

Abu Ghraib: Atrocity, Accountability, and Scapegoating

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Introduction

Doubtless, evil emerges from the darker side of the human psyche. A single factor cannot explain how evil develops, yet only one reason may be necessary for evil to develop. Adams and Balfour (2009) comment that “the common characteristic of administrative evil is that ordinary people within their normal professional and administrative roles can engage in acts of evil without being aware they are doing anything wrong” (xxxiii). Although public servants within a bureaucracy may just be doing their job, their actions can enable disparate behavior. These servants may feel empowered by devotion to job, nationalism, or by being trapped by the inability to vacate a position. Behind a genocide or atrocity is the typical justification for action by some degree of revenge. Justification for revenge has resulted in many tragic events, including the Nazi Germany’s pursuit of the Final Solution, the massacre of innocent Vietnamese civilians at My Lai in 1968, and important to this analysis the torture and abuse of prisoners at Abu Ghraib Prison in Iraq. The purpose of this analysis will be to: (1) Provide a narrative to explicate the atrocity that occurred at Abu Ghraib Prison, (2) Develop reasoning as to how atrocities develop, and (3) Offer a conclusion about why atrocities continue to occur which will incorporate LeGuin’s (1973) *The Ones Who Walk Away from Omelas*.

The Abu Ghraib Narrative

The Abu Ghraib Torture and Abuse Scandal is an almost perfect case of administrative evil and became a looming political and public relations disaster that would taint America and damage the war effort. The perplexing issue that would dominate America’s war on terrorism was how to fight an unprincipled enemy without losing its own principles. Indeed, adopting a policy of maintaining the moral high ground can be demoralizing and fatiguing to any war effort, especially when fighting an enemy that adopts guerilla tactics such as assassinations, ambushes, kidnappings, and attacks on unarmed civilians. The Abu Ghraib Prison, located about 20 miles outside the Iraqi capital of

Baghdad, was the torture and execution center for political prisoners during the Saddam Hussein regime. The narrative of Abu Ghraib begins with the September 11 terrorist attacks.

On September 11, 2001, the United States was overtly attacked by terrorists linked to Al-Qaeda. Both towers of the World Trade Center in New York City and the Department of Defense's headquarters (The Pentagon in Washington, D.C.) became targets. Another plane, allegedly in route to the U.S. Capitol, was overtaken by American passengers and crashed near Shanksville, Pennsylvania. The catastrophic events of September 11 permanently changed the American political and social fabric. "Before these attacks, terrorism seemed to be a distant activity directed against isolated targets by fringe individuals carrying inexplicable grudges" (Crotty 2004, 1). In November 2001, American forces moved into Afghanistan, toppled the Taliban regime, and launched an intensive search for Al Qaeda and Taliban personnel. American involvement in Afghanistan became identified as the War Against Terrorism and would eventually spill over into Iraq.

On September 12, 2002, while the events of 9/11 were still resonant in the minds of Americans, President Bush went before the United Nations General Assembly to initiate the case for war against Iraq on the justification that the Saddam Hussein regime was hiding weapons of mass destruction from its weapons inspectors. Just under a month after the President's speech, Congress approved the authorization of use of military force against Iraq which would "justify" the upcoming invasion. In mid March 2003, the war with Iraq officially commenced with air strikes and a ground invasion. In the initial stages, the military operations inside Iraq were going better than expected. Just under a month after the invasion, the capital Baghdad capitulated to American forces. The early successes led to President Bush's "Mission Accomplished" speech which declared an end to major combat operations in the country. Hope was high that the mission in Iraq had been completed and a phased withdrawal was possible. Yet, even as the insurgency began and Saddam Hussein was captured Americans remained optimistic that success was just a few months away in Iraq. But the situation in Iraq would digress along with any optimism for a hasty victory. In early 2003, the International Committee of the Red Cross (hereinafter, ICRC). reported widespread abuse of detainees held in American custody.

"In April 2004, CBS's 60 Minutes II brought to the attention of the entire world images of prisoner abuse at the Abu Ghraib prison in Iraq. The Department of Defense charged fifteen guards with several counts ranging from mistreatment of prisoners to having sex with a female detainee (in contrast to sexually assaulting a female detainee)" (Alkadry and Witt 2009,135). The full spectrum of the atrocity at Abu Ghraib would be further revealed by the report of Major General Antonio Taguba. According to Hersh (2004), "Taguba found that between October and December of 2003 there were numerous instances of 'sadistic, blatant, and wanton criminal abuses' at Abu Ghraib" (n pag). However, the Article 15-6 Investigation of the 800th Military Police Brigade does not mention how the necessary conditions arose to permit this type of event.

