Faith-Based Torture

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Forms of torture inflicted on Muslim prisoners at various detention camps under United States government control—Abu Ghraib and Camp Bucca in Iraq, Guantanamo in Cuba, Bagram in Afghanistan, and secret Central Intelligence Agency (CIA) prisons around the world—have been both conventional and custom-designed. Conventional forms of torture, such as suffocation by water (“waterboarding”), prolonged coerced adoption of stress positions, denial of food, and exposure to extremes of heat and cold, are physical abuse, meant to torment individual detainees. Custom-designed forms of torture, such as enforced nudity, compelled participation in real or simulated sexual acts, the shaving-off of beards, and desecration of the Qur’an, are faith-based and anti-Islamic torture, perpetrated to assault faith sensitivities. Conventional forms of torture have been so brutal that many detainees have been permanently disabled or killed. Faith-based forms have been so degrading that hundreds of detainees have attempted to commit suicide, and some, despite round-the-clock surveillance, have succeeded in ending their lives.

Faith-based torture was not the spontaneous improvisation of US field operatives, although low-ranking prison guards have been arraigned for some of the prisoner abuse. As discussed below, there is some publicly available evidence to show that the White House, the CIA, the US Department of Justice, and other federal agencies pooled resources to devise anti-Islamic forms of torture. However, the torture mission failed. The torture policymakers who designed faith-based torture did not foresee the ripple effect of their policies, the backlash that these would cause, and the inflammation of Muslim opinion worldwide; they did not conceive of the boost that would be given to anti-American propaganda, nor of the damage that would be done to US geopolitical interests.

This essay focuses on faith-based torture perpetrated against Muslim detainees, torture that was crudely designed and had little to do with the search for useful security information. Since the dismantling of the Jim Crow laws in the 1950s, Americans have had positive feelings about themselves and about their country, believing themselves to be morally righteous people and that the US Constitution protects rights and liberties. However, anti-Islamic torture—which has profoundly offended Muslim communities around the world—reaffirms the dark side of US government policies. These periodically have singled out populations, domestic and foreign, and subjected them to cruelty. This dark side is evidenced by the dispossession and degradation of Native Americans, the enslavement of Africans, the internment of Japanese Americans during the Second World War, and the mass slaughters of the Vietnamese during the Vietnam War. More specifically, anti-Islamic torture has undermined what were the sincere and substantial efforts of many American institutions to promote religious freedom at home and abroad. Today, indignant American citizens and organisations are seeking to prosecute the lawyers and politicians who designed and endorsed torture as a policy in the “war on terror”, partly because that policy has soiled the honour of the United States as a beacon of liberty.

http://www.worlddialogue.org/print.php?id=463
A Wider Torture Net

The sentiments justifying anti-Islamic torture—revenge and hatred—arose from the 11 September 2001 terrorist attacks on the World Trade Center and the Pentagon. These attacks, though specifically attributed to al-Qaeda, were more broadly associated with the Taliban in Afghanistan and Muslim militants fighting in the Middle East and elsewhere. The US intelligence agencies were permitted to cast a wide net to arrest Muslim militants from all parts of the world and transfer them to various torture camps. Deputy Secretary of Defence Paul Wolfowitz issued an order defining the term “enemy combatant” loosely, so that any individual belonging to a militant organisation fighting against the United States or its coalition partners could be held captive indefinitely without trial in US detention camps. Most Muslim detainees were not al-Qaeda members.

The prison at Guantanamo Bay in Cuba alone held hundreds of Muslim men of diverse nationalities, including Palestinians, Pakistanis, Afghans, Saudis, Somalis, Chechens, Malaysians, Indonesians, Uighurs, and many others. Nobody knows the number or nationality of persons held at CIA secret prisons. Even Muslims of American, European, Asian, Australian, and Hispanic origin have been included in the mix to send a message that no Muslim militant of any nationality is exempt from torture. This wider net snared even Muslim children aged sixteen and younger. In protesting against this indiscriminate policy of detention, Alistair Hodge, an Amnesty International spokesperson, remarked: “That the US sees nothing wrong with holding children at Guantanamo and interrogating them is a shocking indicator of how cavalier the Bush administration has become about respecting human rights.”

