ANOMIE AND TORTURE: AN EXPLORATORY EXAMINATION

Ahmed Nabeel
B.S., California State University, Sacramento, 2006

THESIS

Submitted in partial satisfaction of
the requirements for the degree of

MASTER OF SCIENCE

in

CRIMINAL JUSTICE

at

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

FALL
2009
ANOMIE AND TORTURE: AN EXPLORATORY EXAMINATION

A Thesis

by

Ahmed Nabeel

Approved by:

__________________________________, Committee Chair
Sue C. Escobar, J.D., Ph.D.

__________________________________, Second Reader
David Swim, D.P.A.

____________________________
Date
Student: Ahmed Nabeel

I certify that this student has met the requirements for format contained in the University format manual, and that this thesis is suitable for shelving in the Library and credit is to be awarded for the thesis.

_______________________, Graduate Coordinator
Yvette Farmer, Ph.D.        Date

Division of Criminal Justice
Abstract

of

ANOMIE AND TORTURE: AN EXPLORATORY EXAMINATION

by

Ahmed Nabeel

Criminology seeks to offer ways to understand crime and to define criminal acts and system restitution. Is there a way in which it can be sufficiently applied in analyzing state crimes, crimes against humanity, and in specific the incidences of torture? There is a great need for theoretical research accounts on this matter. The study attempts to explore this very aspect of deviance through the lens of anomie theory. Among other sources, the data utilized for this study were gathered from a governmental report on the investigation of Abu Ghraib detention facility, a report by International Committee of the Red Cross published in 2004, and numerous theoretical/descriptive accounts published in various articles and journals. The study demonstrates that the anomie theory provides a useful framework for understanding the abuse and torture that occurred at Abu Ghraib prison during the American occupation of Iraq. It further provides a way to apply the classical theory of anomie to the problem of torture, genocide, and human rights violations.
ACKNOWLEDGMENTS

I would like to thank two of my very able professors – Dr. Sue Escobar and Dr. David Swim for their guidance.
TABLE OF CONTENTS

Acknowledgements…………………………………………………………………………………………………v

Chapter

1. INTRODUCTION………………………………………………………………………………………………1

2. LITERATURE REVIEW…………………………………………………………………………………………6
   Introduction……………………………………………………………………………………………………6
   Guantanamo Bay and War on Terror……………………………………………………………………8
   Abu Ghraib and Iraq………………………………………………………………………………………10
   Additional examples of Detainee Abuse…………………………………………………………………11
   The Limited Application of Theoretical Criminology………………………………………………12
   Emile Durkheim’s Concept of Anomie and State Sponsored Torture……………………………15
   Principle Accounts of Torture in the War against Terrorism………………………………………16
   Practicality of such Methods and Judicial Effectiveness……………………………………………23
   Additional Theoretical Approaches ………………………………………………………………………25
   Criminology and Theories of Genocide …………………………………………………………………….26

3. RESEARCH METHODOLOGY…………………………………………………………………………………32
   Research Type………………………………………………………………………………………………32
   Case Study as a Method……………………………………………………………………………………33
   Abu Ghraib as the Preferred Case…………………………………………………………………………34

4. ANALYSIS AND APPLICATION OF THEORY………………………………………………………………38

5. CONCLUSION……………………………………………………………………………………………………..48
   Limitations of the Study……………………………………………………………………………………50
   Incorporation of Findings……………………………………………………………………………………53

References……………………………………………………………………………………………………………………60
Chapter 1

INTRODUCTION

How can criminology help us understand the crime of state-sponsored torture? In particular, what is the relationship of the state sanctioned acts of torture done by the United States in its war on terror to justice? Is justice in its pure form being denied? What does it mean to have a pure form of justice as a standard for human rights? Should human rights be suspended in face of counter-terror activity and policies?

There is certainly a plethora of important questions that could be asked in regard to the photographs of torture taken at Abu Ghraib prison. This study seeks to focus on how criminology, a scientific-based discipline, would address the question of torture and human rights violations in the war on terror policies developed by the United States. Can criminology provide an appropriate and adequate approach to these questions so that corrective policy can be formulated?

According to an executive order ensuring lawful interrogations, the Obama administration has ordered that torture no longer be allowed (Executive Order No. 13440, 2007). What is the relevance of this declaration in the face of an apparent history of US sanctioned torture? How can criminology provide an understanding and critique of this political move? These questions, although beyond the scope of this research can get even more particular as the specifics of the Bush Administration are outlined in shaping up the policy of torture.

Hagen (2007) pointed out that criminology seeks to offer ways to understand crime and to define criminal acts and system restitution. Is there a way in which it can be
sufficiently applied in analyzing state crimes, crimes against humanity, and in specific the incidence of United States sponsorship and perpetuation of torture? How can the problem be formulated? The research in this study will seek to understand how criminology can extend its fields of inquiry to render more useful theory on state crimes, specifically using as a case study the American experience with the world on terror and criminal transgression.

Need for the Study

There is a need for theoretical and research accounts of crimes against humanity if only to adopt effective policy toward them. But indeed in the difference of our world today from the era of World War II, when lessons of the past have been written down in full understanding from events of the past, would it be sufficient to acknowledge technological advances to account for continual mass human rights transgressions? Has the view of crime and criminal activities changed over the years to allow more but different kinds of incidents of torture, more acts of human genocide?

The early social scientists who have influenced contemporary views of criminology developed comprehensive theories on how humans formed social communities (in the Western world). Hence seminal precursors of modern social theory such as Emile Durkheim, Max Weber, and Karl Marx were able to develop theories of deviant social behavior that more or less have withstood the test of time. Criminology theories of deviance, strain, neutralization, conflict, ecological structures and other models of deviant social behavior have developed and evolved. In what ways can the
anomie theory be applied to the problem of torture, genocide, and human rights violations today?

Criminologist John Hagan has recently received the 2009 Stockholm Prize in Criminology for his research on genocide in the Balkans and Darfur (Crimmins, 2009). In his work on genocide in Darfur, Hagan (2005) stated:

The history of American criminology, and the wider world of events beyond its disciplinary borders, has often impeded the pursuit of answers to questions about genocide, crimes against humanity and war crimes more generally. Confronting such questions and the absence of answers to them is important in defining the boundaries of modern criminology (p. 525).

From these observations there is a need for modern criminology to extend its borders to acknowledge and investigate crimes that are presumably prohibited in some legal way by the state but yet are state crimes. The effort would seek to explain why and what kinds of restitution are or are not required.

Maier-Katkin et al. (2009) make another argument for establishing the need of criminology to investigate state crimes. However the authors offer certain caveats which have limited perspectives on such efforts, straitjacketing their fields of inquiry. Their purpose, similar to Hagan, was to expand on existing criminological theory and to show how it may be "modified to provide more powerful accounts of crime" (Maier-Katkin et al., 2009, p. 227).

Durkheim, Weber, and Marx provided theories on how modern industrial society took shape by explaining the kinetic features of various social forces; that is, the extent to which sociologists have been able to understand the propelling force behind a criminal activity. This study will review Durkheim’s anomie theory in an attempt to form features
of its initial theoretical framework that explains deviant behavior, or more specifically, state sponsored torture.

Durkheim today is regarded as a functionalist and several theories of criminology have emerged from his studies that have dealt with crime as a functional deviance. According to Butler (2003), structured functionalism is a broad perspective in the social sciences which addresses social structure in terms of its constituent elements, namely norms, customs, traditions, and institutions. Where Durkheim emphasized the effects of society upon the individual, whereas Weber did the opposite, emphasizing the primacy of the individual in affecting the state. Marx was able to develop an economically deterministic theory of conflict on the Hegelian dialectic formula, originally poised as master/slave interactions. In particular, using a Durkheimian perspective, it will be possible for this study to extend its theoretical framework to recognize and deepen our knowledge of how well the theory of anomie helps us understand torture and human rights violations exercised by a state.

The basic task of this study would be to determine to what extent is state-sanctioned behavior deemed criminal. Pertinent theories from criminology will also be examined to determine the meaning of such deviance. Definitions of particularly important terms will come from the works of modern criminologists and will be defined and applied if they are appropriate. The study will explain how it will use these tools and definitions in its method of historical analysis in the view of making a qualitative case study of Bush’s administration policy in the war on terror. The case study will formulate
the analysis of the study, from the necessary application of the definitions and analytical tools derived.
Chapter 2
LITERATURE REVIEW

Introduction

Provided here will be the findings that were derived from the literature review on the subject of torture and criminological theory. A thorough illustration of the available and relevant material on this subject matter will be presented in an attempt to support the objective of the study, which is to determine how well criminology helps us understand the crime of state sponsored torture and particularly what framework of understanding does Durkheim’s anomie theory provide us with respect to torture at Abu Ghraib. In this section, I will also lay out the extent of abusive treatment by stating some of the personal accounts of detainees both in the context of Iraq war and the war against terrorism, which will help the reader understand not only the prevalence of the problem but also the way in which the criminology has approached the issue of torture so far.

The United Nations Convention against Torture (CAT) serves as the basic foundation for the international legal regime against torture. The treaty essentially obliges each state party to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. For example, it also recognizes that “no exceptional circumstances such as a state of war, internal political instability, or any other public emergency may be invoked as a justification for torture” (CAT, 1987, p. 85). Torture itself is defined in the CAT (1987) as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third party information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or
coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity (p. 85).

Furthermore, the International Covenant on Civil and Political Rights (ICCPR), in particular, states that “no one shall be subjected to torture to cruel, inhumane or degrading treatment or punishment” (International Covenant on Civil and Political Rights, 1976, p. 171). Given that, by even a very conservative measure, one can safely say that all states parties to the ICCPR and the CAT are, as matters of international human rights law, strictly prohibited from either the perpetuation of torture or any other form of cruel, inhuman, and degrading treatment.

It is important to note that both ICCPR and the CAT are fully applicable in peacetime. However, there is a specific body of law that regulates state behavior during wartime, which, as the appropriate ‘lex specialis’¹ should be the applicable law in such circumstances, as a derogation to the ‘lex generalis’ of the CAT and ICCPR. This would mean that that specific body of knowledge would override a law (CAT, ICCPR), which only governs general matters as illustrated by the definition. The existence of this derogation is not universally accepted. Even if this were the case, the lex specialis of wartime –international humanitarian law (IHL) also includes provisions specifically prohibiting the practices discussed above.

