

STAFF SUMMARY SHEET

	TO	ACTION	SIGNATURE (Surname), GRADE AND DATE		TO	ACTION	SIGNATURE (Surname), GRADE AND DATE
1	DFBL	Review	(sig) <i>Wilbur J. Scott</i> PROF Wilbur J. Scott, PhD	6			
2	DFBL	Review	(sig) <i>Packard</i> <i>col 12 Apr 13</i> COL Gary A. Packard, USAF	7			
3	DFER	Approve	<i>Kraus Col 16 Apr 13</i>	8		<i>add disclaimer to 6th page</i>	
4	DFBL		PROF George Mastroianni, PhD (Author/Originator)	9			
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Author(s): George Mastroianni

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Tabs (1)

THE REAL MEANING OF ABU GHRAIB

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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. 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."ⁱⁱⁱ 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.

WHY DID ABU GHRAIB BECOME SUCH 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 November 26, 2003, for example, a few weeks after the most infamous Abu Ghraib photographs were taken, Iraqi Major General Abed Hamed Mowhoush was killed by American soldiers of the 3rd Armored Cavalry Regiment trying

The views expressed in this paper are those of the author and do not necessarily represent those of the US Air Force Academy, the US Air Force, the Dept of Defense or the US Government.

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

While the death of Major General Mowhoush was reported in the news, these reports did not generate the intense media and public response that followed the initial reports of the Abu Ghraib abuses a few months later. Arguably, it was the photographs of the Abu Ghraib abuses that helped make the difference. The photographs received world-wide publicity, and the revulsion they engendered had many consequences. These photographs fanned the flames of resentment of America in Iraq and throughout the Muslim world. Domestically Abu Ghraib became the focus for discussion of the issue of interrogation and torture policy, an emotionally and politically charged issue that continues to divide us even today.

The involvement of Seymour Hersh and Gary Myers, both of whom played roles in the story of the My Lai massacre during the Vietnam War, may also have 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^{iv} mobilized an immediate response from social scientists. This response centered on the interpretation of the soldiers' behavior at Abu Ghraib as a nearly inevitable consequence of situational factors created by superiors. 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.

WHAT WERE THE COMPETING NARRATIVES?

The response from the Army and the administration was a simple one: we will 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, and reports written. 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. Major General Geoffrey Miller, then commander of the detention facilities at Guantanamo, Cuba, traveled to Iraq in August, 2003, to advise American commanders on ways to get more actionable intelligence from detainees. Subsequent to this visit, efforts were made to “Gitmo-ize” interrogation procedures in Iraq^v, which was understood to mean making them harsher. 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 who were sacrificed in order 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.

WHICH NARRATIVE IS MORE WIDELY ACCEPTED?

While each of us sees a different slice of media coverage of any famous event, and attends to and evaluates and remembers that slice differently based on our pre-existing beliefs, biases, exposure to varying viewpoints and experiences, it seems fair to say that the dominant interpretation of Abu Ghraib today is consistent with the “bad barrel” narrative. Perhaps the most eloquent example of that narrative is Rory Kennedy’s 2007 film, *“The Ghosts of Abu Ghraib”*. 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 administration and Army policy. The interpretation of Abu Ghraib as an example of destructive obedience or role-conformity was also showcased in the film through the famous obedience experiments of social psychologist Stanley Milgram.

Psychologists have been quick to uncritically adopt Abu Ghraib as an example of destructive obedience and conformity. Introductory psychology is among the most popular and widely taken courses in American colleges. A quick review of introductory psychology textbooks reveals that nearly every recent text refers to Abu Ghraib, and uses the case to make the point that good people can be influenced to do bad things by situational pressures. The details of the cases are rarely mentioned, and sometimes the facts are grossly misrepresented^{vi}. Future generations of college students are likely to be exposed to this impoverished and oversimplified version of the story for many years to come.

There have been a few dissenters from this view, but it is fair to say that 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 at various levels. It is harder for many of us to blame low-level soldiers from rural America voluntarily serving their country in harm's way under extremely difficult conditions than high-ranking Army officers, or officials of the Bush administration such as George Tenet, John Yoo, Alberto Gonzales, Donald Rumsfeld, Dick Cheney or George Bush. But do the facts support this view?

DO THE FACTS AS WE KNOW THEM JUSTIFY THIS VIEW?

