

**BEYOND THE EROTICS OF ORIENTALISM.  
HOMELAND SECURITY, LIBERAL WAR AND THE PACIFICATION  
OF THE GLOBAL FRONTIER**

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## Dissertation Abstract

*Beyond the Erotics of Orientalism: Homeland Security, Liberal War and the Pacification of the Global Frontier* traces the post-9/11 ascendancy of a complex and seemingly contradictory U.S. national security imaginary and concomitant practices of war and violence. On the one hand, the U.S. security state supported at times quite radical transgressions from the gendered racial-sexual grammars of the usual “War Story” (Cooke, 1996), such as the active involvement of women in the torture of enemy prisoners, the repeal of the *Don't Ask Don't Tell* policy and more recently its support for overturning the *Defense of Marriage Act*. The U.S. social formation also took a seemingly great leap forward towards “post-racial triumph” (Ho Sang & LaBennett, 2012, p. 5) with the most diverse Presidential cabinet in U.S. history under Bush Jr. culminating in 2008 in the election of Barack Obama, the first American President racialized as Black. On the other hand, the U.S. security state aggressively pursued the racialized expansion and intensification of the (extrajudicial) use of military and carceral force in time and space, including selective deportations, indefinite detentions, the creation of an official torture policy and targeted killings of so-called enemy combatants outside of official warzones, including of US citizens. *Beyond the Erotics of Orientalism* explores these reconfigurations of law and belonging within broader shifts in contemporary liberal governance, in particular the promise that the 19<sup>th</sup> century colour line (DuBois, 1903) has been transcended and no longer *per se* marks populations as in/violable. I show how in this era of post-racial/sexual/gender triumph, the liberal project of security governs not only through military and carceral force, but also affectively through self-rule and the promotion of social difference. The dissertation locates the U.S. War on Terror's

ambiguous promise of liberal freedom, equal inclusion and self-rule in the desires and disavowals of a White settler society in “the afterlife of slavery” (Hartman, 2007, p. 6). Building on the work of Native feminist and Afro-Pessimist theorists, this study suggests that we can only meaningfully interrogate the operations of power and violence in contemporary U.S. security making - including against Orientalized subjects - by accounting for the foundational role of anti-Black racism and the settler colonial character of the U.S. social formation. These interlocking racial-sexual logics mobilize knowledges of war and violence that facilitate not only the targeting of Muslim/ified people and spaces, but in turn also help *secure* the gendered racial-sexual order and property regime of the settler colonial homeland in this age of “post-everything” (Crenshaw, 2014) triumph.

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## INTRODUCTION

*“The affirmation of the desire for freedom is so inhabited by the forgetting of its conditions of possibility, that every narrative articulation of freedom is haunted by its burial, by the violence of forgetting” (Lisa Lowe; as cited in Eng, 2007, p. 38).*

Less than three months before the historic repeal of the *Defense of Marriage Act* (DOMA) removing the federal ban on same-sex marriage, iconic Realist International Relations (IR) scholar Stephen Walt published an article in *Foreign Policy* entitled “Why gay marriage is good for US foreign policy” (2013). Walt, an otherwise staunch defender of Neorealism’s narrow conceptualization of security studies as “*the study of the threat, use, and control of military force*” (1991, p. 212; emphasis in original), argues that Americans opposed to or reluctant to back gay marriage “on the simple grounds of fairness ... [should] consider supporting it on the basis of national security instead” (Walt, 2013, para. 10). As will be explored in this dissertation, rather than the lone plea of a “closeted” liberal, Walt’s intervention is part of the post-9/11 ascendancy of a complex and seemingly contradictory U.S. national security imaginary that casts sexual and gender equality as hallmarks of Western modernity and hence critical battlefields in the war against the threat of Islamic terrorism.

This seemingly progressive shift in the national imaginary stands in stark contradiction to the patriarchal and heteronormative grammar of the usual “War Story” (Cooke, 1996). Typically when nations feel under attack from an outside threat, women's bodies and sexual freedom are among the first casualties (cf. Alarcon & Moallem, 1999; Enloe, 2000; Yuval-Davis, 1997). In the effort to secure the “motherland,” the national

imaginary relegates ciswomen<sup>1</sup> to their “traditional” roles as mothers and nurturers while cismen are cast and eroticized as heterosexual, manly protectors of ciswomen and children (cf. Cooke, 1996; Elshtain, 1983; Enloe, 1993). In this heteropatriarchal rescue narrative, queers - tied to the “discursive realm of the public toilet and the asylum” (Haritaworn, 2008a, p. 7) - are commonly cast as security risks (cf. Corber, 1996, 1997; Dean, 2001; D’Emilio, 1983; Johnson, 2009; Terry, 1999).

Within days of the attacks of September 11, 2001, U.S. official policy discourses and popular cultural productions articulated such a heteropatriarchal rescue fantasy. The hegemonic security discourse on defending the American home and family from Islamic terrorism cloaked the nation in familial language, casting the state and its branches responsible for intelligence, military, law enforcement and fire rescue as manly father figures that are there to rescue feminized “women and children” from the external racial-sexual threat, and with the onset of the U.S. attack on Afghanistan, portrayed Afghan women in need of rescue from “their” menfolk (cf. Abu-Lughod, 2002; Ahmad, 2002; Bacchetta et al., 2002; Bhattacharya, 2008; Brittain, 2007; Faludi, 2007; Hawthorne & Winter, 2002; Hunt & Rygiel, 2007; Nayak, 2006; Shepherd, 2006; Young, 2003; Zine, 2007). Concurrent to the War on Terror, the Bush administration launched a “war on

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<sup>1</sup> Cisgendered or non-trans\* indicates that someone’s assigned gender at birth matches the gender they personally identify with under the hegemonic (not only) American sex-gender imaginary. The use of “cis” and “non-trans\*” seeks to draw attention to the unmarked gender norm against which trans\* people are identified under this binary sex-gender imaginary. The asterisk indicates that trans\* is an umbrella term that seeks to include the wide range of non-cisgendered gender expressions, including non-binary and Two-Spirit. Two-Spirit is a recently developed, English language term used by some indigenous people whose self-identified gender expression is gender variant (Driskill, 2010, pp. 72-73). This study for the most part did not have access to people’s self-identifications and so my use of cisgendered and non-trans\* for the most part is limited to rendering visible the unmarked gender norms underwriting the operations of the hegemonic U.S. national security imaginary.

same-sex marriage” articulating both Islamic terrorism and queer sexualities as threats to the nation and – in President Bush’s (2001c, para. 69) words - “civilization itself” (Richter-Montpetit, 2007). However, as hinted at earlier, despite this surge in a post-9/11 patriotism tied to the intensified heteromasculinization of the American nation and preservation of the American heteronormative family, the U.S. social formation underwent dramatic seemingly progressive reconfigurations of identity, law and national belonging along interlocking lines of gender, sexuality and race.

From the active involvement of women in the torture of enemy prisoners, the Marines deploying Female Engagement Teams (FETs) for their counterinsurgency (COIN) efforts in Afghanistan, and the repeal of both the *Don't Ask Don't Tell* policy (DADT) and of the ban on women in combat to the recent (successful) demand from within the military to overturn DOMA, the U.S. national security state has actively demanded, supported and relied on at times quite radical transgressions of the hegemonic national sex-gender regime in the post-9/11 era. Not only are women and queers expected to secure more prominent roles in the national security state, but the U.S. social formation has also taken a seemingly great leap forward towards “post-racial triumph” (Ho Sang & LaBennett, 2012, p. 5) with the most diverse Presidential cabinet in U.S. history under Bush Jr. culminating in 2008 in the election of Barack Obama, the first American President racialized as Black.

How is one to make sense then of the radically diverging if not paradoxical political trajectories of, on the one hand, this dramatic explosion of sexual, gender and racial freedoms, and, on the other hand, the wildly deplored expansion of the deeply regressive and highly racialized security regime of the War on Terror, ranging from selective deportations, indefinite detentions, the creation of an official torture policy to the recent

targeted killings of enemy combatants outside of official warzones, including of U.S. citizens? This is the conundrum I explore in this study. Despite some important work on the role and effects of gendered racial-sexual discourses and the involvement of (the interlocking and overlapping categories of) women, queers and people of colour in post-9/11 U.S. national security making, feminist scholarship in military, peace and security studies has not fully explored the character and implications of these dramatic shifts and incorporations. Foregrounding and reworking a Foucauldian analytics of power, I show how these complex reconfigurations of queerness, racialization and gender are linked to questions of il/legitimate violence and belonging that go beyond concepts of “equality,” “complicity,” “camouflage” or “manipulation” of women's rights, as well as the work of sexual and racial “decoys,” as argued by recent feminist publications in the area of global security (cf. D’Amico, 2007; Ehrenreich, 2004; Eisenstein, 2007; Hunt & Rygiel, 2007).

*Beyond the Erotics of Orientalism* locates these recent inclusions within broader shifts in neoliberal governmentality, in particular the ways in which the liberal project of security governs through self-rule and the promotion of social difference. Under the liberal project of security, war is waged to make life live (Foucault, 1978; see also Dillon & Neal, 2008; Dillon & Reid, 2009; Evans, 2010, 2011). As Foucault noted, “[w]ars are no longer waged in the name of the sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of the wholesale slaughter in the name of life necessity; massacres have become vital” (1978, p. 137). Liberal war in this age of diversity rests on the promise that the nineteenth century sexed “colour line” (DuBois, 1903) has been transcended and no longer *per se* marks populations as in/violable. As I will show,

both Bush and Obama administrations have conducted the War on Terror<sup>2</sup> as a liberal war in defense of a *global* population. While in particular the two Bush administrations shrouded the War on Terror in civilizational rhetoric, the line of conflict was drawn not between different civilizations, as in the clash-of-civilizations model of Samuel Huntington (1993), but was carefully cast – in the words of President Bush – as the defense of “civilization itself” (Bush, 2001c, para. 69; see also U.S. National Security Strategy, 2002). In this understanding civilization itself encompasses not simply the U.S. homeland or “the West.” Rather the War on Terror rests on the liberal promise and responsibility to protect global society from an *internal* enemy of the *universal* project of liberal capitalist modernity, and not to struggle against a competing order or civilization (see also De Genova, 2012; Kiersey, 2010; Medovoi, 2007). This promise explicitly includes also the protection of the “good” Muslim from the “bad” Muslim” (see also Mamdani, 2005).

The War on Terror’s narrative on the pacification of civilization itself’s enemy populations along a global frontier is part of the post-Cold war era’s globalization discourse that imagines the international beyond the inside/outside dichotomy of the Westphalian interstate system (Duffield, 2011, 2007; Evans, 2011; Kienscherf, 2013). Globalization’s liberal project of security is driven by its professed biopolitical imperative to foster the health, wealth and wellbeing of the globe’s population. Rather than being preoccupied with fixing, defending and securing the boundaries of one’s territory, the

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<sup>2</sup> To indicate its self-professed departure from the Bush administration’s bellicosity and disregard for the rule of law, the Obama administration has semantically shifted away from the “War on Terror” to “the Long War” or “Global Contingency Operations.” However, as will be discussed in this study, the persecution of “Al-Qaeda and its affiliates” (Obama, 2013, para. 24) based on the extrajudicial use of military and carceral force is ongoing and hence continuing to speak of the War on Terror is not only appropriate but analytically accounts for these continuities.

liberal project of security and its (state and non-state) stakeholders seek to manage the global circulation of goods, services, information, and (some) people by facilitating good circulations and neutralizing bad forms of circulation (Foucault, 2007, p. 65; see also Aradau & Blanke, 2010; Bigo, 2008; de Larrinaga & Doucet, 2010; Dillon, 2007; Dillon & Neal, 2008; Duffield, 2007; Evans, 2010, 2011; Kienscherf, 2013). Under liberal security, “war is no longer finite - no more a violent event ‘out there,’ but instead a vital presence permeating our everyday” (Nguyen, 2012, p. xi). It is in the context of managing perceived “bad” circulations that the gendered racial-sexual logics of the clash-of-civilization model continue to produce and “stick” (Ahmed, 2004) to certain populations and render them vulnerable to “pre-mature death” (Gilmore, 2007, p. 247).

According to the hegemonic post-9/11 U.S. national security discourse the attacks of 9/11 demonstrated - in President Bush's (2004a) words - that “this country must go on the offense and stay on the offense” (as cited in Bacevich, 2006, p. 19). This view of offensive warfare as self-defense and as the necessary and legitimate response to the threat of Islamic terrorism ushered into the institutionalization of the *preemptive* use of military and carceral force and became known as the “Bush-doctrine” (cf. Anghie, 2004a; Agathangelou, 2010a; Bacevich, 2006; Barnett, 2003; De Goede, 2008; Monten, 2005; Roberts, Secor, & Sparke, 2003). Because the U.S. War on Terror is led on behalf of a global population and hence universal humanity, its reliance on militarism no longer requires to be disavowed (Medovoi, 2007, p. 62). As will be explored, the preemptive efforts of U.S. Counterinsurgency operations focus not only on stopping terrorists or insurgents before they commit a specific act of political violence, but intervene to manage *potential* insurgents or “pre-insurgent” (Anderson, 2011, p. 224) populations, including via drone strikes. The vast

majority of drone attacks since 2008 were so-called “signature strikes,” not targeting specific individuals, but groups of people whose identities are unknown, yet are said to bear a certain “signature” and hence risk, and who are thus presumed to constitute a legitimate and lawful target (cf. Heller, 2012). Furthermore, in the name of the self-defense of the U.S. homeland and civilization itself, the legitimate use of force was extended not only in time but also space, with the battlefields of “the everywhere war” (Gregory, 2011b) declared also outside of official war zones rendering the pursuit of enemy forces legitimate and legal *globally*.

