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Torture and State Power

A Touch of Despotism

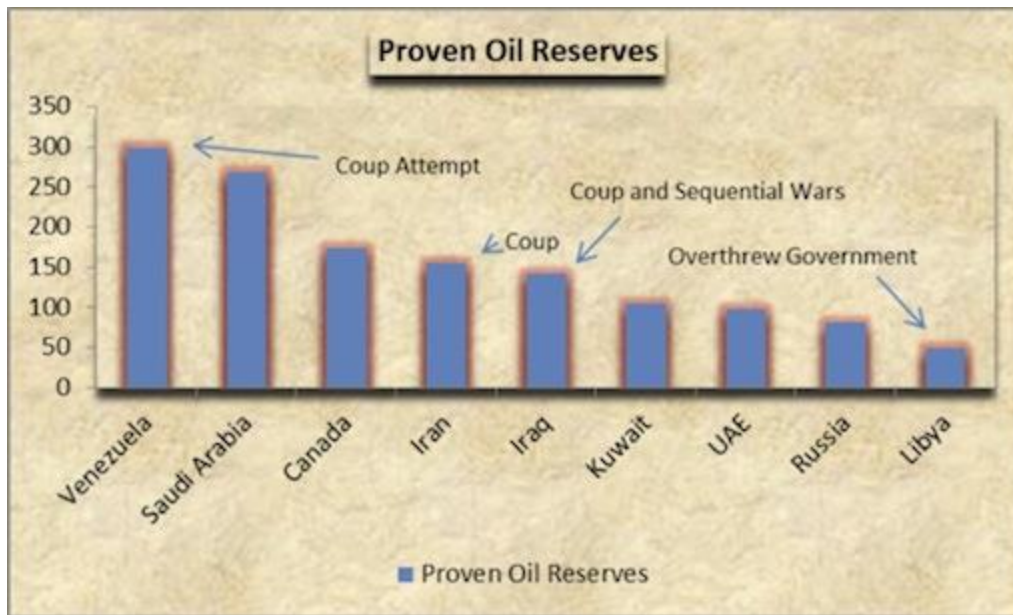
by ROB URIE

December 19-21, 2014

“[F]or an act to constitute torture as defined in [the federal torture statute], it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under [the federal torture statute], it must result in significant psychological harm of significant duration, e.g., lasting for months or even years.”

From the (Jay) ‘Bybee’ memo written by the Department of Justice’s Office of Legal Counsel (OLC) in 2002

In his book ‘Discipline and Punish’ Michel Foucault placed the relation of physical torture to subsequent non-violent strategies of social coercion, ‘scientific’ social control like Jeremy Bentham’s ‘reformist’ prison and highly structured schooling. In Foucault’s telling sovereign / state torture developed as a mode of social suasion, as the relation of particular acts to state / sovereign prerogative. As expression of political power social coercion, including torture, defines the relation of sovereign to subjects, state to citizens, torturer to the tortured and controller to the controlled. ‘Official’ torture is one aspect of the physical expression of the state’s relation to those in its realm of control. This view relates police repression and mass incarceration in the U.S. to treatment of those tortured and murdered at U.S. direction overseas.



Graph (1) above: U.S. 'geopolitical' interests in the Middle East tie remarkably closely to the economic interest in controlling oil supplies. The U.S. has been militarily and politically involved with every major country in the Middle East for the last seventy years. The Cold War provided cover for military interventions by posing military aggression in the service of economic interests as defensive, to defend U.S. 'state' interests. The U.S. neo-cons behind the most recent war on Iraq may have genuinely confused political with economic interests. But they received guidance from clear eyed business interests that kept their trajectory toward death, destruction and torture on track. Units are billions of barrels. Source: IEA.

By invoking the attacks of September 11, 2001 to justify the tiny fraction of torture at U.S. hands 'disclosed' in the Senate torture report the American leadership continues to frame the relation of state power to its expression as one of mutual interest, as protector to the protected. As a self-identified defender of democracy George W. Bush demonstrated his contempt for democratic rule by lying his way into a war that he had determined to launch within days of taking office. The use value of 9/11 for his administration was in creating a nebulous 'enemy' that was used opportunistically to promote elite interests. And for context, 3,000 people died tragically on 9/11 and between 210,000 and 440,000 die every year from preventable medical errors. The 'protective' response to these wildly asymmetrical outcomes would be to defund the NSA and CIA and redirect the funds to healthcare.

Torture as a mode of operational expediency, the 'ticking time bomb' scenario of American fantasy, isn't judicial, the state's claimed right to punish proscribed acts, because no crime has been committed until the hypothesized bomb has gone off. This logic of torture as 'prevention' is simple restatement of the Cold War frame of U.S. military aggression as defense against this or that manufactured threat. And in fact, as with the NSA's empty claims that its domestic surveillance programs prevented attacks, when invited to defend torture as 'prevention' no credible threats were found, even within the thin purview of the Senate torture report. And the genesis and persistence of conspiracy theories around 9/11 are in part attributable to the

overwhelming volume of actionable warnings that preceded the attacks that the Bush administration failed to act on.