In the case of US, it appears very clear that many international obligations were breached in its treatment of detainees at Guantanamo Bay, Abu Ghraib and elsewhere. In this exploratory study, most of the focus will be directed toward how the US behaved in post 9/11 era with respect to the treatment of detainees at Abu Ghraib prison in Iraq and
how criminological theory considerations, if any, have factored into various decision making processes at Abu Ghraib. For that matter, it would be useful to illustrate some of the events that unfolded at Abu Ghraib and elsewhere at the behest of agents of the US.

*Guantanamo Bay and the War on Terror*

The Guantanamo Bay naval base was established following a 1903 agreement between Cuba and the US (The Cuban-American Treaty), and is currently operated under what is effectively an indefinite lease. Soon after the War on Terror in Afghanistan, a Joint Task Force Guantanamo was established and tasked to stand up the War on Terrorism detainee mission, with Guantanamo having been selected specifically because it was thought that it is technically Cuban territory, leased to the US military – and if the detainees are never brought to American soil, they can have no recourse to appeals under US federal law. Even according to a BBC news report, the close proximity of Cuba and the strategic importance it has with respect to legal challenges the Bush Administration could have encountered if these detainees were on American soil were all a part of the decision making process involved in selection of this particular site (Afghan captives start Cuba detention, BBC News, 12 January 2002).

The conflict in Afghanistan led to a considerable influx of detainees arriving at Guantanamo. The first detainees who arrived at Guantanamo in January of 2002 were housed in ‘Camp X-Ray’ under very strict security. As the war continued, the number of prisoners at Guantanamo grew so fast that “by mid-2004, over seven hundred detainees
from forty-four nations, some as young as thirteen, would pass through Guantanamo” (Afghan captives start Cuba detention, BBC News, 12 January 2002).

As a result of such influx of detainees from around the world to Guantanamo and the need to produce actionable intelligence as timely as possible, military intelligence units at Guantanamo adopted a 72-point matrix for stress and duress designed to subject detainees to rising level of pain. Danner (2003) reported that:

Interrogators at Guantanamo also appear to have developed techniques that went beyond the framework created by 72-point matrix for stress and duress. These reportedly included techniques that would include subjecting Arab detainees to sexual humiliation through female interrogators. Many of the sensory deprivation techniques were refined overtime and extended as detainees were subjected to in certain cases up to 160 days of isolation, extreme temperature variations and being forced into various stress positions (p. 130).

There is a wealth of material that can be obtained that testifies to the extent of which the detainees at Guantanamo were handled in manners that could be argued to have violated the legal regime. There is also no shortage of documentation detailing the interrogation practices at Guantanamo. Therefore, it may not be necessary or even possible to detail or discuss every instance of perpetuation of torture in detail. Considering whether or not such treatment breached Geneva Conventions, the International Committee of Red Cross (ICRC) visited the detention facility in June of 2003. The ICRC found that: “the construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an international system of cruel, unusual and degrading treatment and a form of torture” (Lewis, 2004, p. 384).

As stated earlier, the ultimate purpose of this thesis is not to determine whether or not the US did or did not breach its obligation. One can see that there is a sufficient body
of authoritative opinion, both domestically and internationally –ICRC being the most prominent one in that case, which states that the “US has certainly acted inconsistently with respect to its obligations under both human rights and humanitarian law” (Lewis, 2004, p. 384). Rather, the purpose of this thesis is to derive a better understanding of how anomie theory helps us contemplate the abusive treatment of detainees in the Abu Ghraib Prison.

Abu Ghraib and Iraq

Mark Danner reports in his book Torture and Truth (2004) that this mostly secret system of picking up detainees and holding them for interrogation included prisons on military bases around the world, from Thailand and Afghanistan to Morocco, Poland, Romania and Iraq – “at various times,” reportedly, “sites in eight countries” – into which, at one time or another, more than one hundred prisoners… disappeared. The secret internment of “black sites” had its own air force and its own distinctive “transfer procedures,” which were, according to the writers of International Committee of Red Cross (ICRC) report, “fairly standardized in most cases” (para. 9).

A report that was published by the ICRC on the detention practices in Iraq, the basis for which was the discoveries at Guantanamo, found very similar instances of abuse at Abu Ghraib. It drew a conclusion according to which detainees held under the supervision of Military Intelligence Units “were at high risk of being subjected to a variety of harsh treatments ranging from insults, threats and humiliation to both physical
and psychological coercion, which in some cases was tantamount to torture” (Dratel & Greenberg, 2004, p. 284).

The 60 Minutes special report of April of 2004 discusses how a ‘special projects team’ was created soon after the capture of Saddam Hussein and of those that were captured along with him. This so called ‘special projects team’ was sent to Abu Ghraib prison in Iraq to interrogate Saddam Hussein –Iraqi president at that time, and others. This team apparently used tactics beyond those in the army manual, including reduced diet, sleep deprivation, confinement in isolation cell, and the presence of military dogs. When the conditions did not improve and the population of the prison reached from 25 (before invasion) to 18,000 prisoners, a military police officer stationed at Abu Ghraib passed a compact disc containing the ‘torture photographs’ to the US Army’s Criminal Investigation Division, which later resulted in launching of an internal military investigation by Major General Antonio Taguba. The findings derived by this investigation would be discussed later in the research.

Additional examples of Detainee Abuse

With respect to particular abuses undertaken by security forces, the involvement of the agency in an Afghan context is also very enlightening. Events in Abu Ghraib and Guantanamo have been highly publicized, but there are reports that outline how private contractors have been hired to conduct harsh interrogations or so called ‘alternative interrogation methods’ in the war against terrorism. Even before these methods were introduced at Guantanamo or Abu Ghraib, the security forces appears to have adopted
practices that went far beyond regular military interrogation methods. The Washington Post, for example, reported in December 2002 that prisoners:

who refuse to cooperate inside this secret interrogation center are sometimes kept standing or kneeling for hours, in black hoods or spray painted goggles, according to intelligence specialists familiar with interrogation methods. At times, they are held in awkward, painful positions and deprived of sleep with a 24-hour bombardment of lights – subject to what are known as ‘stress and duress’ techniques (p. 1).

Additionally, the US program of extraordinary renditions⁴, pursuant to which suspected terrorists can be sent to countries known for employing harsh interrogation techniques amounting to even torture, sheds further light on the scope this operation. The US program even prompted several official investigations in Europe into alleged secret detentions and unlawful interstate transfers involving Council of Europe member states. the geographical span to which extraordinary rendition subject would be sent included counties in Eastern Europe, Egypt, Jordan, Morocco, Saudi Arabia, Syria, and Pakistan. According to ICRC (2004) report:

these activities apparently developed to the point where the security apparatus built up a fleet of 26 charter airlines shuttling detainees between locations. The impetus of what has become known as ‘torture memos’ also appears to have originated with a their request for legal cover for its interrogation practices (p. 117).

The Limited Application of Theoretical Criminology

Theoretical criminology has, for the most part, ignored war crimes and crimes against humanity for much of its 130 or so year existence as a bonafide discipline (Maier-Katkin et al., 2009, p. 227). The literature on the subject matter also indicates that state sponsored crimes against humanity or war crimes have not been a subject of strict
theoretical examination by Criminologists. The most common argument against a criminological focus on crimes against humanity is based on the legal principle of *nullum criminis sine lege* (no crimes without law): often crimes against humanity are state-sponsored actions occurring under the color of law and therefore may not constitute crimes in the narrowest legal sense (Wechsler-Herbert et al., 1961, p. 91). It is also known that 60 years ago, lawyers, political leaders, and even criminologists argued that the genocidal actions of the Third Reich did not constitute crimes because they did not violate any criminal law at that point in time.

Fortunately, in current modern times, most criminal courts are able to exercise legal jurisdiction over genocidal acts. There is not much room for ambiguity as to what constitutes a genocidal act. Such acts are precisely defined in the Geneva Conventions of 1949, and the international conventions for the prevention and punishment of genocide and torture which are now generally recognized as elements of international customary law, as well as the statutes establishing the international tribunals for Rwanda, the former Yugoslavia and the International Criminal Court (to which the United States is not a party). Thus, the legality principle is not problematic in law, if ever it was, and ought not to be conceived as a barrier to scientific inquiry (Sutherland, 1947; Hagan et al., 2005).

It is also important to point out that from the perspective of developing criminological theory; there are several important reasons for focusing on crimes against humanity. Brannigan & Hardwick (2003) noted that in the 20th century more people died violently as a result of state-sponsored genocide than as a result of all other crimes (para. 104). The sheer destructive potential of state sponsored crimes poses a significant threat
to the social stability and humanity. An all-inclusive approach towards trying to understand genocides, acts of torture, and state sponsored crimes against humanity only stands to benefit the discipline field of criminology and would contribute to the explanatory power of criminology.

Blumstein (2009) observed that historically, criminology found that academic legitimacy, research funding and university resources were all tied to student enrollments and to a professional emphasis on the training and education of future criminal justice employees, including police officers (para. 361). This recognition was very vital from the standpoint of criminology because it would have potentially threatened criminology from becoming an independent discipline. Due to this uneasy relationship between the criminal justice system and criminology, it made sense to focus on street crimes in which the agents of the state, such as police officers, regulators, and inspectors, have the direct involvement.

There is another important systemic limitation on why criminology has failed to adequately address the crimes against humanity or, more specifically, state sponsored torture. This has to do in some way with the inner-workings of academia. It has been suggested that the structures of routine science, including social science, focus empirical work on well-established paths. Candidates for tenured position or even graduate degrees are “encouraged to stay within the mainstream as far as their expertise or the scope of research is concerned” (Sjoberg & Vaughan, 1993; Savelsberg & Flood, 2004; p. 1017). Stepping outside this hemisphere would likely expose them to increased level of criticism or discouragement. Maier-Katkin et al. (2009) also reasoned that the sure path to tenure is
to become a specialist in a narrow area; and for tenured, middle-aged scholars, it is
difficult to abandon hard-won expertise to take on new and uncharted areas of
criminological thought.