As I will discuss, the narrative on the preemptive use of military and carceral force along a global frontier as self-defense, necessary and legitimate, is connected to gendered racial-sexual logics. While much of IR scholarship attentive to the critical role of gendered racial-sexual representations and forms of violence in the War on Terror’s politics of life and death focuses on the affective and material economies<sup>3</sup> of Orientalism, this dissertation examines how the production and targeting of Muslim/ified populations and spaces is connected also to the pacification of the gendered racial-sexual figures of the (Native) Savage and the Black.<sup>4</sup> I explore firstly, how these interlocking and overlapping security discourses mobilize knowledges of war and violence that facilitate the targeting of the Muslim/ified (pre-) terrorist in an age of neoliberal post-gender/sexual/racial triumph<sup>5</sup>, and secondly, how in turn, these security practices shore up the gendered racial-sexual order and property regime of the settler colonial homeland. Specifically, these security practices help give rise to (1) the figure of the Muslim terrorist and (2) the civilizational

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<sup>3</sup> Raciality does not simply reside in an object or sign but operates as *economies*, emerging and circulating between things, technologies and (human and nonhuman) subjects (Ahmed, 2004; Puar, 2007, pp. 184-188).

<sup>4</sup> I capitalize Savage and Black to indicate the ontological status of these subject positions.

<sup>5</sup> I borrow “post-racial triumph” from Ho Sang and LaBennett (2012, p. 5).

Whiteness of (certain) subjects laboring in the service of national and civilizational defense, and of those invited to feel cared for by these *vital* acts of security. These gendered racial-sexual technologies of pacification help stitch together the contradictions of the War on Terror discourse, help naturalize the liberal project as *universal* and obscure its contingency on *violence*.

My analysis of how certain formerly abject populations become (differentially) folded into the biopolitical production and management of life in the U.S. War on Terror builds on the pioneering work of Jasbir K. Puar (2007) and other (often) Foucauldian-inspired scholarship, in particular by Agathangelou, Bassichis, and Spira (2008), Ahmed (2011), Chow (2002), Haritaworn (2008a, 2008b), Haritaworn, Tauqir, and Erdem (2008), Haritaworn, Kuntsman, and Posocco (2013, 2014a, 2014b), Kuntsman (2009), Melamed (2006, 2011b), Nguyen (2000), Nguyen (2012), Razack (2004, 2005, 2008), Reddy (2005, 2008, 2011), Smith (2005, 2010) and Thobani (2007). Following their lead, I argue that these incorporations and the concomitant shifts in the ways gendered, sexual and racial difference and the U.S. nation are imagined come at a heavy cost. The invitation to belong and move up (even if only tenuously and temporarily) towards the “mythical norm” (Lorde, 1984, p. 116) is connected if not contingent upon the reactivation and intensification of older sexualized “colour schemes” (Trask, 2004, p. 9). As will be discussed, formerly abject and illegible subjects like the gay patriot are established along civilizational lines and get to belong to the nation through both active and unwitting participation in the affective and material economies of sovereign violence against subjects deemed (even more) incapable of self-regulation. At the heart of the relations of possibility and politics of desirability of this invitation are shifts in sexual respectability and national sexuality tied to the intensified



queering of those racially marked as ungrievable and or disposable. Building on the work of Native feminist and Afro-Pessimist theorists, in particular Andrea Smith's (2006, 2012) path breaking theory of "the three pillars of White supremacy" and Frank B. Wilderson III's (2010) *Red, White & Black*, the study suggests that we can only meaningfully interrogate the operations of violence (including against Orientalized subjects) in contemporary U.S. security making – including through sexualized technologies of power - by accounting for the foundational role of anti-Black racism and the settler colonial character of the U.S. social formation.<sup>6</sup>

In sum, the hegemonic post-9/11 U.S. national security discourse – the “save-civilization-itself fantasy” (Richter-Montpetit, 2007) - is fraught with tensions and contradictions. The save-civilization-itself fantasy aggressively racializes gendered enemy subjects and spaces, including through the racialized distribution of carceral and military violence, while simultaneously seeking to enlist certain historically marginalized subjects in the governmentalized struggle to defend the nation and civilization itself, including the racialized Muslim. While the older “colour schemes” (Trask, 2004, p. 9) underpinning these security practices are produced in relationship to a rigidly heteropatriarchal sex-gender regime, global liberal war *rests* on a complex reconfiguration of sexuality and gender that makes (some) space for the overlapping and leaky categories of queers, women and people of colour (Richter-Montpetit, 2007). The defense of the American homeland and civilization itself is sought hence not only through acts of exclusion and annihilation but also through

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<sup>6</sup> The dissertation was initially spurred by Richard Slotkin's trilogy on the mythology of the making of the American West and its discussion of “Indians” and “Blacks” as the “chief antagonists of the Anglo-Saxon in American myth” (Slotkin, 1992, p. 486).

“affective economies” (Ahmed, 2004) of security that give rise to “affective communities of belonging” (Rajaram, 2010, p. 92). As notes Caluya (2008, p. 18) by drawing on the work of Grossberg (1992), “[a]ffect serves to anchor people in particular experiences, narratives, practices, identities, meanings and pleasures. People invest affective energy into their surroundings through sense-making activities, and it is in this sense that affective engagement with the world is one mode of empowerment.” These affective registers play a critical role also in ethical citizen-subjects enlisting in the governmental project of security in the U.S. War on Terror. While in particular the Homeland Security project seeks to operate through practices of freedom mobilizing all of society in the quest to defend the nation, not *everybody* is considered capable of individual self-rule, and those subjects and populations deemed irredeemably outside liberal forms of life are being managed through gradated levels of force.

*Beyond the Erotics of Orientalism* locates the War on Terror's ambiguous biopolitical promise of liberal freedom, equal inclusion and self-rule in the desires and disavowals of a White settler “nominal post-slavery” (Rodríguez, 2008a, p. 190) nation. I argue that the liberal promise of security is always already haunted by past and present extractions and management of the raw materials of the liberal way of life. So rather than the result of a “state of exception” (Agamben, 2005), this dissertation traces the assemblage of extra-judicial and or seemingly absurd and excessively violent War on Terror security practices in genealogies that point to their fundamental role in the production of the larger bio-necropolitical order and its underpinning processes of de/valuing populations. In short, the post-9/11 U.S. security regime rests on a broad spectrum of security or pacification tactics, technologies and measures that blur the boundaries between warfare

and policing operations, governing through freedom when deemed possible and relying on force when considered necessary, and with the very promise of liberal equality constituting a central pillar of liberal security governance.

### **Governing through freedom**

Across the political spectrum, supporters and critics of the Bush-doctrine and the U.S. Homeland Security project, including its systematic use of racial/ized profiling, structured the problematique around the “proper” relationship between liberty and security. Both supporters and critics of these counter-terrorist security practices largely framed the two “goods” in competition with one another in a *zero-sum* game (Bell, 2011, pp. 3-4). This study departs from this dichotomous way of thinking about the relationship between security and liberty. Taking seriously Michel Foucault's (2007, p. 491) claim that modern societies are “societies of security,” I conceptualize security as a central mechanism of governance (cf. Bell, 2006, 2011; Campbell, 2005; Dillon, 2008; Howell, 2007, 2011; Reid, 2009) that is invested in a wide range of power relations and modalities of violence across the social and racially contingent (Bassett, 2009; Caluya, 2009; Cho & Gott, 2010; Grewal & Caplan, 1994).

One of the key findings of this study is that ethical citizen-subjects are increasingly mobilized and made responsible for ensuring national security. Under the save-civilization-itself fantasy, security is “something that individuals are obligated to work on and improve as self-actualizing subjects” (Inda, 2006, p. 33). For instance according to the 2002 *National Strategy for Homeland Security*, the defense of home and family requires us to “[m]obilize our entire society” (National Strategy for Homeland Security, 2002, p. 3; see also Hay &

Andrejevic, 2006, p. 336) with ethical citizen-subjects expected to be in charge of securing their home, person and property. Seeking to extend national security practices across the social field and into spaces historically deemed private (at least for normative citizen-subjects) in a system of liberal governance (Hay & Andrejevic, 2006), homeland security practices operate via the regulation of “the conduct of conduct” at the level of the individual and of the population. Central to the (self-)making of the ethical homeland security subject=patriot are discourses of (sexual) morality and alterity painting the heteronormative family not only as “the locus of responsibility, desire, and relationality” (Melamed, 2011a, p. 99), but a critical battlefield in the defense of the homeland in the U.S. War on Terror.

Not everybody is governed through practices of freedom. A central objective of *Beyond the Erotics of Orientalism* is to theorize the linkages between different modalities of security in the U.S. War on Terror. Tracing the gendered racial-sexual security discourses of Indian war and anti-Blackness in the making of the early settler colony in chapter two, the limits of an analytics of biopower become apparent. While an analytics of biopolitics connects the power to foster life with death and accounts for the “lethality of making live” (Evans, 2010, p. 421), the main thrust of power in this conceptualization lies in the cultivation of life with death being viewed more as a secondary effect or spin-off of this primary objective (Puar, 2007, p. 32; see also Haritaworn et al., 2014a; Lamble, 2013). Reworking these analytics from a range of decolonial critical race perspectives, in particular Mbembe’s (2003) analytics of necropolitics, I seek to trace how the governance of life and death in the War on Terror rests on a complex assemblage of bio- and

necropolitical technologies of security with discourses of race/sex/gender acting as the linchpin between different modalities of governance.

### **Beyond Orientalism: Talking Security, Making Race**

In 2002, a local hip-hop radio station in Phoenix, Arizona aired the following racist “joke”:

There was a cowboy, an Indian, and a Muslim standing at the edge of the world. The Indian said my people were once great in number but now are few. The Muslim said my people were once small in number but now are great. The cowboy said that’s because we haven’t played cowboys and Muslims yet (as cited in *Yellow Bird*, 2004, p. 44).

A few months prior to the airing of this “humorous” threatening of genocide, another seemingly unrelated “joke” about the dangers of Islamic terrorism circulated widely in the United States and beyond via electronic mail. The email featured a poster with text, depicting a turbaned Osama bin Laden next to a turbaned O.J. Simpson. The caption above bin Laden’s image reads “Bin Boy before shaving” and the one above Simpson reads “Bin Boy after shaving.” Below the two photos in bold letters it says “Could it be????”, suggesting that hidden under the facial hair of the notorious Al-Qaeda leader is really O.J. Simpson.<sup>7</sup>

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<sup>7</sup> For a detailed discussion of this internet meme, see Agathangelou (2012).



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As these “humorous” cultural productions suggest, in the wake of 9/11, the sharp intensification of Orientalist discourses and the targeting of Muslim/ified people and spaces was accompanied by an intensification of security discourses about two other historical enemies of the state. I will explore in this study how the save-civilization-itself fantasy's framing of unilateral warfare across time (preemptive) and space (global frontier) as self-defense, necessary and legitimate is connected to the twin security narratives and gendered racial-sexual “grammars of suffering” (Wilderson, 2010, p. 6) of Indian war and Blackness. Paying attention to logics and processes of relational racialization, I will trace how contemporary security discourses around the Muslim/ified terrorist relate to, affect and are affected by the interlocking and overlapping settler imperial genealogies and security discourses of the gendered racial-sexual figures of the Savage and the Black. As Sara

Ahmed writes in the *Politics of Emotions*, “The word terrorist sticks to some bodies as it reopens past histories of naming, just as it slides into other words (as cited in Puar, 2007, p. 185). However, even though the colour line continues to shape levels of vulnerability and value, with the biopolitics of the War on Terror being officially led on behalf of global society in an age of multicultural neoliberalism, there has been a complex reworking of the ways in which the enemy is conceived that complicate and seemingly revise extant sexualized and gendered “colour schemes” (Trask, 2004, p. 9) when deciding who is to be managed by or subject/ed to more punitive security practices.

The security discourses mobilized and measures used to defend the U.S. homeland and save-civilization-itself do not simply draw on gendered racial-sexual logics, but as I will argue, national security practices then and now constitute key technologies of gendered and sexed racialization and nation-building. The production of the civilizational threat in form of the Muslim/Arab terrorist Other as well as of the figures of the Savage and the Black, helps shore up the gendered racial-sexual order and property regime of the settler colonial homeland, in particular one of its central pillars, the prison-industrial complex.

### **Sex, (National) Love and Family**

My research contributes to the growing interdisciplinary literature on the myriad and complex ways in which discourses of sexuality are critical to formations of race, nation and (settler) empire at the present juncture. Despite the regulation of sexuality and matters of re/production having been historically at the heart of biopolitics and the larger social order, scholars working in IR have only recently started to address sexuality in this context. My

project seeks to show how sexuality as a system of knowledge and an erotic practice is not just a frivolous distraction from the “hard” issues in international politics (Stanton, 1993, p. 2), such as weapons proliferation and trade deficits, but with biopolitical practices being directed towards the fostering of life, the sexual and the familial constitute critical sites in the operations of governmental power.

As I will explore in this study, sexual and familial relations are indeed central battlefields in the War on Terror with the conjugal household constituting a key site in the racialized governmentality of both the U.S. homeland security and social security regimes. As Republican Senator Rick Santorum put it at the Senate Republican Conference in 2004: “You want to invest in homeland security? You invest in marriage. You invest in the stability of the family” (as cited in Nowacki & Gutterman, 2008, p. 67). As will be discussed, in the hegemonic War on Terror discourse normative sexuality and gender relations are unstable and being invoked in opposition to both the Muslim/ified Other primarily inhabiting enemy spaces abroad and certain sexual Others at home, ranging from the figure of the homosexual to the figure of the Black and/or Latina (Agathangelou et al., 2008; Cohen, 1997; Puar & Rai, 2002; Puar, 2007; Wacquant, 2002). At stake in the struggles over sexual politics and normative domesticity in the post-9/11 U.S. social formation, particularly around the debates on same-sex marriage and the inclusion of queers into the military, are not simply clashing cultural values as the widely used descriptor “culture wars” seems to suggest. Hegemonic visions of the familial household and the underlying racialized, gendered and sexed relations have been and continue to be fundamental to the settler colonial invasion and re/production of the larger capitalist modernity it is embedded in (cf. Agathangelou, 2004; Davis, 1985; McClintock, 1995; Rifkin, 2011; Smith, 2005).



## **Race, Violence, Belonging and the Law**

Central to this study are questions of violence, belonging and the law. My analysis of national security practices in the quest to save-civilization-itself domestically and abroad identifies “counter-terrorism” or “state terrorism” measures that seem so disproportionate, excessive or “irrational” as to amount to the absurd or even “counterproductive.” These measures range from signature drone strikes, the application of torture and other more “mundane” carceral practices on prisoners officially deemed innocent of any wrongdoing in U.S.-run prisons in Abu Ghraib, Guantánamo Bay and Bagram. Commonly, acts of discipline and punishment are viewed as being repressive and destructive. My discussion of punitive and or necropolitical security practices draws on critical social theories, in particular feminist, decolonial, critical race and Foucauldian approaches to violence that attend to not only its destructive and negating impact, but also to its productive and constitutive effects.