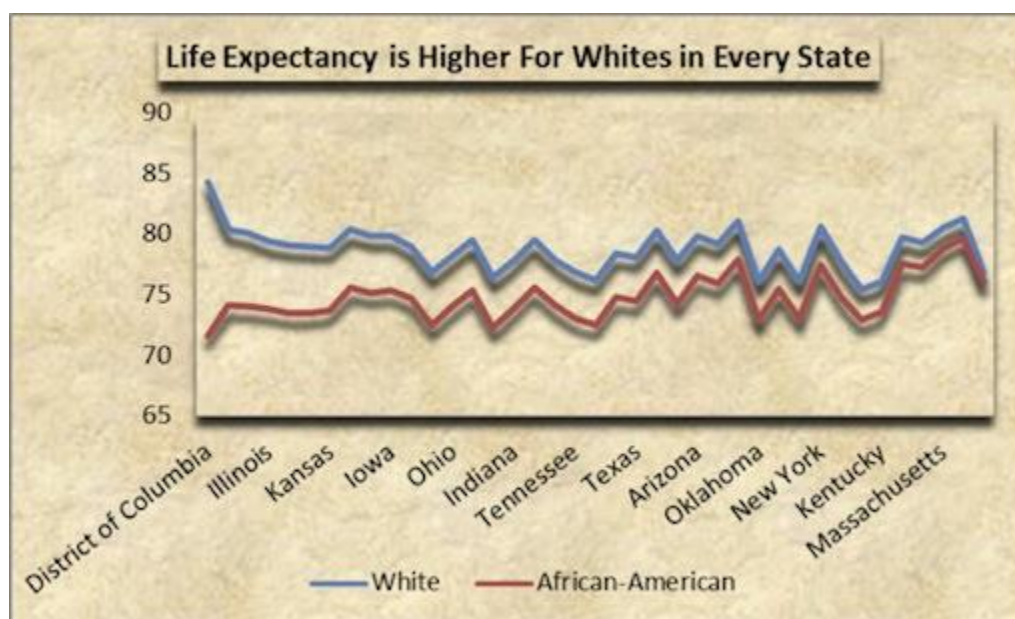


Image (1) above: left largely unaddressed in the Senate torture report is the systematic torture that took place in a series of 'secret' prisons in Iraq and around the globe at U.S. direction. Some portion of those tortured at Abu Ghraib prison (above) by U.S. military and CIA torturers found themselves on the wrong side of a civil war that was substantially engineered by the (George W) Bush administration through a combination of ignorance, hubris and absolute indifference to the lives of Iraqis caught up in it. Within days of the arrival in Iraq of former U.S. Ambassador to Honduras John Negroponte and U.S. death squad administrator in Central America James Steele the bodies of large numbers of bound and tortured Iraqis began appearing on the streets of Baghdad. To those who followed the U.S. directed slaughter in Nicaragua and Honduras in the 1980s, the similarities were evident. Source: antiwar.com.

The premise of torture as operational expediency is at its core economic, 'efficient' political production as the 'scientific' management of inputs for maximum output. (The 'systematic' nature of torture in U.S. prisons at home and abroad finds rough analog in capitalist production). That torture doesn't 'work' depends wholly on who is doing the calculation. If the goal is to gather accurate information the more likely result is expedient information, whatever it takes to stop the torture. If the U.S. goal is state terrorism to affect a political outcome, the combination of systematic, widespread torture and executions produced (temporary) political outcomes in Iraq, Central and South America and other parts of the Middle East. And it left behind its residual of radical social dysfunction.

This social dysfunction is embedded in the base premise of operational expediency, in social 'economics' for political 'profit.' Within the U.S. this can be seen in strategies of systematic police repression (stop and frisk), mass incarceration and economic exploitation through concentrated mass unemployment, privatization of public wealth, economic privatization of public services and predatory lending. All pretense of legal accountability for the rich and powerful has been set aside through failures to prosecute for crimes committed and a judicial system that doles out 'justice' according to how much one can afford. 'Broken windows' policing to repress low level 'crime' places the poor and people of color by degree on the same side of state power as those tortured and executed in Iraq, Afghanistan, Nicaragua and Vietnam.

In the context of modern state power social control as an aggregation of coercions by degree places the controllers and the controlled in relation through coerced conformity as 'efficient' social output and input. State / sovereign power is expressed through rules and forced adherence to them. The problem with economic expediency is that there are no organizing rules, only local expediciencies. Functional state power depends largely on voluntary compliance, whether coerced through threat of violence or through promises that an 'invisible hand' will reward those who act within given parameters. Dysfunctional state power eliminates the possibility of voluntary compliance because its rules are arbitrary— they derive from local expediciencies and therefore can't be formalized except inasmuch as the ends justify the means. Put differently, systematic police repression is state terrorism— forcing fealty to the law is not the goal; complete social submission is.



Graph (2) above: was the state's role that of neutral protector as the 'defensive' nature of U.S. military incursions has claimed one might expect to see equal degrees of 'protection' within the realm of those being protected. In terms of incomes, wealth, life expectancy, incarceration rates, etc. ad infinitum differences by race and class (and gender) illustrate an internal divide. 'Protection' in this case is protection of a given social order, not protection from an external enemy. The U.S. war on Iraq was a class war launched for the benefit of arms suppliers, oil and gas companies and military contractors. The idea that 'we all benefit' finds the police in the U.S.

as an occupying army in a class war much as the military was in Iraq. Source: Kaiser Family Foundation.

The relation between torture and despotism is more than coincidence. Torture in despotic regimes like Iran under the U.S. imposed Shah was to force compliance with the will of the despot, not to enforce the rule of law. In Nazi Germany, and to a lesser extent in fascist Italy, torture was, from the perspective of rules that expressed sovereign / state power, reduced to local functionaries acting capriciously in systematic fashion to the will of their respective despots. Torture at U.S. 'black sites' in Iraq and around the globe was simultaneously systematic and arbitrary with Bush administration political goals translated into capricious murder and torture out of the sight of those whose interests were being claimed. But this claim of singular interests has been, and is being, used to sell ruling class interests to people on the wrong side of them. The rebellion in Ferguson, Missouri and widespread protests around the country against the unjust murders of Black youth suggest that this relation is entering the broader public consciousness.