According to Maier-Katlin et al. (2009), this situation reflected:

issues of institutional and individual self-interest and power, a phenomenon that
appears to be an omnipresent aspect of the human condition. Indeed, group
interests and other forces promote conformity, an observation that anticipates a
central feature of our theory, which locates, in part, the causes of crimes against
humanity in normative processes of conformity (p. 241).

So, the presence of many such systemic disadvantages hinders the development of new
and comprehensive line of thought in criminology that deals with contentious topics like
crimes against humanity. Additionally, as suggested earlier by the authors, the complex
dynamic between self- and institutional- interest has in many ways prevented unrestricted
and unbiased criminological research in that direction.

*Emile Durkheim’s Concept of Anomie and State Sponsored Torture*

 According to Durkheim, anomie is a breakdown of social norms and it is a
condition where norms no longer control the activities of members in society. Individuals
cannot find their place in society without clear rules to help guide them. Changing
conditions as well as adjustment of life leads to dissatisfaction, conflict, and deviance:

There are historic periods during which social interrelations become much more
frequent and active…. Changes are not made only by nuances or degrees. Man
becomes different. The agitated passions are then so intense that they cannot be
satisfied but in disproportionate violent acts of superhuman heroism or
bloody barbarism (Durkheim, 1968, p. 301).
My inquiry to seek a logical explanation as to how criminology can best explain the crime of state sponsored torture, and what lessons can be drawn about the relationship between state, justice, and human rights from the standpoint of a particular criminological theory would rely on Durkheim’s anomie theory. It would be essential at this point to clarify that, here, Durkheim’s classical understanding of *anomie* as a societal condition of derangement is used to address the problem rather than structural functionalist’s (Robert Merton) understanding of *anomie* as normlessness.

From Durkheim’s point of view and sociological understanding, anomie is primarily a deranged state of disorganization involving lack of coordination and other variations of social chaos that sets the stage for violence and abuse. According to a Durkheimian point of view, the state of anomie and social chaos documented at Abu Ghraib for example, was all-pervasive and fundamentally irrational in that it clouded soldiers’ judgments concerning what constituted acceptable versus unacceptable thought, emotion, and behavior. Evidence for such a point of view is found in the numerous references to ‘confusion’ found in the reports and disclosed in testimony at the courts-martial (Danner, 2004; Mestrovic, 2007; Strasser, 2004). Soldiers could not discern the difference between normative versus abusive situations. For example, the Company Commander, Captain (CPT) Donald Reese, testified that when he inquired as to why prisoners were forced to wear women’s panties on their heads, he was told by his superiors that it was ‘a supply issue’ or ‘an MI thing.’ There was no established social system in place to validate his concerns, and the same was true for scores of other
whistleblowers at Abu Ghraib, who were routinely invalidated and in some cases threatened (Mestrovic, 2007).

Principle Accounts of Torture in the War against Terrorism

In this section, personal accounts of some high profile detainees that were captured in Afghanistan, Pakistan, and elsewhere in the period immediately after September 11th terrorist attacks will be provided. Common themes from this content analysis will later provide the basis for the newly derived understanding of the link between torture and state power in later chapters. The accounts presented here are of those 14 high profile detainees that were interviewed by ICRC. Before these prisoners were transferred to Guantanamo Bay, they were held at secret prisons around the world known as ‘Black sites.’ Eventually, they were all taken to Guantanamo. Then-president, George W. Bush, also announced in an historic speech that there will be these high level detainees that will be moved from the world of secrecy and darkness back to Guantanamo, where the International Committee of Red Cross would finally be able to talk to them.

International Committee of Red Cross is the international body that is legally appointed guardian of the Geneva Convention and their job is to supervise the treatment of prisoners of war (Dratel & Greenberg, 2004, p. 384). Up until 2006, these men were considered disappeared or secret prisoners. In 2006 however, the president in a way brought them to light by announcing that they were going to be moved to Guantanamo.
The ICRC interviewers went down to Guantánamo, sat down with the prisoners for hours at a time and conducted long interviews. It is important to note here that they had all been kept in strict isolation—they were not allowed to talk to one another. Therefore, the stories that they tell, which are given in long extracts, have a great deal of credibility simply because they match each other very closely, right down to the details of the different procedures that were used. These accounts were later published by New York Times, some of which I will now present.

The following accounts are from Mark Danner’s book “Torture and Truth”, who derived the information from the ICRC Report on the Treatment of Fourteen “High Value Detainees” in government Custody by the International Committee of the Red Cross.

**Abu Zubaydah**

A dramatic story: big news. Wounded in a firefight in Faisalabad, Pakistan, shot in the stomach, groin, and thigh after jumping from a roof in a desperate attempt to escape. Massive bleeding. Rushed to a military hospital in Lahore. A trauma surgeon at Johns Hopkins awakened by a late-night telephone call from the director of central intelligence and flown in great secrecy to the other side of the world. The wounded man barely escapes death, slowly stabilizes, is shipped secretly to a military base in Thailand. Thence to another base in Afghanistan. Or was it Afghanistan? It’s not known for sure.

Two and a half months after Abu Zubaydah woke up strapped to a bed in the white room, the interrogation resumed with more intensity than before:

Two black wooden boxes were brought into the room outside my cell. One was tall, slightly higher than me and narrow. Measuring perhaps in area [3 1/2 by 2
1/2 feet by 6 1/2 feet high]. The other was shorter, perhaps only [3 1/2 feet] in height. I was taken out of my cell and one of the interrogators wrapped a towel around my neck, they then used it to swing me around and smash me repeatedly against the hard walls of the room. I was also repeatedly slapped in the face.... I was then put into the tall black box for what I think was about one and a half to two hours. The box was totally black on the inside as well as the outside.... They put a cloth or cover over the outside of the box to cut out the light and restrict my air supply. It was difficult to breathe. When I was let out of the box I saw that one of the walls of the room had been covered with plywood sheeting. From now on it was against this wall that I was then smashed with the towel around my neck. I think that the plywood was put there to provide some absorption of the impact of my body. The interrogators realized that smashing me against the hard wall would probably quickly result in physical injury (Danner, 2007, p. 8).

One can observe that Abu Zubaydah was not alone with his interrogators; that everyone in that white room—guards, interrogators, doctor—was in fact linked directly, and almost constantly, to senior intelligence officials on the other side of the world. "It wasn't up to individual interrogators to decide, 'Well, I'm gonna slap him. Or I'm going to shake him. Or I'm gonna make him stay up for 48 hours," said John Kiriakou:

Each one of these steps...had to have the approval of the Deputy Director for Operations. So before you laid a hand on him, you had to send in the cable saying, "He's uncooperative. Request permission to do X." And that permission would come.... The cable traffic back and forth was extremely specific. And the bottom line was these were very unusual authorities that the agency got after 9/11. No one wanted to mess them up. No one wanted to get in trouble by going overboard.... No one wanted to be the guy who accidentally did lasting damage to a prisoner (Danner, 2007, p. 9).

**Walid Bin Attash**

In later interrogations new techniques emerge, of which "long-time standing" and the use of cold water are notable. Walid Bin Attash, a Yemeni national involved with planning the attacks on the US embassies in Africa in 1998 and on the USS *Cole* in 2000, was captured in Karachi on April 29, 2003:
On arrival at the place of detention in Afghanistan I was stripped naked. I remained naked for the next two weeks. I was put in a cell measuring approximately [3 1/2 by 6 1/2 feet]. I was kept in a standing position, feet flat on the floor, but with my arms above my head and fixed with handcuffs and a chain to a metal bar running across the width of the cell. The cell was dark with no light, artificial or natural.

During the first two weeks I did not receive any food. I was only given Ensure and water to drink. A guard would come and hold the bottle for me while I drank.... The toilet consisted of a bucket in the cell.... I was not allowed to clean myself after using the bucket. Loud music was playing twenty-four hours each day throughout the three weeks I was there (Danner, 2007, p. 9).

This "forced standing," with arms shackled above the head, a favorite Soviet technique (stoika) that seems to have become standard procedure after Abu Zubaydah, proved especially painful for Bin Attash, who had lost a leg fighting in Afghanistan:

After some time being held in this position my stump began to hurt so I removed my artificial leg to relieve the pain. Of course my good leg then began to ache and soon started to give way so that I was left hanging with all my weight on my wrists. I shouted for help but at first nobody came. Finally, after about one hour a guard came and my artificial leg was given back to me and I was again placed in the standing position with my hands above my head. After that the interrogators sometimes deliberately removed my artificial leg in order to add extra stress to the position.... (Danner, 2007, p 11).

By his account, Bin Attash was kept in this position for two weeks -apart from two or three times when he was allowed to lie down. Although the methods used were specifically designed not to leave marks but the cuffs eventually cut into his wrists and made wounds. When this happened the doctor would be called. At a second location, where Bin Attash was again stripped naked and placed in a standing position his arms above his head and fixed with handcuffs and a chain to a metal ring in the ceiling, a doctor examined his lower leg every day, using a tape measure for signs of swelling:
I do not remember for exactly how many days I was kept standing, but I think it was about ten days.... During the standing I was made to wear a diaper. However, on some occasions the diaper was not replaced and so I had to urinate and defecate over myself. I was washed down with cold water everyday.

Cold water was used on Bin Attash in combination with beatings and the use of a plastic collar, which seems to have been a refinement of the towel that had been looped around Abu Zubaydah's neck:

Every day for the first two weeks I was subjected to slaps to my face and punches to my body during interrogation. This was done by one interrogator wearing gloves....

Also on a daily basis during the first two weeks a collar was looped around my neck and then used to slam me against the walls of the interrogation room. It was also placed around my neck when being taken out of my cell for interrogation and was used to lead me along the corridor. It was also used to slam me against the walls of the corridor during such movements.

Also on a daily basis during the first two weeks I was made to lie on a plastic sheet placed on the floor which would then be lifted at the edges. Cold water was then poured onto my body with buckets.... I would be kept wrapped inside the sheet with the cold water for several minutes. I would then be taken for interrogation.... (Danner, 2007, p. 16).