Two key elements of the bad barrel narrative are (1) that 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) that 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 higher-ups, a situation which temporarily transformed Frederick and the others from the exemplary soldiers that they were and had been into cruel and abusive ones^{vii}.

BACKGROUND AND SPECIFICS

While the Abu Ghraib cases have generated an immense literature, it is worth reviewing the specifics briefly, as the actual facts of the cases seem to stimulate far less effort and interest than interpreting their significance. At the time the abuses occurred, the facility known now as “Abu Ghraib”, the Baghdad Central Confinement Facility, contained perhaps 6500-7000 detainees. A tent camp on the grounds of the facility surrounded by concertina wire, Camp Ganci, contained approximately 5000-5500 detainees suspected of civil crimes. Camp Vigilant, another tent camp, housed 750-1000 members of the Saddam Fedayeen. The “hard site”, a brick-and mortar facility, was primarily used 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 in to the hard site from the tent camps^{viii}.

The abuses which produced the photographs most of us have seen mainly occurred in October and November, 2003. On October 25, the infamous “leash photograph”, a picture of then Private Lynndie England holding a tank “tie-down” strap around the neck of a naked Iraqi detainee known as “Gus” was taken. When Corporal Charles Graner, Private England’s boyfriend at the time and the often described “ringleader” of the abuses, was tasked with removing Gus from the cell he was being housed in to make room for another detainee, Corporal Graner decided to use the tank strap to lasso Gus and lead him out of the cell as a “cell extraction” method. Private England and Corporal Graner played central roles in this and other instances of detainee abuse. On October 25, three suspected criminals (with no intelligence value for the military) were lodged in the hard site when the guards began to suspect that they had raped an Iraqi boy within 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^{ix}.

These abuses produced many of the now-iconic photos that define Abu Ghraib in the public mind. These abuses 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 that 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 did indeed take place in the context of interrogations in which these soldiers were encouraged by interrogators to help soften up detainees.

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 and he was questioned by military police, not military intelligence. The others were all either mentally ill or suspected common criminals. Thus, the narrative that the abuses were committed as part of a process of "softening up" detainees for interrogation could only conceivably apply to 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 idea that these abuses were examples of enhanced interrogation techniques that migrated from Guantanamo to Iraq is untenable: these abuses did not occur during interrogations, and could not have been part of a process of "setting the conditions" or "softening up" detainees for interrogation because the detainees were known to be of no intelligence value and were not scheduled for interrogation by military intelligence or anyone else. It is also telling that the defense counsel for the prison guards did not attempt to justify the majority their client's actions as part of any military intelligence program. Instead, the defense attorneys tried to portray the events in the photographs as legitimate correctional techniques: stacking naked detainees in a

pyramid as a control technique called the “cheerleader stack” or “clown stack” or the dragging of Gus from his cell with a tank strap around the neck as a cell extraction technique. The motives behind the guards’ actions were further clarified by the prosecution’s approach of avoiding the thorny and entangling issue of obedience to orders by not charging soldiers when their actions might have plausibly been the result of such direction, and charging soldiers only when the offenses clearly occurred on their own initiative, completely outside interrogations.

In addition to the military police guards, two of the military police dog handlers were also charged with abuses that occurred in December 2003, for the inappropriate use of their military working dogs. Like the other prison guards, many of the charges these soldiers faced dealt exclusively with offenses outside of interrogations. The charged abuses included using their dogs to intimidate and frighten the detainees in the hard-site for their own and the guards’ entertainment, an incident where they used their dogs to back a naked detainee up against the wall (and where the detainee was eventually was bitten in the leg), and finally, one of the dog handlers was convicted of committing 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 U.S. soldier.

At the same time, the case against dog handlers 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 that 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 that there were several dog teams at Abu Ghraib, both Army and Navy. The abuses committed, whether during interrogation or not, were only by the Army teams; the Navy teams set clear boundaries with the leadership at Abu Ghraib regarding

the use of their dogs^x. Consequently, 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.

Additionally, 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 MG Miller to Iraq. It is 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. However, 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 that they acted on their own, that they had not been ordered to do so, as following orders is a legitimate legal defense. Vague and non-specific claims that the soldiers had been encouraged to make life difficult for detainees for the purpose of facilitating interrogations are not relevant to incidents such as those on October 25 and November 7, which did not involve any potential interrogations. There is wide agreement that the culture and climate at Abu Ghraib were dysfunctional, to say the least, however. That this dysfunction could have contributed to abuses during interrogations was entirely plausible to those who conducted the official investigations in the immediate aftermath of the release of the photographs, and is noted in all of them.