The War on Terror was a new type of conflict that had to be fought under new rules, specifically

abstaining from the Geneva Convention because terrorists were usually part of a faction without a permanent base. Arguably, the rules to fight the war on terror evolved with the passage of the U.S.A. Patriot Act, but the severe changes are provided in the following explication.

During the military operations in Afghanistan [and later Iraq] in 2001, American forces captured several thousand individuals thought to be associated with the Taliban or Al-Qaeda. U.S. Forces captured thousands of suspects in Afghanistan and other countries without knowing whether they were actually linked to terrorist operations against the United States. Those who were captured and detained were given the vague title of “enemy combatant” because the nature of their behavior was not on behalf of a country, but rather a faction with likes to terrorist behavior. The initial wave of detainees were housed at Camp X-Ray and later at Camp Delta at the Guantanamo Naval Base in Cuba.¹ In many ways, Camp Delta became the proving ground for the methods that would be used at Abu Ghraib to extract information from Iraqis. Later, the developed model from Guantanamo Bay would be installed at Abu Ghraib and effectively “gitmo-izing” the prison.

“According to Fisher (2008), “There is no persuasive evidence that inhumane and painful interrogation yields better intelligence than techniques that comply with statutory and treaty standards” (212). The adoption of “alternative” or “enhanced” methods encourages the collection of intelligence not on facts, but rather on the alleviation of pain. “News reports, relying on current and former U.S. government officials, explained that the alleged (false) link between Iraq and Al-Qaeda—used to justify war in 2003—came from a prisoner interrogated in Egypt who said he fabricated the story to escape painful questioning” (Fisher 2008, 213). The central issues surrounding the detainees questioned the manner by which they should be treated and how exactly should torture be defined. Again, a new and brutal war required brutal tactics. The answers to these questions would incorporate vague vocabulary that many Americans found appalling.

Abu Ghraib was not the first instance of detainee abuse after September 11. “Major General Geoffrey D. Miller, a central figure in the abuse of detainees against who brought to Iraq and Afghanistan the interrogation methods he used at Guantanamo, invoked his right of self-incrimination during court-martial proceedings” (Fisher 2008, 216). In the fallout from Abu Ghraib, a few enlisted personnel and officers were punished, the civilian officials who helped shape, justify, and authorize the abusive policies skirted accountability. The civilian personnel within the Bush Administration used and abused the law in a fashion to reshape the definition of torture to the degree that military and civilian personnel thought “they were just doing their job.” As in the case with Nazi Germany’s implementation of the Final Solution, the United States Government first sought legal reformation and then authorization for actions before their implementation. In Germany, no actions were taken that were not first sanctioned: this lead civil servants to be under the impression their actions were not only right but justified. Similarly in the United States, the

¹Note that Camp X-Ray represented temporary quarters for detainees until Camp Delta’s permanent facility could be completed. Further, Camp Delta was modeled after a maximum security prisons within the United States.

Secretary of Defense Donald Rumsfeld allowed the use of sixteen new methods of torture to be used at Abu Ghraib, but most were rescinded and specifically limited for use at Guantanamo Bay. The justification for the “enhanced methods” was that previous methods of interrogation had stalemated and the need for better methods of intelligence collection were necessary, but authorization had to be first acquired. “Against the best available thinking [from the Intelligence Science Board] on both moral and practical grounds, the United States chose the path of torture and abuse, first at Guantanamo Bay and in Afghanistan, and then in Iraq” (Adams and Balfour 2009, 141).

Fisher (2008), notes four steps the Bush Administration followed to legalize torture: (1) Exclusion of the Judge Advocate General Corps, (2) Isolation of the detainees beyond the reach of Federal Judges, (3) Rendered null existing treaties and federal statutes in regards to detainees’ civil rights, and (4) Justification of interrogation methods that would be impermissible if used by U.S. military on prisoners of war (or by federal or state law enforcement officers on those arrested of crimes (218). The fourth steps warrants further review.