Bin Attash notes that in the "second place of detention"—where he was put in the diaper—"they were rather more sophisticated than in Afghanistan because they had a hose-pipe with which to pour the water over me." (Danner, 2007, p.16).

**Hussein Abdul Nashiri**

Like Abu Zubaydah; like Abdelrahim Hussein Abdul Nashiri, a Saudi who was captured in Dubai in October 2002, Mohammed was also subjected to waterboarding, by his account on five occasions:

I would be strapped to a special bed, which could be rotated into a vertical position. A cloth would be placed over my face. Cold water from a bottle that had
been kept in a fridge was then poured onto the cloth by one of the guards so that I could not breathe. The cloth was then removed and the bed was put into a vertical position. The whole process was then repeated during about one hour. Injuries to my ankles and wrists also occurred during the water-boarding as I struggled in the panic of not being able to breathe. Female interrogators were also present...and a doctor was always present, standing out of sight behind the head of [the] bed, but I saw him when he came to fix a clip to my finger which was connected to a machine. I think it was to measure my pulse and oxygen content in my blood. So they could take me to [the] breaking point (Danner, 2007, p. 18).

As with Zubaydah, the harshest sessions of interrogation involved the "alternative set of procedures" used in sequence and in combination, one technique intensifying the effects of the others:

The beatings became worse and I had cold water directed at me from a hose-pipe by guards while I was still in my cell. The worst day was when I was beaten for about half an hour by one of the interrogators. My head was banged against the wall so hard that it started to bleed. Cold water was poured over my head. This was then repeated with other interrogators. Finally I was taken for a session of water boarding. The torture on that day was finally stopped by the intervention of the doctor. I was allowed to sleep for about one hour and then put back in my cell standing with my hands shackled above my head (Danner, 2007, 18).

Reading the ICRC report, one becomes eventually somewhat inured to the "alternative set of procedures" as they are described: the cold and repeated violence grows numbing. Against this background, the descriptions of daily life of the detainees in the black sites, in which interrogation seems merely a periodic heightening of consistently imposed brutality, become more striking. Here again is Mohammed:

After each session of torture I was put into a cell where I was allowed to lie on the floor and could sleep for a few minutes. However, due to shackles on my ankles and wrists I was never able to sleep very well....The toilet consisted of a bucket in the cell, which I could use on request [he was shackled standing, his hands affixed to the ceiling], but I was not allowed to clean myself after toilet during the first month.... During the first month I was not provided with any food apart from on two occasions as a reward for perceived cooperation. I was given Ensure to drink every 4 hours. If I refused to drink then my mouth was forced open by the guard
and it was poured down my throat by force.... At the time of my arrest I weighed 78kg. After one month in detention I weighed 60kg.

I wasn't given any clothes for the first month. Artificial light was on 24 hours a day, but I never saw sunlight (Danner, 2007, p. 23).

Practicality of such Methods and Judicial Effectiveness

These and other accounts, which are very similar in nature, present a couple of problems with respect to tangible benefits derived from such methods –if any, as well as some serious judicial considerations. The first point to be made is that ICRC (the guardian of Geneva Conventions) makes a definitive judgment that the activities described in their report –a report that was meant to be secret and was intended only for the eyes of the American government as a report on how the detainees were being treated and delivered to security forces in 2007 constitute torture. It is bluntly stated. It also says that it constitutes cruel and inhuman degrading treatment. It should be noted that they are both legal terms in the Geneva Conventions and the convention against torture to which the US is a signatory, and The War Crimes Act of 1996 domestic statute. So the first thing to say is that these activities are illegal. And they have been defined as torture by the ICRC\(^5\), which is explicitly the body that would make that judgment.

What has happened because of this publication is that there is no longer any ambiguity or confusion about what the US military did with these prisoners—it tortured them. So what we have here is illegal activity. Even a cursory examination of Torture Memos would illustrate that the government essentially tried to redefine torture and say that only the extremely cruel activity—the famous phrase in August 2002 memo, ‘pain that causes major organ failure or death.’ Some scholars see the so called torture memos
as an attempt to redefine torture so that these activities would not fit under the definition, so the ICRC sweeps away that notion and completely rejects it.

The second question after the legality is that torturing prisoners essentially makes it impossible to prosecute them. So, the society, in essence, is depriving itself when it comes to these men, many of whom have probably committed so far as we know very grave crimes against the country, but it’s not possible to prosecute them. We have already had cases under the Bush administration where people like Mr. Alcatani for example, who was supposed to be the 20th hijacker on September 11th, was unable to be prosecuted because he was tortured. The judgment was made under the Bush administration by Susan Crawford, the Republican judge appointed for this purpose, who said that he could not be prosecuted because he had been tortured.

So essentially we have created this body of prisoners who, we are pretty sure, have committed grave crimes against the country, people that have blood of Americans on their hands, but unfortunately cannot be prosecuted because of the way we have treated them. Mark Danner (2009) in New York Review piece writes that “torture does destroy justice” (p. 2). The question then becomes, what do you get in return? One of the presidential speeches in 2006 essentially made pretty extravagant claims for the information that was extracted from these men. Literature on this subject indicates that there is an awful lot of dispute about this. Many people in the intelligence community have reported that these claims are enormously exaggerated. We know the down side of this form of handling of these issues, because it destroys justice. We also know that it’s illegal. We even know that it has hurt the nation very gravely, as far as political and
moral standing is concerned. We still do not have a clear understanding of what positive things have come out of this, if any.

**Additional Theoretical Approaches**

Steven Lukes (2005), in his article *Liberal Democratic Torture*, raised an important, what he calls, ‘hard question’: “is torture just another case of dirty hands in politics?” (p. 1). Elaine Scarry (2005) protested that “since September 11 2001, five thousand foreign nationals suspected of being terrorists have been detained without access to counsel, only three of whom have … eventually been charged with terrorism-related acts; two of these three have been acquitted” (p. 11). Under these kinds of circumstances, Henry Shue (2007) argues that our hard question is misconceived. He concedes that:

> it cannot be denied that there are imaginable cases in which the harm that could be prevented by rare instance of pure interrogational torture would be so enormous as to outweigh the cruelty of the torture itself and, possibly, the enormous potential harm which would result if what was intended to be a rare instance was actually the breaching of the dam which would lead to a torrent of torture (p. 57).

By citing a maxim of jurisprudence that ‘hard cases make bad law,’ he writes that in philosophy:

> Artificial cases make bad ethics. If the example is made extraordinary, the conclusion that torture is permissible is secure. But one cannot easily draw conclusions for ordinary cases from extraordinary ones, and as the situation described becomes more likely, the conclusion that the torture is permissible becomes more debatable (p. 57).
However, experts in this field seem to agree that torture enabled the French, for example, to gain information about future terrorist attacks and to destroy the infrastructure of terror in Algeria during the Algerian war\(^6\). A view could be formed that we really have no idea whether or not torture is a reliable way to secure information and that the evidence is inherently anecdotal. The journalist Robert Kaplan (2005) cited a captured al-Qaeda manual which advised Muslim prisoners that people in the West do not have the stomach’ for torture, because they are not warriors (para.11). And as for the alternatives, Kaplan (2005) writes that an “interrogator armed with fluent Arabic and every scrap of intelligence the system can muster, who has mastered the emerging science of eye movements and body signals, who can act threatening as well as empathetic towards a prisoner, should not require the ultimate tool” (p. 12).

*Criminology and Theories of Genocide*

In his book, *The Origins of Virtue*, Ridley (1996) has proposed a theory of genocide based on the xenophobia developed in recent accounts of evolutionary psychology. According to him, “modern theories of crime and delinquency tend to be individualistic in their level of analysis and tend to focus on consensus crimes and that the phenomenon of ethnic genocide in virtually impossible to examine within such parameters” (p. 257). His point of view provides an interesting analysis of genocide, which even sheds light on the act of state sponsored torture.

At the heart of his argument is the belief that evolution of sociability, altruism, and the instincts for coalitions goes hand in hand with hostility to outsiders. The idea is supported and further illustrated by Gilbert (1985), who observed that in 1934, the Nazis
promoted a campaign to create ‘Jew-free’ villages and towns, and laws were adopted to expropriate Jewish businesses and force them into ‘Aryan hands’” (p. 18). Therefore, systematically, by 1935 the Nuremburg laws stripped Jews of German citizenship and forbade intermarriage. The euthanasia program, based on doctrines of racial purity, led German doctors to take the lives of 70,000 Germans with mental and/or physical infirmities, and the onset of the war in 1939 provided the operational cover for the systematic murder of some 6 million Jews, noncombatants, men, women, and children, out of a total European population of approximately 8 million Jews.

The most important lesson to be learned from this theory is that the unprecedented genocide was not the work of a vanguard of psychopathic Nazis and their sadistic counterparts in the SS and other military and quasi-military organizations, as the conventional wisdom may suggest. Browning (1992) emphasized that it was “ordinary men,” not psychopaths, who paved the way to the Holocaust. He argued that “this level of mass murder would not have been possible without the help of ordinary Germans” (Browning, 1992, p. xv). Historian Daniel Goldhagen’s recent book, *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (1997), talks about the particular animosity of the Germans toward the Jews. He also suggested that “the elimination of European Jewry was only possible because hundred of thousands of ordinary Germans were complicit in the slaughter and participated because they thought it was an appropriate thing to do” (1997, p. 14). Without their participation, it would never have happened. It is also worth noting that the euthanasia program had previously been stopped because ordinary Germans objected to it.
Beccaria

Cesare Beccaria (1995), one of the most well known and adhered to philosopher from the classical school of thought in the eighteenth century, in his book *On Crimes and Punishment*, argued the need to reform the criminal justice system by referring not to the ‘harm caused to the victim’, but to the ‘harm caused to society.’ Some of the passages from his book provide a fascinating take on torture and death penalty exercised by the state in that period of time. From his point of view, torture can only appear as an incomprehensibly illogical means to find out the truth. According to him, “torture serves less as an instrument of truth and more as a means for testing the suspect’s capacity to resist. It is a sure route for the acquittal of robust ruffians and the conviction of weak innocents” (Beccaria, 1995, p. 66). He further asserted the following:

The result, therefore, of torture depends on a man’s predisposition and on calculation, which vary from man to man according to their hardihood and sensibility, so that, with this method, a mathematician would settle problems better than a judge. Given the strength of an innocent man’s muscles and the sensitivity of his sinews, one need only find the right level of pain to make him admit his guilt of a given crime (Beccaria, 1995, p. 42).