Theorizing violence as both corporeal and an epistemology, my analysis of national security practices in the decade following 9/11 focuses on the production of subjectivities and spaces, and examines how they help constitute boundaries of the political, political community, and il/legitimate violence. I discuss how spectacular performances of violence such as capture, corporeal punishments, “shock-and-awe” bombings and drone-attacks provide visual *proof* of the Other's subjugated status and are practices of boundary-making for both victim and perpetrator. Moreover, building in particular on the work of Viet Thanh Nguyen (2000), Sherene Razack (2004) and Adi Kuntsman (2009), I am interested in how these performances of gendered racial/ized and national/ized violence become

mechanisms of belonging to the nation, including for subjects whose national, racial or sexual status is ambiguous at best (Kuntsman, 2009, p. 3).

My analysis of the relationship between violence and law is rooted in a body of decolonial scholarship that demonstrates the foundational role of the colonial world in the production of modernity. These works have unpacked the neat division of the world into “the West and the Rest,” to borrow from Hall (1992), rendering visible the productive role of the colonies in the formation of the West in terms of not only land, labour and raw materials but also “in the conceptualization and delineation of Western ideas and practices, ... its self-imaginings and identifications” (Hussain, 2003: 6, 27; see also Anghie, 2005; Barkawi & Laffey, 2006; Bernal, 1987; Chowdhry & Nair, 2004; Dussel, 1995, 1996; Fanon, 2008; Grovogui, 1996; James, 1938; Krishna, 2001; McClintock, 1997; Mehta, 1999; Mudimbe, 1988, 1994; Said, 1978; Stoler, 1995). The “foundational subsidy” (Agathangelou, 2010b, p. 207) of modern colonialism in the rise of modernity extends to the development of the modern legal imaginary. The colonies provided modern law with its constitutive opposites, foundational concepts like sovereignty, the modern state, freedom, human rights and the rule of law were imagined and created in opposition to the “savagery,” tribal polities, custom and despotism “found” in the colonies (Hussain, 2003, p. 28; Anghie, 2005; Cho & Gott 2010; Grovogui, 1996; Mehta, 1996). From its inception, the norm of sovereignty governing relations both within and between states has rested on gendered racial-sexual logics. Enlightenment discussions on freedom and equality were threaded centrally around the figures of the Savage and the Slave, and continue to shape our legal imaginaries, and hence structure our political horizon. Within this civilizational

narrative that gives law meaning, “law becomes not merely a system of rules to be observed, but a world in which we live” (Cover, 1983, p. 5; as cited in Orford, 2003, p. 34).

Government by rules or the legality of rule became not only prime markers for state legitimacy and civilization (Hussain, 2003, p. 4) in both the colonies and the “motherland,” but procedural legality allows the writing of the body into law. Contrary to facile readings of these processes as signs of increasing freedom, Foucault (1980) and Foucauldian approaches theorize legal subjecthood as an effect of power which gives rise to the “burdened individuality” of the responsabilized freedperson (Hartman, 1997, p. 117; see also Kandaswamy, 2011) and hence provides a key mechanism of governmentality. Engaging the role, effects and desires towards the law in the context of the use of military and carceral force as well as in the context of the DADT-policy and marriage equality movement, this study approaches law then “not in terms of a legitimacy to be established, but in terms of the methods of subjugation that it instigates” (Foucault, 1980, p. 96) and obscures.

### **Theoretical Approach and Methods of Study**

My study builds on and reworks recent Foucauldian-inspired interventions in IR on “global governmentality” (cf. de Larrinaga & Doucet, 2010; Larner & Walter, 2004, 2013; Lipschutz, 2005; Vrasti, 2013; Weidner, 2009) and “the biopolitics of security” to study the relations of power that characterize liberal governance under the U.S. Homeland Security regime and the larger War on Terror (cf. Aradau & Blanke, 2010; Bell, 2006; Campbell, 2005; Dauphinee & Masters, 2006; Dillon & Lobo-Guerrero, 2008; Dillon & Neal, 2008; Dillon & Reid, 2009;

Evans, 2010; Kienscherf, 2011; Kiersey, 2009; Reid, 2007). One of the key contributions of Foucauldian analytics of governmentality for the study of global security is that this framework expands the analytical terrain of the inter/national beyond the hands of a sovereign state or individual by simultaneously addressing macro-level analyses like neoliberal geopolitics and everyday technologies of the self (Lemke, 2002, 2007; Nadesan, 2010), and thereby this literature has helped complicate our understandings of war and security at the contemporary juncture. However, much of this scholarship undertheorizes (1) the dark underbelly of liberal governance, and the underpinning strategies of embodiment, (2) the stated object – in Foucault's view – of governmentality, which is to enact a political economy and (3) fails to explore the foundational role of *settler* colonialism and the ongoing struggle for securing land for late modern liberal governance.

My argument and analysis build on the analytical and political openings generated by a range of critical social and political theory and social movements, in particular Women of Colour/Black feminisms (cf. Anzaldúa, 2012; Carby, 1982; Collins, 1990; Combahee River Collective, 1977; Davis, 1981; Lorde, 1984; Moraga & Anzaldúa, 1984; Smith, 1983), Queer/Trans\* of Colour Critique (cf. Bailey, Kandaswamy, & Richardson 2004; Cohen, 1997; Eng, Halberstam, & Muñoz, 2005; Farrow 2010, 2011; Ferguson, 2004, 2005, 2011; Gopinath, 2005; Gosine, 2013; Haritaworn 2008a; Haritaworn, Kuntsman and Posocco 2013, 2014a, 2014b; Haritaworn, Taquir, & Erdem, 2008; Lufbheid, 2008, 2008b; Manalansan, 2003; Muñoz, 1999; Puar & Rai, 2002; Puar, 2004, 2005, 2006, 2007, 2012; Reddy, 2005, 2011), Transnational feminisms (Alexander 1991, 1994, 2005; Alexander & Mohanty, 1997; Baccheta et al., 2002; Arat-Koç, 2007; Grewal, 2005; Grewal & Kaplan, 1994, 2000, 2001; Kaplan, Alarcón, & Moallem, 1999; Kaplan & Grewal, 2001; Mohanty, 1988, 2006, 2013;

Mohanty, Russo, & Torres, 1991; Razack, 2004, 2005, 2008; Thobani, 2007, 2010), Native feminisms<sup>8</sup> and Two-Spirit theory (cf. Arvin, Tuck, & Morrill, 2013; Driskill, 2004, 2011; Driskill, Justice, & Miran, 2011; Hall, 2008; Kauanui, 2008a, 2008b; Smith & Kauanui, 2008; Smith, 2005, 2006, 2010, 2012), Postcolonial theory (Agathangelou & Ling, 2004a, 2004b, 2005, 2009; Barkawi & Laffey, 1999, 2006; Chowdhry, 2007; Chowdhry & Nair, 2004; Grovogui, 1996; Krishna, 2001; McClintock, 1995; Spivak 1988, 1999; Stoler, 1995, 2002), and Afro-pessimist theory (Agathangelou, 2009a, 2009b, 2010a, 2010b, 2011, 2013a, 2013b; Fanon, 1952; Mbembe, 2001; Hartman, 1997, 2008; Sharpe, 2010, 2012; Sexton, 2006, 2007, 2008, 2010a, 2010b, 2011; Spillers, 1987; Wilderson, 2007, 2010). While largely outside of the discipline of International Relations, these struggle knowledges<sup>9</sup> challenge key conceptual pillars of the discipline, such as nation, modernity, anarchy and sovereignty by drawing our attention to the disavowed “raw materials” (Agathangelou, 2013, p. 455; see also Agathangelou & Ling, 2005; Agathangelou, Bassichis, & Spira, 2008; Agathangelou, 2010b, Agathangelou, 2013) of the modern international system. Foregrounding analytics of race, sexuality, gender and colonialism, these works draw attention to how certain lives “serve as the literal raw materials” (Agathangelou, 2013, p. 455) for the liberal capitalist order and its freedoms.

As will be explored in this dissertation, central to the operations of the dark underbelly of liberal security are the gendered twin technologies of race and sexuality or what I will refer to as the racial-sexual. My understanding of the mutually constitutive

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<sup>8</sup> Following Andrea Smith, I use Native feminism or Native feminist analytic to refer to “the theorizing produced by Native women scholars and activists” (Smith, 2008, p. 309) in particular in the areas of feminism, gender, sovereignty and settler colonialism.

<sup>9</sup> Maria Mies speaks of “struggle concepts” (1986, p. 36).

character of technologies of race and sexuality draws on feminist studies of modern European colonial rule (cf. McClintock, 1995; Stoler, 1995, 2002), in particular settler colonialism (cf. Smith 2005, 2006, 2010, 2012), as well as recent debates in Queer Studies and anti-racist queer activism (cf. Bailey, Kandaswamy, & Richardson 2004; Bassichis & Spade, 2014; Cohen, 1997; Conrad 2010, 2011, 2012; Eng, Halberstam, & Muñoz, 2005; Farrow 2010, 2011; Gopinath, 2005; Gosine, 2013; Haritaworn, 2008a; Gossett, 2014a, 2014b; Haritaworn, Kuntsman, & Posocco 2013, 2014a, 2014b; Haritaworn, Taquir, & Erdem, 2008; Holland, 2012; Jones, 2011; Luíbheid, 2008, 2008b; Macharia, 2013; Manalansan, 2003; Muñoz, 1999; Nair, 2010, 2011; Nopper, 2011; Puar & Rai, 2002; Puar, 2004, 2005, 2007; Reddy, 2005, 2011; Spade, 2011; Spade & Willse, 2004, 2010, 2014) that are rooted in Women of Colour/Black Feminisms and Queer/Trans\* of Colour Critique. Attending to the mutual imbrication of different structures of oppression, these works theorize queerness beyond the heterosexual/homosexual divide centered by much of queer theory and instead attend to larger processes of normalization and formations of (hetero)normativity (see in particular Cohen, 1997; Eng, Halberstam, & Muñoz, 2005), and reconceptualise race as a technology of power “which goes beyond skin colour and identity, to one which involves the 'historic repertoires and cultural, spatial, and signifying systems that stigmatize and depreciate one form of humanity for the purposes of another's health, development, safety, profit and pleasure’” (Singh, 2004, p. 223; as cited in Arat-Koc, 2010, p. 148). These works thereby challenge hegemonic approaches in their discipline and human rights politics that, in Puar’s words, explicitly or implicitly frame “whiteness as a queer norm and straightness as a racial norm” (2007, p. xxiv). As I will explore in more depth in chapter one, extending the insights of Native feminist and Two-Spirit theory, my

analytics of the racial-sexual in the context of the U.S. social formation attend also to the role of normative and *queer* racial-sexual formation in re/producing U.S. settler colonialism and the elimination of indigenous subjects and nations in both our political theory and praxis. Finally, following the lead of Afro-pessimist theory (cf. Agathangelou, 2009a, 2009b, 2010a, 2010b, 2011, 2013a, 2013b; Fanon, 1952; Mbembe, 2001; Hartman, 1997, 2008; Sharpe, 2010; Sexton, 2006, 2007, 2008, 2010a, 2010b, 2011; Spillers, 1987; Wilderson, 2007, 2010) in connecting the study of U.S. sexual and gender formations to ontologies of racial Blackness and “the afterlife of slavery” (Hartman, 2007, p. 6), my dissertation seeks to account for the foundational role of anti-Blackness in the operations of the U.S. racial-sexual formation.

The second lacuna in much of the literature on global governmentality and the biopolitics of security at the current juncture is that it undertheorizes if not ignores a key element or insight of Foucault's account of the rise of modern power, namely the question of the *objective* of governmental power – which Foucault identifies as political economy (see also Agathangelou, 2011, 2013b; Aradau & Blanke, 2010; Kiersey, 2010; Vradi, 2013). Foucault clearly delineates how the new capitalist order of private landownership and market relations required “new habits of social discipline” among the population, in particular “the improving habit of self-propelled industry” (Scott, 1999, pp. 47-48). Instead of simply seeking the promotion of “extractive-effects” on workers' bodies this new form of power sought to produce “governing-effects” on the conduct of the (normative) productive, desiring subject (Scott, 1999, pp. 40; 51).

The third lacuna is the absence of engagement with the specifically *settler* colonial relations underpinning the U.S. security state. As mentioned earlier, drawing on the

insights of Native studies, this dissertation centres the foundational role of Indigeneity and settler colonialism for the production of U.S. homeland security and the liberal project of security more broadly. Hence following the lead of Mitchell Dean (2007), Achille Mbembe (2003), Majia Homer Nadesan (2010) and others, *Beyond the Erotics of Orientalism* goes beyond the study of “the conduct of conduct” - trying to theorize the linkages between various modalities of security governance that supplement or subsidize liberal technologies of the self. Special attention is paid to how interlocking technologies of race/sex/gender are fundamental in enabling what Dean calls the “authoritarian possibilities” of liberal rule (2007, p. 112).

Building on postcolonial insights on the mutual imbrication of metropole and colony in the constitution of modernity (cf. Anghie, 2005; Barkawi & Laffey, 2006; Bernal, 1987; Chowdhry & Nair, 2004; Dussel, 1995, 1996; Fanon, 2008; Grovogui, 1996; James, 1938; Krishna, 2001; McClintock, 1997; Mehta, 1999; Mudimbe, 1988, 1994; Said, 1978; Stoler, 1995) as well as feminist conceptualizations of a “continuum of violence” (cf. Cockburn, 2004; Enloe, 2007; Giles & Hyndman, 2004; Moser, 2001; Shepherd, 2006, 2009; Wibben, 2009, 2010), central to my methodology is the attempt to place in a “single analytic field” (Cooper & Stoler, 1989, p. 609) the security practices of those social forces and processes deemed relevant and powerful by conventional security studies and those it deems irrelevant and powerless (see also Barkawi & Laffey, 2006; Enloe, 1996). Entwined with these insights is another guiding assumption of this study, the need to analyze security not simply beyond the level of the state, but to explore how the national security state is invested in and sustained by a wide range of power relations and modalities of violence across the social field (Caluya, 2009, p. 6), including around home safety and cultural ideas



about racialized sexuality and gender, bringing together questions of security, political economy, the body and embodiment. Among the different sites and moments of security making I seek to link range from spectacular forms like “shock-and-awe”-warfare, signature drones strikes and the systematic torture of “enemy combatants”<sup>10</sup> to some more mundane security practices, such as homeland defense via self-care and sexual/familial relations (Richter-Montpetit, 2007; see also Agathangelou, Bassichis, & Spira, 2008). While the empirical focus is on the hegemonic post-9/11 security imaginary, the save-civilization-itself fantasy, the study locates these security practices within settler imperial genealogies to disrupt interpretive frameworks that might read the violences of the War on Terror as new or exceptional.

