of his friends who were also captured and detained with him. The decision to not take part in his own CSRT but to come as a character witness for others depict Lakhdar’s now disregard for the binary of innocence and guilt. Legality no longer matters to his stateless and bruised body as the CSRTs only further exploits the body and renders it invisible to the law. The use of CSRTs may, at first, seem useful to debate innocence or guilt, but at best, they are legal expeditions to coerce information: the ultimate goal of detaining people without charge.

Due to their stateless status, both taking part in the CSRT and not taking part in it result in the same violence simply because the military offers the choice to participate, but the decision to participate is uncontrollable, and therefore, is punishable. Thus, even the courtroom and legal affairs have the same regulatory pattern as we saw with Lakhdar’s force feeding. Lakhdar describes that after he volunteers to be character witnesses for all his friends, the guards leave him alone in the hearing room, chained up, in a “stiflingly hot room” with “an AC unit, with the

switch in the ‘off’ position, just out of [his] reach” (Boumediene & Ait Idir 123). Because Lakhdar cannot be physically present in the tribunal, he is, instead, placed into the hearing room that is, by all qualifications, a functional room that does not look tortuous. But for Lakhdar, the room is since he is bound and mere inches away from relief; the room becomes yet another method of torture when for others, like guards or other military officials, the room does not have to be hot. The hearing room can just be a hearing room. Lakhdar understands these CSRTs are useless and that the military is looking for people to turn against one another and reveal information about terrorism in the Middle East, and he exercises an agency that he did not have before: making a choice with where and what his body does in the pseudo courtroom. While making a choice does land him in an awful room to be punished, his opposition against the officer’s questions and loyalty to his brethren allow him to make the active choice to say “yes” every time he is asked to be a witness. On the other hand, Mustafa does participate in his own CSRT and asks the members of the tribunal to “catch Bin Laden and ask him” if Mustafa is a terrorist (Boumediene & Ait Idir 125). Similarly, Mustafa’s outlook on innocence and guilt is bleak, but we must note the dynamic of his response. Mustafa, who has been under such strict security, whose every action and day is under complete control by the American military, asks his captors to exercise that same control and power in order to find a connection that simply does not exist. Because Mustafa cannot prove his own innocence, the military is tasked to find his guilt, which cannot occur until actual terrorists are captured.

Because of the spatial implications that Guantanamo Bay has on the law and its functionality, both men find it increasingly difficult to trust the lawyers, Rob Kirsch and Steve Olesky, who request to bring their cases to the District of Columbia Circuit Court in an attempt to file writs of *habeas corpus* on behalf of the Algerian Six. These particular scenes bring the

intersection of law and military code once more, for when Lakhdar sits with Steve, he immediately distrusts him because Steve is with Boutros, an interpreter who had participated in Lakhdar's interrogations two years ago (Boumediene & Ait Idir 128). Steve says that the interpreter came with him from America, and Lakhdar points out that Boutros previously worked for the prison, to which Steve is surprised. Such an occurrence, to both his audience and to Lakhdar, does not seem like a mistake; rather, it seems like an attempt from the American government to intervene in a conversation that is protected by attorney-client privileges. Steve's "loss of words" further suggests that he had no idea that the government would try to use one of its own actors to compromise a confidential conversation (Boumediene & Ait Idir 129). Here, I suggest that Steve's surprise stems from not only the government trying to breach this confidentiality, but also because such breaches suggest that even Steve must be careful with whom he hires and who should be trusted to keep confidentiality; such insecurity in the law comes from Steve granting Lakhdar's refusal to talk with Boutros and having "a different interpreter with him" the next time he visited the detainees. Moreover, though Steve attempts to bring little trinkets and pleasure to Lakhdar, like homemade food and letters from Abassia, these little motions are thwarted as well; the homemade food is replaced with fast food from the base, and they "would have to give the letter to soldiers to be screened. [Lakhdar] wouldn't see the letter until a month later; sometimes [he] never saw them" (Boumediene & Ait Idir 129). Again, with redacted letters and limited privacy, Lakhdar suggests that Guantanamo Bay, even in seemingly legal spaces, causes clashes between military law and the privileges between detainee and lawyer. Hence, we can read the military's efforts to control the Muslim detainee not only through what rights he is afforded, but also its extreme fixation on trivial details of an innocent man.