Beccaria’s stance is particularly important because before he went on to publish his book, *On Crimes and Punishment*, which shortly after its release was put on the index of banned books, Europe was riddled with dreadful practices of cruel punishments, abuse, and torture. Beccaria called the then-prevailing rules of the system of punishment ‘the residue of the most barbarous centuries.’ It would not be wrong to suggest that in Beccaria’s view, the origin or the reason for punishment lies in the violation of the social
contract to which the people have committed. This, then, sets the boundary for legitimacy of all state actions including torture and other forms of human rights violations.

_Foucault_

The human rights developments of today are very similar to the medieval and modern economies of power that Michel Foucault describes in *Discipline and Punishment*. According to Foucault, the primary ways authority asserts its power are twofold: punishment and discipline. These two tactics are equally important and in fact complement one another. Both may be regarded as complex social functions and as political tactics. While punishment is a legal response to a perceived crime committed by a perpetrator against a victim, discipline refers to broader efforts to control movement and operations of the body. Unlike punishment, discipline is often preventive and not necessarily responsive.

Discipline, in contrast to punishment, does not apply only to criminals. But, the notion or threat of being branded as criminal and being subjected to punishment may help discipline, or perhaps even manipulate, people to behave in specific ways deemed desirable by authorities. The target of discipline is not just the individual accused whose body is on display, but everyone and anyone. To use a contemporary example, after September 11, 2001, the civil liberties of all Americans were effectively curbed, and many Muslims are rounded up regardless of the lack of evidence to prove their criminality.
Foucault (1975) wrote that discipline has its own type of ceremony (p. 48). He also pointed out that “It was not the triumph, but the review, the ‘parade,’ an ostentatious form of the examination. In it, the ‘subjects’ were presented as ‘objects’ to the observation of a power that was manifested only by its gaze” (1975, p. 148). The statement reminds us that it is the state that maintains control over information and a monopoly over violence, and that anyone could be next. The control and a sense of power are created by establishing a rigorous method of surveillance that causes paranoia and creates a great amount of fear in the population. Foucault’s quintessential example of discipline in his famous description of Jeremy Bentham’s Panopticon, a famous design for a pentagonal prison which puts an extreme emphasis on surveillance. Prisoners could be easily observed in their cells. Foucault describes this form of observation and surveillance as follows:

[A]t the periphery, an annular building; at the centre, a tower…pierced with wide windows that open onto the inner side of the ring; the peripheric building is divided into cells… they have two windows, one on the inside, corresponding to the windows of the tower; the other, on the outside, allows the light to cross the cell… All that is indeed, then, is to place a supervisor in a central tower and to shut up in each cell madman, a patient, a condemned man, a worker or a schoolboy… Surveillance is established in the prisons, yes, but also in the hospitals, the factories, and the schools… and from there reaching even into the family (Foucault, 1975, p. 131).

In light of Foucault’s argument, it is difficult to deny the power and the function of observation. When one lacks privacy, one cannot very well think their own thoughts, let alone plan their own subversions. Ultimately then when prisoners are unable to distinguish when they are safe to act as they desire, they will be forced to behave as the guard would want or expect them to, which leads to the idea that surveillance is a potent
means of social control that teaches people to discipline themselves and makes them passive, submissive, easily manipulated, and obedient.

Additionally, Foucault’s (1975) theory provides an understanding of how violence is used to produce constructions of truth in society by shedding light on how the state involvement in the production of truth forms part of complex economy of power. He stated that “sovereigns seek to create a narrative that justifies its monopolization over the instruments of violence and its ability to use violent instruments in acts of retaliation” (Foucault, 1975, p. 44). In essence, when torture is carried out, it is done on behalf of the citizens of their state, who consider themselves to be the victims of the criminal act. What we saw at Abu Ghraib reflects such example of intense cruelty.

Foucault illustrates how “The secret … form of the procedure reflects the principle that … the establishment of truth was the absolute right and the exclusive power of the sovereign” (p. 101). He further observed that “the entire criminal procedure, right up to the sentence, remained secret: that is to say, opaque, not only to the public but also to the accused himself. It took place without him, or at least without his having knowledge of the charges or of the evidence” (p. 193). This trend is quite in line with some current renditions, in which people rendered by the United States for torture were convicted before they arrived at their respective destinations. Torture, in turn, influences how state influences the production of truth and consequently impairs the transparency of criminal procedures.
Chapter 3

RESEARCH METHODOLOGY

This study undertakes the task of determining the extent to which the relationship between Durkheim’s theory of anomie and the torture and human rights violation at Abu Ghraib prison in Iraq exists and to see how the anomie theory could be applied to allegations of torture at Abu Ghraib. Some researchers and scholars including Stjepan Mestrovic (2007) have found Durkheim’s theory of anomie to be an adequate source of explanation for the torture and human rights violations committed by the United States in its war against terrorism. This research would explore that relationship as understood by Mestrovic and determine its logical consistency. Abu Ghraib prison is used as a case study to examine anomie theory as proposed by Durkheim. The theory will be applied to the torture that occurred at Abu Ghraib in an effort to seek insights into propelling forces behind the events at Abu Ghraib prison in Iraq and the credibility of its relationship with Durkheim’s theory of anomie.

Research Type

This study involves a combination of exploratory, descriptive, and theoretical examination. Babbie (2007) wrote that one of the purposes of exploratory study is to satisfy the researchers’ curiosity and desire for better understanding. The study began with an exploratory component in chapter two where it examined the extent of the problem and attempted to provide a thorough literary review, which led to an enhanced and deeper understanding of the problem at hand.
According to Babbie (2007), in descriptive research, the researcher observes and then describes what was observed… scientific descriptions are typically more accurate and precise than casual ones are. A descriptive component of the study is apparent from the data provided in chapter two where the situation at Abu Ghraib prison and elsewhere has been described and a careful, systematic collection of available material has been presented. The collection of descriptive data and the conclusions drawn from it will be further discernable in the coming chapter. This study will then examine the theory of anomie as it is applied to the torture at Abu Ghraib.

*Case study as a Method*

According to Babbie (2007), the case study is the in-depth examination of a single instance of some social phenomenon (p. 298). Here, case study was found to be the preferred method because this strategy is ideal when “how” and “why” questions are being posed. The goal here is to design a good case study and to collect, present, and analyze data fairly. Moreover, with a focus on a contemporary phenomenon such as torture in the context of war against terrorism, as a researcher, any control over events that will be studied was very limited. Therefore, case study method would be ideal to facilitate the research.

According to Yin (2003), the case study method allows investigators to retain the holistic and meaningful characteristics of real life events such as individual life cycles, organizational and managerial processes, neighborhood change, international relations, and the maturation of industries. As a research strategy, the case study is also used in
many situations to contribute to our knowledge of individual, group, organizational, social, and political phenomenon. The case study has also been a common research strategy in psychology, sociology, political science, social work, business, and community planning. In all these realms, the need to employ case study method has mainly resulted from the desire to understand complex social phenomenon (Yin, 2003).

*Abu Ghraib as the Preferred Case*

The Abu Ghraib case is particularly important and unique for a number of reasons. It is imperative to first develop a context in which Abu Ghraib became to be the center of attention. The Geneva question does not come up until the war in Afghanistan started and the people started to come into the custody of our forces there. The defense department would want to know the status of the people we were capturing i.e. Al-Qaida and Taliban fighters. The Geneva conventions were signed by the US in 1949. These international laws prohibit torture, outrages upon personal dignity, and humiliating and degrading treatment of detainees. They represent the standard against all nations and all combatant forces will be judged. They are binding international law and they represent a humanitarian and human rights standard for the world. They are important because US military has been frequently engaged in combat. American forces are always at risk of being captured and the Geneva conventions protect American soldiers from ill treatment in the event they are captured.

After the American civil war and up until the Second World War the United States was known for observing standards that were in fact higher than the standards set
forth by Geneva conventions and consistently advocated that all countries should operate to a level or above the Geneva Convention standards.

At the Justice Department, they did not think that the Geneva conventions applied in the war against Al-Qaida because they did not sign the Geneva conventions and they do not follow any of the rules of warfare. If we look at the September 11th attacks, it becomes very apparent that Al-Qaida has no interest in following any of those rules. They deliberately kill civilians, they disguise themselves as civilians, they do not take prisoners, and they kidnap people and try to execute them on the web and on television.

According to Danner (2009), officials in the White House and particularly in the Justice Department said the Geneva conventions should not hold up and that point of view did finally triumph. President Bush then made the decision in early 2002 that the Geneva conventions would not hold and this was really unprecedented in American history; it had never happened before.

The war by any account is a terrible thing and it is always right on the edge of falling apart and of awful things happening and the only way, sort of ironically, the only way to conduct a war in a civilized manner is to ensure that everybody understands what the rules are to the maximum extent possible. And when you start modifying those rules, when we say that they do not apply, they are all terrorists so different rules apply –now we are in unlimited warfare.

This war was going to depend first and foremost on intelligence i.e. the information derived from prisoners of war. Therefore, rules regarding interrogation, what you could or could not do to prisoners, were absolutely central to fighting this new war.
Beyond the Geneva conventions, there were still other restrictions on how the U.S. could treat prisoners, including the UN Convention Against Torture. The Department of Justice built a theory that essentially would render powerless the various undertakings that the U.S. had signed on to that prohibited torture. The most obvious one of those would be the Convention Against Torture. The statute does not define many of the terms it uses. For example, it does not state what ‘severe’ means and does not really contain any definition of physical pain or suffering. Therefore, at the Department of Justice, they tried to interpret what it actually means because many such words were vague, ambiguous and had not been interpreted before.