Methodologically then, to examine the shifts and continuities in the biopolitical management of life and death animated under neoliberal multiculturalism, including the conditions of possibility for the variegated application of the use of force on different subject populations, the study’s exploration of the circulation of economies of security across scales of social life deploys Siobhan Somerville’s (2005) technique of reading “sideways.” As Puar has shown in her book *Terrorist Assemblages*, this reading practice allows us to identify a rich national security archive by connecting a range of “seemingly unrelated and often disjunctively situated moments and their effects” (2007, p. 120). This study draws primarily on discourse analysis of a national security archive consisting of official policy documents and speeches, legal documents assessing the lawfulness of certain security practices, popular cultural productions, including publicly shared jokes, poetry,

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<sup>10</sup> Under the Obama-administration these prisoners have been classified as “alien unprivileged enemy belligerents.”

blogs and social media memes, as well as scholarly works. Key elements of this national security archive are the National and Homeland Security policies released since 2001, presidential speeches by Bush and Obama on national defense, representations of the killing of bin Laden in media reports and the controversial Hollywood blockbuster *Zero Dark Thirty*, the Bush administration's legal documents paving the road for the global torture regime, as well as media representations, including still and moving image media representations of "gay patriots." This national security archive constitutes also an "archive of feelings" (Cvetkovich, 2003; see also Kuntsman, 2009, p. 7). From official policy papers and presidential speeches to images of kissing soldiers, these cultural texts are also *felt* by their embodied audiences/spectators. Building in particular on the work by Adi Kuntsman (2009), my analysis of the performative and affective dimensions of this security archive draws attention to how these cultural texts give rise to "affective communities of belonging" (Rajaram, 2010, p. 92).

Following Somerville's (2005) and Puar's (2007) lead in reading "sideways" across seemingly unrelated sites and processes, my investigation of recent apparently progressive reconfigurations of belonging and identity in the context of post-9/11 U.S. security making, such as the inclusion of queers into the U.S. military, breaks with analysis qua analogy and teleological readings of these developments (Puar, 2007, pp. 117-118). This reading strategy allows to render visible these incorporations as "murderous inclusions" (Haritaworn, Kuntsman, & Posocco, 2013), contingent on larger economies of in/security and hence feeding on the production of other Others' lives as open to abandonment, injury and (social) death. This queer methodology thereby "refuses to privilege queer lives over others" (Haritaworn, Kuntsman, & Posocco, 2014a, p. 5).

### **III. Overview of the Dissertation**

The first chapter will introduce in more depth key analytical concepts and discuss the theoretical framework of the dissertation. My analysis of the politics of life and death in the U.S. War on Terror engages and reworks Foucauldian analytics of power. I will first discuss Foucault's account and conceptualization of the rise of biopolitics and the art of government. As mentioned earlier, my research interest is sparked by a certain uneasiness about a simple focus on strategies of self-regulation and frameworks such as "global biopolitics" and "control societies" to help us make sense of "the inter/national" (cf. Sharpe, 1993; Rejali, 1994; Mbembe, 2003; Ong, 2006; Schueller, 2007). Hence in a second step, drawing on a range of feminist and queer works that foreground questions around the "coloniality" (Quijano, 2000) and embodiment of power relations, I seek to theorize the linkages between various modalities of governance that supplement and subsidize liberal technologies of the self in the management of the War on Terror.

Chapter two explores key logics, processes and practices of security in the making of the early U.S. settler imperial slave state. The chapter demonstrates the critical role of the twin racial-sexual security narratives of Indian war and anti-Blackness in extracting and managing the raw materials of the liberal way of rule, which, as will be discussed in the following chapters, continue to inform contemporary security practices in the War on Terror and structure the relations of possibility for the larger project of liberal governance they are embedded in. From the geopolitics of settler invasion to the biopolitics of liberal governance at the turn of the nineteenth century, the production of social difference was fundamental to organizing these violent processes. In particular discourses of sexuality and gender were critical technologies of racialized governmentality. The formation of the settler

colonial sex-gender regime was not only critical to the *biopolitical* management of populations but central to the territorial conquest and expansion of the American colonies, and hence *geopolitical* (cf. Rifkin, 2011; Smith, 205). As will be explored in the chapter, the relationship between the differential distribution of vulnerability and security and gendered racial-sexual economies of difference was mutually constitutive. Based on a performative understanding of power, violence and law, I examine how security practices, in particular corporeal practices of violence, visually re/produced and hence *verified* subjugated social status turning it into bodily difference at both the level of the individual body and at the level of population.

Chapter three examines some of the genealogies and desires giving rise to imag(in)ing the battlefields of the War on Terror as Indian country. Against the backdrop of the recent reorganization of the U.S. national security state's use of force and the larger liberal project of security it seeks to consolidate, I explore how the imaginary geographies of Indian country affect and facilitate the production and targeting of Muslim/ified populations and spaces, and help provide the raw materials for the consolidation of the liberal way of life. Extending my analysis of the previous chapter on the performativity of power and violence, chapter three explores how the preemptive and extra-territorial killings of "pre-insurgent" populations via drone strikes and other kinetic counterterrorism measures are not "simply" destructive and effects of racist violence but constitute acts of gendered and sexed race-making.

Chapter four examines the myth of the instrumental use of torture in the context of the carceral regime of the War on Terror. While torture is commonly being understood as a form of information-gathering, confessions elicited through the use of torture produce

notoriously unreliable data and most interrogation experts oppose it as a result. Moreover, senior military officials have questioned the intelligence value of up to 90% of prisoners in Guantánamo, Abu Ghraib and Baghram. Why then imprison and torture them? Drawing on the findings of chapter two, I explore the social relations and “structures of feeling”<sup>11</sup> (Williams, 1977) that make torture and other seemingly ineffective and absurd carceral practices *possible* and *desirable* as technologies of security. The chapter connects the carceral violences in the racialized lawfare against Muslim/ified people and spaces to the capture and enslavement of Africans and the concomitant production of the figure of the Black body as the site of enslaveability and openness to gratuitous violence. I explore how the affective economies of gratuitous violence underpinning the torture memos give rise to not only the racialized distribution of state-administered force and cruelty in custody but, building on chapters two and three, examine how these carceral security practices are key technologies of gendered and sexed race-making in this era of “post-racial triumph” (Ho Sang & LaBennett, 2012, p. 5) if not “age of post-everything” (Crenshaw, 2014).

Chapter five critically engages recent feminist publications in the area of global security that have sought to track and make sense of the active participation of women in the torture of prisoners and other masculinized security practices in the U.S. War on Terror through concepts like “embedded feminists” (Hunt, 2007), “sexual decoys” (Eisenstein, 2007) in the service of a “camouflage politics” (Hunt and Rygiel, 2007), or interpreted the participation of women in the torture of War on Terror prisoners as “a sign of gender equality” (Ehrenreich, 2004). I will discuss these readings and their underpinning analytics

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<sup>11</sup> William’s concept “captures the lived and felt experience of social life, the experience that is neither solely structural and external to the subject, nor solely psychic and subjective, but is always both” (Kuntsman, 2009, p. 41).

of gender power with a focus on the participation of women soldiers in the torture of Abu Ghraib prisoners. The chapter explores narrative erasures in this literature, discusses their ethical and political implications, and proposes a more nuanced reading of gendered power and violence beyond the case study.

With the previous chapters addressing rather “spectacular” practices of war and violence, chapter six focuses on seemingly more mundane security practices. The chapter examines LGBT human rights discourses with a focus on performances and representations of gay patriotism and queer intimacies by active duty soldiers around the repeal of DADT and DOMA. I analyze how discourses of security are mobilized around the figure of the gay patriot and to which governing effects. What are the shifts in sexual respectability and national sexuality that lead to (at least some) queers to get invited into the nation - however precariously? In the context of the narrative demands on queers as sexually deviant and gender nonconforming, what are the narrative strategies of queer soldiers to position themselves as respectable, reliable patriots and fighters? What kind of subjects are being produced (and over which “Others”)? Which lives become un/grievable and how are they remembered? I argue that while the contestations articulated by gay patriots and their supporters have challenged dominant understandings of sexual respectability and military masculinity, they are contingent on and have helped shore up a progressive, egalitarian and compassionate military masculinity that narrates aggressive *preemptive* acts of military and carceral violence as *defensive*.

## **Chapter I: Liberal Security and the Governance of Life and Death in the U.S. War on Terror**

*[I]n the outskirts of the world . . . the system reveals its true face (Eduardo Galeano; as cited in Slater 2004: 20)*

### **Beyond Sovereignty or Cutting off the King's Head**

A key intellectual point of departure for this dissertation are Foucault's analytics of power, in particular his concepts of government and biopower. My analysis of U.S. national security practices in the War on Terror builds on and reworks recent Foucauldian-inspired interventions in International Relations on "global governmentality" (cf. de Larrinaga & Doucet, 2010; Jabri, 2006; Larner & Walter, 2004, 2013; Lipschutz, 2005; Vrasti, 2013; Weidner, 2009) and the "biopolitics of security" (cf. Aradau & Blanke, 2010; Bell, 2006; Campbell, 2005; Dauphinee & Masters, 2006; Dillon & Lobo-Guerrero, 2008; Dillon & Neal, 2008; Dillon & Reid, 2009; Evans, 2010; Kienscherf, 2011; Kiersey, 2009; Reid, 2007). One of the key contributions of Foucauldian analytics of governmentality for the study of global security is that this framework expands the analytical terrain of the inter/national beyond the hands of a sovereign state or individual by simultaneously addressing macro-level analyses like neoliberal geopolitics and everyday technologies of the self.

This chapter will introduce key concepts underpinning Foucault's analytics of power. At the heart of Foucault's overall oeuvre is the refusal to reduce political power to the political practices of the state and the sovereign-juridical model of power. According to

Foucault, “[p]ower is quite different from and more complicated, dense and pervasive than a set of laws or a state apparatus” (Foucault, 1980, p. 158).

If power were never anything but repressive, if it never did anything but to say no, ... would [one] be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression (Foucault 1980, p. 119).

In this model, power is exercised *through* subjects rather than *over* them, meaning that individuals and populations actively participate in their own governance - hence Foucault (1978, pp. 88-89) famously deplored that “we still have not cut off the head of the king” in our analyses of the operations of modern power.

### **The Rise of Biopolitics and the Art of Government**

Foucault's analysis of monarchical rule in Europe suggests that “traditionally” power was exercised *over* subjects through prohibition and repression by the juridical and executive arms of the state (Dean, 1999, p. 19). He calls that form of power *sovereignty*. In his work on the rise of liberal capitalist modernity, Foucault identified a shift away from sovereignty and the “simple” subjection of individuals and populations to governing more indirectly and less coercively with the objective of enhancing a subject's or population's usefulness. Contrary to facile readings of liberal forms of rule as bringing about greater human freedom, Foucault suggested that these seemingly more benign modalities of modern power gave rise to more insidious and in fact more effective forms of governance.



According to Foucault, the development of capitalism was much more than simply an economic process. The new capitalist order of private landownership and market relations required “new habits of social discipline” among the population, “in particular, the improving habit of self-propelled industry” (Scott, 1999, pp. 47-48). Instead of simply seeking the promotion of “extractive-effects” on workers' bodies this new form of power sought to produce “governing-effects” on the conduct of the (normative) productive, “desiring subject” (Scott, 1999, p. 40, 51-52). Hence with the formation of the administrative state from the late 16<sup>th</sup> to the 19<sup>th</sup> century, government focused on “controlling the mass of the population on its territory rather than controlling territoriality as such” (Jessop, 2006, p. 37). The growing object of government was to introduce *economy* – which until that time referred to “the wise management of individuals, goods, and wealth within the family” (Inda, 2005, p. 4) - from the level of the family to the level of the population.

It is as though power, which used to have sovereignty as its modality or organizing schema, found itself unable to govern the economic and political body of a society that was undergoing both a demographic explosion and industrialization. So much so that far too many things were escaping the old mechanisms of the power of sovereignty, both at the top and at the bottom, both at the level of detail and at the mass level (Foucault 2003, p. 249).

As the economic management of population became a central objective of government, (collective) life itself with its attending biological processes of human existence

was brought “into the realm of explicit calculations and made knowledge-power an agent of transformation of human life” (Foucault, 1978, p. 143). Government came to be occupied with actively fostering the wealth, health and welfare (Joseph, 2007, p. 5) of its subject population at the level of both the individual human body (“anatomy-politics”) and the population as biological species (“biopolitics”) (Foucault, 2003, pp. 242-243). Foucault terms this novel technology of power biopower.

If the economic take-off of the West began with the techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men made possible a political take-off in relation to the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection. In fact, the two processes – the accumulation of men and the accumulation of capital – cannot be separated (Foucault, 1995, pp. 220-221).

In Foucault's narrative, the human body came to constitute a key terrain in the workings of modern power: “Society's control over individuals was accomplished not only through consciousness or ideology but also in the body and with the body. For capitalist society, it was biopolitics, the biological, the corporal, that mattered more than anything else” (Foucault, 2000, p. 137; as cited in Lemke, 2005, p. 3). Capitalist exploitation required a prior “political investment of the body” (Foucault, 1977, p. 25; as cited in Lemke, 2002, pp. 10-11) for “[i]t had to turn peasants into punctual, efficient industrial workers” (Aradau & Blanke, 2010, p. 48). As some commentators have suggested, Foucault supplements Marx' critique of political economy with a “political anatomy of the body” (cf. Aradau & Blanke, 2010; Jessop, 2006; Lemke, 2002).