In what became know to the public as the “Torture Memos” or the “Bybee Memo”, the definition of torture was modified to be “serious physical injury, such as organ failure, impairment of bodily function, or even death” and “that mental prolonged mental harm is harm that must last for months or even years.” (Jay Bybee, n pag.) “Dated August 1, 2002 and written by Jay S. Bybee, the assistant attorney general in charge of the office of legal counsel at the justice department, the memo is a cold-blooded exercise in exploring the limits of torture” (Banerjee 2004, 3444). The findings in the Bybee Memo applies to actions by U.S. individuals outside the United States and includes fines and imprisonment for not more than twenty years, unless death of a person results from the behavior. Although Bybee’s definition of torture appears harsh, he “borrowed them from statutes that have nothing to do with torture or interrogation”, but rather comes from definitions of emergency medical conditions “for the purpose of providing health benefits” (Fisher 2008, 222). Further troubling is the notion that under this memo, an American interrogator could violate the torture statute and not be tried in court because the action was granted under the President’s constitutional authority as commander in chief. Essentially, the Bush Administration was not only justifying the use of torture, but was moving to protect itself entirely from any grievances that might arise. “Torture therefore is being taken for granted by them as an extraordinary but necessary part of this unconventional warfare” (Banerjee 2004, 3443). The most terrifying conclusion from this memo is that state sponsored terrorism was in place. This allowed the U.S. Government to hide prisoners from ICRC. In another example, this allowed “the campaign of torture in Iraq that was a top-secret program, code-named Copper Green, which was approved by Secretary of Defense Donald Rumsfeld” (Apel, 2005, 90). The changes to the definition to torture did not cause the Abu Ghraib Scandal, but it definitely made the conditions favorable for atrocity. The Taguba Report confirmed that soldiers thought they were following orders by participating in interrogation sessions that involved torture. According to Alkadry and Witt (2009), “most of those convicted were junior

personnel, there is a gap in the official record between authorization of torture at the highest levels and the conveyance of orders down the chain of command” (141). As in the usual case of events like this one, those junior personnel became the scapegoats by which the Bush Administration was able to live in an Omelas type situation. The highest ranking scapegoat was General Taguba, who for giving an accurate analysis of the events at Abu Ghraib, was hailed by being forced into retirement. In this scenario exists a paradox, lie and get rewarded; adopt a policy of truth and face reprimand.

The Path to Moral Devolution

Previously I mentioned that behind atrocity exists in varying forms a notion of revenge. Civilizations function on a set of acceptable behaviors, but as this group is forced to negotiate with new principles in response to stress, traditional moral norms begin to emasculate. This in turn causes definitions and terminology to mutate into unrecognizable form. “Both creation and destruction are inseparable aspects of what we call civilization” (Adams and Balfour 2009, 37). The experience of an individual is used to establish behavioral tendencies that organize into larger social and cultural norms which creates the bedrock to society’s foundation. As these foundations are met with challenges, “old ways of understanding...seem overwhelmed by changes that impact the ways in which, over time, we negotiate a sense of meaning in our lives” (Adams and Balfour 2009, 21). As this negotiation continues, our immediate and comfortable socializations become more fragmented and complex. The path to atrocity can be made easier to negotiate by moral disengagement, dehumanization through language, and finally identification of a scapegoat. The crux of my argument concerning moral devolution is that when a society is forced to adopt new changes to its traditional rationale, disregarding severity, changes to our normal interpretation causes the new behaviors to be accepted. The velocity of this moral inversion can be of any pace, but I contend its usually sooner than the later. “The soldiers at Abu Ghraib did not have explicit orders to torture prisoners, but their superiors and senior administration officials helped created a sense of normalcy that condoned torture (Alkadry and Witt 2009, 136).

Moral Disengagement

Torture is a partly a crime of socialized obedience. According to Fiske et al (2004), “Subordinates not only do what they are ordered to do, but what they think their superiors would order them to do, given their understanding of the authority’s overall goals” (1483). Social influence begins in incremental phases, but as the actor becomes comfortable with new behavior the initial steps of moral disengagement occur. According to Adams and Balfour (2009), there are at least four ways we can “switch off our moral compass”: (1) harmful behavior may be repackage as positive

[moral inversion], (2) Create distance between ourselves and the destructive activity, (3) Minimize euphemisms to diminish the destructive activity [convincing ourselves nothing is wrong] and (4) Dehumanizing victims by the rationale that they “deserve” harsh treatment (17). Behind each of the aforementioned factors can develop the guise of administrative evil.

I contend that moral disengagement and moral inversion can be spearheaded by the perception of experience v. negotiation.²³ In this model, reality or old ways of thinking seems overwhelmed by changes that impact the ways in which we negotiate a sense of meaning in our existence. When this model causes moral inversion that leads to acceptance of previously unacceptable behavior; thus, administrative evil is revealing its guise. Simply because a person interprets their behavior as “just” or professional, that does not satisfy being ethical. The Bush Administration became experts at taking advantage of the newly negotiated meaning of torture that was justified from the threat of terrorism.