The Office of the Assistant Attorney General issued a memo in August of 2002 to the White House which stated “physical pain amounting to torture must be equivalent to the intensity of the pain, accompanying serious physical injury such as organ failure, impairment of bodily functions or even death” (U.S. Department of Justice, 2009, p. 3) The heart of this argument is to redefine torture so it is so narrowly conceived that it essentially allows very severe interrogation that can not be construed to be torture. What this memo articulates is the view that torture is prohibited, but torture is defined extremely narrowly. This is the kind of definition that would most likely justify what Saddam Hussein was doing in his prisons as not being torture. But apparently, something as outrageous as this soon became U.S. policy.

Units in Iraq were picking up people on hunches and suspicion. For instance, if an intelligence report comes in that says that a black corolla was recently involved in an IED attack, consequently, people in the city with black corollas would be rounded up and be
brought in for interrogation. Any kind of hunch these units had they would go out and arrest people and for the most part they would just arrest everyone.

According to Janice Karpinski, who was a Brigadier General in charge of Abu Ghraib prison from 2003-2005, resources were requested on daily basis, sometimes they even pleaded for resources, but their requests fell on deaf ears, which even contributed to a deranged and chaotic situation at that prison. Abu Ghraib is the same prison Saddam once used to torture and execute his opponents and soon after the invasion of Iraq, this prison became the centerpiece for interrogating enemy combatants by the US.
Chapter 4

ANALYSIS AND APPLICATION OF THEORY

As stated earlier in the paper, most sociological theories relating to anomie or other cases of crime have focused on ordinary crimes, but not war crimes, torture, or abuse. The idea here is to use a case study method to apply a genuinely sociological theory of anomie to deepen and clarify our understanding of its applicability to state sponsored torture.

In an effort to better explain and explore the link between the anomie theory as to how it relates to the Abu Ghraib prison, it would be important to understand some of the context and circumstances surrounding the photographs of the torture of Iraqi prisoners by Americans in the most infamous of Saddam Hussein’s Abu Ghraib prison. Smith (2006), in his article reported that immediately after the photographs were made public, the Bush Administration’s main focus was to limit a public relations disaster rather than to deal with the complex crimes of leadership and of policy revealed by the pictures. Initially, for example, there was a displacement of reality onto the photographs themselves. Smith (2006) noted that the Bush administration’s initial response was to say that the President was ‘shocked and disgusted by the photographs,’ as if the fault and horror lay in the images, instead of what they depict.

There was also the avoidance of the word “torture.” The administration only acknowledged that prisoners had possibly been the objects of abuse and humiliation and that was all to be admitted. For example, former Secretary of Defense Donald Rumsfeld at a press conference said, “My impression is that what has been charged thus far is
abuse, which I believe technically is different from torture … and therefore I’m not going to address the torture word” (Whitehouse press conference, August 2003). It would be reasonable to say that to refuse to call what took place in Abu Ghraib and what has taken place elsewhere in Iraq and in Afghanistan and at Guantanamo Bay by its true name, torture, is as outrageous as the refusal to call Rwandan genocide a genocide, or the denial of Holocaust as done by current Iranian president. For the sake of clarification, here is one of the definitions of torture contained in a convention to which the United States is a signatory: “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession” (The definition comes from the 1984 Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment). Other similar definitions have also existed in many recent human rights conventions.

The 1984 convention also declares that, “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture” (p. 7). It is also important to note that all covenants on torture also specify that they include treatment intended to humiliate the victim i.e. leaving prisoners in cells and corridors.

The scope of anomie and social disorganization can potentially cover a wide spectrum. It would range from the most microscopic level of analysis (such as the unauthorized merging of the roles of Military Intelligence and Military Police at Abu Ghraib, which led to the policy that MPs ‘softened up’ prisoners for MI) through mid-levels of analysis (such as the question of who was the executive officer in charge at Abu
Ghraib) to macro-levels of analysis (such as which interrogation procedures were approved by the US Army and the Department of Defense at which period of time and in which theater of action, as well as the question of whether the Geneva Conventions apply in whole or in part or in what specific aspect, and also what is the significance of the denial of findings contained in International Committee of the Red Cross reports). The examination here would concern itself mainly with the application of anomie theory to the torture at Abu Ghraib.

It is the prevailing understanding among sociologists that the presence of anomie, which according to Durkheim is a state of disorganization, would inevitably cause deviance or what some sociologists call the breaking of social norms. More specifically, Durkheim (1972) in his *The Division of Labor* describes anomie as:

> The state of anomie is impossible whenever interdependent organs are sufficiently in contact and sufficiently extensive. If they are close to each other, they are readily aware, in every situation, of the need which they have of one-another, and consequently they have an active and permanent feeling of mutual dependence (p. 184).

Many governmental reports such as *The Torture Papers* discussing the situation in Abu Ghraib, have used words such as poisoned climate as opposed to the word like anomie. Other authors have also used words like abuse, which some sociologists would call deviance. To keep the study logically consistent and narrow in it approach, it would become imperative to explain events relating to Abu Ghraib and then apply the anomie theory to enhance our understanding the issue at hand.

Mestrovic (2008) indicates that in 2005, even a military judge at Ford Hood, Texas during the courts-martial pertaining to Abu Ghraib allowed an expert witness from
the field of sociology to come in and explain what may have caused the abuse at the
prison to develop and continue for such a long period. The abuse at Abu Ghraib may
appear to be a simple representation of a chaotic social setting, but it actually raises some
critical questions. The case study suggests that Durkheim’s theoretical perspective does a
great job of providing an explanation of abuse at Abu Ghraib. Abuse at Abu Ghraib
might have been led by a deranged state of disorganization involving lack of coordination
and social chaos that would likely set the stage for violence and abuse. One also has to be
cognizant of the role one’s assumptions might play with respect to replying to these and
other related questions because they would likely impact our understanding of what
causd the abuse and how we should go about repairing the damage caused by Abu
Ghraib and elsewhere.

According to the Bush Administration, the Geneva Conventions did not and do
not apply against Al-Qaeda, but did and do apply in the war in Iraq (Danner, 2004). Yet
policies from Guantanamo, where the Geneva Conventions were ruled to be irrelevant,
were transferred to Abu Ghraib, where the Geneva Conventions were supposed to apply.
A Durkheimian sociological analysis would contest this ‘migration’ of unlawful policies
and contexts as a confusing, chaotic, and anomie-producing process. The war in Iraq was
presented as a global war against terror by the Bush Administration, the result of which
was that the importance of Geneva Conventions as an example of firm and uncontested
moral boundaries in the Durkheimian sense diminished. Additionally, there was no real
consensus about what constitutes torture and there was widespread moral confusion about
amongst lawyers, officers, politicians, and soldiers. It resulted in diminishing norms
about abuse, torture, and other human rights violations that Durkheim sees as one of the reasons behind a state of anomie.

Mestrovic (2007) reported that factual evidence derived from the US government reports relating to Abu Ghraib describes some of the conditions that existed at the prison. The conditions mentioned here are based upon the eye witness accounts of some of the people in the trials related to abuse at Abu Ghraib. They are as follows:

- a systemic lack of accountability;
- a disorganized filing system;
- the fact that other government agencies (OGA), operated outside established rules and procedures established by the Army Field Manual as well as the Geneva Conventions;
- the fact that nobody was certain who was in charge of Abu Ghraib;
- overcrowding; a dysfunctional system for releasing prisoners;
- failure to screen detainees at the point that they were arrested as well as the point that they were brought to Abu Ghraib;
- the lack of screening for civilian contractors;
- the introduction of new elements (but not entire units) into the personnel structure (a process that the Army calls cross-leveling);
- failure to adequately train MPs and MIs in policing as well as in interrogation procedures;
- the fact that MPs did not know what they or MIs were not allowed to do;
- lack of military discipline;
- intense pressure to obtain information from a population of prisoners that was not capable of providing the desired information;
- lack of training; lack of familiarity with the Geneva Conventions; the fact that the US military upheld the Geneva Conventions while various attorneys for the White House opined that the Geneva Conventions did not wholly apply to the treatment of prisoners;
- poor paperwork procedures; and
- poor reporting procedures (Mestrovic, 2007, p. 107)

Durkheim’s anomie theory has certain assumptions such as disorganized social conditions that lead to suffering and distress. All seem to be in line with the environment at Abu Ghraib. The conditions described here clearly point to an extreme form of
disorganization and confusion, and a lack of any form of accountability. For example, a
supply officer at Abu Ghraib, Major David DiNenna, testified in an open court that he
“begged the army for adequate water, food, toilets, light bulbs, and generators, and that
his pleas fell on deaf ears. He also said that he felt ‘abandoned’ by the Army at Abu
Ghraib” (Mestrovic, 2007, p. 107). French dictionaries such as the Littré refer to
derangement as a state of corruption, evil, agitation, torment, impiety, and intemperance
which leads to general suffering and torment (Orru, 1987). In the light of the testimony
and reports released on Abu Ghraib, most of these terms can be applied to the social
condition at Abu Ghraib. The elements listed above clearly constitute social
disorganization, dysfunction, and what Durkheim called anomie. Durkheim refers
specifically to derangement as the synonym for anomie. Anomie is depicted by Durkheim
as a general societal condition of derangement, which means literally, ‘a rule that is a
lack of rule’ (1951, p. 257). Here, it should be noted that the contemporary English
understanding of the word anomie could have more flexibility with the word “norm” and
it has even been equated to anarchy. However, as used by Durkheim, anomie is a reaction
against or a retreat from the regulatory social controls of society, and is a very different
concept from anarchy.

According to Mestrovic (2007), the prosecutor at the courts-martial revealed in
open court that 100 percent of the abused prisoners at Abu Ghraib were not a threat to
Americans and had no information to give them. To rely on torture as a means of
obtaining information from prisoners who had absolutely no information to provide
would characterize an environment that Durkheim describes as highly irrational, chaotic,
and deranged. Durkheim would argue that there were no established social mechanisms in place for ascertaining whether the abused prisoners actually had any information to provide. For example, there were no mechanisms for screening the prisoners, no judicial review boards, or even an assumption that prisoners are innocent unless proven guilty. Additionally, the Geneva Conventions have guidelines on processing and treating prisoners. Those guidelines were clearly ignored as well. With respect to the means of obtaining information, no one could discern whether the rational-legal authority for the approved interrogative techniques would be found in Army Field Manual, various memorandums, or the Geneva Conventions all of which are in conflict with each other.

