

Looking Back: Understanding Abu Ghraib

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ABSTRACT: A decade ago, in the autumn of 2003, a small group of soldiers criminally abused detainees at the Abu Ghraib prison in Iraq. Two divergent narratives explaining these events emerged: a “bad apple” narrative and a “bad barrel” narrative. Neither does justice to the complex interplay of policy, organizational, and individual factors that contributed to these tragic events. A perfect storm of poor leadership, chaotic and confusing policy changes, and a small group of corrupt and immoral soldiers produced this fiasco with global consequences.

It has been a decade since the world learned about Abu Ghraib. The abuses depicted in the photographs with which we are all now so familiar occurred in the fall of 2003. It was not until April 2004, when photographs of the abuses appeared on *Sixty Minutes II*, that the public became aware of what had happened.¹ Seymour Hersh, in a 10 May 2004 article in the *New Yorker*, set the tone for much of the subsequent discussion. The subtitle of his article was, “American soldiers brutalized Iraqis. How far up does the responsibility go?” Hersh concluded his article with a quotation from Gary Myers, civilian defense attorney for one of the soldiers who committed the abuses: “I’m going to drag every involved intelligence officer and civilian contractor I can find into court. Do you really believe the Army relieved a general officer because of six soldiers? Not a chance.”² From the outset, then, “Abu Ghraib” was construed as much more than a case of soldier misconduct. It was to be a story of the inevitable consequences of the administration’s misguided approach to interrogation, detainee treatment, and torture, and the plight of a few low-level soldiers fingered as fall guys for those responsible higher up the chain. It would eventually become clear, though, that there was responsibility at every level: policy, organization, and individual.

Why a Sensational Story?

There were other instances of detainee abuse in Iraq and Afghanistan, some of which were even more brutal than those that occurred at Abu Ghraib. On 26 November 2003, for example, a few weeks after the most infamous Abu Ghraib photographs had been taken, Iraqi Major General Abed Hamed Mowhoush was killed by American soldiers of the 3rd Armored Cavalry Regiment trying to extract information from him. He had been beaten and tortured for days, had refused to provide information, and was subjected to an unusual technique: he was stuffed into an Army sleeping bag, tied up with electrical cord, and laid on the

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1 Rebecca Leung, “Abuse at Abu Ghraib,” *CBS News*, February 11, 2009, http://www.cbsnews.com/2100-500164_162-615781.html.

2 Seymour M. Hersh, “Torture at Abu Ghraib,” *The New Yorker*, May 10, 2004, http://www.newyorker.com/archive/2004/05/10/040510fa_fact.

floor where American soldiers sat on him. He died of suffocation and chest compression.³

This and many other examples of abuse in Iraq and Afghanistan, including the deaths of other detainees in US custody, should have and did raise legitimate questions about potential unintended consequences of US torture and interrogation policy. But it was Abu Ghraib that soon became the focus of this discussion. The photographs received worldwide publicity, and the revulsion they engendered had immediate and profound consequences—they fanned the flames of resentment of America in Iraq and throughout the Muslim world. Unfortunately, the Abu Ghraib cases were ill-suited to play the symbolic role they soon acquired.

The involvement of Seymour Hersh and Gary Myers (both were associated with the story of the My Lai massacre during the Vietnam War) probably contributed to the perception of the story as one of national and historical significance. In addition, the superficial similarity of some of the Abu Ghraib abuse photos to photographs from Dr. Phillip Zimbardo's well-known Stanford Prison Study mobilized an immediate response from social scientists.⁴ At the outset, then, the stage was set for the development of at least two different and competing narratives according to which these events could be interpreted.

Competing Narratives

The initial response from the Army and the administration was to investigate these incidents and then allow the military personnel and justice systems to do their work. A number of high-level administrative investigations were conducted. Meanwhile, the interpretation favored by the Army and the administration was that these acts were those of a few bad soldiers whose misconduct was their own invention and not a part of any officially sanctioned method of interrogation. This is the “bad apple” narrative.

The alternate narrative suggested by the Hersh article was that the abuses were the result of the migration of “enhanced interrogation procedures” from Guantanamo Bay to Iraq. On this account, the soldiers at Abu Ghraib were simply doing what they had been asked or ordered to do. The few enlisted soldiers who were punished were scapegoats sacrificed to protect the Army chain of command and the high administration officials responsible for promoting these harsher policies and procedures. This is the “bad barrel” narrative.

