**States of Exception, Torture and the Control of Racial Others**

The torture regime initiated by the United States in Iraq and other contexts in the aftermath of 9/11 was spurred by a spectacular moment of boundary transgression that, in fracturing the external borders of the United States, made manifest a new imperial, biopolitical and exceptional global order. Such an order has witnessed the escalation of new forms of violence, including both what Slavoj Žižek, in *Violence: Six Sideways Reflections* (2008), terms *subjective* violence, which is a disruption of the ‘normal’ state of things (such as drone attacks), and *objective* violence, which includes both structural and symbolic violence (such as, in the case of the former, infrastructural warfare and economic sanctions, and in the latter the wide-scale denigration of Muslim cultures). Central to both such forms of violence has been a stunning disregard for the lives of others, primarily Muslims, vast numbers of whom have been reduced to what, in *Homo Sacer: Sovereign Power and Bare Life* (1998) the philosopher Giorgio Agamben terms bare life, and untold (and uncalculated) numbers killed with impunity. The new global order has also, however, been marked by the scandalous resurgence of an older and more familiar form of violence, namely torture, which instead of being a ‘barbaric’ remnant of the west’s recent past and an aberrant aspect of the present, has revealed itself to be central to the manufacture of sovereignty (and, in light of wide-scale public support for such violence, of consent) in liberal democratic states. My aim, here, is tease out the exceptional nature of Abu Ghraib and the sorts of violence such a legal state of exception made possible – particularly torture – as well as to think about how both the exception and the scandals that exceptional spaces produce operate as means of controlling racial others.

The generation of a state of exception by the United States after 9/11 was, to begin with, spurred by boundary loss, namely by a shattering of the United States’ belief that it has a right to transgress the sovereign borders of other states, but never to be in the position of having its own borders transgressed. The country’s response to such a threat was to declare a national emergency, which included the enactment of a military order regarding the “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism”. The order sanctioned the indefinite detention and extra-judicial trial of individuals engaged in what the U.S. regarded as suspected terrorist activities who were not United States citizens. Suspects detained under the order could be jailed without charge, refused knowledge of the evidence used against them and sentenced by courts that followed no recognised rules. Guantánamo, an imperial relic, was selected as the site of detention for such suspects in light of its ambiguous sovereign status as part neither of Cuba nor the United States.

What the order therefore established was a state of exception, for in eradicating the legal status of individuals such an order served to suspend the juridical order and render them subject to a system of rule outside the law and judicial oversight. It was this suspension of the law that enabled the extension of sovereign power through governmental practices, namely through the aegis of managerial officials, operating extra-legally, who assumed the power to decide who was to be detained (including indefinitely) and tried. The sovereignty thus produced was, therefore, a rogue and lawless one in which the executive, in conjunction with military authorities, became the final arbiter of individuals’ guilt or innocence, as well as their punishment.

The individuals detained under such prerogatory power were therefore rendered what Agamben refers to as bare life, or *homines sacrii*, and hence as capable of being subjected to the full force of sovereign power, including torture. The military order and the location of Guantánamo served, in fact, to annul domestic legal means to protect prisoners from torture, although torture was, notably, carried out in other spaces of exception – most notably, of course, at Abu Ghraib. Moreover, the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the United States in 1994, was circumvented by attempts to distinguish between torture and acts that, while cruel or degrading, fell short of actual torture.

Although the United States’ international torture regime was an open secret, and had already been subject to an internal investigation, it did not become a scandal until the torture at Abu Ghraib was exposed on the programme *60 Minutes II* in April 2004. The response of the U.S. administration was two-fold: to depict such torture as an aberration, since it was anathema to the American values of democracy, freedom and human rights; and to displace blame from the state, which had systematised the use of torture as a technology of sovereign violence, onto rogue individuals. While the United States has a long history of torturing racial others or of exporting torture training to its non-democratic allies, what was particularly striking about the Abu Ghraib scandal was what it revealed about the relationship between torture, pornography and spectacle in American culture. The photographs of naked Iraqi men in chains, on a lead, stacked in a monstrous pile and performing or simulating sex acts were conceptualised and carried out as pornography. In being photographed undergoing various forms of sexual violence, violation and humiliation the torture victims in the photographs were not only, therefore, being forced into the role of pornographic actors, they were also being inducted into American culture. Since pornography, like torture, is a form of dehumanisation, the staging of torture as pornography served not only to humiliate and emasculate Iraqi men, but to *transform* them into the (white) American image of non-white men, namely as hyper-sexual, unmasculine, and inhuman – and, in the process, to justify the violence and dehumanisation to which they were subject.

Rather than being an aberration, the photographs thus instead laid bare the reality not only that “American values” such as democracy, freedom and human rights did not apply to those perceived as inhuman others, but that the enactment of sexual violence on “deviant” bodies, and its transformation into spectacle, were central to the construction of such values. The focus on a handful of purportedly rogue individuals as the agents of torture at Abu Ghraib ultimately served, moreover, to obscure the structural and systemic nature of such violence in the perpetuation of the so-called “war on terror”, and the ways in which, since one of the primary aims of torture is to terrorise, torture operated as part of what was in reality a war *of* terror against colonised populations.

The Abu Ghraib scandal did nothing, therefore, to effect justice, or to transform the system of structural violence that produced it – but such scandals never do. In fact, as the Indian historian Nicholas Dirks argues in *The Scandal of Empire* (2006), public scandals instead operate as ritual moments that serve to erase the scandal itself, not its systemic causes. When it comes to empire, scandalous revelations about the transgression of social and political boundaries serve, therefore, to re-legitimise existing norms and to make empire appear to be a natural expansion of the sovereignty of the conquering power. In addition, in affirming the colonisers’ view of the colonised such scandals provide further justification for empire rather than undermining it.

As the most recent in a long line of imperial torture scandals, the Abu Ghraib scandal thus reveals how torture operates in imperial and colonial contexts. It makes evident, firstly, the unstable nature of imperial and colonial sovereignty, and of how, in an effort to restore and extend such sovereignty, the exception not only emerges but becomes the norm. It also exposes the biopolitical nature of imperial and colonial states in regard to racial others, and the ways in which the colonised are transformed into *homines sacrii*. The scandal demonstrates, furthermore, that the goal of torture in imperial and colonial contexts is not (or not solely) the infliction of pain, but to dehumanise, humiliate and resocialise the victims, as well as that sexual violence and spectacle are central to such processes. It illustrates, in addition, that, although torture is an open secret in imperial and colonial contexts, it erupts into public discourse only when it becomes a scandalous spectacle. Moreover, it uncovers how, while a few “rogue” individuals may be punished, the system that produced it emerges unscathed, and often strengthened. Finally, it demonstrates that, rather than being a deviant aspect of the west’s past, torture is an aspect of colonial modernity, and plays a vital role in ‘civilising’, and hence controlling, the colonised.