The level to which the chaos and social derangement existed at Abu Ghraib impacted almost everyone that worked there. Durkheim calls this form of environment all-pervasive and fundamentally irrational. The situation at Abu Ghraib was anomic to the point that it clouded soldier’s judgment concerning what constituted acceptable versus unacceptable behavior. The same applies to their thoughts and emotions. Evidence for such confusion and anomic state could be found in the numerous references to ‘confusion’ found in the reports and disclosed in testimony at the courts martial (Danner, 2004; Stasser, 2004).

Were the soldiers really not able to determine what would be acceptable or normative versus abusive behavior? A look at the Company Commander, Captain (CPT) Donald Reese’s testimony would shed further light on that. According to his testimony, when he inquired as to why prisoners were forced to wear women’s panties on their heads? –he was told by his superiors that it was ‘a supply issue’ or ‘an MI thing.’ It
appears on the other hand that there was no established social system in place to validate his concerns, and the same was true for scores of other whistleblowers at Abu Ghraib, who were routinely invalidated and in some cases threatened. This clearly suggest that there was an enormous amount of ambiguity and lack of accountability in the prison which clouded soldier’s judgment as to what constitutes an acceptable behavior, thought, or emotion.

In *Professional Ethics and Civic Morals*, Durkheim (1983) suggested that the professional groups who govern the conduct of such individual professionals are ultimately responsible for the outcome (para. 11). In the situation at Abu Ghraib, it would mean that American Medical Association, the American Bar Association, and other professional associations would share the responsibility for the abuse. Even if the abuse at Abu Ghraib was not perpetrated by people high up in the chain of command, the question would be why were the social conditions at Abu Ghraib that eventually led to enormous abuse not corrected? There are also questions of who was actually responsible for causing, allowing, and failing to prevent human rights abuses at Abu Ghraib and allowing such an anomic state to take place? Also, what are the different levels of responsibility i.e., individual soldiers, chain of command, doctors, lawyers, or other professionals working inside the prison? Although, these questions are beyond the scope of this study and do not need to be pursued in this study, they nonetheless provide a framework in which a better understanding of torture at Abu Ghraib can be developed.

In regards to perhaps the more relevant question of why the system was not able to self-correct and why the abuse in the prison continued to go on, Durkheim suggests
that anomie becomes chronic until self-conscious and deliberate remedies are sought from outside the dysfunctional system. The dysfunctional military society at Abu Ghraib did not self-correct, which is in line with Durkheim’s thought with respect to anomic states becoming chronic and long lasting until self-conscious and deliberate remedies are sought to fix the issue. US government reports have not only documented abuse at Abu Ghraib but a high level of social disorganization (anomie) at Abu Ghraib but also document a systemic state of chaos in command, procedure, organization, and societal structure in regards to the detainment and interrogation of prisoners at Abu Ghraib, Guantanamo Bay, and Afghanistan. The idea of placing the blame for such a system-wide abuse on ‘few bad apples’ appears unjustified, incomplete, and naïve.

The U.S. constitution, Army Field Manual, Geneva Convention, Uniform Code of Military Justice all exist to guide the policy decision when it comes to issues like the torture and abuse of prisoners in the times of war, but they served no purpose at Abu Ghraib. The doctrine of command responsibility, for example, exists as an international norm and has been incorporated into the Uniform Code of Military Justice as a tool to assure that full-scale accountability can be achieved regardless of layers of military bureaucracy and leadership. This doctrine of ‘command responsibility’ also proved to be completely dysfunctional in the case of Abu Ghraib as far as preventing the detainee abuse. Danner (2004) noted that it has been and continues to be applied at the tribunals at the Hague to punish high-ranking civilians as well as military officials, but has not been applied at the courts-martial at Fort Hood, where most of the blame for the abuse has been heaped onto low-ranking soldiers. Again, the issue here is not that there were an
absence of clear moral boundaries and a set of norms but the problem lies in the lack of coordination, in confusion, and in dysfunction in implementing such norms and boundaries. In the view of Durkheim, these factors constitute a widespread collective condition of ‘derangement’ – an important element of Durkheim’s classical version of anomie theory.
Chapter 5

CONCLUSION

There are mainly three theories, which have been used to explain the torture scandal at Abu Ghraib. A brief review of them is presented here in order to formulate a better understanding of their application. Although an Army report has concluded that there is no single, simple explanation for why this abuse at Abu Ghraib happened (Jones, 2004). This first explanation, the Bad Apple point of view, which was even supported by the Bush administration and its defenders, attributes the abuse to few ‘bad apples’ among the military’s lower ranks and insists that its top commanders were not at fault and that there was no policy, directive or doctrine allowing the abuse. By maintaining this view, the Army has effectively pinned the entire affair on ‘a small group of morally corrupt soldiers and civilians’ who have smeared the Army’s honor (Jones, 2004). The ‘bad apples’ were mainly low-ranking reservists of the 372nd MP Company. They included Lynndie England, her lover and supervisor at the time, Charles Graner, and Specialist Sabrina Harman. In the words of Donald Rumsfeld, the abuses at Abu Ghraib were ‘perpetrated by a small number of U.S. military.’ In an article that appeared in the November 11, 2005 issue of Executive Intelligence Review, Cheney described the perpetrators as simply ‘rogue soldiers.’ To this day, the Bush administration defends the bad apple theory even though the Army’s report says that ‘twenty-seven Military Intelligence . . . Personnel allegedly requested, encouraged, condoned or solicited MP personnel to abuse detainees and/or participated in detainee abuse’ (Jones, 2004).
The second theory is based on Zimbardo’s 1971 Stanford prison study in which two dozen college students were randomly selected to play the roles of prisoners or guards in a simulated prison setting. Believing that his experiment has striking similarities to the Abu Ghraib torture scandal, Zimbardo attributes the abuse to a collapse of discipline in an over-strapped and unsupervised military unit. Rather than blaming bad apples, Zimbardo (2004) reflects on his experiment to arrive at an explanation good soldiers became bad soldiers because they were psychologically traumatized by war and the chronic and dysfunctional conditions inside Abu Ghraib. This profound social psychological transformation led to boredom among the MPs which, in turn, caused them to exploit their power imbalance over inmates by turning them into their playthings. These amusements spun out of control, leading to the physical and sexual abuse of prisoners.

The third theory is advanced by the historian Alfred McCoy (2006) who argues that the tactics used at Abu Ghraib cannot be easily categorized into physical and psychological dimensions. According to McCoy (2006), over the years, American military interrogators have found that mere physical pain, no matter how extreme, often produces heightened resistance in prisoners. Once this was understood, the interrogators designed a revolutionary two-phase form of torture that fused sensory disorientation and self-inflicted pain. This combination would actually cause victims to feel responsible for their suffering and thus capitulate more easily to their torturers. Through repeated practice in South Vietnam during the 1960s and Latin America in the 1980s, the military refined their tactics of sensory disorientation into a total assault on all senses and
sensibilities including auditory, visual, thermal, sexual, and cultural. When merged with self-inflicted pain, these tactics create ‘a synergy of physical and psychological trauma whose sum is a hammer blow to the fundamentals of personal identity’ (McCoy, 2006).

McCoy also contends that the abuses at Abu Ghraib were sanctioned by upper echelons of the US government. Specifically, McCoy maintains that the DSP was, in fact, the lead agency at Abu Ghraib, enlisting Army intelligence to support its mission. A report by The New York Times likewise revealed that soldiers at Abu Ghraib had learned to use ‘stress techniques’ in Afghanistan by ‘watching Central Intelligence Agency operatives interrogating prisoners’ (McCoy, 2006).

In the following section, some pertinent limitations of this study have been outlined. Each of the theories discussed above provides additional clues and frameworks for understanding the situation at Abu Ghraib prison. At the same time, the scope of their analysis, the data they use, and how the theories have been applied to the actual situation has a meaningful impact on the conclusions that were drawn. In the next few paragraphs, a closer look at the limitations of the study acknowledges such gaps.

Limitations of the Study

The assessment and the study presented in the previous chapter are of course tentative and partial in nature. First and foremost, the study was limited by the amount of relevant material available on this very issue. Please note that there has been an enormous amount of material written on the war against terror in the post 9/11 era and there is no shortage of scholarly material commenting on the treatment of detainees and the curtailment of civil rights of an ordinary American after September 11th. For similar
reasons, it has not been entirely possible to account for all factors that may have contributed to torture of detainees held in American custody and its relationship with anomie theory.

One can argue that there are a number of questions arising from the theoretical approaches applied towards torture of detainees that have not been examined. These include, for example, the extent to which Geneva Conventions and the CAT can be said to be more or less ‘legitimate’ under Steven Lukes’ (2005) concept of interplay between torture and politics. Moreover, questions as to the potential indeterminacy of international law (or indeed, of any law) and of the relationships between law and power have not been examined in this research. It could be argued that the August 2002 ‘torture memo’ prepared by Department of Justice for the President was simply nothing more than an example of bad legal advice or it demonstrated almost infinite flexibility that can be applied to the law at the behest of the powerful.

The most notable limitation of this study however can most likely be ascribed to the effects of cultural framing on Durkheim’s formulation of anomie theory and how it has been used to understand events at Abu Ghraib. Social scientists including Wright has held that sociological theory itself is not immune to the affects of cultural framing … there is no doubt that Durkheim’s discussion of anomie is framed in a European context while Parsonian approaches are framed in an American context (1959). Durkheim’s understanding of anomie is very different from Parsons’ mainly because there are some stark cultural and contextual differences between the USA and Europe. Durkheim was a Jew who grew up in highly anti-Semitic France including descent from several
generations of German rabbis, whereas Parsons seemed to imply the doctrine of American exceptionalism.