The November 4 incident involving Gilligan (the hooded man on the box) was one in which the soldiers were given just such a vague suggestion by a military police interrogator who was investigating a specific roadside bombing. The interrogator (who was junior in rank to the staff sergeant in charge of the guards) asked the guards to stress the man out. When asked for

specifics, his response was, “I really don’t give a fuck, just as long as you don’t kill him”^{xii}. The resulting pose and now iconic photograph were the soldiers’ response. This particular approach had not been used before in “setting the conditions for interrogation” nor was this an interrogation involving military intelligence. Specific techniques reported to have been requested by interrogators at Abu Ghraib included food and dietary changes, sleep deprivation, and the playing of loud music.^{xiii} The soldiers were certainly not ordered to place the man on a box with a hood and threaten electrocution: this was improvised by the soldiers, and they accepted responsibility for these acts.

The other incident in which obedience to orders might have played a role involved the dog handlers and the use of dogs to intimidate detainees during interrogation. This use of dogs in this role had been authorized, subject to his personal approval, by LTG Sanchez, but he never received such a request and never approved such use at Abu Ghraib. On one occasion (and that incident is not the subject of any of the photographs), approval was (improperly) granted by Colonel Thomas Pappas, the commander of the Military Intelligence Brigade at Abu Ghraib, an act for which he was subsequently punished. Separate from this one approved occasion, as stated above, 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.

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 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 transformation story that is central to the Zimbardo explanation hinges on there being an actual transformation from good to bad. In the Stanford Prison Study, subjects were randomly assigned to be prisoners or guards, so in the absence of any evidence suggesting a history of such misconduct on the part of the guards, it would not make sense to attribute their behavior to them as individuals. 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, often sexual in nature. They couldn't have been transformed from good to bad because the purity ascribed to them by Dr. Zimbardo appears to be nothing more than wishful thinking. Finally, the situation was clearly not the determining factor in soldier behavior, because some soldiers resisted and reported the abuses documented in the photographs. A young soldier named Matthew Wisdom reported the abuses to his superiors twice (nothing was done) and Joseph Darby eventually turned the now-infamous photos over to the authorities.

DOES ANYONE DESERVE BLAME BESIDES THE PERPETRATORS?

In addition to the criminal charges against soldiers that were filed and adjudicated in the Abu Ghraib abuses, several commissioned officers were punished non-judicially. These officers ranged from Captain to Brigadier General in rank. These sanctions can take the form of 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, and in one case (BG Karpinski) retired at a lower rank than in which she was serving.

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 had very promising careers to that point. While conditions at Abu Ghraib were as bad for the officers as for lower-ranking soldiers, they 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 typically assess the same penalties for negligence as for willful misconduct.

It is part of the U.S. military ethos that a commander is responsible for everything that happens or fails to happen in his/her unit. But many commanders in Iraq were saddled with conditions imposed on them from on high that made living up to this traditional expectation very difficult. For example, representatives of many other organizations were commingled with their soldiers: interrogators and intelligence personnel from other government agencies, and civilian contractors employed by both the Army and other government agencies. These outsiders, many of them imbued with an aura of secrecy and power, may well have influenced soldiers legitimately confused about authority relationships. Day-to-day interactions with people outside the normal

military chain, who might work according to different standards, especially in a challenging environment in which military supervisors were very busy, created conditions in which strict adherence to appropriate regulations was difficult. In at least one case, a civilian contractor seems clearly to have influenced the Army dog handlers who committed abuses using their military working dogs. This individual could not be prosecuted because he was contracted by the Department of the Interior, and at that time the laws in force had no provision for holding such people accountable. That the Department of the Interior had a civilian contractor in Iraq doing interrogations at Abu Ghraib illustrates the byzantine bureaucratic relationships young soldiers were expected to navigate.

SO WHAT LESSONS CAN WE LEGITIMATELY DRAW FROM ABU GHRAIB?

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^{xiii}, Fay^{xiv}, and Schlesinger^{xv} Reports, along with the evidence and testimony generated by the prosecutions related to Abu Ghraib, taken as a whole provide a complete picture of what went on there. The following summary from the 2004 Fay Report (p. 71) is difficult to improve upon even now:

“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 can not 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^{xvi}.”

