

# FORFEITING MORALITY: SYSTEMIC EVIL UNDERLYING THE ABU GHRAIB SCANDAL

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**A**bu Ghraib, an Iraqi prison outside of Baghdad, came under possession of the United States military in April of 2003. By the following autumn, Abu Ghraib held thousands of detainees, ranging from innocent Iraqi civilians to dangerous leaders of insurgency. Led by General Janis Karpinski, thirty-four hundred inexperienced army reservists were tasked to supervise Abu Ghraib inmates possessing entirely different language and cultural values (Hersh 21-22). In the first months of the prison's US operation, conditions for detainees were nothing short of horrific. Besides an abundance of problems related to hygiene, overpopulation, and miscommunication, detainees were subjected to appalling and sickening criminal abuses by soldiers, including, but not limited to, torture, humiliation, rape, and sodomy.

The written descriptions of detainee treatment are obscene, upsetting, and difficult to accept. Yet, the photos taken by soldiers are the most indisputable evidence for the merciless and savage nature of their actions. Perhaps more haunting than the abuses themselves is the fact that the American soldiers appear so proud and unaffected by their actions; in his review article, "Bad Apples, Dead Souls: Understanding Abu Ghraib," author Alex Danchev characterizes the photographs as "almost triumphal" (1272). Many of the released images depict American soldiers grinning as they raise their thumbs up, jokingly posing for the camera next to piles of naked prisoners with empty sandbags on their heads. Some photos show naked detainees piled on top of each other, others show them forcefully arranged in sexually obscene positions, covered in excrement, attacked by military dogs, or beaten by soldiers. One of the most famous photos from the scandal appears on the cover of the May 2004 edition of *The Economist*: a prisoner with the nickname "Gilligan" stands upon a wooden box covered in black cloth, dead electrical wire attached to both hands. He was told by U.S. prison guards that he would be electrocuted if he fell off (Gourevitch and Morris).

After a military specialist came across a number of the soldiers' photos in January of 2004, the first investigation of soldier misconduct at Abu Ghraib went underway. Just three months later, Major General Antonio Taguba gave a detailed report of the investigation to military superiors, and later to the media. On April 28, 2004, days before the Taguba Report was made accessible to the public, graphic photos from the scandal were broadcasted on an episode of *60 Minutes II* ("Iraq"). Accompanying these photos were statements from soldiers and various military officials, including one from Mark Kimmitt, Brigadier General under the Bush Administration. In response to interviewer Dan Rather, Kimmitt comments:

The first thing I'd say is we're appalled as well. These are our fellow soldiers. These are the people we work with every day, and they represent us. They wear the same uniform as us, and they let their fellow soldiers down . . . So what would I tell the people of Iraq? This is wrong. This is reprehensible. But this is not representative of the 150,000 soldiers that are over here . . . I'd say the same thing to the American people . . . don't judge your army based on the actions of a few. (Qtd. in Leung)

The rhetoric Kimmitt employs is not only ambiguous, but blatantly contradictory. On one hand, Kimmitt acknowledges that the men and women behind the scandal are “fellow soldiers.” They were raised in American towns and cities, taught in American schools, and sent to war by American government. The environments they grew up in shaped their identities, and the U.S. is partially responsible for how they acted as a result. Immediately following this claim, however, Kimmitt revises his position, and decides that the Abu Ghraib soldiers are actually “not representative of the 150,000 soldiers that are over here.” Because their crimes were so atrocious in nature, arguing that they stand for the U.S. and its moral values would taint America's reputation in the global community. As a result, Kimmitt attempts to belittle the influence the American environment had on the Abu Ghraib soldiers, arguing that the soldiers were merely disobedient and acted out of their own evil intentions—and thus deserve the majority of the blame.

Kimmit's statement is problematic because he tries to adopt two explanations that cannot logically coexist. Classifying the soldiers as U.S. citizens inevitably makes the military and government an accessory to the scandal, as they are responsible for having placed the soldiers in positions of authority. For Kimmit to then argue that the soldiers in Abu Ghraib do not represent the U.S. and its institutions is thus factually incorrect. Kimmit tries to have it both ways: he tries to preserve America's reputation without completely deflecting responsibility on the soldiers alone, but instead leaves his audience without an intelligible conclusion. At the same time, the confused nature of his statement allows for a crucial fundamental question about the displacement of responsibility to surface: is the Abu Ghraib scandal the sole responsibility of a few corrupt soldiers, or does blame extend to the people who educated them, gave them orders, and indirectly encouraged them?