When Secretary of Defense Rumsfeld traveled to Abu Ghraib, he did not go inside. He walked around the compound and left. Perhaps he wanted to maintain a degree of “ignorance” about the occurrences there. Moreover, perhaps he wanted to remain distanced so that the destructive behavior would not affect him. Also, that may support the legal reasoning behind the change to the definition of torture. Most of those working for the Bush Administration would not expect any Iraqi abused at Abu Ghraib to confront them on their actions. When a person can remain retracted from a problem and not have to face the consequences on a daily basis, drastic actions can be adopted because the fear of retaliation is nil. Because the administration was reinforced by large powerful institutions, it was not necessary to face the severity of its unethical policy. Because the administration used the military to face the daily grind of war, it redefined reality and obscured itself from actuality.

Dehumanization Through Language

Dehumanization is a powerful ally of atrocity. As noted by Adams and Balfour (2009), “one of the worst things we can do to our fellow human beings is deprive them of their humanity, render them worthless by exercising the psychological process of dehumanization” (18). When tragic events happen that we do not want to contend with often euphemisms are adopted to “soften” the meaning of the term. For example, when an innocent civilians dies in a war zone its collateral damage. After September 11, those hostile to the United States were defined as terrorists, but when captured they became enemy combatants. The Geneva Convention applies to prisoners of war, but not enemy combatants or detainees because they are less than human. Also, those convicted of participating

²For the purpose of the explanation, moral disengagement would involve switching off your moral compass. That is to say developing the inability to discern from right and wrong.

³Moral inversion is best identified as what was good is now bad, and what was once bad is not justified as being good; or at least acceptable behavior.

in abuse at Abu Ghraib became “bad apples”. Regardless of the dehumanization that can happen through language, judgement must never be lost. Also, people are guilty even if everybody participates in the atrocity. However, the truth is that the language must be kept alive. Euphemisms do not directly identify that humans are involved. If language disappears then you do not have normal thought processes. When the rational thought process goes away, then moral inversion and disengagement can easily occur. Therefore, where the word breaks off no things may be. If the language gets shut down then its possible for the conscience to become twisted, when the conscience becomes twisted dehumanization is possible; therefore it is necessary to keep the moral language alive by calling atrocity an “atrocity”.

Conclusion

Our reluctance to recognize the importance of administrative evil as part of the identity and practice of public policy and administration reinforces its continuing influence and increases the possibility of future acts of dehumanization and destruction, even in the name of public interest” (Adams and Balfour 2009, 157). A plethora of problems existed at Abu Ghraib including, but the most important were that:

1. Abu Ghraib Prison was situated behind enemy lines and was under almost constant enemy attack; especially from mortar fire. This caused an incredible amount of stress upon the personnel housed at the prison and established the justification for “revenge” and retaliation against the detainees.
2. Inside the prison complex existed a mixture of personnel from the United States including Army, Navy, Central Intelligence Agency, and Military Contractors. In a sense it was very possible to identify a person, but not know which agency the person represented. This created confusion about who was really in charge.
3. No clear guidelines for the treatment of prisoners were introduced. Vague guidelines allows personnel to make up the rules as the situation progresses creating the possibility for abuses to occur. In a highly stressful situation such as Abu Ghraib, if specific guidelines are not given then the avenue is broadened for personnel to make up their own rules due to the presence of a gray area. The largest dilemma was that the old rules of war established by the Geneva Convention did not apply in Iraq and those labeled as “terrorists” or “enemy combatants” could be subject to any method of treatment.
4. At the prison complex, no clear rules or command structure existed. This notion resulted from a lack of leadership, especially from the brigade level down, lack of discipline among soldiers, and inadequate training on internment. This created the situation for evil breeding as a result of which, the most gruesome torture of Abu Ghraib resulted. Essentially, any and all means became legal, justified, and necessary.

5. At Abu Ghraib, the objective was to obtain “actionable intelligence” that could be used to quell the increasing insurgency. Essentially, the objective was to resolve a political question with a military solution. The problem was that Iraq was divided along ethnic lines and should be resolved with a political answers, but since the interim Iraq government had to contend with legitimacy issues, the only solution was military. Even in the present, as the military retracts its involvement in Iraq, the possibility of another insurgency is high. The difficulty with the Iraq War was not the combat phase, but was the lack of planning for an occupation and to establishing a post-war Iraqi Government. Failure to plan for the extensive occupation of Iraq and the resulting insurgency, resulted in the atrocity at Abu Ghraib.