“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 the debate about torture policy raged. The utility of Abu Ghraib as an illustration of what was wrong with US policy on torture and interrogation would be diminished by locating the blame in a “small group of morally corrupt and unsupervised Soldiers and civilians”, however. The narrative promoted and popularized contradicted this understanding of the events, and 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 to when things went bad.

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^{xvii}. Calls for Presidential pardons for some of the soldiers convicted at Abu Ghraib were made^{xviii} (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?

Lesson 1: “I was only obeying orders” only works 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.

Many civilians are unaware that soldiers are required by the Uniform Code of Military Justice to disobey an unlawful order. If one is ordered to shoot prisoners out of hand, for example, one is obliged to disobey this order. Obedience to such an order places the perpetrator

in legal jeopardy, because shooting unarmed prisoners is clearly against the law. Disobedience to a lawful order, on the other hand, also carries with it severe sanctions, including death under some circumstances. Military judges and juries are all subject to this same code of justice. The authorities in the Abu Ghraib cases did not prefer charges in cases in which they judged that the evidence might support an “obeying orders” defense, and limited itself to those instances of abuse in which the soldiers clearly appeared to be “freelancing”, with the exception of the dog-handler cases. It is instructive that the freelancing cases produced some very heavy sentences: committing these assaults and sexual sadism on their own initiative, without any hint of having been ordered to do so or any evidence that the soldiers had ever seen similar abuses tolerated by senior officers, resulted in harsh judgments.

But in cases where the “obeying orders” defense was at least plausible, the courts seem to have been much more 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 that 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 never served a day. 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^{xix}. 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.

It would seem, then, that the portion of the dominant narrative that views the soldiers convicted at Abu Ghraib as scapegoats punished for doing what they were told to do is clearly false. These soldiers were convicted of what they did on their own; if there had been plausible evidence that they had been ordered to commit these acts, 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 (what most of us think of when we hear “Abu Ghraib”) should have had almost nothing to do with the larger debate about torture and enhanced interrogation techniques. Most of the specific abuses prosecuted at Abu Ghraib and seen in the photos are not to be 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 never 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 MG 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 MG Miller in August, 2003, and included in a list of techniques available to CJTF-7^{xx} interrogators (including those at Abu Ghraib) in September 2003. In October 2003, however, pushback from CENTCOM^{xxi} resulted in twelve specific items being removed from the list and the rest being reserved to the specific authority of LTG Sanchez, CJTF-7 Commander. LTG Sanchez never gave his permission for the use of

military working dogs at Abu Ghraib, and any such use was thus improper and contrary to the regulations put in place by Army officials.^{xxii}

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 did occur 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 social-science explanation for the origin of the abuses at Abu Ghraib is neither coherent nor compelling. As explicated in Phillip Zimbardo's book *The Lucifer Effect*^{xxiii}, the abuses were a nearly inevitable consequence of a corrosive social situation created by those in authority above the perpetrators. In order to locate the origin of the abuses in a set of conditions created by superiors, Zimbardo blinds himself to the evidence that the perpetrators themselves were neither good soldiers nor very nice people, in at least some cases. Some of the perpetrators had histories of sexual misconduct, strange behavior, and abusive conduct which tend 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. Other soldiers worked in prisons at night all over Iraq and Afghanistan for years, laboring (to varying degrees) under the same morass of confusing rules and convoluted supervisory relationships without ever finding it necessary to stack naked Iraqi men in a pyramid or line them up against a wall and force them to masturbate.

Moreover, if the “situation” was so powerful that exerted nearly irresistible psychological pressures to behave in a certain way, one must ask why so many seemingly found the means to resist. The soldiers on the day shift on Tiers 1A and 1B did not behave as did the soldiers on the night shift. This is the fact that makes the social psychological explanation seem potentially relevant, as the abuses in the Stanford Prison Study occurred mostly at night. As at Stanford, though, there was a wide range of responses to the unfolding abuses in the hard site on 25 October and 7 November 2003. Some soldiers turned away in disgust, some watched with morbid fascination, some participated enthusiastically, and some immediately reported the abuse to their superiors. More broadly, many other soldiers across Iraq and Afghanistan found themselves in similar conditions but did not descend into the barbarity that characterized this small group. The situationist approach is highly problematic on the issue of personal responsibility. If the situation has the power to determine our behavior, then how can we be held responsible for our behavior, if we are powerless to resist? Dr. Zimbardo’s testimony at Ivan Frederick’s sentencing hearing illustrates well the contradictory and confusing nature of the situationist explanation on these points.^{xxiv}