Following the terrorist attacks on September 11, 2001, the United States government was in a state of panic, frenzy, and paranoia. Seymour M. Hersh, author of *Chain of Command: The Road from 9/11 to Abu Ghraib*, describes the intelligence community in the weeks following 9/11 as “confused, divided, and unsure about how the terrorists operated, how many there were, and what they might do next” (73). Hersh notes that as a result of this uncertainty, plus fear and lack of preparedness, the government developed a reliance on “eye-for-an-eye retribution” (46), a desire to inflict the same pain, trauma, and loss their country endured upon the foreign nations that bred the cold-blooded terrorists. America was fixated on crushing terrorism, on

gaining crucial information by any and all means necessary. Hersh believes that the scandal has its “roots” in such an aggressive, emotional anti-terrorism policy, not in the “criminal inclinations of a few army reservists” (46). The soldiers’ actions were prompted and encouraged by the bitter, violent, and vengeful mentality of the U.S. government and military, regardless of what might have been the soldiers’ personal sentiments and inclinations.

There is clear, substantive evidence for Hersh’s conclusions. Lawyers Karen J. Greenberg and Joshua L. Dratel compiled nearly fifty official documents and reports that gave U.S. government and military officials permission to use coercive and intimidating interrogation tactics on terrorists. Their book *The Torture Papers: The Road to Abu Ghraib* includes what has become known to the public as the “Torture Memos,” a series of controversial legal memoranda that encourages the violation of international law by essentially authorizing the use of torture under certain circumstances. In his introduction to *The Torture Papers*, journalist Anthony Lewis describes the memos as “an extraordinary paper trail to mortal and political disaster” (Greenberg and Dratel xiii), believing they played crucial roles in allowing scandals in Afghanistan, Guantánamo Bay, and Abu Ghraib to take place. Deputy Assistant Attorney General John Yoo, lawyer in the Justice Department’s Office of Legal Counsel Robert J. Delahunty, and Assistant Attorney General Jay S. Bybee, who are key figures in the torture memos, justify the cruel treatment of war criminals through loose interpretation of international law and appeals to the urgency of the situation (Greenberg and Dratel xiii-xvi).

A common feature of the “Torture Memos” is the assertion that Abu Ghraib prisoners were not entitled to the protections that had been set forth in international law. The principles of international law that are specifically concerned with the nature of the Abu Ghraib abuses are found in the 1980s human rights treaty, “The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or “UNCAT.” Established with the purpose of protecting humans around the world from violent and systemic mistreatment, this treaty not only provides a detailed definition of what constitutes torturous action, but also requires that each signatory country make government actions that fall under that definition illegal. The treaty reads, “Each State Party shall ensure that all acts of torture are offenses under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture” (“Convention”). By signing and ratifying the treaty, then, the United States explicitly agreed to these conditions.

However, for the authors of the torture memos, the treacherous nature of the post-9/11 world seemed to justify the use of harsher interrogation tactics (which would perhaps fall under the UNCAT’s definition of torture) on foreign enemies. In a memo sent to William J. Haynes II (General Counsel, Department of Defense), John Yoo writes, “Al Qaeda is merely a violent political movement or organization and not a



nation-state. As a result, it is ineligible to be a signatory to any treaty” (Greenberg and Dratel 38). By understanding that the UNCAT applies only to established countries and nation-states, Yoo relies on a flimsy and literal reading of the treaty in order to justify excluding Al Qaeda (and the countries associated with it) from the document’s protections. His true intentions, to make coercive interrogation and torture seem legally permissible against foreign terrorists, are more clearly revealed in a letter written to Counsel to the President Alberto R. Gonzales. Yoo writes, “If anything, the interrogations are taking place to elicit information that could prevent attacks on civilian populations” (Greenberg and Dratel 221), justifying prisoner coercion and harassment by citing the potential benefits of such extreme actions.

Authors of the torture memos also assume literal and relaxed interpretations of the definitions of torture set forth in the UNCAT and in the U.S. Code, allowing for a more extreme range of offenses to theoretically take place before violating international law. In a memorandum for Alberto R. Gonzales in August 2002, Jay Bybee writes, “We further conclude that certain acts may be cruel, inhuman, or degrading, but still not produce pain and suffering of the requisite intensity to fall within Section 2340A’s proscription against torture” (Greenberg and Dratel 172). Referencing the section of the U.S. Code which defines torture as acts “specifically intended to inflict severe physical or mental pain or suffering” (Greenberg and Dratel 574-575), he reconciles that the use of more severe interrogation techniques, no matter how evil and dehumanizing those techniques may be, can still be construed as legally permissible. Indeed, Bybee certainly takes advantage of the interpretive room that is built into the rhetoric of the U.S. Code. Bybee reasons that for a psychological offense to truly cause “mental pain” its effects must be “long-term” (Greenberg and Dratel 183), affecting the victim’s normal and everyday functioning. The abuses at Abu Ghraib could have certainly fallen beneath Bybee’s threshold for qualifying torturous action, and thus could have been considered acceptable tactics for interrogating and gaining information from prisoners.