Solis (1998) insisted that the conceptualization of cultural frames of references becomes significant when the sociologist addresses issues relating to law, crime, and justice (p. 18). This notion is very relevant in the sense that societies frame acts as crimes in general and especially the crimes of war differently. How do societies distinguish between just laws and punishments versus inhumane punishments and how does the collective consciousness frame international war crimes tribunals as just versus victor’s justice or as scapegoating? According to Solis (1998), the concept of ‘war crime’ was not formally and legally conceptualized until the twentieth century and especially the end of World War II. This concept is especially relevant and poses a potential limitation as far as the Durkheimian interpretation of anomie and derangement and its applicability to torture is concerned.

Durkheim’s notion about what actually constitutes a crime would be yet another limitation of the study. According to Mestrovic (2007), Durkheim pronounced in 1893 that an act – no matter how heinous – that is not punished by the collective consciousness is not a crime. Conversely, a punitive reaction by a collective consciousness transforms an event into a crime. Therefore, in Durkheim’s view an act is criminal when it offends strong and defined states of the collective consciousness (1933):

In other words, we must not say that an action shocks the common conscience because it is criminal, but rather it is criminal because it shocks the common conscience. We do not reprove it because it is a crime, but it is a crime because we reprove it (p. 81).
Applying this very same concept to international collective conscience as it relates to war crimes and torture would ultimately reveal that cultures across the world have different views about what constitutes torture. They also vary greatly with respect to their response to collective abuse. Furthermore, the events at Abu Ghraib, Guantanamo Bay, and Afghanistan nonetheless failed to offend the international community’s collective conscience strongly enough for it to react punitively. More specifically, Durkheim’s insights regarding crime and its relationship to the collective international conscience does not seem to have been extended into the realm of international war crimes and torture exercised by a particular state.

Incorporation of Findings

The examination of Abu Ghraib as a case study illustrates, in the most tangible way, the relationship between anomie theory, as proposed by Durkheim, relative to torture. Before I delve into further discussion of the credibility of anomie in explaining torture and other human rights violations, it is important to reiterate some of fundamental elements of Durkheim’s anomie theory.

Durkheim defined the term anomie as a condition where social and/or moral norms are confused, unclear, or simply not present. Durkheim felt that this lack of norms or pre-accepted limits on behavior in a society led to deviant behavior. Thus anomie, in the view of Durkheim, equates to lack of regulation, which in turn leads to breakdown of norms and a form of derangement. Durkheim views anomie as partly a retreat from the regulatory social controls of society and a breakage of norms.

Fay (2004) has been the prime figure in compiling the most comprehensive and
adhered-to government investigative report on what happened at Abu Ghraib. What will follow are some short excerpts from his report along with a presentation of findings from the study, and a further analysis of anomie theory and its applicability to the torture scandal at Abu Ghraib. Some of the observations have been made earlier. The report created by Major General George R. Fay (2004) pursuant to the investigation of Abu Ghraib detention facility notes the following:

Guard and interrogation personnel at Abu Ghraib were not adequately trained or experienced and were certainly not well versed in the cultural understanding of the detainees. Military Intelligence personnel were totally ignorant of MP lanes in the road or rules of engagement. A common observation was that MI knew what MI could do and what MI couldn’t do; but MI did not know what the MPs could or could not do in their activities. The same was true of MP ignorance of MI operational procedures. Having two distinct command channels (MI and MP – see Command and Control) in the same facility with little understanding of each other’s doctrinal and regulatory responsibilities caused uncertainty and confusion (p. 46).

What can reasonably be postulated from this is that the environment at Abu Ghraib prison was clearly ridden with confusion, lack of norms, and deficient of any sense of accountability. It was this environment that partially contributed and led to the abuse of detainees amounting to torture. It continued on for a period of time without ever being reprimanded and that no measures were taken to overhaul this dysfunctional system. Durkheim’s anomie theory characterizes such a state of confusion as anomic and one that blurs the line between what is acceptable and what is not. It is further asserted by Fay (2004) that:

Army training at USAIC never included training on interrogation techniques, using sleep adjustment, isolation, segregation, environmental adjustment, dietary
manipulation, the use of military working dogs, or the removal of clothing. These techniques were introduced to selected interrogators who worked at Abu Ghraib from sources other than official Army training (p. 56).

Note that the sexual and physical abuse were actually a part of the overall anomic environment at the prison. The absence of any careful training or preplanning eventually exacerbated the abuse relevant to the areas of sleep deprivation, isolation, segregation, dietary manipulation, use of military dogs, and removal of clothing. While abuses in these areas were going on, there was not much intervention to be seen either from outside agencies or from internal sources. According to Durkheim, an unhealthy and anomic social system becomes increasingly anomic unless it is self-consciously corrected. The ‘self-conscious,’ ‘self-corrective’ process would have involved an individual or a group of individuals at the prison consciously taking the corrective measures to rectify abusive treatment, which is clearly absent. The inability of the system to self-correct, while such abuses —many of which amount to torture—were prevalent at the prison, validate a Durkheimian point of view mentioned earlier that the anomic state of an atmosphere continues to get worse if it is not corrected self consciously. Fay (2004) further noted:

The systemic lack of accountability for interrogator actions and detainees plagued detainee operations in Abu Ghraib. It is unclear how and under what authority the security personnel could place prisoners like DETAINEE-28 in Abu Ghraib because no memorandums of understanding existed on the subject between the security agencies and CJTF-7 (p. 54).

At the time, there was an extraordinary amount of disagreement and confusion between lawyers, military personnel, private contractors, and intelligence personnel with respect to the treatment standard that must be met for detainees. They did not know whether they would be considered prisoner of war or enemy combatants. Moreover, there
was no clarity as to whether the Army Field Manual superseded the guidelines set forth by Geneva Conventions. This was one of reasons why there was no logical scheme around which the detainees were being handled by governmental authorities. More specifically, a condition of turmoil prevailed at the prison. Under those circumstances, traditional norms no longer seemed applicable. The report also outlines the following:

Another instance showing lack of accountability to the procedures or rules involved a DSS officer who entered the interrogation room after a break in the interrogation, drew his weapon, chambered a round, and placed the weapon in his holster. This action violated the rule that no weapons be brought into an interrogation room, especially weapons with live rounds. Detainees who have been interrogated by DSS officers have alleged abuse (p. 54).

Based upon the facts that Faye reports, it is natural to wonder how and why a behavior such as the one described above was authorized and how it took place? What defect in the social system might have led to the initial breach of norms, which is primary deviance (as described by Durkheim), and how did these breaches carry over into much wider systematic breaches of norms, or secondary breaches according to Durkheim? It is evident from the facts that the social environment at Abu Ghraib was extremely disorganized and riddled with anomie. This very social disorganization and anomie grew progressively worse over time. Such defects in the system produced widespread forms of deviance among prisoners and US personnel alike. The Faye report characterizes the environment at Abu Ghraib as dangerous, deviance-producing, and stress-inducing. In this environment, there was no shortage of conflicting goals and confusing priorities. The confusion, deviance, lack of norms, and social disorganization—all speak to the drastic extent of anomic environment at Abu Ghraib.
The study and assessment presented above is somewhat tentative and partial in nature. More specifically, it has been limited by the extent of the material available and also in terms of the type and scope of information it provided. Future studies might address the question of how other pertinent criminological theories approach the issue of torture and human rights violations. Clearly, there is a need to understand torture, human rights violations, and other forms of abuse from different theoretical point of view in criminology. A more wider study could be undertaken to unveil various policy implications resulting from the inferences drawn between criminological theories and various forms of abuse.
Footnotes

1 *Lex specialis*, in legal theory and practice, is a doctrine relating to the interpretation of laws, and can apply in both domestic and international law contexts. The doctrine states that a law governing a specific subject matter (*lex specialis*) overrides a law which only governs general matters (*lex generalis*). The situation ordinarily arises with regard to the construction of earlier-enacted specific legislation when more general legislation is later passed. This principle also applies to construction of a body of law or single piece of legislation that contains both specific and general provisions.

2 The Cuban-American Treaty was signed in 1903 by President Theodore Roosevelt and Tomas Estrada Palma, the President of Cuba -- a U.S. citizen fully backed by Washington. According to the text of the treaty, the U.S. military presence will "enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations." The treaty goes onto acknowledge Cuba’s "ultimate sovereignty" over the territory, but asserts that while the United States occupies it, they have "complete jurisdiction and control" over the land.

3 The Geneva Conventions consist of four treaties and three additional protocols that set the standards in international law for humanitarian treatment of the victims of war. The singular term *Geneva Convention* refers to the agreements of 1949, negotiated in the aftermath of World War II, updating the terms of the first three treaties and adding a fourth treaty. The language is extensive, with articles defining the basic rights of those
captured during a military conflict, establishing protections for the wounded, and addressing protections for civilians in and around a war zone. The treaties of 1949 have been ratified, in whole or with reservations, by 194 countries.

4 Extraordinary rendition and irregular rendition are terms used to describe the apprehension and illegal transfer of a person from one state to another. "Torture by proxy" is used by some critics to describe situations in which the United States has purportedly transferred suspected terrorists to countries known to employ harsh interrogation techniques that may rise to the level of torture.

5 The International Committee of the Red Cross (ICRC) is a private humanitarian institution based in Geneva, Switzerland. States parties (signatories) to the four Geneva Conventions of 1949 and their Additional Protocols of 1977 and 2005, have given the ICRC a mandate to protect the victims of international and internal armed conflicts.

6 The Algerian War, also known as the Algerian War of Independence or in French: Guerre d'Algérie, was a conflict between France and Algerian independence movements from 1954 to 1962, which led to Algeria gaining its independence from France. An important decolonization war, it was a complex conflict characterized by guerrilla warfare, maquis fighting, terrorism against civilians, use of torture on both sides and counter-terrorism operations by the French Army. Effectively started by members of the National Liberation Front (FLN) on 1 November 1954 during the Toussaint Rouge ("Red All Saints' Day"), the conflict shook the French Fourth Republic's (1946–58).
REFERENCES


Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, 1465 U.N.T.S. 85, entered into force 26 June 1987. CAT.