The Most Accepted Narrative

It seems fair to say that the dominant interpretation of Abu Ghraib today is most consistent with the “bad barrel” narrative. Perhaps the most eloquent example of that narrative is Rory Kennedy's 2007 film, “Ghosts of Abu Ghraib.”⁵ This film makes the case that the events at Abu Ghraib were not the aberrant acts of a few bad soldiers, but merely one set of events in a larger pattern of abuses resulting directly from

3 Josh White, “Documents Tell of Brutal Improvisation by GIs,” *The Washington Post*, August 3, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/02/AR2005080201941.html>.

4 Phillip G. Zimbardo, *Stanford Prison Experiment*, <http://www.prisonexp.org/>.

5 Rory Kennedy, dir., *Ghosts of Abu Ghraib*, DVD (New York: HBO Home Video, 2007).

administration and Army policy. The implicit interpretation of Abu Ghraib as an example of obedience to orders was made clear with both opening and closing clips from a documentary about the obedience experiments of Dr. Stanley Milgram.⁶

There have been a few dissenters from this view, but insofar as there is anything resembling a consensus on Abu Ghraib in the public square, it gives the soldiers who committed the abuses the benefit of the doubt. The soldiers were accused of committing specific acts with which some were charged and convicted, but many Americans continue to feel that they are less blameworthy than their superiors.

Do Facts Justify This View?

Two key elements of the bad barrel narrative are (1) the abuses for which the Abu Ghraib soldiers were prosecuted were “enhanced interrogation techniques” that had migrated from Guantanamo to Abu Ghraib subsequent to Major General Miller’s August 2003 visit to Iraq, and (2) the soldiers were acting under influence or orders to commit these abuses. The social science elements of the narrative focus as well on the idea that certain situations can transform otherwise good people into cruel and abusive people. Dr. Phillip Zimbardo, a psychologist famous for conducting the Stanford Prison Study in 1971, in which college students in a simulated prison became abusive after only a few days, testified on behalf of then-Staff Sergeant Ivan Frederick at his sentencing hearing. The thrust of that testimony was that the abuses resulted from a situation created by commanders, a situation which temporarily transformed Frederick and the others from the exemplary soldiers that they were and had been into the cruel and abusive ones seen in the photos.⁷

Background and Specifics

While the Abu Ghraib cases have generated an immense literature, it is worth reviewing the specifics briefly. At the time the abuses occurred, the facility known now as “Abu Ghraib,” the Baghdad Central Confinement Facility, contained approximately 6,500-7,000 detainees. A tent camp on the grounds of the facility surrounded by concertina wire, Camp Ganci, contained approximately 5,000-5,500 detainees suspected of civil crimes. Camp Vigilant, another tent camp, housed 750-1,000 members of the Saddam Fedayeen. The “hard site,” a brick-and mortar facility, was used primarily for convicted criminals. Two tiers of this facility, Tiers 1A and 1B, were reserved for the mentally ill, women and children, disciplinary problems, and those being held for interrogation. The abuses that were prosecuted took place in the hard site, specifically Tiers 1A and 1B, though they mainly involved detainees brought to the hard site from the tent camps.⁸

The abuses which produced the photographs most of us have seen mainly occurred in October and November 2003. On October 25,

6 Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper, 1974).

7 Christopher Graveline and Michael Clemens, *The Secrets of Abu Ghraib Revealed* (Washington, DC: Potomac Books, 2010); see also Phillip G. Zimbardo, *The Lucifer Effect* (New York: Random House, 2007).

8 Steven Strasser and Craig R. Whitney, *The Abu Ghraib Investigations: The Official Reports of the Independent Panel and the Pentagon on the Shocking Prisoner Abuse in Iraq* (New York: PublicAffairs, 2004).

the infamous “leash photograph” was taken, a picture of then Private Lynndie England holding a tank tie-down strap around the neck of a naked Iraqi detainee known as “Gus.” On October 25, three suspected criminals (with no intelligence value for the military) were lodged in the hard site when the guards suspected they had raped an Iraqi boy in the prison. Prison personnel, including Corporal Graner, stripped these men, physically abused them, and sexually humiliated them by handcuffing them together naked on the floor. On November 4, the infamous photographs of the hooded man on the box with wires on his fingers were taken by some of the prison guards. This man, known to the guards as “Gilligan,” was thought to possess information about the deaths of four American soldiers. On November 7, seven men who had been involved in a disturbance at Camp Ganci related to food were brought into the hard site. These seven men were physically abused and sexually humiliated. It was on November 7 that these same men were photographed stacked in a naked pyramid and then lined up against a wall and forced to masturbate while being ridiculed and photographed.⁹