Philip Zimbardo, a psychology professor at Stanford University, would certainly agree with Lewis and Hersh in placing considerable responsibility on the U.S. government (and perhaps the torture memos specifically) for inspiring the scandal at Abu Ghraib. The memos created an environment where torture became not only a means to achieve a certain goal (i.e., gaining valuable information from terrorists) but also something lawful, encouraged, and normalized within the ranks of the military. As the details of the Abu Ghraib scandal became accessible by the public, Zimbardo began to see distinct parallels to an experiment he conducted just decades prior. In the 1971 Stanford Prison Experiment, Zimbardo assembled a group of twenty-four participants, of whom Greg Miller, author of a *Science Magazine* feature on Zimbardo, describes as “healthy young men with no history of psychological problems, drug abuse, or run-ins with the law” (Miller 530). He randomly assigned the participants into two equivalent groups, one to fulfill the role of “prisoners,” and the other to fulfill

the role of “guards.” Over the course of the two-week prison simulation, Zimbardo was to carefully observe the behaviors and actions of both groups in the prison environment. Each subsequent day, however, the experiment got more out of hand as guards began verbally and physically abusing prisoners; Miller explains that guards “forced prisoners to do pushups, limited their access to the toilet, and used psychological tactics to break down solidarity” (Miller 530). When a number of prisoners began to exhibit genuine psychological breakdowns on the sixth day, Zimbardo put a stop to his experiment.

The conclusions Zimbardo derived from his experiment speak to the power of environment and group dynamic, to the manner in which situational or environmental factors can drive individual action in unexpected and perhaps uncharacteristic ways. Reflecting upon the Stanford Prison Experiments twenty-five years later, Zimbardo and psychologist Craig Haney discuss the dramatic, rapid personality changes that came over the participants after merely being assigned to the roles “prisoners” and “guards.” They write:

The environment we had fashioned in the basement hallway of Stanford University’s Department of Psychology became so real for the participants that it completely dominated their day-to-day existence (e.g., 90% of prisoners’ in-cell conversations focused on “prison”-related topics), dramatically affected their moods and emotional states (e.g., prisoners expressed three times as much negative affect as did guards), and at least temporarily undermined their sense of self (e.g., both groups expressed increasingly more deprecating self-evaluations over time). (Haney and Zimbardo 710)

The basement in which Zimbardo held the experiment was a neutral environment; nothing within the participants’ direct vicinity was remarkably stimulating, nothing with potential to provoke dramatic changes in personality or behavior on their own. Haney and Zimbardo are thus able to account for the outcome of the prison experiment by concluding the prison setting is a “psychologically powerful” place in itself (718). Merely telling participants to imagine themselves in a prison scenario was enough to begin significant transformations to their personalities, leading some seemingly normal men to act with maliciousness and cruelty, and others to go down the path of severe self-deprecation and depression.

James Dawes, in his book *Evil Men*, describes a different experiment Zimbardo conducted on the “anonymity of group action” with a group of female college students, and the psychological inferences drawn from this experiment provide valuable insight into the outcome of the Stanford experiment (52). Dawes references the phenomenon of “deindividuation” that results from association with a group, which he describes as “a state in which a person loses sense of herself as a separate individual, in which self-focused attention or self-consciousness is reduced” (52). The

prison guards in the Stanford experiment, just like the college students in the other Zimbardo experiment Dawes describes, became so absorbed in their roles, so transfixed by the need to follow the commands of their superiors, that they sacrificed their sense of identity and acted almost robotically out of their “collectivized identity” (53). On a deeper level, the guards (like the college students) also experienced what Dawes defines as “intra-individuation,” a phenomenon “in which the moral self is psychically subdivided” (53). Their relationships with themselves became entirely overwhelmed by their specialized role; they came to rationalize and justify their evil actions by understanding them as necessary steps to carrying out their responsibilities.

The Abu Ghraib scandal differentiates itself from Zimbardo’s experiment in that soldiers were subject to a more complex network of environmental and social influences within the prison environment. The transformation that occurred within soldiers was so dramatic and intense because of the acute stress brought about by the disproportionate ratio between prisoners and guards and the overpopulation of prisoners. In addition, Miller notes that the language barrier between soldiers and prisoners “made prisoners seem anonymous” to guards (531). To the soldiers, the prisoners were envisioned to be worthless objects, not human beings with free will and emotion. As a result, they were easy targets for injury, subjects onto whom the soldiers could project their darkest, most vulgar, and most suppressed thoughts.