The lawyers, moreover, are aware of these spatial complications, for they break the news that their initial court proceedings may fail:

Under the U.S. Constitution, Steve explained, people have the right to claim that they've been unjustly imprisoned and to insist that a federal judge review the evidence against them. But Steve warned me that there was a catch: only American citizens and people imprisoned on American soil have that right, and the American government was going to argue that Guantanamo wasn't technically American soil. I [Lakhdar] didn't have high hopes... I knew my case had more to do with politics than with the law. (Boumediene & Ait Idir 130)

Compared to the start of the memoir, Lakhdar's outlook on democracy and American law appear bleak. Lakhdar cannot be blamed for his lack of faith in Steve's efforts; after all, in many of the spaces he has been in (the hospital, the interrogation room, and even in the room with his lawyer), he suggests that the spatial constraints of Guantanamo Bay are too rigid and unbreakable because laws, domestic and international, will always intersect with military code, which only further guarantees more control over the body and more harm upon the body.

However, filing writs of habeas corpus, one of the fundamental and basic rights in the American legal system, and having the American government challenge those writs, ignites the sudden explosion of visibility that Guantanamo Bay and the military had taken every measure to avoid. Once the District Court of the District of Columbia agrees to hear the case, Mustafa literally takes the stand through telescreen to be seen by the legal system. Describing how he feels at ease testifying, Mustafa is surprised by Judge Richard Leon's tells, and notes how "Judge Leon was taken aback by how flimsy the evidence" against the Algerian Six appeared once outlined in court (Boumediene & Ait Idir 191). For years, the military has attempted to read

Mustafa's body in an attempt to solicit information and his identity as a terrorist. Mustafa's own bodily functions, the way he blinks, turns his head, and speaks have, for so long, been under intense scrutiny. Now, Mustafa himself reads the bodies in front of him. The court, and his ability to literally see the very legal system that is responsible for his detainment, allow Mustafa a new found freedom to safely observe and scrutinize: "From the look in [Judge Leon's] eyes, I got the impression that he was genuinely upset about what had happened to me. In that moment, I was certain he would find me innocent" (Boumediene & Ait Idir 193). More importantly, however, is that Judge Leon sees Mustafa; he is literally made visible despite his stateless status. The Algerian Six's sudden visibility is moving and a legal victory, for they are granted a single human right in a system that continuously tangled as many laws together. Nevertheless, the single right, the single law that should allow some protection does not follow through outside of the courtroom. Lakhdar's smile at his innocence is quickly shot down when soldiers return him back to his cell, and he is still IRFed at any chance the military can act on. The body can be legally produced, but the Muslim body cannot be inherently trusted.

Earlier, I described how Lakhdar feels that "there was nothing left" for the military to take away from him as they took seven years of his life and the childhoods of his children (Boumediene & Ait Idir 174). I find trouble understanding his sentiment. Even at the end of his time, Lakhdar desperately tries to wear his victory, tries to proclaim his visibility by writing "Boumediene 2, Bush 0" on an undershirt that he cannot wear on the plane out of Guantanamo or in the airport in France. Instead, the shirt, and shockingly, his old detainee uniform, hang unseen in his closet. Perhaps this failed visibility alludes to the very last section of the memoir, which shows the uncanny and violent reactions of detained bodies in a post-Guantanamo life. By the end of his detainment, Lakhdar, who has been compliant with as much as he can endure,

unleashes a verbal violence as misplaced as it may seem; he curses George Bush and Dick Cheney and “all the people involved... Before Guantanamo, I never would have talked like that to anyone. I used to be peaceful, polite, mild-mannered” (Boumediene & Ait Idir 207).