These abuses produced many of the now-iconic photos that define “Abu Ghraib” in the public mind. They account for the lion’s share of the charges and the resulting prison time for the guards associated with Abu Ghraib. It is important to note there were other cases of suspected misconduct and abuse that have not been brought to widespread public attention because charges were never filed against the suspects. Some of these instances of misconduct do appear to have taken place in the context of interrogations in which these soldiers were encouraged to help “soften up” detainees.

Enhanced Interrogation Techniques?

In contrast to the prevailing narrative, however, of the eleven victims of these particular abuses, only “Gilligan,” the hooded man on the box, was ever interrogated at all, and he was questioned by military police, not military intelligence. The others were all either mentally ill or suspected common criminals. Thus, the idea the abuses were committed as part of a process of “softening up” detainees for interrogation could conceivably apply to only one of these detainees. In the other cases, the motivation seems simply to have been retaliation by guards for behavior of which they did not approve or for their own entertainment: on 25 October, the alleged rape of a boy; on 7 November, inciting a riot and attacking other guards.

The photographs eventually were made available to prosecutors after Sergeant Joseph Darby turned two compact disks over to the Criminal Investigative Division in January 2004, documenting many of the incidents described above. Both military police and military intelligence soldiers were charged with crimes related to the abuses depicted in the photographs. The incidents that resulted in charges were largely ones that occurred outside interrogations and without immediate supervision from leaders. Focusing on such incidents simplified the legal cases because the thorny issue of command influence was largely eliminated.

⁹ Graveline and Clemens, *The Secrets of Abu Ghraib Revealed*; Strasser and Whitney, *The Abu Ghraib Investigations*.

In addition to the military police guards, two of the military police dog handlers were also charged with abuses for the inappropriate use of their military working dogs in December 2003. The charged abuses included the following: using dogs to intimidate and frighten the detainees in the hard site for their own and the guards' entertainment; using dogs to back a naked detainee up against a wall (where the detainee was eventually bitten in the leg); and finally, using the dogs to commit an indecent act in an incident in which the dogs were used to lick peanut butter off the genitals of a male and the breasts of a female US soldier.

The case against the dog handlers, however, proved to be an exception to the prosecution's general rule of not charging low-level soldiers in situations where military intelligence could reasonably be said to have directed their actions. The prosecutors thought certain of the dog handlers' actions, while occurring during interrogations, were both egregious and clearly far over a line of which these soldiers should have been quite aware. This belief resulted from a review of all of the circumstances including the fact there were several dog teams at Abu Ghraib, both Army and Navy. The abuses, whether during interrogation or not, were only committed by the Army teams; the Navy teams set clear boundaries with the leadership at Abu Ghraib regarding the use of their dogs.¹⁰ The two Army dog handlers were charged with using their dogs, at the behest of a civilian contract interrogator, to frighten a detainee known as "AQ" (for "al Qaeda"). At the time, this detainee was suspected of being an insurgent, and was interrogated dozens of times, though he was ultimately released. The dog handlers were asked to use their dogs during interrogations by a civilian contract interrogator. Consequently, their respective courts-martial were complicated by the involvement of this civilian contract interrogator who could neither be prosecuted nor compelled to testify. The two dog handlers received a split verdict at trial and relatively light sentences.

Not only did the abuses made famous by the Abu Ghraib photographs occur outside interrogations, but the particular bizarre and highly sexualized abuses shown in the photographs are not known to have been used elsewhere and (except for the use of dogs to intimidate detainees during interrogation) were not on the list of enhanced techniques brought by Major General Miller to Iraq.¹¹ Is it possible that even though these abuses were not, for the most part, related to interrogations, that the soldiers who committed them thought they were acting under orders?

Several of the accused soldiers pled guilty to the charges against them. In order to be allowed by the judge to plead guilty, these soldiers had to swear they acted on their own and had not been ordered to do so, as following orders is a legitimate legal defense. In fact, Lynndie England's initial attempt to plead guilty was derailed when Charles Graner testified the leash-photograph incident was a legitimate extraction technique, resulting in a mistrial and subsequent retrial.