In Le Guin’s (1973) *The Ones Who Walk Away from Omelas*, inhabitants are smart and cultured, but their utopian society of happiness exists because of scapegoat. Essentially, the scapegoat is a child that is kept in perpetual filth, darkness, and misery. All citizens know about the child’s suffering, but do nothing to alleviate the pain or circumstances of it. They all know it has to be there. At an age of understanding children are explained the purpose of the scapegoat. Some feel disgusted, angry, outraged, but most still feel superior. According to Le Guin’s (1973) *Omelas*:

“Some of them understand why and some of them do not, but they all understand that their happiness, the beauty of their city, the tenderness of their friendships, the health of their children, the wisdom of their scholars, the skill of their makers, even the abundance of their harvest and the kindly weathers of their skies, depend wholly on this child’s abominable misery...To exchange all the goodness and grace of every life in Omelas for that single, small improvement: to throw away the happiness of thousands for the chance of the happiness of one: that would be to let the guilt within the walls indeed.”

The crux of my argument concerning moral devolution is that when a society is forced to adopt new changes to its traditional rationale, disregarding severity, changes to our normal interpretation causes the new behaviors to be accepted. The velocity of this moral inversion can be of any pace, but I contend its usually sooner than the later. Therefore, in Omelas some citizens leave the utopia when they learn about the suffering child. In respect to the military bureaucracy, severe punishment is not sought against it because it has become the scapegoat of our society because it handles the “dirty work” that ordinary citizen wish to avoid. Perhaps moral inversion has occurred to our psyche which interprets atrocity; we know atrocity is wrong, but will not act to stop those who have the power to cause these events because they perform the “dirty work” that allows our society to prosper. Although atrocities may be impossible to prevent, some military leaders admit that these types of things happen from time to time. The mechanism to abstention from atrocity lies within efforts to preventing the conditions that lead to these events.

No amount of legalization, threats to “national security”, or desperation to quell the insurgency in Iraq would justify the actions at Abu Ghraib. As in the resolution of other atrocities such as this

one, low level personnel became the scapegoats by which the actual guilty parties fled prosecution. An atrocity resulted at Abu Ghraib because the lines were blurred through altering the definition of “torture”, poor leadership, lack of preparedness, and systematic dehumanization of those housed at Abu Ghraib. Although moral reasoning for the Abu Ghraib cannot be justified, Alkadry and Witt (2009) do offer three possible explanations:

1. Stress-induced behavior produced by the situation and working conditions at Abu Ghraib.
2. The consequentialist “ticking time bomb scenario.” Is torture of a terrorist legitimate if it saves the lives of innocent people?
3. As administrative failure whereby politicians spoke against torture, but created a situation that warranted it. (139).

Just because a situation presents itself with an incredible amount of stress, no justification can allow atrocity. But, as long as the actual guilty are not punished, these types of events will continue to happen.

This analysis concludes along with Omelas:

“At times one of the adolescent girls or boys who go to see the child does not go home to weep or rage, does not, in fact, go home at all. Sometimes also a man or woman much older falls silent for a day or two, and then leaves home. These people go out into the street, and walk down the street alone. They keep walking..straight out of the city...through the beautiful gates...Each alone, they go west or north, towards the mountains. They leave Omelas...The place they go towards is a place even less imaginable to most of us than the city of happiness...It is possible that it does not exist. But they seem to know where they are going, the ones who walk away from Omelas.”

“Evil is really about the exercise of power to inflict harm, hurt, and destruction on others individually, collectively, and when it occurs on an institutional scale, to commit crimes against humanity” (Adams and Balfour 2009, xv). The most troubling finding in this analysis is that “the torture and abuse of prisoners was mandated and justified at the top, and those who gave vent to even the most gratuitous sadistic impulses felt safe in a carefully circumscribed culture of community sanction” (Apel 2005, 100). Although this behavior is against the law, no high ranking official has yet to be punished. Concerning this episode, no person, regardless of position of status within the government, should be immune from punishment. This type of atrocity is wrong and future occurrences must be prevented. The fact is that the Bush Administration through completely legal channels justified the use of “legal torture” by taking advantage of a gray area that usually is not challenged during a period of high stress. Ordinary individuals under the influence of complex social forces may commit evil acts, but not all individuals embrace destructive behavior. Perhaps the best

method for prevention is professional ethical training, but caution is suggested because there ethics too may risk becoming “redefined” during another episode containing complex social forces.

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