Heartbreakingly, in the section titled “Epilogue,” both Mustafa and Lakhdar lament the changes in his personality; both are plagued with violence and anger, which they try to control but ultimately require regulation themselves. Mustafa insists that Guantanamo did not “destroy” him, yet even he admits that he “desperately wanted to show [his family] that [he] had not changed,” resulting in Mustafa putting on “a happy face” for the first months of freedom (Boumediene & Ait Idir 223-224). Similarly, Lakhdar catches himself shouting at his children over trivial matters, such as talking loudly in their apartment. Lakhdar then admits that he is getting better at “controlling” his anger, but the presence of the anger still persists.

How, then, can we consider these men as unchanged? How can we say that nothing was left to take, when these last scenes, as touching and hopeful as they are, show that their futures are irrevocably attached to the trauma endured in Guantanamo? Though their bodies are now attached to their respective countries, though they are free to practice their religion without fear of bodily harm, the very threads of their personalities have been undone at Guantanamo Bay; in a sense, Foucault’s suggestion that prisons and carefully constructed discipline can create the obedient prisoner rings true in the case study of Lakhdar Boumediene and Mustafa Ait Idir. The very government and military systems that worked tirelessly to keep these men invisible, have, instead, rendered them permanently visible; they are forever marked as the men that endured seven years at Guantanamo Bay, bearing the physical and emotional scars of their detainments. Yet, when the body is suspended in a state of exception, when there is no sense of productivity, let alone humanity, the obedience is only applicable to the setting of the prison, where laws and

regulation are too oppressive, too harmful, too excessive. Outside of the regulation, in an apartment away from the people who disciplined the former detainee, accepting freedom is learning to grasp at control of both body and mind and hoping that, with time, the detainee can regulate himself once again.

CONCLUSION

At the end of my introduction, I asked us to consider if we can take up arms against terrorism, and if so, how do we defeat it? Can we ever secure a world that is free from Islamic extremists? George W. Bush, in his controversial 2002 State of the Union Address (or the Axis-of-evil speech), states the goal of his actions following 9/11 “is to prevent regimes that sponsor terrorism from threatening America.” Unfortunately, “The speech argues, not that we must prevent terrorism, but that we must extirpate the threat of terrorism... It is one thing to prevent the deed, but preventing even the threat calls for a high escalation of means and a nearly impossible standard of achievement” (Eubanks & Schaeffer 54). According to the former President and entering our 19th year of warfare in the Middle East, impossible seems to be the fitting word.²³

We have had some minor victories, if we can call them that. For one, Abu Ghraib did close after the photo scandal, and today, only 40 detainees remain in Guantanamo; miraculously, the American government released the other 731 after *Boumediene v. Bush* (2008) granted writs of habeas corpus to detainees (“The Guantanamo Docket”). In regards to numbers, nine detainees died in custody, and depending on who reads the Docket and reports, the number can be too little or too many in the scheme of the 3,000 casualties of 9/11. With nine dead and over 731 released, we are left with several more questions: why were 740 people detained in the first place? What was the evidence against them? How did we let nine of them die?

²³ On April 14th, 2021, President Joe Biden remarked that he would begin to remove troops from Afghanistan. In the speech, he says deployment to Afghanistan was to “ensure Afghanistan would not be used as a base from which to attack our homeland again” and that “[w]e accomplished that objective” (“Remarks by President Biden on the Way Forward in Afghanistan”). However, he emphasizes that there is little need for combat troops to stay in the country. This does not necessarily suggest that private contractors or all American troops will be removed.

We may never know the answers simply because of the same state of exception that placed the detainees in these torture sites to begin with. But, perhaps, with some consideration, current day domestic racial conflicts can provide some reasoning to the government's racially targeted response.