10 Strasser and Whitney, *The Abu Ghraib Investigations*, 145-148.

11 Graveline and Clemens, *The Secrets of Abu Ghraib Revealed*, 59.

The Power of the “Situation”?

The facts of these cases do not comport with the interpretation of Abu Ghraib as an example of the pernicious consequences of American “torture” policy, or as evidence of the migration of enhanced interrogation techniques from Guantanamo to Iraq. But that has not stopped some from arguing that whatever the nature of the offenses committed by these soldiers, responsibility for them should lay primarily with those above them. Dr. Phillip Zimbardo made this case in his testimony before Ivan Frederick’s sentencing hearing. This social psychological, “situationist” analysis is based on Dr. Zimbardo’s famous Stanford Prison Study. This explanation relies on the putative power of “the situation” to transform good people and cause them to do bad things. In his Stanford study, most of the misconduct occurred on the night shift. Dr. Zimbardo quickly pointed out this and other superficial similarities to Abu Ghraib, such as the similarity in appearance between detainees with sandbags over their heads and his 1971 research subjects with pillowcases over their heads.

The persuasiveness of the transformation story central to Dr. Zimbardo’s explanation hinges on an actual transformation from good to bad. In the Stanford Prison Study, subjects were randomly assigned to be either prisoners or guards, so behavior was more readily attributable to the role rather than the person in that study. But the perpetrators of these abuses at Abu Ghraib were not randomly chosen to play a role. Contrary to the premise of Dr. Zimbardo’s transformation narrative, many of the perpetrators had long personal histories of misconduct, including sexual misconduct. They could not have been transformed from good to bad because the purity ascribed to them by Dr. Zimbardo appears to be little more than wishful thinking.¹²

Who to Blame?

In addition to the criminal charges filed and adjudicated against soldiers in the Abu Ghraib abuses, several noncommissioned and commissioned officers were punished nonjudicially. These sanctions can take many forms, including punitive letters inserted in the personnel files of these officers, a punishment which often effectively ends the career of the recipient. Officers were also fined and relieved of their commands.

These sanctions would seem to represent a judgment that the conduct and performance of many of the leaders involved was substandard. Some of these officers had very promising careers to that point. While conditions at Abu Ghraib were as bad for the officers as for lower-ranking soldiers, the officers were clearly (very harshly, in many cases) judged by other Army officers to have fallen short of expectations. Every official report on Abu Ghraib indicts the leadership and supervision at the facility as having failed to establish an appropriate command climate, one in which these abuses might easily have been prevented. It is quite possible that had leadership and supervision been better, these abuses might not have occurred. But we do not assess the same penalties for dereliction and negligence as for willful criminal misconduct.

12 Graveline and Clemens, *The Secrets of Abu Ghraib Revealed*, 185, 187.

Legitimate Lessons

Most of what has been learned about the photographs taken at Abu Ghraib, and the events related to them, was learned within a year of the events having taken place. The Taguba,¹³ Fay,¹⁴ and Schlesinger¹⁵ reports, along with the evidence and testimony generated by the prosecutions related to Abu Ghraib, taken as a whole appear to provide a fairly complete picture of what went wrong. The following summary from the 2004 Fay Report is difficult to improve upon:

The physical and sexual abuses of detainees at Abu Ghraib are by far the most serious. The abuses spanned from direct physical assault, such as delivering head blows rendering detainees unconscious, to sexual posing and forced participation in group masturbation. At the extremes were the death of a detainee in OGA custody, an alleged rape committed by a US translator and observed by a female Soldier, and the alleged sexual assault of an unknown female. They were perpetrated or witnessed by individuals or small groups. Such abuse cannot be directly tied to a systemic US approach to torture or approved treatment of detainees. The MPs being investigated claim their actions came at the direction of MI. Although self-serving, these claims do have some basis in fact. The climate created at Abu Ghraib provided the opportunity for such abuse to occur and to continue undiscovered by higher authority for a long period of time. What started as undressing and humiliation, stress and physical training (PT), carried over into sexual and physical assaults by a small group of morally corrupt and unsupervised Soldiers and civilians.¹⁶

“Abu Ghraib” became a cause and a symbol in the years following the release of the photos as the wheels of justice ground on and debate about torture policy raged. The narrative promoted and popularized insisted that the “small group of morally corrupt Soldiers and civilians” was in reality a small group of victims, encouraged by their superiors to behave in certain ways and then hung out to dry when things went bad.