In the sixteenth and seventeenth century a novel form of power – disciplinary power – emerges in enclosed spaces like monasteries, prisons and factories, leading Foucault to speak of the rise of a “disciplinary society.” This new form of power operates on the body. Of course societal constraints and pressures on the body existed before. However, what was different was the operation of disciplinary micro-processes on the body, seeking to render the individual body “more powerful, productive, useful and docile” (Sawicki, 1991, p. 67) without relying on overt repression or force. “Disciplinary practices ... secure their hold not through the threat of violence or force, but rather by creating desires, attaching individuals to specific identities, and establishing norms against which individuals and their behaviors and bodies are judged and against which they police themselves” (Sawicki, 1991, pp. 67-68). Fundamental to disciplinary power are the arrangement of space and the surveillance of the body within and through space or spatial arrangements (cf. Elden & Crampton, 2007).

The rise of disciplinary power is intimately connected to the “birth of the prison,” as Foucault put it in the subtitle of the English edition of his book *Discipline & Punish* (2005). Critical to the shift away from sovereignty towards disciplinary rule was the transformation of a penal regime based on the public performance of torture and killing of the accused person's *body* towards a penal system preoccupied with the rehabilitation of the deviant's *soul*. In medieval times, punishment took on the form of a public spectacle in which “the body of the condemned ... [served] as the place where the vengeance of the sovereign was applied, the anchoring point for a manifestation of power, an opportunity of affirming the dissymmetry of forces” (Foucault, 2005, p. 55). Foucault argues that with the rise of disciplinary societies, torture became not only unnecessary as a means of government, but for the newly emerging system of capitalism to flourish, government

through disciplinary forms of power turned out to be more effective than open subjection and repression of the subject (Rejali, 1994, p. 14). Gradually, “[t]he body as the major target of penal repression disappeared... One no longer touched the body, or at least as little as possible, and then only to reach something other than the body itself” (Foucault, 2005, pp. 8, 11).

In *Discipline & Punish* Foucault distinguishes between discipline or disciplinary power and punishment. While punishment is simply a juridical response to a (perceived) criminal act, discipline “refers to systematic efforts to control ‘movement and operations of the body’ and to exercise power over individuals in order to produce docility and submission” (Foucault 1995: 23; as cited in Mertus and Rawls 2008: 29). Disciplinary power is often preventative as

[t]he target of disciplinary power is not just the accused individual whose body is on display, but *everyone and anyone*. The rituals and practices that entail disciplinary action remind everyone that the state maintains control over information and a monopoly of violence – and that at any time their bodies might be next on the block (Mertus & Rawls, 2008, p. 29).

Foucault did not read this shift in the economy of punishment as a step forward towards more humane societies; Foucault argues that the “birth of the prison” is at the heart of a “transformation of the way in which the body itself is invested by power relations” (Foucault, 2005, p. 24; as cited in Rodríguez, 2006, p. 47), with the prison constituting a

new and more insidious way of exercising power (Rejali, 1994, p. 15).

By the end of the eighteenth century, “[d]eath was no longer something that suddenly swooped down life – as in an epidemic. Death was now something permanent, something that slips into life, perpetually gnaws at it, diminishes it and weakens it” (Foucault, 2003, p. 244). Death “gradually began to disappear, or at least to fade away, ... [so] much so that death ... has become ... something to be hidden away. It has become the most private and shameful thing of all” (Foucault, 2003, p. 247). With this shift, a new technology of power emerged focusing not on the individual body, an “anatomo-politics of the human body” (Foucault, 2003, p. 243), but rather at bodies aggregate as population, a “biopolitics’ of the human race” (Foucault, 2003, p. 243). Biopolitics deals with the population as a political and a biological problem (Foucault, 2003, p. 245), and the phenomena addressed by biopolitics are “aleatory” and “unpredictable (Foucault, 2003, p. 246).

In Foucault’s words, “[u]nlike discipline ... the new nondisciplinary power is applied not to man-as-body but to the living man, to man-as-living-being; ultimately, if you like, to man-as-species” (2003, p. 242). While both disciplinary and biopolitical interventions seek to “maximize and extract forces” (Foucault, 2003, p. 246), these mechanisms work very differently. “Both technologies are obviously technologies of the body, but one is a technology in which the body is individualized as an organism endowed with capacities, while the other is a technology in which bodies are replaced by general biological processes” (Foucault, 2003, p. 249). Drawing on *regulatory* measures such as forecasts and statistics, a biopolitics of population seeks “to establish an equilibrium, maintain an average, establish a sort of homeostasis, and compensate for variations within this general population and its aleatory field” to “optimize a state of life” (Foucault, 2003, p. 246).

Bio-politics problematises elements of individual comportment, such as how to get people to have more or fewer children, but it also problematises structural conditions, such as the quality of housing. It advances both through the development of observational techniques, including statistics, and through the operations of the great administrative organs of state” (Curtis, 2002, p. 519).

Hence Foucault argues that “through anatomo- and bio-politics, ‘power has become materialist. It ceases to be essentially juridical’” (Curtis, 2002, p. 519).

The shift from sovereign forms of power that “take life and let live” to biopolitics, the power to “‘make’ live and ‘let’ die” (Foucault, 2003, p. 241), meant that liberal power ceased to (primarily) rely on the threat or use of force via the state or “formal apparatuses of political authority” (Dean, 1999, p. 6), and instead sought to govern individuals and populations through practices of freedom. Biopolitical rule seeks government at a distance “through achieving the right *arrangement* and *disposition (dispositif)*” of bodies, things, and spaces (Hay & Andrejevic, 2006, p. 334). The target or “point of application” (Asad, 1993, p. 32; as cited in Scott, 1999, p. 32) of liberal power is not so much the body of the sovereign's subject as the social *conditions* in which that body is to live and conduct itself (Scott, 1999, p. 32). With this shift,

death becomes, insofar as it is the end of life, the term, the limit, or the end of power too. Death is outside the power relationship. Death is beyond the reach of power, and power has a grip on it only in general, overall, or statistical terms. Power has no control over death, but it can control mortality. ... In the right of sovereignty, death was the moment of the most obvious and most spectacular manifestation of the absolute power of the sovereign; death now becomes, in contrast, the moment when

the individual escapes all power, falls back on himself and retreats, so to speak, into his own privacy. Power no longer recognizes death. *Power literally ignores death* (Foucault, 2003, p. 248; my emphasis).

In his lectures at the Collège de France in the late 1970s on what he called “governmentality” or the “art of government,” Foucault expanded and refined his analytics of power. Foucault argued that until the 18th century, the “problem” of government preoccupied not only political thinkers. His genealogy of the term shows that up until then, the question of government was widely discussed in philosophical, religious, medical and pedagogic texts. In their usage, government referred to rule through and beyond the state, including the management of the household, guidance for the family and for children, and the control of the Self and the soul. Drawing on this older meaning, Foucault came to define government much more broadly as conduct or “the conduct of conduct”<sup>1</sup> designating a spectrum of governance which ranges from “governing the self” to “governing others” (Lemke, 2001, p. 2). The concept of governmentality “offers a view on power beyond a perspective that centers either on consensus or on violence; it links technologies of the self with technologies of domination, the constitution of the subject to the formation of the state; finally, it helps to differentiate between power and domination” (Lemke, 2002, p. 3).

Underpinning this vision of governmentality is the mutually constitutive relationship between power and knowledge that Foucault delineated in his previous works. By semantically linking governing (“gouverner”) and modes of thought (“mentalité”) Foucault indicates that it is not possible to study technologies of power without analyzing the political

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<sup>1</sup> According to Hansen (2010, p. 53, footnote 26), the well-known phrase “conduct of conduct” has been used by numerous Foucault-inspired scholars drawing on Foucault’s expression “à ‘conduire des conduites’” (Foucault, 1994, p. 237) in the French original of the essay “The Subject and Power.”

rationality underpinning them (Lemke, 2001, p. 1). In this approach discourses on government are an integral part of the workings of government rather than simply a means of its legitimation (Dean, 1999, p. 26).

In contrast to sovereignty which sought to rule over a territory and the people that live on it, government or governmental power sought to decentre the state from processes of social regulation while nevertheless seeking to manage and maximize political economy or the improvement of health, wealth and welfare of the population (Joseph, 2007, p. 5) by using and optimizing the forces and capacities of living individuals as members of a population (Dean, 1999, p. 20; see also Medovoi, 2007). The art of government rests not only on rationalities and technologies of sovereign and disciplinary forms of power but also on processes of subjectivation - the making of modern subject, in particular the cultivation of the bourgeois self. As Ann Stoler put it so aptly, for Foucault, intervening in “how to live” is “the ultimate bourgeois project” (1995, p. 83).

Foucault's analytics of government are based on the premise and seek to capture that modern liberal power “is foremost about guidance and ‘Führung’, i.e. governing the forms of self-government, structuring and shaping the field of possible action of subjects” (Lemke, 2002, p. 3). Governmentality designates any more or less calculated and rational effort, undertaken by a multiplicity of authorities and agencies, “to influence or guide the conduct of human beings through acting upon their hopes, desires, beliefs, interests, circumstances, or environment” (Inda, 2005, p. 1) and to do so “for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes” (Dean, 1999, p. 11f.).

Central to this model of power is governance through “apparatuses of security,” which include a wide range of state and non-state agents and institutions, including military,



police, diplomatic corps, intelligence services as well as health, education and social welfare systems (Gordon, 1991, pp. 19-21), as well as the mobilization of individuals and populations to actively participate in their own governance, for instance through discourses of rights and “responsibilization,” the latter often connected to projects of “privatization” (Hay & Andrejevic, 2006, p. 334; see also Burchell, 1991; Dean, 2009).

In contrast to classical liberal thought, the neoliberal subject is no longer conceived as the subject of rights but as an entrepreneur of their own life who “act[s] upon themselves to make themselves better than they are” (Rose, 2001, p. 18). In this self as enterprise model, the good citizen-subject “is s/he who manages these diverse networks – work, household, pension, insurance, private property – in the most responsible and prudent fashion vis-à-vis the avoidance of risk and the maximization of their own happiness” (McNay, 2009, p. 61). With the welfare state shedding its responsibility for the social security of its pastorate by shifting risk and empowerment to its subjects, sovereignty is disseminated across the social amongst society’s members (Nadesan, 2008, p. 3; see also Dean, 1999; Lemke, 2002).

This reconfiguration of subjectivity and identity towards an economic understanding of enterprise has profound implications for political agency. In classical liberal thought personal autonomy or individual freedom were constituted as key obstacles to social control, however under neoliberal rule the idea of autonomy, individual liberty and liberal rights in general constitute a central technology of power (McNay, 2009, pp. 62-63). Under neoliberal governmentality, “[d]iscipline and freedom are not opposites ... but intrinsically connected in that biopower indirectly organizes individuals in such a way that their apparent autonomy is not violated” (McNay, 2009, p. 63). Of course subjects

do not just get shaped or moulded by governmental power, but they negotiate – embrace, adapt, or refuse - the processes of government and cultivate “their own” selves and identities (Inda, 2005, pp. 10-11).

Connected to this then is the capacity and willingness of many neoliberal regimes to accommodate a wide range of individual and social differences – at least “as long as they are compatible with a consumerized notion of self-responsibility” (McNay, 2009, p. 63). In fact, the promotion of difference makes the art of government so much more flexible, insidious and effective. According to Foucault characteristic of neoliberal governance is the “optimization of systems of difference ... in which minority individuals and practices are tolerated, in which action is brought to bear on the rules of the game rather than on the players, and finally in which there is an environmental type of intervention instead of the internal subjugation of individuals” (Foucault, 2008, pp. 259-260). It is in this context that “community,” like “the gay community” has become “a key terrain of government” (Inda, 2006, p. 42; see also Puar, 2007; Rose, 1996).

Following Foucault's lead, this dissertation on the distribution of life and death in the U.S. War on Terror examines how national security practices have become dispersed across the social field and become part of everyday life in the “homeland.” One of the key findings is that under the save-civilization-itself fantasy citizens are increasingly mobilized and made responsible for ensuring national security. Under the Homeland Security project, ethical subjects are expected to be in charge of securing their home, person and property.<sup>2</sup> From taking care of one's finances to one's health, self-care has become a key site in the

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<sup>2</sup> For a detailed study on everyday practices around home security and home safety discourses, see Caluya (2009).

quest for defending the nation and saving civilization itself (Hay & Andrejevic, 2006, p. 343). This kind of self-care is not simply forced on the political subject – the ethical subject accepts that responsibility or prudent disposition towards “their” national security quite willingly.

Foucault's analytics of power fundamentally challenge the probably most prominent vision of modern political order in the canon of Western political theory, Thomas Hobbes' *Leviathan* (1996). While Hobbes' *Leviathan* model conceptualizes the state “as an already and always centralized apparatus of interests and strategies which is at best tangentially concerned with individuals and their everyday lives” (Coleman & Agnew, 2007, p. 320), in Foucault's view the state is not a unified actor and it figures as only one of multiple sites of power. In this model, power flows from the bottom-up. Existing micro-powers get appropriated by state, institutions or social groups that adopt, adapt and develop them for their own purposes (Joseph, 2007, pp. 4-5) rather than the state being *the* source of all forms of power.

### **Beyond practices of freedom. On the dark underbelly of liberal security**

By cutting off the king's head in their analyses, the governmentality literature across the social sciences and humanities has made significant contributions to our understandings of the complex operations of power under neoliberal rule. However, as a student of global security, one cannot but wonder “how come [the king's] headless body often behaves as if it indeed had a head?,” as Mitchell Dean so aptly put it in the context of the nation-state (1994, p. 156). Liberal rule within and beyond the boundaries of the European nation-state system

then and now has not been limited to government through practices of freedom, but operated and reproduced itself also through technologies of neglect, marginalization, exclusion, medicalization, capture and brute acts of force - inside and outside the penal system (cf. Agathangelou et al., 2008; Gilmore, 2006; Howell, 2011; Inda, 2006; Nadesan, 2008; Povinelli, 2011; Rodríguez, 2006). In fact, liberal nation-states are amongst the most armed and belligerent actors in inter/national politics (Dillon, 2004, p. 76; see also Hindess, 2004). So how then, in Foucault's (2003, p. 254) words, do we make sense of the death function "in a political system centred upon biopower?"