Like the internment of Japanese Americans in 1942, this broad detention net was cast not in order to catch the guilty but to uphold a dubious conception of national security. Muslims from all over the world were detained for fighting for diverse international causes and independence movements. Dozens of detainees were innocent and had no connection with any militant organisation. Even US intelligence reports described some of them as farmers, taxi drivers, cobbler, and labourers. Their crime was being Muslim and being in the wrong place at the wrong time.

Because the motive behind the detentions and torture was to alert the Muslim world that the United States would spare no Muslim suspect even if the evidence were less than probative, the presumption of innocence (under which no person is guilty without proof) was jettisoned. Shortly after the 11 September attacks, Vice-President Dick Cheney said the US intelligence community would have to “work … sort of the dark side, if you will”. This meant that the United States would use all means available, including torture, in pursuing its goals, bypassing the rule of law if necessary. After intense international pressure by human rights organisations, many tortured but innocent detainees were released from various camps after being held for several years without trial. Such releases further demonstrated that the policies of detaining and torturing Muslim men were deliberate, expansive, and arbitrary, with little basis in fact or law.

Even though American high officials denied allegations of torture, they openly admitted and defended the use of aggressive interrogation techniques that amounted to torture. In order to obtain information, US interrogators adopted techniques that inflicted physical and mental pain on detainees. Aggressive techniques were used not only to extract information, but to satisfy the sadistic sentiments of revenge and hatred. For instance, Sami al-Laithi, a professor of English and Arabic at Kabul University, an intellectual, a man of words, was detained and considered a terror suspect. He was healthy when he was taken into US custody in late 2001 but ended up in a wheelchair as a result of torture when he was released from Guantanamo in May 2005. His pain was so severe and
relentless that he wished that he were dead. His story, like that of many others, is one of unjust degradation, of gratuitous brutality and moral blindness. There is also the story of Abu Zubaydah, a Palestinian. According to reports, he was the most tortured detainee at Guantanamo. He was subjected to every approved method of torture, including waterboarding, confinement in a box, forced shaving, prolonged nudity, food deprivation, and exposure to extreme temperatures. For years to come, these stories will touch many people, both Muslims and non-Muslims. Infliction of pain, however, was not the sole motive in US detention camps. Some faith-based forms of torture, as discussed below, were also designed to insult and abuse Islam and the detainees’ faith sensitivities.

Abusing Islam

At various US detention camps, including Guantanamo, faith-based torture was used to offend the deepest values of Islam. Faith-based torture was crudely concocted to coerce detainees to give up their religious practices and thus presumably to lose their Islamic identity. The assumption underlying these torture policies was that the detainees, bereft of religious identity, would more easily succumb to interrogation pressure. For example, interrogators exploited the Muslim obligation to pray five times daily to coerce detainees for information. Detainees were denied prayer times and were permitted to pray only if they co-operated with the interrogators. In addition, interrogators often interrupted or halted the daily prayers. Some detainees were flatly prohibited from saying prayers, some were denied knowledge of the direction of Mecca, and some were given inaccurate prayer schedules. These crude anti-Islamic tactics were largely ineffective: Muslims, when under coercion, are permitted to say their daily prayers at any time, facing in any direction. And if physically restrained from praying, they can say their prayers in their hearts.

American interrogators also exploited the central importance of the Qur’an for Muslims, most of whom recite the holy book on a daily basis. For months, some detainees were denied access to the Qur’an. Periodically, the Qur’an would first be removed from a detention cell, but later returned if the detainee co-operated with the interrogators. This crude game, though it reflected the contempt that the interrogators and their masters had for Islam, was unlikely to provide any dividend. What the policymakers failed to do was to understand the religion of Islam before they devised their tactics. Islam imposes no obligation on believers to read the Qur’an in all circumstances, especially if they are in the custody of non-Muslims. Furthermore, most Muslims memorise some parts of the Qur’an, while others memorise the entire book. The detainees denied copies of the Qur’an could recite the memorised portions of the Qur’an in their hearts without even moving their tongues.