In fact, the release of a report on detainee abuse commissioned by the Senate Armed Services Committee in 2008 was trumpeted by supporters of the perpetrators at Abu Ghraib as vindication of this narrative.¹⁷ Calls for presidential pardons for some of the soldiers convicted at Abu Ghraib were made¹⁸ (none have been granted). These developments have left many Americans, who have not taken the time to immerse themselves in the very distasteful details of these cases, with the mistaken impression that the perpetrators at Abu Ghraib were nothing more than pawns of US policymakers. Given this history, with the benefit of a decade of hindsight, what can we say about the lessons of Abu Ghraib?

13 Article 15-6 *Investigation of the 800th Military Police Brigade*, http://www.npr.org/iraq/2004/prison_abuse_report.pdf (this report has been declassified by CENTCOM).

14 *Executive Summary, Investigation of Intelligence Activities at Abu Ghraib*, AR 15-6 *Investigation of the Abu Ghraib Prison and 205th Military Intelligence Brigade*, LTG Anthony R. Jones, AR 15-6 *Investigation of the Abu Ghraib Detention Facility and the 205th Military Intelligence Brigade*, MG George R. Fay, <http://f1.findlaw.com/news.findlaw.com/hdocs/docs/dod/fay82504rpt.pdf>.

15 James R. Schlesinger, *Final Report of the Independent Panel to Review DoD Detention Operations*, August 2004, <http://f1.findlaw.com/news.findlaw.com/wp/docs/dod/abughraibrpt.pdf>;

16 *Executive Summaries of Abu Ghraib and the 205th Military Intelligence Brigade*, AR 15-6.

17 U.S. Congress, *Inquiry Into the Treatment of Detainees in U.S. Custody*, Report of the Committee on Armed Services, 110th Congress, 2nd Session, November 20, 2008, http://www.armed-services.senate.gov/Publications/Detainee%20Report%20Final_April%2022%202009.pdf.

18 Paul Lester, “Should Obama pardon soldiers sentenced in the Abu Ghraib scandal?” DEADLINEUSA BLOG, *The Guardian*, April 22, 2009, <http://www.guardian.co.uk/world/deadlineusa/2009/apr/22/abu-ghraib-soldiers-pardon-obama>.

Lesson 1: "I was only obeying orders" works best as a defense when you can prove you were ordered to do something that is not clearly unlawful, or at least that your superiors knew what you were doing and did not object.

In the cases where the "obeying orders" defense was at least plausible, the courts seem to have been relatively lenient. At Abu Ghraib, the prosecution was least successful with the dog-handler cases, which were prosecuted because the offenses were thought to be so egregious that the soldiers ought to have known they were improper, even if ordered (or suggested or influenced) to do so. But the courts seemingly gave the soldiers the benefit of the doubt, as the sentences were comparatively light. In the Mahwouz case mentioned earlier, the soldiers who killed this man received very light sentences. Interestingly, the technique that killed Major General Mahwouz, wrapping in a sleeping bag, was also free-lanced by the interrogators—it appears in no Army Field Manuals or "rules of engagement." But there was clear evidence that the interrogators' superiors knew that this technique was being used and approved.¹⁹ Seemingly the plausible evidence of command responsibility for these specific actions explains the much lighter sentence for a much more severe outcome than those charged at Abu Ghraib. If there had been plausible evidence that the soldiers had been ordered to commit these acts at Abu Ghraib, they would probably have not been charged at all, or if they had been charged, would have received much lighter sentences.

Lesson 2: The Abu Ghraib cases that were prosecuted should not have been the focus of the debate about torture and enhanced interrogation techniques.

Most of the specific abuses prosecuted at Abu Ghraib and seen in the photos are not found in any official manuals, guidelines, or procedures relating to interrogation. Stacking naked prisoners in a pyramid, attaching electric wires to detainees, forcing men to simulate fellatio and stand against the wall and masturbate were all the "creative" work of the soldiers prosecuted and no one else. These acts were not performed at Guantanamo, and quite likely were unique to this group of soldiers. None of these techniques were included in the list of enhanced techniques transmitted by Major General Miller in his 2003 visit.