In my first chapter, I question whether or not evidence is truthful, and if so, can evidence and witnessing be used to hold the state accountable. Over the last few years, there has been a palpable uptick of cellphone videos capturing police brutality against Black Americans; so many incidents have caused hashtags, movements, and demands for change, but I ask us to consider just one recent case: George Floyd's death. This past May, Floyd was arrested, then killed, for allegedly using a fake bill. His death was captured on a cellphone video that spread like wildfire and ignited an international movement, calling for drastic and necessary changes to policing. In the video, former Minneapolis police officer Derek Chauvin puts his knee onto the unarmed man's neck, suffocating Floyd until his death. Around Chauvin and Floyd are several other police officers, idly standing by or interacting with the crowd that witnessed Floyd's death. Though the incident occurred on the 25th of May, the Minneapolis department waited four more days to file charges against Chauvin, despite having extensive video footage and eyewitness testimony of the murder. Even though videography of the death exists, several officers sanction the use of force to make the arrestee comply: because of this, the idealist notion that obeying the law will result in no need for force or arrest permeates through the media, and inevitably, the criminal trial that is still ongoing.²⁴ We have, in Floyd's case, evidence that a crime occurred, but

²⁴ On April 20th, 2021, former Minneapolis police officer Derek Chauvin was found guilty of second-degree unintentional murder, third-degree murder, and second-degree manslaughter (Levenson & Cooper). While commentary suggests that intense and international activism paired with the viral video played crucial roles in Chauvin's trial, the reality is that many Black Americans die at the hands of the police on camera. While Chauvin was found guilty, the verdict

what crime is shown in the video? Is it murder, or is it petty fraud? If it is petty fraud, is the adequate punishment death? Regardless, Floyd's death on American soil depicts that evidence does not necessarily allude to justice or truth; like Abu Ghraib, we can presume guilt on flimsy or nonexistent evidence and follow that with forcing compliance with any means.

Floyd's death, unfortunately, also outlines the same problems in Guantanamo Bay. In my second chapter, I describe the intense and needlessly strict regulations of detainee life, including when and how they eat, their bodily functions and fluids such as spit and blood, and whether they can live or die. The same video that depicts Floyd's murder also depicts Chauvin's attempts to regulate, or maybe dominate, Floyd's own body. The nature of the death is already graphic and points to a clear power dynamic of the white police officer and unarmed Black man; Floyd's head is on pavement while Chauvin presses a knee to Floyd's neck. The look on Chauvin's face is, mostly, passive. Nine grueling minutes pass as Floyd repeats that he cannot breathe over and over again. Yet, Chauvin does not release his hold; he exercises his power over the Black body through his police badge. He, therefore, can and will regulate the body because the state of policing in Minneapolis allows him to do so.

If regulation of the body and the disregard for evidence are part of the American domestic narrative of policing, race, and law, then we cannot expect anything less in regards to American foreign policy. The setting, people, and even institutions differ when we compare the death of George Floyd and the prisoner abuse in Abu Ghraib and Guantanamo. We can tell ourselves these differences are enough; there is nothing to be wary of because the United States only tortures in the name of terrorism. On the other hand, when it comes to petty crime, the police, for the lack of a better term, do a coin toss. The Black man may or may not leave the

appears as one victory amongst dozens of other deaths in which the filmed evidence does not lead to any charges, much less trials.

scenario with his life. His life, though, will change no matter what the outcome, as he too exists in the state of exception. His routine traffic stop or accidental use of a counterfeit bill are simultaneously illegal and legal, and he has no say in changing that narrative.

Floyd's case allows us to recognize that Muslim people in other countries are, like Lakhdar Boumediene, a well-intended phone call away from rotting in Guantanamo. The Muslim who happens to be in the wrong place at the wrong time can and will be subjected to the state of exception that allows his body to endure physical, sexual, and psychological abuse in a lawless black site. The body, therefore, becomes the site of enduring torture but also the site in which several laws interact fruitlessly. If, in any case, there was tangible, real, and graphic evidence of that body, then that evidence itself may not have the gusto we assume or hope it does. If evidence is not evidence, and if the body is not considered tortured despite the evidence, then the U.S. will remain suspended in its state of exception, circling the globe to fulfill the impossible task of eliminating Islamic extremists and terrorism while failing to witness the toll of police brutality and the domestic and systematic racism against Black Americans.

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