By using the Qur’an as a tool of torture, the policymakers did succeed in causing injury and death outside the detention camps. Released detainees accused prison guards at various camps, including Guantanamo, of desecrating the Qur’an. Guards were accused of stamping on the holy book and of tearing up its pages. One guard reportedly flushed a detainee’s copy down the toilet. For Muslims, the dignity of the Qur’an is a profound value. That is why the publication of desecration stories in the international press touched off anti-US riots in several Muslim nations. Some protesters were killed in clashes with the local police. Desecration of the Qur’an, although aimed at specific detainees under US control, had a vicarious effect on Muslim communities around the world. Faith-based torture resulted in deaths and injuries, in addition to the mental suffering that millions of Muslims quietly experienced upon hearing news of the desecration. It is unclear why the policymakers believed that faith-based torture would be an effective strategy in minimising threats to US national security.

Vicarious Torture

Faith-based torture is a form of vicarious torture. Vicarious torture occurs when perpetrators
torture an individual or a small group of individuals to inflict mental and emotional harm on an associated population. The victim is used as an instrument to influence the behaviour of an associated population. The primary target of vicarious torture is the associated population even though the victim suffers the first injury. In vicarious torture, the physical and mental harm done to the specific individual target must not be discounted. However, the policymakers use the victim as a conduit to send a message far and wide. In this sense, vicarious torture is almost always intentional and malicious. Dissemination is also a critical part of vicarious torture, because the associated population cannot be influenced unless it is aware that torture has been inflicted. As Glenn Weisfeld, a behavioural scientist, has noted, “to experience emotions vicariously ... allows us to empathize with others; that is, we can imagine how someone else’s experience must feel.” Such a form of imagining, however, can also become a tool of cruelty. It empowers policymakers to fashion tortures that will generate vicarious emotions of fear and humiliation in a wider population that identifies with individuals subjected to degradation.

Any episode of torture revolts most people regardless of their national, religious, or social ties with the victims. Such universal sentiments against torture constitute the foundation of the Convention against Torture, a global treaty that imposes an absolute ban on torture. Article 2 of the convention instructs signatory states that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Although all forms of torture are repellent, faith-based torture is a unique form of torture, the purpose of which is to inflict spiritual harm on an identifiable religious population. Faith-based torture occurs when (a) the subject of torture belongs to an identifiable religious population, and (b) the chosen form of torture assaults deeply held religious values of that population. Both elements must be simultaneously present for the perpetration of faith-based torture. Since every victim of torture is associated with some religious population, a religious bond between the victim and a population alone is insufficient to constitute faith-based torture. The significant element of faith-based torture is the assault on deeply held religious values of the associated population.

US policymakers approved faith-based torture to influence Muslim militants around the world. The vicarious torture was outreachting; it sent messages to the associated population that certain conduct was unacceptable to the policymakers, and that any persons engaged in the impugned conduct would be tortured. In a broad sense, the purpose of vicarious torture is deterrence. It is a tool designed to modify or suppress behaviour. But the cruelty and hatefulness of vicarious torture can incite rather than deter the targeted population. The US policymakers underestimated the backlash from the associated population.

As noted earlier, in order to achieve the intended deterrence, knowledge of torture must be disseminated to the associated population. Here, the torture policy faced a catch-22 situation. If knowledge of faith-based torture is broadly disseminated, Muslims of the world will turn against the United States, wounding American geopolitical and economic interests. If the torture is kept secret, the goal of deterrence remains unfulfilled. Weighing these conflicting interests, the Obama administration has decided not to release thousands of torture photos showing the abuse of Muslim detainees. Releasing the torture photos, observed President Obama, “would be to further inflame anti-American opinion and to put our troops in greater danger”.

A Revival of Old Horrors

Faith-based torture is by no means a modern phenomenon. It has been an unfortunate staple of
many legal systems, including the common law. Torture by fire was widespread during the Middle Ages as heretics and witches were burnt at the stake. State-sanctioned torture, however, was for the most part a blunt tool freely used to extract confessions, obtain the names of accomplices, and gather additional information about crimes. Torture was also used as punishment. The common law of England authorised torture for numerous offences, and the most horrendous forms of torture were reserved for enemies of the state. Mutilation, plucking out eyes with hot pincers, the ducking stool, starving people in cages hung on trees, the stretching of limbs on the rack, waterboarding, and many other forms of torture flourished in the Stuart era (1603–1714). Even the American colonies practised the common-law forms of torture. Pilgrims and Puritans who escaped religious persecution in Europe showed no tolerance for religious diversity in the New World. Nor did they hesitate to sponsor faith-based torture, first against the Quakers and later against the Mormons.