The only abuses prosecuted at Abu Ghraib that might plausibly be connected to a migration scenario were those involving the use of military working dogs. The use of dogs in interrogation was part of the list of techniques transmitted by Major General Miller in August 2003, and included in a list of techniques available to CJTF-7²⁰ interrogators (including those at Abu Ghraib) in September 2003. In October 2003, however, pushback from CENTCOM²¹ resulted in twelve specific items being removed from the list and the rest being reserved to the specific authority of Lieutenant General Sanchez, CJTF-7 Commander. Lieutenant General Sanchez never gave his permission for the use of military working dogs in interrogations at Abu Ghraib, and any such

¹⁹ Josh White, "Documents Tell of Brutal Improvisation by GIs," *The Washington Post*, August 3, 2005.

²⁰ Combined Joint Task Force 7, commanded by Lieutenant General Richard Sanchez.

²¹ United States Central Command, the immediate higher headquarters for CJTF-7.

use was thus improper and contrary to the regulations put in place by Army officials.²²

On the other hand, many personnel involved in interrogations at Abu Ghraib and elsewhere had served in different geographical locations, including Guantanamo and Afghanistan, where rules varied from place to place and time to time as US policy evolved. There is the possibility that there was legitimate confusion about the rules in place at Abu Ghraib at the time the abuses occurred, though it is the responsibility of intelligence professionals to track changes in policy as best they can. Arguably, a culture in which playing fast and loose with the rules seemed to be tacitly approved and encouraged by authorities eager to gain control of a deteriorating situation in Iraq might have led soldiers to push the boundaries in interrogations. This might explain some of the abuses committed during interrogations, which occurred at Abu Ghraib and elsewhere, but were neither photographed (at least as far as anyone knows) nor prosecuted. Had there been photos of abuses that took place during interrogations, and had those photos been made public, a far more substantive discussion of the quite relevant higher-level policy issues might have taken place.

Lesson 3: The situationist explanation for the origin of the abuses at Abu Ghraib is not persuasive.

As explicated in Dr. Phillip Zimbardo's book *The Lucifer Effect*, the abuses were a nearly inevitable consequence of a corrosive social situation created by those in authority above the perpetrators (the "barrel makers").²³ In order to locate the origin of the abuses in a set of conditions created by superiors, Dr. Zimbardo appears to blind himself to evidence that the perpetrators themselves were neither good soldiers nor very nice people, in at least some cases. Some perpetrators had histories of sexual misconduct, strange behavior, and abusive conduct which would seem to locate the origin of the bizarre abuses at Abu Ghraib much more convincingly in them than in some mysterious effect of working in a prison at night. Dr. Zimbardo's conclusion that "Sergeant Frederick is guilty of the acts he stipulated to, but he is not responsible for it [sic]" exposes the fundamental weakness of the situationist narrative: despite Dr. Zimbardo's insistence that "the situational approach is not excuseology," it is hard to reconcile this approach with common-sense notions of personal responsibility.²⁴

Other soldiers worked in prisons on the night shift all over Iraq and Afghanistan, laboring (to varying degrees) under the same morass of confusing rules and convoluted supervisory relationships as did the soldiers at Abu Ghraib without ever finding it necessary to stack naked men in a pyramid or line them up against a wall and force them to masturbate, or take photographs of one another performing sex acts, as did these soldiers.²⁵

²² Graveline and Clemens, *The Secrets of Abu Ghraib Revealed*; Strasser and Whitney, *The Abu Ghraib Investigations*.

²³ Zimbardo, *The Lucifer Effect*.

²⁴ Graveline and Clemens, *The Secrets of Abu Ghraib Revealed*, 178, 182.

²⁵ Graveline and Clemens, *The Secrets of Abu Ghraib Revealed*, 187

Obedience is also part of the situationist interpretation—somber footage of the Milgram obedience experiments begins and ends *Ghosts of Abu Ghraib*. This is an especially unconvincing implied parallel given the halting, reluctant, conflicted responses of many of Milgram's research subjects as compared to the laughing, leering, boisterous abuses at Abu Ghraib. It seems far more plausible to suggest there was too little rather than too much legitimate authority in play on the night shift. None of this is to suggest that social science has nothing to contribute to our understanding of these events, but the situationist approach, which is often most prominent in popular discourse, fails to account for crucial facts.

Lesson 4: Believing what we see, or seeing what we believe?