First of all, even though Foucault argues that government is accomplished through a multiplicity of actors, technologies, strategies and institutions rather than a centralized set of state apparatuses, he does not dismiss the important role of the state in the emerging regime of liberal rule:

I don't want to say that the State isn't important; what I want to say is that relations of power, and hence the analysis of that must be made of them, necessarily extend beyond the limits of the State... [T]he State can only operate on the basis of other, already existing power relations. The State is superstructural in relation to a whole series of power networks that invest the body, sexuality, the family, kinship, knowledge, technology, and so forth (Foucault, 1980b, p. 122).

So while refusing to take the state as the original or ultimate source of modern forms of power, Foucault's analytics of government recognize the ongoing significance of the state in

the operations of liberal power.

Connected to this concern and in contrast to much of the governmentality scholarship Foucault did not treat biopower simply as a positive life-affirming power, nor did he suggest a simple succession from sovereignty, to discipline to government.<sup>3</sup> While in the English translation Foucault (1976, 180) is famously quoted with “making live and letting die,” in the original French text, Foucault speaks of “faire vivre et rejeter dans la mort” (“making live and rejecting in death”) (as cited in Fassin, 2009, p. 52). He argues that in biopolitical states

wars are no longer waged in the name of a sovereign who needs to be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of the life necessity: massacres have become vital. It is as managers of life and survival, of bodies and the race, that so many regimes have been able to wage so many wars, causing so many men [sic!] to be killed . . . this is not because of a recent return of the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population (Foucault, 1980a, p. 137).

According to Foucault, the rise of biopower does not put an end to the practice of war, but elevates war-making to a life-affirming force. Under biopower, enemies are cast as “threats, either external or internal, to the population and for the population” (Foucault, 2003, p. 256), and therefore “the death of the other – that is, of those deemed dangerous, unfit, or diseased – will make life in general more healthy and pure” (Inda, 2005, p. 16). Following Foucault and in reference to Rejali’s (1994) work, Mitchell Dean (2010, p. 165) notes that as

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<sup>3</sup> Even though Foucault famously argued that while “the old right of sovereignty consisted in killing or letting live, the new right [consisted] of making live and letting die” (1992: 172), in contrast to some of the governmentality literature, he emphasized that “[t]he new right will not cancel the first, but will penetrate it, traverse it, change it” (Foucault, 1992, p. 172; as cited in Inda, 2006, p. 249).

“massacres become vital ... tortures become vital.” Thus “under the logic of biopower, it is possible to simultaneously protect life and to authorize a holocaust” (Inda, 2005, p. 17). Foucault emphasized that with “killing” or the death-function of biopower he did not mean “simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on” (Foucault, 2003, p. 256).

So how is the biopolitical decision rendered as to what forms of life are to be protected and which ones are to be eradicated or “rejected in death”? Foucault gave a clear answer: racism. According to Foucault, racism is “the break between what must live and what must die” (2003, p. 254). It is about “establishing a biological caesura within a population that appears to be a biological domain” (Foucault, 2003, p. 255). “In a normalizing society, race or racism is the precondition that makes killing acceptable” (Foucault, 2003, p. 256), and these processes of racialization develop on the model of war.

“In order to live you must destroy your enemies.” ... “The more you kill, the more deaths you will cause, ... will allow you to live more.” ... “The more inferior species die out, the more abnormal individuals are eliminated, the fewer degenerates there will be in the species as a whole, and the more I – as species rather than individual – can live, the stronger I will be, the more vigorous I will be. I will be able to proliferate.” [T]he death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier: healthier and purer (Foucault, 2003, p. 255).

Making possible the “group-differentiated vulnerability to premature death” (Gilmore, 2007, p. 247) racism in Foucault’s view is hence not an *ad hoc* response to social crisis but fundamental to the biopolitical state (Stoler, 1995, p. 69; see also Agathangelou et al., 2008;

Hong & Ferguson, 2011b). Racism allows for the creation of “‘biologized’ internal enemies, against whom society must defend itself” (Stoler, 1995, p. 59). The killing of the Other then becomes a “vital technology” in the quest for “an improvement or purification of the higher race” (Lemke, 2005, p. 8). Henceforth, “[i]n modern racist discourse, war does more than reinforce one's own kind by eliminating a racial adversary; it 'regenerates' one's own race” (Stoler, 1995, p. 85).

However, even though an analytics of biopolitics connects the power to foster life with death and accounts for the “lethality of making live” (Evans, 2010, p. 421), and whilst Foucault explicitly challenged conceptualizations of a simple succession from sovereignty, to discipline to government, the main thrust of power in this conceptualization lies in the cultivation of life with death being viewed more as a secondary effect or spin-off of this primary objective (Puar, 2007, p. 32; see also Haritaworn et al., 2014a; Lambie, 2013). How do we make sense of Foucault on the one hand accounting for the central role of racism in making possible the death-function under biopower, and on the other hand his near total lack of attention to subjects and spaces subjected primarily or exclusively to punitive, sovereign forms of power? Feminist, postcolonial and critical race theorists have identified the following two main analytical blind spots in Foucault’s narrative of the “birth of biopolitics.”<sup>4</sup> (1) Foucault’s analysis of the human body as the central site of modern liberal rule relies on an “unspecified body” (Holland, 2012, p. 11) whose embodied non-embodiment reproduces liberalism’s fiction of the White propertied cismale as the universal subject of history, and (2) Foucault’s analysis of the rise and reconfigurations of

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<sup>4</sup> The Birth of Biopolitics (Foucault, 2008) is the English-language title of a published lecture series Foucault held at the Collège de France in the late 1970s.

liberal forms of governance reads these developments within a self-contained Europe thereby failing to consider the deeply entwined, co-constitutive relations between social, political and economic processes and actors in Europe and the colonies (cf. Agathangelou, 2010a, 2010b, 2011; Hartman, 1997; Holland, 2012; James, 1996; JanMohamed, 1992; Mbembe, 1997; Nadesan, 2008; Rodríguez, 2006; Stoler, 1995).

Central to Foucault's account of the formation of Western modernity, the rise of the modern episteme and liberal forms of power, is the idea of the human body and the human subject. Foucault's investigations demonstrate the constructedness of the self-possessed modern subject. Contrary to Foucault's account however, Western epistemologies did not auto-generate this body within the temporal and spatial confines of "Europe" - the modern epistemic break or rupture identified by Foucault as giving rise to or inventing the modern subject emerged in the context of European powers' modern imperial expansion (cf. Agathangelou, 2010a, 2010b, 2011; Grovogui, 1996, 2005; Bernal, 1987; Barrett, 2014; Dussel, 1995, 1996; Fanon, 1963, 2008; 1999; Hammonds, 2004; Hartman, 1997; Hussain, 2003; James, 1938; JanMohamed, 1992; Krishna, 2001; McClintock, 1997; Mehta, 1999; Mudimbe, 1988, 1994; Said, 1978; Sexton, 2006; Spivak, 1999; Stoler, 1995). Playing on Foucault's account of the modern episteme, Lindon Barrett (2014: 1) in his posthumously published book *Racial Blackness and the Discontinuity of Western Modernity* argues that "the partitioning and reorganization of the hemisphere of the Americas constitutes the fundamental, ongoing event of Western modernity."

As feminist, postcolonial and critical race scholars have pointed out, Foucault's overall oeuvre largely treats the modern subject as an "unspecified body" (Holland, 2012, p. 11) and thereby reproduces the normative European Man as the universal subject of



history. This abstraction from *embodied* technologies of subjection along for instance lines of race, gender and sexuality leads to serious erasures in Foucault's account of the operations of modern power. Foucault's project is to challenge liberal understandings of modernity as bringing about greater human freedom, but as a result of these abstractions and erasures his analysis gets to block out how certain subjects are produced as incapable of self-improving and self-regulating conduct, and hence marked as ineligible for disciplinary, biopolitical and other liberal technologies of governance; this bracketing then makes it possible for Foucault to narrate an account of modern power that is "sanitize[d] [of] state repression" (James, 1996, p. 28). For instance contrary to Foucault's influential thesis about the superfluousness of torture and other *spectacular* forms of corporeal punishment within the modern European penal system, practices of violent cruelty, including in public, never disappeared and in fact, were critical to the production and management of populations deemed outside the scope of modern Man and hence liberal rehabilitation. Darius Rejali (1994), Joy James (1996, 2000, 2001, 2005, 2007), Silvia Federici (2004), Dylan Rodríguez (2006, 2007, 2008a), Majia Holmer Nadesan (2008) and others have challenged Foucault's silence about prisoners' and other subjects' vulnerability to state-administered spectacular forms of corporeal punishment, such as police beatings, rape, shock treatments, and death row (James, 1996, p. 34; as cited in Rodríguez, 2006, p. 160).<sup>5</sup>

Erased also from Foucault's account of the rise of modern power – in particular his argument about power "no longer recogniz[ing] death" and in fact "literally ignori[ing]

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<sup>5</sup> For a discussion of the slave ships of the Middle Passage as an apparatus and regime of human mass capture and punishment producing the enslaved body/Black body and their conceptualization hence as a precursor of the modern prison regime, see Rodríguez (2007).

death” (Foucault, 2003, p. 248) - are the brutal acts of mass violence that made possible the control and use of the Americas; the use of genocidal force against indigenous populations living on the land and the capture, enslavement and forced transfer of people indigenous to the African continent to the “New World.”<sup>6</sup> While Foucault mentions that “[r]acism first develops with colonization, or in other words, with colonizing genocide” (2003, p. 257), his account of the murderous and genocidal operations of power under a system centred on biopower discusses only Nazism - in his view the most paradigmatic example of a biopolitical society committed to the “regeneration” of its population’s “race” (Foucault, 2003, pp. 258-260). So while racism is part of Foucault’s analytic of biopolitics, (settler) colonial conquest and imperial rule, genocide, transatlantic slave trade and indentured labour, are not, including pre-Nazi Germany’s racist, murderous projects in its African and other colonies (cf. Agathangelou, 2010a, 2010b, 2011; Hartman, 1997; Holland, 2012; James, 1996; JanMohamed, 1992; Mbembe, 2001, 2003; McClintock, 1995; Nadesan, 2008; Stoler, 1995).

Connected to Foucault’s failure to place “metropole and colony in a single analytic field” (Stoler and Cooper 1997, p. 4), and hence erasure of the geopolitics of imperialism from his account of Western modernity, is his lack of attention to past and present processes of land appropriation for the management of liberal life and security (Cooper, 2004, p. 520; as cited in Tadiar, 2013, pp. 25-26). Citing Melinda Cooper’s (2004, p. 521) work, Tadiar (2013, p. 25) writes that the liberal way of life and its notion of freedom are “inconceivable and inoperable without the ‘forcibly open horizon of free space’ of the colonial world serving as both the geographical context of liberalism’s utopia of incessant

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<sup>6</sup> Racial chattel slavery is a genocidal project as well of course (if less by intent than effect).

economic growth and an actual territorial zone of exception for the constitutive displacement of sovereign Europe's domestic conflicts." Colonial and settler colonial conquest are fundamental elements of the conditions of possibility for the shift in emphasis in the operations of liberal power from controlling one's territory to regulating population.

Afro-pessimist scholarship's challenge of Foucault's "unspecified body" (Holland, 2012, p. 11) goes beyond postcolonial and feminist distinctions between different bodies or embodiment. Drawing our attention to the foundational role of the ontology of racial Blackness - the conflation between enslaveability and Blackness - in the ideational and material production of modern Man or the Human, Afro-pessimist theorists distinguish between body and (Black) *flesh* (Agathangelou, 2009a, 2009b, 2010a, 2010b, 2011, 2013a, 2013b; Fanon, 1952; Mbembe, 2001; Hartman, 1997, 2008; Sharpe, 2010; Sexton, 2006, 2007, 2008, 2010a, 2010b, 2011; Spillers, 1987; Wilderson, 2007, 2010). This ontology of racial Blackness emerged when chattel slavery "as a condition of ontology and not just as an event of experience" was reconfigured from a condition anyone can get subjected to, "to a word which reconfigures the African body into Black flesh" (Wilderson, 2010, pp. 18-19). Following Fanon, Afro-pessimist theorists draw our attention to "the originary and ongoing" relations of direct force that make possible the birth of biopolitics beyond the "mere" theft of land and labour (Agathangelou, 2011, p. 220). Rather Blackness signifies enslaveability and openness to "gratuitous violence" (Patterson, 1982, p. 13) understood not simply as legitimate suffering, but cast the capture, murder, rape and maiming of Black bodies a "structural impossibility" (Agathangelou, 2010b, p. 200).

Building on this conceptualization of the Black subject as "socially dead" and mere flesh, Achille Mbembe's (2003) concept of necropolitics constitutes one of the most powerful

critiques of Foucault's account of biopolitics and any other facile readings of the rise of modern power in terms of life politics. He argues that biopower fails to capture the operations of power that subject "vast populations ... to conditions of life [that] confer[...] upon them the status of *living dead*" (Mbembe, 2003, p. 40). Mbembe (2003, p. 13) challenges what he calls the "romance of sovereignty" which "rests on the belief that the subject is the master and the controlling author of his or her own meaning." Instead Mbembe centres the thingification of the enslaved and – provincializing<sup>7</sup> both Foucault and Agamben - insists that technologies of racial terror were first developed in the colonies before enacted on European populations. Adding to Fanon's observations in *The Wretched of the Earth* (1963) about the bifurcated nature of colonial society and rule,<sup>8</sup> Mbembe writes that in the colonies "the sovereign right to kill is not subject to any rule in the colonies. In the colonies, the sovereign might kill at any time or in any manner. Colonial warfare is not subject to legal and

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<sup>7</sup> Playing on Dipesh Chakrabarty's (2000) book "Provincializing Europe", Sexton (2010a, p. 32) in his critique of Mbembe's necropolitics acknowledges the contribution of the concept of necropolitics "for provincializing Agamben's paradigmatic analysis" of the camp as the biopolitical nomos of the modern world.

<sup>8</sup> Fanon (1952, p. 38) notes that

The colonial world is a world cut in two. The dividing line, the frontiers are shown by barracks and police stations. In the colonies it is the policeman and the soldier who are the official, instituted go-betweens, the spokesmen of the settler and his rule of oppression. ... In the capitalist countries a multitude of moral teachers, counsellors and 'bewilders' are placed between the exploited and those in power. In the colonial countries, on the contrary, the policeman and the soldier, by their immediate presence and their frequent and direct action maintain contact with the colonized and advise him by means of rifle butts and napalm not to budge. It is obvious here that the agents of government speak the language of pure force.