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

That Abu Ghraib became a *cause celebre* owed much to a deep reservoir of political distrust and dislike of the Bush administration, and especially its torture and interrogation policy. Abu Ghraib

became a lightning rod for debate about the war itself, and even invited comparison to an earlier unpopular war through the connection to My Lai. Political zeal to score points against the administration blinded many to the fact that the Abu Ghraib prosecutions were simply not the right test case if the desire was 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^{xxv}, for example, Dr. Zimbardo discussed the origins of his personal politics and attacked the Bush administration in such a way that a disclaimer was felt necessary, footnoting that Dr. Zimbardo's political views are his own. Such a disclaimer is quite rare in scholarly works of this sort in psychology.

Those who wished to use Abu Ghraib as a way of implicating high-level officials were ultimately frustrated. The reason is a simple one. Once the pictures were released, wheels began turning that would inevitably result in some sort of judicial proceeding against someone. The world needed to see a credible judicial response to what had 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 they reviewed the hundreds of photographs, investigated the various incidents they represented, and chose to prosecute those incidents that reflected abusive behavior of 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 might have been much more like the one in the Mahwouz case: airing of a distasteful and embarrassing set of facts, with an unsatisfying conclusion as individuals were acquitted or given very light sentences.

Lesson 5: “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. If it has to be one or the other, then it is “bad apples” hands down. Viewing the cases in this dichotomous light has an unfortunate exculpatory benefit for the Army and the administration.

It is unfortunate because there would seem to be legitimate culpability at three levels. At the micro-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 meso-level, there was leadership failure at many levels at 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 non-criminal, conduct.

At the macro-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 expected victory parades did not occur and an increasingly brutal insurgency did occur 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 both the meso- and micro-levels as to what was acceptable where, and to and by whom^{xxvi}.

SO WHAT IS 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 and blaming people above them. The real 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 was assuredly not a very nice barrel, and there were abuses taking place at interrogations there, but the Abu Ghraib cases prosecuted only allowed us a limited peek through the curtain at them since the cases focused more on the clearly unauthorized behavior of the guards. This narrower focus originated not in a desire to shield higher officials but to ensure that convictions would be secured and a credible public response to what had happened mounted.

Had it seemed possible to win criminal cases against higher-ups, they would have been prosecuted as well.

Will historians years hence endorse the bad barrel, or the bad apple narrative of Abu Ghraib, or perhaps a more complex and realistic one? Only time will tell, of course. Public discourse currently favors the bad barrel narrative. The Iraq war is now seen as a mistake by a majority of Americans^{xxvii}. But we citizens should not fail to accept our collective share of the blame for what happened at Abu Ghraib. We ultimately are responsible for what our government does in our name.

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 *Zero Dark Thirty*. In many ways Abu Ghraib was a missed opportunity: it is hard to imagine that such 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 on a group of sexualized thugs? As counter-terrorism supplants counter-insurgency 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 depends, of course, on what you want it to mean. For some, it is enough to say that the perpetrators themselves were bad people, and maybe that their leaders fell short. For others, it is enough for it to mean that there were bad people in the administration. The incidents that became famous through the court cases that define “Abu Ghraib”, as well as those that did not, offer a rich set of very complex case studies that might well provide powerful

insights into policies, their implementation, and their implications. These insights might go far beyond policies about torture and interrogation, and include policies that determine when and why we fight wars, who fights them, and how they are fought. It is absolutely true that the story of Abu Ghraib is about more than a few bad apples on the night shift at Abu Ghraib. But it is also about more than a few bad apples in Washington, D.C. This is the real meaning of Abu Ghraib.

ⁱ http://www.cbsnews.com/2100-500164_162-615781.html. Retrieved 5 April, 2013.

ⁱⁱ http://www.newyorker.com/archive/2004/05/10/040510fa_fact. Retrieved 5 April, 2013.

ⁱⁱⁱ <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/02/AR2005080201941.html>. Retrieved 5 April, 2013.

^{iv} <http://www.prisonexp.org/>. Retrieved 5 April, 2013.

^v *The Abu Ghraib Investigations*, p xx.

^{vi} For example, in *Psychological Science: Modeling Scientific Literacy*, (Pearson, 2011) it is incorrectly stated that Joseph Darby is still continuously accompanied by armed military guards.