That Abu Ghraib became a domestic *cause celebre* owed something to a reservoir of distrust and dislike of the Bush administration, and especially its torture and interrogation policy. Abu Ghraib became a proxy for debate about the war itself, and invited comparison to an earlier unpopular war, the Vietnam War, through the connection to My Lai. Political zeal to score points against the administration may have blinded some to the fact that the Abu Ghraib prosecutions were simply not the right test case to expose the pernicious effects of enhanced interrogation techniques. Dr. Phillip Zimbardo, for example, who has arguably done the most to publicize Abu Ghraib within the social sciences and to shape the narrative to which our children will be exposed in their psychology classes for years to come, openly integrates his political views into his scholarly work. In an introductory chapter to a book on the social psychology of genocide, for example, Dr. Zimbardo attacked the Bush administration in such a way that a disclaimer was felt necessary, footnoting that Dr. Zimbardo's political views are his own.²⁶ Such a disclaimer is quite rare in scholarly works of this sort in psychology.

Lesson 5: Context matters.

In June 2011, an Air Force recruit at Joint Base San Antonio-Lackland reported she had been sexually assaulted by her training sergeant. This report set in motion a chain of events that has so far resulted in the conviction of sixteen noncommissioned officers for a wide range of offenses, including unprofessional sexual contact, assault, battery, adultery, falsifying official statements, and rape. One recruit reported that

²⁶ Many introductory psychology textbooks now contain references to Abu Ghraib that portray the abuses as the result of situational pressures. Arthur G. Miller, ed., *The Social Psychology of Good and Evil: Understanding Our Capacity for Kindness and Cruelty* (New York: The Guilford Press, 2004). Dr. Zimbardo's chapter in this book, "A Situationist Perspective on the Psychology of Evil: Understanding How Good People are Transformed into Perpetrators" is disclaimed as follows: "The political views expressed in this chapter represent solely those of a private citizen/patriot, and in no way should be construed as being supported or endorsed by any of my professional or institutional affiliations." The following quotations are taken from this chapter: "History will also have to decide on the evil status of George W. Bush's role in declaring a preemptive, aggressive war against Iraq in March 2003, that resulted in widespread death, injury, destruction, and enduring chaos." (page 22) "But who cares what the truth really is regarding the deceptive reasons for going to war, if the United States is now safer and the president (sic) is a commander-in-chief of decisive action—as his image crafters have carefully depicted him to be in the media. This national mind control experiment deserves careful documenting by unbiased social historians for the current and future generations to appreciate the power of images, words, and framing that can lead a democratic nation to support *and even relish* the unthinkable evil of an aggressive war." Emphasis in the original, 36-37.

a group of 50 male recruits was forced to “remove all their clothes, get into an 8-by-10-foot shower space and, bodies touching, reach as high as they could and bend over and touch the wall.”²⁷ In other incidents, a recruit was kicked in the chest while doing push-ups; two recruits were forced to rub Icy-Hot on their genitals; and a recruit was forced to shave off all his body hair.

Superficially, these cases would seem to have a great deal in common with the Abu Ghraib abuses: basic training is not prison, but it is an isolated setting with an extreme power differential between recruits and their leaders. These abuses were bizarre humiliations with strong sexual content, and they seem to have taken place largely within one group of sergeants, without the knowledge or approval of their officer leaders. The sergeants were charged with criminal offenses, many convicted and imprisoned, and only one officer was sanctioned, nonjudicially.

Discussion of these events, in contrast to the Abu Ghraib abuses, has been framed from the outset as a case of some bad apples among the basic-training instructors. If a set of events eerily similar to those at Abu Ghraib can occur in Texas in 2009 and be readily accepted as the work of a small group of morally corrupt airmen, isn't it possible that the Abu Ghraib abuses were cut from the same cloth?

Lesson 6: “Bad apples” vs. “bad barrels” was the wrong way to frame this discussion.

The metaphor oversimplifies a complex and troubling reality, which is that there is plenty of blame to go around. Clearly, both the apples and the barrel were to blame, but if it has to be one or the other, then the “bad apples” were personally and directly responsible for those abuses that were charged. But viewing the cases in this dichotomous light, a tendency promoted by some who wished to deflect attention from the guilt of the defendants, has an unfortunate exculpatory benefit for the Army and the administration.

Those who wished to see Abu Ghraib as an illustration of the consequences of shifts in torture and interrogation policy were ultimately frustrated. In hindsight, the reason is clear. The world needed to see a credible judicial response to what happened. Prosecutors suspected (correctly, as events would show) that it would be very difficult to win convictions and credible sentences in cases where there was evidence of significant involvement by military intelligence personnel. So prosecutors reviewed the hundreds of photographs, investigated the various incidents they represented, and prosecuted those incidents that reflected abusive behavior by the guards that occurred for no valid purpose.