Fanon's analysis draws our attention not only to the foundational role of violence in the governance of colonial subjects but also the important role of space and spatial regulation in settler colonial governance. For a more detailed analysis and discussion, see Agathangelou's (2011) meditation on "Fanon's Combat Breath."

institutional rules. It is not a legally codified activity” (Mbembe, 2003, p. 25). Mbembe (2003, p. 40) refers to this power whose primary objective is the creation of “death-worlds” as necropower.

To conclude this section, postcolonial, feminist and Afro-pessimist theory bring to the fore how Foucault's account of the birth of the prison and the shift from sovereign to disciplinary and biopolitical forms of power is based on two analytical moves that rest on a callous indifference to the (overlapping and entwined) operations of racist, gendered, sexualized and colonial forms of violence and domination. Firstly, while Foucault's analytics of modern power foreground the body as a central site of governance, this body remains undifferentiated in ways that reproduces the fictional universality of the modern subject at the heart of liberal political thought and the modern liberal order - the able-bodied propertied and heterosexual White cis-male subject. Secondly, and connected to his abstraction from *embodied* technologies of social control, Foucault locates the rise of modernity and modern forms of power within the (imagined) boundaries of a self-contained Europe. Foucault's narrow analytical field renders unintelligible not only the classed and gendered racial-sexual contingency of Man, but also the very “foundational subsidy” (Agathangelou, 2010b) – material and symbolic - of these racial-sexual contingencies in making possible the governance of Enlightenment Man through disciplinary and biopolitical forms of power.

These insights have been brought to bear on the discipline of International Relations in particular by Anna M. Agathangelou (2009a, 2009b, 2010a, 2010b, 2011, 2013a, 2013b) whose work on for instance liberal internationalism (2010a), human security (2013b) and LGBT human rights (2013a) pushes critical IR theory to account for

the foundational role of anti-Black murder and violence - “productive morbidity” (Agathangelou, 2013b, p. 156) - in the constitution of the global liberal order. These theoretical openings are crucial in allowing me to trace the workings of the dark underbelly beyond a simple “add-and-stir” approach; rather than simply supplementing a Foucauldian-inspired analytics of governmentality with Mbembe’s analytics of necropolitics, my analysis of the management of life and death in the U.S. War on Terror rereads and refigures Foucauldian(-inspired) analytics of power by centering the raciality and coloniality of the transnational operations of modern power, foregrounding in particular structures<sup>9</sup> of settler<sup>10</sup> colonialism (Wolfe, 2006) and the “afterlife of slavery” (Hartman, 2007, p. 6). Conceptualizing the governance of life and death in the U.S. War on Terror as an assemblage of bio- and necropolitical technologies of security, the dissertation will explore how technologies of race/sex/gender act as the linchpin between different modalities of governance.

## **Sex, Biopower and the Ascendancy of Whiteness<sup>11</sup>: What’s Queer about Security**

### **Studies Now?<sup>12</sup>**

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<sup>9</sup> As Patrick Wolfe (2006, 388) notes, “settler colonizers come to stay” - settler colonial invasion is hence “a structure not an event.”

<sup>10</sup> While Mbembe’s discussion of death-worlds refers to an underspecified coloniality of power, my discussion of necropolitical security practices of the U.S. state will foreground an analytics of *settler* colonialism. For a detailed critique on the absence and insignificance of settler colonialism and indigenous peoples to Mbembe’s theorization of necropolitics, see Morgensen (2011) and Smith (2012), though Smith’s analysis does not explicitly address Mbembe’s work.

<sup>11</sup> “Ascendancy of whiteness” was coined by Rey Chow (2002).

<sup>12</sup> The title plays on Eng et al.’s (2005) eminent article “What’s Queer about Queer Studies Now?”

As Agathangelou and Ling (2004b: 30) note in their brilliant deconstruction of the discipline of International Relations (IR) as a colonial household, “the House of IR marginalizes postmodern feminism and queer studies precisely for exposing its secret lusts and unrequited desires.” A decade later, IR scholarship addressing matters of sexuality – and even more so queer sexualities - in the context of war and security is still comparatively small and at the periphery of the discipline. Despite the governance of sexuality and social re/production more broadly having been historically at the heart of biopower,<sup>13</sup> the lack of engagement with sexuality and queerness extends also to Foucauldian approaches on the biopolitics of security. With few exceptions (Peterson, 1999; Weber, 1999), it was not until very recently that IR saw the publication of explicitly queer approaches to security studies (Agathangelou, 2013a; Amar, 2013; Richter-Montpetit, 2007, 2014; Sjoberg & Sheperd, 2012; Weber, 2014) with the brunt of works within the discipline of IR focusing on questions of sexuality and queerness being produced in the subfield of global political economy, particularly development studies (Agathangelou, 2004; Bedford, 2009; Bergeron, 2009; Lind, 2003, 2009a, 2009b, 2010; Peterson, 1999, 2013; Rao, 2010, 2011, 2012, 2013, 2014a, 2014b). Adding to this growing body of scholarship, my dissertation will show how sexuality as a system of knowledge and an erotic practice is not just a frivolous distraction from the “hard” issues in IR, such as weapons proliferation and trade deficits (Stanton, 1993, p. 2), but constitutes a central terrain of transnational governmentality.

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<sup>13</sup> As Foucault writes, “[s]exuality exists at the point where body and population meet” (2003, pp. 251-252), connecting “the life of the individual to the life of the species as a whole” (Stoler, 1995, p. 4).

As a starting point, “sexuality” in this dissertation refers neither to “a bodily drive to be repressed or liberated” but is understood as “an especially dense transfer point” (Terry, 1999, p. 12) of the power-knowledge nexus, as a technology of power that operates through a range of modalities of power and force. To borrow from Elizabeth Povinelli (2006, pp. 9-10), this dissertation foregrounds questions of sexuality not

for the sake of knowing sexuality, but for the sake of investigating power and the discursive matrixes that underpin[...] it. Similarly, [Foucault’s] aspiration was not merely to know how power disciplined sexuality, sexual expression, or sexual identity, but to understand how all of these were the means by which power in a robust sense- power over life and death, power to cripple and rot certain worlds while over-investing others with wealth and hope – is produced, reproduced and distributed when we seem to be doing nothing more than kissing our lovers goodbye as we leave for the day.

As discussed earlier, Foucault – and much of queer theory that builds on his *History of Sexuality* - does not account adequately for if not erases the “raciality” (Kuntsman & Miyake, 2008) of sexuality – the ways in which modern sexuality is always already racialized - and connected to that, the death-function under liberal forms of power.<sup>14</sup> In his article entitled “Can Queer Theory Be Critical Theory?” Michael Hames-García (2000) hence asks: “To what extent can the privileging of desire as a realm of freedom and/or transgression [within queer studies] occlude the collusion of desire with domination and oppression?” (as cited in

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<sup>14</sup> Building on Rey Chow (2002), Jasbir K. Puar (2007, p. 34) notes that much of the English-speaking scholarship in sexuality, LGBT and queer studies engages Foucault’s work around the “repressive hypothesis” as developed in *The History of Sexuality* while postcolonial approaches foreground Foucault’s analytics of biopower. Shannon Holland in a similar vein deplores the evacuation of race from sexuality in much of queer theory. Holland identifies a tripartite methodological division in the study of queer bodies: “the psychoanalytic, the critique of global capital, and the biopolitical” (Holland, 2012, p. 13).



Holland, 2012, p. 43). Taking Agathangelou and Ling's (2004b) critique of the discipline of IR as a colonial household seriously pushes queer approaches to the discipline beyond a notion of the (homo)sexual narrowly understood as matters of sexual practices and sexual identity, and understandings of desire and pleasure as inherently transgressive.

To better capture these complex operations of power, the analytics of sexuality and gender underwriting the queer lens of this dissertation take as their point of departure "the new queer studies" (Manalansan, 2003, p. 6; as cited in Driskill, 2012, p. 70), the growing body of queer theory that centers questions of race, nation, diaspora and empire (cf. Eng, Halberstam, & Muñoz, 2005; Gopinath, 2005; Haritaworn, 2008a, 2008b; Lufbheid, 2008, 2008b; Manalansan, 2003; Puar & Rai, 2002; Puar, 2007; Reddy, 2005, 2011). Rooted in Women of Colour/Black feminisms and Queer/Trans\* of Colour Critique,<sup>15</sup> the new queer studies are animated by a commitment to addressing the interlocking nature of systems of oppression, challenging and complicating the heterosexual/homosexual dichotomy centered by much of queer studies by connecting the formation of the modern sexual subject to the construction of Western modernity's various racialized civilizational Others (see in particular Cohen, 1997; Eng, Halberstam, & Muñoz, 2005). Recognizing that normative sexualities are produced not only in relation to the figure of the homosexual but a range of queered racial Others these theorists push Queer Studies thematically and methodologically to an engagement with larger processes of normalization and *violence* (Eng, Halberstam, & Muñoz, 2005) as well as the deeply intertwined relationship between the sexual and the

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<sup>15</sup> See Roderick Ferguson (2005) on a detailed discussion about the roots of queer theory in Women of Colour feminisms, in particular the work of Black lesbian feminists.

racial in the rise of modern power both in the colonies and the metropolises (cf. Fanon, 2008; McClintock, 1997; Smith, 2005; Somerville, 1994; Stoler, 1995).

Siobhan Somerville, for instance, in her study on the mutual imbrication of scientific racism and modern sexological discourses on homosexuality explores how nineteenth century models of racial difference relied on sexual characteristics of the female body, in particular the alleged characteristics of Black women's bodies (Somerville, 1994, p. 251; see also Ferguson, 2004; Hartman, 1997). Black women's genitalia and other sexualized anatomy of Black women's bodies were cast as ambiguous and deviant in ways that were painted as proof of racial differences. Such "queer readings" (Somerville, 1994) allow for an understanding of sexuality and queerness as technologies of racialization, opening up our analyses for how certain racialized "heterosexuals" always already transgress or fail to live up to hegemonic national norms of gender and sexuality or heteronormativity (Cohen, 1997; Haritaworn, 2008b; Holland, 2012; Puar, 2007; Sharpe, 2013; Somerville, 2000), and connected to that insight, theorize contemporary formations of homonormativity as not only a sexual formation but also as a racial formation (Ferguson, 2007, p. 115).

These analytical insights were popularized in queer studies in particular by Jasbir K. Puar's (2007) path breaking monograph *Terrrorist Assemblages*. In her book and in an earlier article published together with Amit Rai (2002), Puar challenges works that pose the queer subject as always already outside of the nation. With the focus on contemporary U.S. national sexuality, Puar argues that certain homosexual subjects are invited into the nation and that this (however precarious and temporary) incorporation comes at a heavy cost. Helping shore up the heteronormativity and Whiteness of the nation, "queer vitalities become cannibalistic on the disposing and abandonment of others" (Haritaworn et al., 2014a, p. 2).

Native feminist and Two-Spirit theorists have challenged the new queer studies – in particular in the U.S. context - for normalizing settler colonialism and genocide (Smith, 2010, pp. 52-53; see also Arvin, Tuck, & Morrill, 2013; Driskill, 2004, 2010, 2011; Driskill, Justice, & Miran, 2011; Hall, 2008; Kauanui, 2008a, 2008b; Smith & Kauanui, 2008; Smith, 2005a, 2005b, 2008). The objective of Native feminist and Two-Spirit intellectual formations is decolonization, hence pushing beyond analytics of intersectionality and politics of recognition and inclusion into the nation or settler empire (Driskill, 2010, p. 74; Smith, 2008, 2010; Smith & Kauanui, 2008). Native theory challenges the “present absence” (Shanley, 1998; as cited in Smith & Kauanui, 2008, p. 244) of Native bodies and Indigeneity in much of postcolonial, transnational feminist and queer theories of gender, sexuality, race and nation in the context of settler colonies like the United States as re/productive of colonial logics and formations. As Andrea Smith (2010, p. 44) argues, “the logics of settler colonialism structure all of society, not just those who are indigenous.” Smith - whose work has done much to bring feminist approaches to Native studies, Black studies and Queer Theory into conversation – draws our attention to how the *queer* subject (not only in the North American context) is always already a subject in relationship also to settler colonialism, and some of us *occupy* the position of queer settler subject. Native feminist and Two-Spirit scholarship hence pushes feminist and queer analyses to account for the production of modern sexuality and the modern queer in relationship to settler colonialism and indigenous peoples. Applying these analytics of settler coloniality, Scott Morgensen (2010) – a self-identified White settler scholar - has reworked Jasbir K. Puar’s otherwise path breaking work on homonationalism - the production of certain queers as subjects of life in the U.S. War on Terror - as *settler*

homonationalism, thereby accounting for how non-Native queers become, in Puar's words, "queer as regulatory" (2010, p. 121) also in relation to indigenous peoples.

Another serious shortcoming in much of queer and feminist studies, including approaches that foreground the intersection of sexual and racial formation, is what Jared Sexton (2010, p. 48) identified as "people-of-colour-blindness," the failure to account for "the specificity of antiblackness" under White supremacy. Building in particular on the work by Frantz Fanon (1963, 2008) and Hortense Spillers (1987), Afro-pessimist (-inspired) theorists like Anna M. Agathangelou (2009a, 2009b, 2010a, 2010b, 2011, 2013a, 2013b), Morgan Bassichis and Dean Spade (2014), Stephen Dillon (2012, 2013a, 2013b), Che Gossett (2014a, 2014b), Saidiya Hartman (1997, 2007), Barbara Holland (2012), Keguro Macharia (2013), Jared Sexton (2007, 2008, 2010a, 2010b, 2011), Christina Sharpe (2010, 2012) and Frank Wilderson, III (2007, 2010) connect the study of U.S. sexual and gender formations and the history of modern sexual desire more broadly to ontologies of racial Blackness and hence "[t]he thing-making project of New World subject production" (Macharia, 2013, para. 13) or in short, "the problem of 'the thing'" (Macharia, 2013, para. 11).