At the same time, many of the conclusions derived from the Zimbardo experiment are observable within the Abu Ghraib scandal. Hersh notes that influence of power and group dynamics within the community of Abu Ghraib soldiers was particularly influential. There was certainly a strong motivation not to question the orders of one’s military superiors, but merely follow in blind obedience. As a result, many soldiers who may have had moral objections to the criminal abuses of prisoners were silenced, coerced into thinking they were almost doing the morally right or necessary thing. Hersh relates staff sergeant Ivan L. Frederick II’s perspective in *Chain of Command*, writing, “at one point, Frederick told his family, he pulled aside his superior officer, Lieutenant Colonel Jerry Phillabaum, the commander of the 320th M.P. Battalion, and asked about the mistreatment of prisoners. ‘His reply was ‘Don’t worry about it’” (27). The difficulty of controlling prisoners for the first time combined with his inability or fear to speak up for his morals likely elevated Frederick’s stress to new levels; it made him more susceptible to both peer pressure and pressure to obey, and it drove him to act with excess cruelty and brutality. This example speaks to the “deindividuation” theory Dawes describes of the Zimbardo experiment. Frederick certainly had the individual willpower to act upon his own ideas of morality and put a stop to the cruelty against prisoners, but he was so tangled within the web of authority that he sacrificed his personal identity and acted entirely through his collectivized identity instead.

The patterns of evil represented in the photos and written reports of the criminal abuses appear incredibly specific and directed, with the goal to target and humiliate the prisoners as much as possible. Hersh notes that so many of the criminal abuses



Major Antonio M. Taguba described in his report are sexually charged; nearly every example involves some degree of nudity, primarily male. Naked men are stacked in a pyramid-formation on top of each other, forced to masturbate in front of each other, and forced into sexual positions, to name a few. Besides the obscenity of these humiliating punishments, there were a number of deeper implications behind these targeted abuses. He writes, “Homosexual acts are against Islamic law and it is humiliating for men to be naked in front of other men,” Bernard Haykel, a professor of Middle Eastern studies at New York University, explained. ‘Being put on top of each other and forced to masturbate, being naked in front of each other—it’s all a form of torture’” (Hersh 23-24).

The excessive, targeted cruelty of the soldiers reflects the phenomenon of “intra-individuation” that Dawes describes of Zimbardo’s conclusions. It is not characteristic of ordinary, moral people to inflict such horrific and traumatic injury on those who never did anything to harm them directly. For the soldiers to be able to commit those excessive acts of cruelty upon the Iraqi detainees, they must have completely dissociated themselves from their identities; it is one of the only logical ways they could have believed what they were doing was under any circumstances permissible. Everything that once made them unique human beings of free will was poured into their specialized prison guard role. In the same *60 Minutes II* episode that Kimmitt appears, Attorney Gary Myers speaks to the truth of this phenomenon in defending the case of Ivan L. Frederick II. He says, “The elixir of power, the elixir of believing that you’re helping the CIA, for God’s sake, when you’re from a small town in Virginia, that’s intoxicating” (Leung). No matter how evil or atrocious Frederick’s actions may have appeared to others, Frederick himself rationalized them as essential steps to both fulfilling his duties and contributing to a greater purpose. Becoming a prison guard meant that Frederick could break free from his ordinary lifestyle and make an impact on the future of America’s security; for Frederick, these prospects were “intoxicating.”

The images taken by soldiers have remained shameful reminders and symbols of the horrific events of Abu Ghraib scandal. The issue with these photographs, however, is that they do everything short of pointing fingers, of placing responsibility and blame entirely on the soldiers that appear in the frames, rather than provide a complete picture of all parties accountable. In his review article, Danchev comments on the problems associated with ascribing too much value to the soldiers’ photographs. He writes, “[The photos] expose wrong-doing—crimes—by incriminating those who took them and those who solicited them or appeared in them. In other words, they serve to localize and to limit. They cover up the wider issues: command responsibility, political chicanery” (Danchev 1276-1277). While the soldiers were the ones directly responsible for abusing detainees and violating international law, the role of the U.S. government and military cannot be ignored. They created an environment that authorized torture and coercive interrogation tactics for the purposes of gaining information and defeating terrorism; they placed inexperienced soldiers in an

unfamiliar, stressful, and chaotic environment, and expected them to remain honest and upstanding citizens. The tortures of Abu Ghraib should not be viewed as an isolated instance of human evil, but rather serve as an example for what trauma and circumstance can do to a person.

A greater awareness of the systemic evil behind the Abu Ghraib scandal demands substantial revision of Kimmitt's statement. Indeed, the army reservists who ran the Abu Ghraib prison represent America; their actions reflect upon the U.S. military and all the soldiers who were stationed in Iraq during the war. It is impossible to quantify the impact the different psychological and environmental factors played in the torture scandal; we can never truly know how much the evil came from within the soldiers and how much was a result of the situations they were placed in. What we know for certain is that placing responsibility and blame on just one factor is unreasonable and incorrect. There is no evidence to suggest the soldiers' had a strong internal predisposition for evil in the same way there is no evidence to indicate environmental factors entirely drove their behavior.

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