Was this strategy the correct one? It certainly was a successful strategy insofar as convictions and significant sentences were won, and justice done, for the victims of the abuses which were prosecuted. The world saw our national willingness to punish those responsible for inflicting physical and sexual abuse on detainees. Had the prosecutors chosen to prefer charges in cases where abuses took place during interrogations, the result

²⁷ Kristin Davis and Karen Nelson, “Forced to PT in their underwear,” *Air Force Times*, April 29, 2013, 20-21.

might have been much more like the one in the Mahwouz case—airing a distasteful and embarrassing set of facts with an unsatisfying conclusion as individuals were acquitted or given very light sentences.

The bad apple/bad barrel frame obscures legitimate culpability at three levels. At the individual level, the soldiers charged and convicted were indeed guilty of committing egregious abuses against detainees for their own sadistic and sexual gratification. They deserved to be tried, convicted, and punished for these acts. The offenses they committed were criminal in nature and appropriate criminal penalties were levied on them.

At the organizational level, there was leadership failure at many levels and immediately above Abu Ghraib. There was inadequate supervision and leadership within Military Police and Military Intelligence units at Abu Ghraib, and the sharing of roles and responsibilities between these units was unclear and ineffective. Leadership immediately above Abu Ghraib knew or should have known about the dysfunctional leadership at the facility, but failed to adequately address the issue. These conditions are the result of leadership failure, negligence, and dereliction. Several officers were administratively sanctioned for these offenses, as is appropriate for their lamentable, but noncriminal, conduct.

At the policy level, the challenging conditions at Abu Ghraib were the direct result of major policy changes by the Bush administration. Failure to plan for an adequate force to fight the war from the outset, and failure to respond quickly enough as the insurgency rapidly expanded, complicated and compromised the capacity of mid-level leaders to accomplish their missions. Moreover, the administration's insistence on altering our long-standing national posture on torture and interrogation on the fly inevitably created confusion at all levels as to what was acceptable where, and to and by whom.²⁸

The Real Meaning of Abu Ghraib

The Abu Ghraib cases were the wrong ones to be the centerpiece in a debate about torture policy and enhanced interrogation techniques. Early on, they were framed (by the soldiers charged and their attorneys and supporters) as a choice between blaming the soldiers or blaming their superiors. The real and obvious truth is that both were to blame. Many of the early reports and investigations make this point again and again. But this complex truth is drowned out by the simpler view that the soldiers convicted were the victims. They were not.

Abu Ghraib has most certainly not resolved the torture debate. The debate simmers mostly out of sight and below the surface, and bubbles over only on rare occasions. Such an occasion was the appearance of torture in the film *Zero Dark Thirty*.²⁹ In many ways Abu Ghraib was a missed opportunity: it is hard to imagine that photos will be taken should such abuses recur, or that the photos will ever be made public if they do come into existence. Did we squander our chance to debate the morality and efficacy of torture and enhanced interrogation techniques

²⁸ These criticisms of the Bush administration's early planning for the war and the complex and confusing changes made to long-standing government policy on torture and interrogation are, I think, widely accepted across the political spectrum as having contributed to the problems at Abu Ghraib and elsewhere. Others may disagree.

²⁹ Kathryn Bigelow, dir., *Zero Dark Thirty*, DVD (California: Annapurna Pictures, 2012).

on a group of sexualized thugs? As counterterrorism supplants counterinsurgency as our strategic focus, warfare moves further into the shadows. What conceivable Abu Ghraib moment might there be in the age of drone warfare? Who will be there to take the photos?

The real meaning of Abu Ghraib is something we must each construct for ourselves. The incidents that became famous through the court cases that define “Abu Ghraib,” as well as those that did not, offer a potentially rich source of insights into policies, their implementation and implications, as well as our collective capacity to process these events in the public square. These insights might include but go far beyond policies about torture and interrogation, and encompass those that determine when and why we fight wars, who fights them, and how they are fought. Ten years on, perhaps we can now begin to disentangle “Abu Ghraib” from the symbolic web of suspicions, implications, and accusations in which the passions of the time have enmeshed it in the public mind. This will be the first step in achieving some measure of historical closure on these tragic events that have forever changed so many lives.