In repudiating inglorious practices of the English law, including faith-based torture, the US Constitution promised religious freedom and immunity from torture. The Eighth Amendment, which prohibits the infliction of cruel and unusual punishments, was conceived to protect citizens from punishments that “disgraced the civilization of former ages” and would “make one shudder with horror to read of them.”9 The US Supreme Court—though it restricted application of the Eighth Amendment to treatment after a person’s conviction, providing little protection to individuals before they are convicted—has done a decent job in safeguarding and expanding prisoners’ rights. The US legal system was treading a confident path towards breaking away from the vestiges of torture that have for centuries bedevilled the annals of common law.

The 9/11 attacks, however, wrong-footed American policymakers obliged to uphold anti-torture laws, the Constitution, and the Convention against Torture. Ignoring the Eighth Amendment and international treaties, and undermining the constitutional ethos of religious freedom, the Bush administration resurrected the idea of faith-based torture. This time the victims were Muslims, who were detained and kept outside the United States. The detainees were declared “enemy combatants”, a phrase meant to deny them almost all constitutional and international-law protections. Much of the ill-treatment of detainees at various camps still remains secret, yet the prisoners’ cages at Guantanamo were reminiscent of those in bygone eras, leaving the uncanny impression that common law has undergone little moral development during the intervening centuries.

**Violations of Islamic Hayâ**

Arguably the most serious faith-based torture inflicted on Muslim detainees was forced nudity and the attendant pornographic abuse.10 Forced nudity of Muslim detainees was neither accidental nor an improvisation of rogue field operators. The nudity component of torture was specifically discussed and authorised in a memorandum that Principal Deputy Assistant Attorney-General Steven G. Bradbury wrote for the CIA. In the memorandum, Bradbury recognises that forced nudity “is used to cause psychological discomfort, if a particular detainee, for cultural or other reasons, is especially modest”.11 Here, Bradbury is alluding to the profound Islamic value of hayâ, which teaches modesty and bashfulness to Muslim men and women. The CIA had informed the US Department of Justice that forced nudity would not be employed below “ambient temperatures”.12 Thus, both the Department of Justice and the CIA knew that the purpose of forced nudity was not to cause temperature stress but to induce spiritual torture. The policymakers knowingly approved forced nudity and its various nuances deliberately to violate the principle of Islamic hayâ.

Islamic hayâ is a defining feature of all Muslim cultures. Even though Islam allows cultural pluralism and imposes no single culture on all Muslims, hayâ is an element of faith derived from the
basic code, i.e., the Qur’an and the Prophet’s *sunna*, his actions and sayings. The Qur’an states: “Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: And Allah is well acquainted with all that they do.”\(^{13}\) A similar injunction is revealed for believing women.\(^{14}\) The Prophet’s *sunna* declared *hayā* to be a quality of God himself and an element of Islamic faith. *Hayā* guards the physical, intellectual, and social modesty of Muslim men and Muslim women. It restrains Muslims from relishing nudity or boastfully exhibiting their bodies.

Fundamentally, Islamic *hayā* is the concealment of nudity. The Qur’an mentions that God bestowed on the children of Adam (not just on Muslims) the knowledge of making clothes so that they can conceal their nudity and retain their dignity.\(^{15}\) *Hayā* is not confined to sexuality or the separation of the sexes. It applies to all humans. Men must conceal their nudity from both women and men while women must conceal their nudity from both men and women. Furthermore, the purpose of *hayā* is not to discount the importance of lawful sexuality, nor must it be confused with sexual suppression. The purpose of *hayā* is to foster social and family environments where individuals can express their intellectual and spiritual talents without sexual distractions. *Hayā* sees nudity as a distraction from appreciating the fuller personality of individuals, both men and women.