^{vii} Dr. Zimbardo's testimony is detailed in *The Secrets of Abu Ghraib Revealed*, Christopher Graveline and Michael Clemens, (Potomac Books, 2010). In addition Dr. Zimbardo's book *The Lucifer Effect* (Random House, 2007) details his interpretation of Abu Ghraib and its relationship to his prison study in great detail.

^{viii} *The Abu Ghraib Investigations: The official Reports of the Independent Panel and the Pentagon on the Shocking Prisoner Abuse in Iraq*, Steven Strasser and Craig R. Whitney, (PublicAffairs, 2004).

^{ix} These details are taken from both *The Secrets of Abu Ghraib Revealed* and *The Abu Ghraib Investigations*, *Ibid*.

^x *The Abu Ghraib Investigations*, pp. 145-148.

^{xi} *The Secrets of Abu Ghraib Revealed*, p. 164.

^{xii} There has been a great deal of discussion about "softening up" detainees and what exactly is permitted in service of that goal. For example, Dr. Zimbardo, in his testimony at Ivan Frederick's sentencing hearing, said that (referring to the capacity to resist situational influences, "But it's impossible to do so when you are encouraged to soften up the detainees for interrogation". (In Graveline and Clemens, 178-9). Some of the confusion surrounding this topic arose from the rapid policy changes that occurred in the wake of MG Miller's visit to Iraq in August, 2003. Subsequent to this visit, on 14 September 2003, LTG Sanchez issues a directive authorizing interrogation techniques beyond the 17 included in Army Field Manual 34-52 (the then-current version was written in 1992), some of which originated at Guantanamo, and other of which came from the Special Operations Forces policy. Importantly, these additional techniques applied only where the Geneva Conventions did not: at Guantanamo and against the Taliban in Afghanistan. Central Command disapproved this policy, and another policy statement was issued on October 12, 2003, which reset the boundaries to those found in Field Manual 34-52, though an outdated, 1987 version of the Manual was referenced. The 1987 version gives interrogators control over "lighting and heating, as well as food, clothing and shelter given to detainees", authority withheld in the 1992 version. Complete discussion of these policy changes can be found in *The Abu Ghraib Investigations*, from which much of the foregoing is taken.

^{xiii} http://www.npr.org/iraq/2004/prison_abuse_report.pdf, retrieved 8 April 2013.

^{xiv} <http://f1.findlaw.com/news.findlaw.com/hdocs/docs/dod/fay82504rpt.pdf>, Retrieved 8 April 2013.

^{xv} <http://f1.findlaw.com/news.findlaw.com/wp/docs/dod/abughraibrpt.pdf>. Retrieved 8 April, 2013.

^{xvi} Fay Report, p. 71.

^{xvii} http://www.armed-services.senate.gov/Publications/Detainee%20Report%20Final_April%2022%202009.pdf. Retrieved 8 April 2008.

^{xviii} <http://www.guardian.co.uk/world/deadlineusa/2009/apr/22/abu-ghraib-soldiers-pardon-obama>. Retrieved 8 April 2008.

^{xix} <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/02/AR2005080201941.html>. Retrieved 5 April, 2013.

^{xx} Combined Joint Task Force 7, commanded by Lieutenant General Richard Sanchez.

^{xxi} United States Central Command, the immediate higher headquarters for CJTF-7.

^{xxii} This series of events has been reported in many places, but can be found in both *The Secrets of Abu Ghraib Revealed* and *The Abu Ghraib Investigations*.

^{xxiii} *The Lucifer Effect*, Phillip G. Zimbardo, 2007, Random House.

^{xxiv} Mastroianni, G.R. (2011). The Person-Situation Debate: Implications for Military Leadership and Civilian-Military Relations. *Journal of Military Ethics*, 10(1), 2-16.

^{xxv} See *The Social Psychology of Good and Evil*, (Arthur Miller Ed.), The Guilford Press, 2004. Dr. Zimbardo's chapter in this book, entitled, "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 pre-emptive, aggressive war against Iraq in March 2003, that resulted in widespread death, injury, destruction, and enduring chaos." (p. 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, pp. 36-37.

^{xxvi} 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.

^{xxvii} <http://www.people-press.org/2013/03/18/a-decade-later-iraq-war-divides-the-public/1/>. Retrieved 8 April, 2013.