In its applications, Islamic *hayā* is both an individual frame of mind and a customary rule. As an individual frame of mind, *hayā* restrains Muslim men and Muslim women from displaying nudity or physical adornments. Covering bodies with dignity is the most fundamental observance of *hayā*. But even words, gestures, postures, eyes, and voices are subject to *hayā*. Erotic speech and speaking in sexually seductive tones are violations of *hayā*. As a customary rule, *hayā* obliges Muslim men and Muslim women to respect one another’s privacy. The injunction to lower the gaze, for example, instructs Muslim men and Muslim women to refrain from assessing one another’s bodies. Crude conduct, lewd speech, swearing, sexual innuendoes, masturbation, are all prohibited under *hayā*.

Set against Islamic *hayā*, forced nudity was an important tool of torture at almost all the US detention camps. As mentioned above, forced nudity was an official policy that the Department of Justice specifically sanctioned. Once it was officially sanctioned, local facilitators of torture turned forced nudity into pornographic torture. To violate the principle of *hayā*, some naked male detainees were ordered to wear female underwear. At one detention camp, prison guards tied naked Muslim detainees together with handcuffs and shackles and stacked them on top of one another in a way “that the bottom guys [sic] penis will touch the guy on tops [sic] butt”.\(^{16}\) Some detainees were forced to masturbate while being videotaped. A Muslim father was forced to undress in front of his Muslim son, and a Muslim female detainee was forced to bare her breasts. Another Muslim female detainee was forced to have sex with an American soldier. Some detainees were ordered to bend in sexually explicit positions for photographing, while some were raped or sodomised with chemical lights and broomsticks. This pornographic torture was the inevitable consequence of an officially sanctioned policy of forced nudity.

**Racism and Torture**

Unfortunately, in the history of the United States, anti-Islamic torture comes to share characteristics of the racial mistreatment of African Americans, who were enslaved, raped, segregated, lynched and killed because of their race. Whereas racial bigotry tortured African Americans, anti-Islamic torture targeted Muslim detainees because of their religion. Each form of racial or religious torture is also vicarious since it targets an entire population. In the case of African Americans, one form of inhumane torture used was lynching. This practice was mostly used against
the blacks in the South. In the case of anti-Islamic torture, the target is largely the Muslims living in the Middle East and South Asia. In the era of slavery and lynching, the demonising and hate-generating word was “nigger”, whereas in the case of anti-Islamic torture, the demonising and hate-generating word is “terrorist”. In both cases, the targets of torture were represented as worthless human beings who threatened a higher civilisation. The motivation for torture in both cases has been to show aggressive contempt for an entire population, its culture and way of life.

The torture of lynching was a graphic punishment inflicted upon members of minority groups living in the United States. In the nineteenth century, lynching was used against Mormons, Italians, Chinese, Native Americans, Mexicans, and African Americans. By the twentieth century, however, lynching became primarily a tool of anti-black torture. White southerners would hang black men and women by the neck from a tree and leave them there for days on public display. Lynching was perpetrated to enforce segregation laws and reinforce racial hierarchy. Lynching not only inflicted horrific violence on individual targets but also served as a vicarious tool of torture and intimidation “to create collective memories of terror” in black communities. For whites, lynching was a spectacle and hundreds, sometimes thousands, of white spectators gathered and watched while the victims were tortured right in front of their eyes. Those who could not attend the feast of lynching could count on photographs being taken without fail for circulation in white neighbourhoods. Photos were also circulated in black communities to perpetuate feelings of helplessness and degradation.

As if learning from the spectacle of lynching and its devastating vicarious effects on the black community, the American designers and perpetrators of torture in the “war on terror” kept graphic records of anti-Islamic detainee abuse. Thousands of photographs of forced nudity and pornographic torture were taken. Videos were made. The Pentagon and government agencies have stored these pictures and videos. There is some controversy over whether these documents of torture ought to be released. Some pornographic pictures, now available on the Internet and in YouTube videos, have become disgraceful icons of American cruelty. In one photo, a male Muslim detainee is hooded and “placed on a box with wires attached to his fingers, toes, and penis”. In another photo, a Muslim detainee lies naked and helpless on the ground while a white female soldier holds him by a dog-leash tied to his neck. In yet another infamous photo, a bearded naked detainee stands against an iron gate with his hands clasped behind his neck while a guard dog snarls at him. In a photo that speaks volumes about the moral sleaze of torturers, several Muslim detainees, all of them naked, are ordered to make a human pyramid by lying on top of one another while a white couple arm-in-arm gleefully watches the pornographic scene. These graphic images of mental and spiritual torture shocked Muslims around the world, exposing the dark side of a superpower that has acquired the self-righteous habit of giving human-rights sermons to other nations.

The role of the government authorities has been strikingly similar in the eras of both the racial mistreatment of African Americans and of anti-Islamic torture. During the racial violence against African Americans, the authorities turned a blind eye while white vigilantes perpetrated torture. In almost all cases, the authorities failed or refused to prosecute those who lynched, raped, and murdered African Americans. In the case of faith-based torture, the authorities have acted no differently. In his report, General Antonio Taguba stated that numerous incidents of sadistic, blatant, and wanton criminal abuse of detainees occurred at Abu Ghraib and at Camp Bucca while senior military officers ignored established regulations, policies, and command directives intended to prevent such abuse. Although a few US military personnel of lower rank have been prosecuted and punished, the political leaders, the torture facilitators, who established and endorsed the culture of torture, continue to enjoy immunity.
Faith-based torture is not simply the work of rogue elements in the intelligence agencies or of unsupervised field operatives in the military. It flows from and reflects attitudes among the governing elite, as did lynching. Regarding the latter, consider, for example, the fate of an attempt in the early twentieth century to halt white supremacist violence against African Americans. In 1921, Representative Leondias Dyer from Missouri introduced the Dyer Anti-Lynching Bill, which would have made lynching a federal crime. House minority leader Finis Garrett opposed the bill, arguing that it would “encourage black men to rape white women”—a claim that exposed the obsessive fears of white Southerners about inter-racial sex. Although the House passed the Dyer Bill, Senate opposition to the legislation was fierce and bigoted. The Dyer Bill was defeated in 1922.21

Similarly today, some elected officials in the US House and Senate make vacuous arguments to defend what they call “effective” interrogation techniques. While many House representatives and senators speak against waterboarding, no one has mentioned banning forced nudity or other faith-based torture that affronts religious values. The focus of the debate has remained on conventional torture. Even where physical and psychological torture are concerned, many lawmakers and government officials invoke national security to defend aggressive interrogation methods. In 2008, President George W. Bush, who continued to assert that America does not torture, vetoed the Intelligence Authorisation Act, which contained a provision that would have prohibited government agencies, including the CIA, from subjecting detainees “to cruel, inhuman, or degrading treatment or punishment”.22 The presidential veto kept the door open for the intelligence agencies to continue subjecting detainees to torture. Speaking at the American Enterprise Institute in May 2009, former vice-president Dick Cheney declared that intelligence officers who questioned “hardened terrorists ... can be proud of their work”.

**Conclusion**

Faith-based torture perpetrated against Muslim detainees at various open and secret US prisons exposed the dark side of American policies, which periodically single out populations, domestic and foreign, for ideological cruelty. While the American people are appalled at what the Bush administration has perpetrated in the name of national security, some policymakers continue to defend torture under different names. Even some opponents of torture have been less than forthcoming in asking for an unequivocal ban on forms of torture that spawned cruel, inhuman, and degrading treatment of Muslim detainees. It is evident that faith-based torture did not bolster US national security; rather, it has tainted the image of the United States, once viewed as the champion of human rights. Until the former senior US government leaders and politicians who authorised the policy of torture are brought to justice, the United States will remain mistrusted in much of the world and its criticisms of others for human-rights violations will be dismissed as hypocrisy.

**Endnotes**


2. This policy ensured that nations such as China fighting the Uighurs, Russia fighting the Chechens, and India fighting the Kashmir insurgents would support the US “war on terror”.


5. Ibid., p. 20.


12. Ibid., footnote 12.


20. All these abuses are detailed in the Taguba Report.

22. Even in the House, nearly two hundred representatives opposed the Intelligence Authorisation Act. All but five Republicans voted against the bill.