In the modern imaginary, the body is constructed in opposition to reason, and as Fanon explores in depth in *Black Skin, White Masks*, in this gendered and racialized discourse "[the] Negro symbolizes the biological" (Fanon, 2008, p. 144; as cited in Sexton, 2010, p. 12). Blackness is not merely body but denigrated to *flesh* – specifically "to the flesh of genitalia" (Sexton, 2010, p. 12). Following Fanon, Keguro Macharia (2013) argues that queer studies need to account for the foundational role of racial Blackness in making possible modernity's figure of the homosexual and associated ideas about desire. "If, following Fanon, the Negro represents genitivity within colonial modernity, and if the term 'homosexual' names a

desire for genitality, then desire itself must be directed toward—or routed through—blackness understood as that which incarnates desire for/as genitality” (Macharia, 2013, para. 9).

Macharia (2013) in his article on “Queer genealogies” draws our attention also to how the thingification of the captured enslaved body has implications for our understandings of gender. He cites Hortense Spillers (1987, p. 76) who in her eminent 1987 article “Mama's baby, papa's maybe: An American grammar book” challenges the appropriateness and applicability of fundamental categories of feminist and queer thought, including “reproduction,” “motherhood,” “pleasure” and “desire” for the female cargo of the slave vessels of the Middle Passage. Spillers argues that racial chattel slavery led to “a willful and violent .... severing of the captive body from its motive will, its active desire,” and with this “*theft of the body*” Black flesh also loses “*gender difference in the outcome*” (1987, p. 67; emphasis in original). Spillers (1987, p. 74) explains that “under conditions of captivity, the offspring of the female does not ‘belong’ to the Mother, nor is s/he ‘related’ to the ‘owner,’ though the latter ‘possesses’ it, and in the African-American instance, often fathered it, and, as so often, without whatever benefit of patrimony.” With enslavedness denying female slaves a gendered subjectivity, Spillers hence questions the applicability of concepts of thought such as “motherhood,” “desire,” “pleasure” and “sexuality” (1987, p. 76), and connected to that, problematizes the facile valorization and celebration of gender and sexual nonnormativities (“gender ‘undecidability’”; 1987, p. 66) in recent feminist and queer theory (see also Holland, 2012, pp. 13-14). As notes Che Gossett so aptly, in the modern imaginary “Blackness has always figured as gender transgressive” (Gossett, 2014, para. 1).

Following in the steps of these critical conversations between “the new queer studies” with Native feminist, Two-Spirit and Afro-Pessimist theorists, the queer genealogies informing my explorations in the following chapters of U.S. gendered racial-sexual formations in the context of war and security, including some of the recent dramatic and seemingly progressive reconfigurations of sexuality, race and gender, will centre analytics of settler colonialism and anti-Blackness. These queer genealogies push beyond Foucault’s account of biopower and queer theory’s *desire* for an abstract if not autonomous “desire” in “nam[ing] the material conditions of racial and colonial violence” and thereby reveal the particularities erased by both Western epistemologies and their famous French critic (Hong & Ferguson 2011, p. 9).

In the following chapter I will explore the critical role of the twin gendered racial-sexual security narratives of Indian war and anti-Blackness in the making of the early settler colonial slave state to the so-called closing of the Western frontier. As will be discussed in the following chapters, these security discourses and their underpinning grammars of legitimate suffering continue to inform contemporary security practices in the War on Terror and structure the relations of possibility for the larger project of liberal governance they are embedded in.

**Chapter II. The Raw Materials<sup>1</sup> of Settler Imperial Formation: Race, Sex and  
Enslaveability from the Geopolitics of Indigenous Sovereignty to the Biopolitics of  
Settler Colonialism**

*“[T]error has a history” (Youngquist, 2011, p. 7; as cited in Sharpe, 2012, p. 827).*

This chapter genealogically explores key logics, processes and practices of security from the making of the early U.S. settler empire<sup>2</sup> until the so-called closing of the Western frontier and the beginning of the attempted expansion beyond America with the occupation of the Philippines. As will be discussed in the following chapters, produced around the figure of the Savage and the figure of the Black these security discourses and their underpinning grammars of legitimate suffering continue to inform contemporary security practices in the War on Terror and structure the relations of possibility for the larger project of liberal governance they are embedded in. While the gendered racial-sexual security discourses around Indigeneity and Blackness both signify openness to “gratuitous violence” (Patterson, 1982, p. 13), they also give rise to very distinctive imaginaries of legitimate violence, sovereignty and political community.

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<sup>1</sup> I would like to thank Anna M. Agathangelou for suggesting this expression to indicate how certain lives “serve as the literal raw materials” (Agathangelou, 2013, p. 455) for the liberal capitalist order and its freedoms. See also Agathangelou (2010b); Agathangelou, Bassichis, & Spira (2008); Agathangelou & Ling (2005).

<sup>2</sup> Much academic and non-academic story-telling on the history of the United States, including of its inter-national relations, is cast through the prism of American exceptionalism, championing a triumphalist account of the country’s benign commitment to democratic self-rule at home and abroad without addressing imperial expansion and internal colonialism (for a critical analysis, see Kaplan, 1993, 2004; Pease, 2009; Spanos, 2000, 2007, 2008; Vitalis, 2002, 2006). This reluctance to view American history through the lens of empire or imperium was alien to the mythical founding fathers of the American republic and the unashamed embrace of “Empire as a way of life,” as historian Appleman Williams put it in his book of the same title, ceased only in the late 1800s.

As will be explored, the acquisition of indigenous land combined with the appropriation of enslaved and indentured labour as well as settler women's unpaid reproductive labour provided crucial affective and material raw ingredients for the production of the American settler imperial formation. To make sense of the social relations and "structures of feeling" (Williams, 1977) underpinning contemporary security practices in the U.S. War on Terror, this chapter draws attention to these profound contradictions in the political project of American independence. At the heart of these mounting tensions was in Toni Morrison's words, the "parasitical nature of white freedom" (Morrison, 1993, p. 57). The American revolution had evoked principles of freedom and equality that stood in stark contrast not only to the dispossession and attempted genocide of indigenous populations, but also to its slave economy and regime of indentured labour. The project of settler independence and self-rule was not only intimately connected to the simultaneous exclusion, subjugation and elimination of indigenous and enslaved peoples, but the acquisition of indigenous land combined with the appropriation of enslaved and indentured labour constituted "indispensable material support for freedom as self-rule" (Simon, 2011, p. 254) for those being established as White cis-male subjects. To obscure the "parasitical nature of white freedom" and render legitimate this system of racialized inequality, America after independence became "a consciously racist society" (MacLeod, 1974, p. 12; as cited in Kiernan, 2005, p. 33) narrating itself in opposition to the figure of the Savage and the figure of the Black.

As I will draw attention to in this dissertation, these "chief antagonists of the Anglo-Saxon in American myth" (Slotkin, 1992, p. 486) continue to haunt the national security imaginary. This chapter suggests that what glued together the anti-colonial fervour against



British rule and the verve and steadfast belief in the colonial mission to expropriate indigenous lands first in the “New World” and then expand to the Philippines and beyond, was the belief in racialized hierarchy or what W.E.B. Du Bois in 1903 called “the colour line.” To America and Americans “the rest of humanity was only passive raw material, clay to be moulded by the potter's hand,” as Eric Hobsbawm puts it succinctly (2005, p. xvi). Gendered racial-sexual security discourse and practices were critical to both the potter's sense of national self and simultaneously a source of constant anxiety about its possible reproduction.

## **Settler coloniality and Indianism**

### ***Settler revolt and Independence***

The American settler state was imagined as an empire from early on. In the words of R.W.V. Alstyn (1960, p. 78), “The American War of Independence was conceived and fought under the spell of an imperial idea, an idea inherited from the remote past of the seventeenth century.” He continues, “[i]t was the idea that the continent of North America belonged, as if right, to the people of the thirteen colonies of the Atlantic seaboard” (1960, p. 78). Many of the founders of the Republic, including George Washington and John Adams, explicitly characterized the United States as an empire. They viewed the country as “God's American Israel” and themselves as the chosen people whose “mission” was to be “trustee under God of the civilization of the world” (Said, 1994, p. 295).

In their founding document, the thirteen United States of America declared not only independence from the British empire, but also openly deplored King George's decision

following the French and Indian Wars that British settlement beyond the Allegheny/Appalachian line was illegal and that hence the tens of thousands of settlers squatting in indigenous territories had to return to the existing colonies (Dunbar-Ortiz, 2003, p. 88):

He [King George] has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands. He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions (Declaration of Independence, 1776, para. 7; as cited in Dunbar-Ortiz, 2003, p. 88).

The *Declaration of Independence* is unambiguous about anti-colonial liberation from the British Empire going hand in hand with continued settler colonial expansion into indigenous lands. As Dunbar-Ortiz remarks, “The founding of the United States marked a split in the British Empire, not an anticolonial liberation movement” (2003, p. 90). Van Alstyne agrees on the fundamentally imperialist character of this territorial expansion and aspired global projection of power.

Looked at from the standpoint of the sum total of its history, the abstract for mulae and principles disregarded or at least discounted, the United States thus becomes by its very essence an expanding imperial power. It is a creature of the classical Roman-British tradition. It was conceived as an empire; and its evolution from a group of small, disunited English colonies strung out on a long coastline to a world power with commitments on every sea and in every continent, has been a characteristically imperial type of growth (Van Alstyne, 1960, p. 9).

The successful pushing westward of the frontier leading finally to the incorporation of the Pacific provinces of California and Oregon “put the U.S. temporarily in a position more akin than ever than that of the European empires” (Kiernan, 2005, p. 58). Sprout and Sprout note that “[f]rom the standpoint of national defense, California and Oregon were distant overseas colonies” (Sprout & Sprout, 1946, p. 136; as cited in Kiernan, 2005, p. 58). Moreover, American expansion at that time was not simply westward by land but like the British, expansion was global with “the climax to the drive for wealth and influence in east Asia ... start[ing] in the eighteenth century” (Van Alstyne, 1960, p. 100, 188). “We do but what our father did – we but pitch the tents of liberty farther westward...we only continue the march of the flag” as Senator Albert J. Beveridge, a supporter of Theodore Roosevelt's progressive politics, put it in the context of the U.S. occupation of the Philippines (Slotkin, 1992, p. 109). Hence rather than viewing the American Revolution as an anticolonial project for democratic self-rule, following Aziz Rana (2010) I understand it as a “settler revolt” which was soon followed by other settler colonies seeking independence from metropolitan rule.

In the public discussions leading up to the American Revolution, the demand for independence from the British Empire was also narrated by equating the rule of King George III to the tyranny of the sultans of the Ottoman Empire (Marr, 2006). As explored by Timothy Marr (2006) in his monograph *The Cultural Roots of American Islamism*, following independence the settler colony continued to narrate its republican aspirations and achievements in opposition to the perceived Oriental despotism of the so-called Islamic world. “The perverse excesses of the male Islamic despot - in both the public and private realms - symbolized a social order that was regulated neither by the people nor the influence of pure religion but rather one in which the virtue of liberty had degenerated into the vice of

passionate license” (Marr, 2006, p. 22).

U.S. expansionism started off as “a 'people's imperialism' of land-hungry settlers” (Kiernan, 2005, p. 7) that systematically turned existing communal property relations into private property.

It was the first time that a purely bourgeois, money-making society had ever existed, and it took for granted that the way it found itself behaving was the natural way of human beings freed from feudal fetters, just as Europeans of Rousseau's day thought of Red Indians, untainted by civilization, as the archetype of natural man. ... Even the poor could share in this sense of magnification, and patriotic excitement would do more than any studious perusal of the Constitution to educate poor immigrants into good citizens (Kiernan, 2005, p. 15, 17).

Standing in the way of the God-given mandate and destiny of the “city upon a hill” (Winthrop, 1630) to leading the rest of the world in the pursuit of unrestrained wealth and happiness, were a multiplicity of indigenous nations that impeded White settlement and wealth by “simply staying home,” to paraphrase Deborah Bird Rose, with their communal property regimes rendering them “the original communist menace” (Wolfe, 2006, p. 397).

According to Scott Morgensen (2012), settler invaders' efforts towards the transfer of land from indigenous peoples to the colonists rested on two key security processes, “indigenous elimination” (Wolfe, 2006) and “settler indigenisation” (Veracini, 2011).<sup>3</sup> Indigenous elimination rests on both spectacular forms of annihilation, such as removal and

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<sup>3</sup> Morgensen draws on Patrick Wolfe's distinction between settler colonialism and franchise colonialism. While franchise colonialism governs the lives of subject people to facilitate their labour exploitation, settler colonial rule is premised on replacing indigenous peoples with settlers and rests on a “logic of elimination” (Wolfe, 2006). While this is an important distinction, it is not clear-cut. Settler colonial states such as the USA, Canada, South Africa and Israel historically have sought to incorporate at least some of the colonized into their labour force.

mass murder, and seemingly mundane and benign practices and policies of “integrating” indigenous peoples into settler society through the creation of racial taxonomies that facilitate indigenous peoples' absorption or elimination into White society by limiting their claims to Indigeneity. Despite all attempts to eliminate and replace Native populations, settlers and settler state find themselves in the ongoing struggle to “appear to be proper to the land” (Morgensen, 2012, p. 9). Settler indigenisation refers to the multitude of strategies and processes in response to the contradictions and anxieties around settlers' sense of being the natural owners of settled lands while knowing of the violent expropriation and elimination of indigenous people as the precondition for owning the land.

It was over time only that the racialized category of the “Indian” constructing a homogenous “Red” Other became hegemonic in settler security discourses and colonial policies. The imperatives of colonization such as developing relationships with some indigenous peoples as allies and trading partners initially encouraged differentiation between individuals and nations “rather than homogenizing them into a single race” (Roediger, 2008, pp. 20-21). Hence the early settler violence was directed towards individual “tribes” rather than indigenous people per se (Roediger, 2008, pp. 20-21).

By the nineteenth century the hegemonic American security imaginary depicted indigenous people either as treacherous savages incapable of husbanding the land - even though agriculture was practised<sup>4</sup> among them - and therefore had to be removed if not annihilated for progress and the safety of civilization, or, in a competing and seemingly more

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<sup>4</sup> Not only was agriculture practised but it was indigenous people who taught settlers to grow corn and tobacco (cf. Wolfe, 2011, p. 18), giving rise to the oxymoron of the “Five Civilized Tribes” in the South at the time – some of whom had even adopted the European practice of enslaving Black people (Wolfe, 2011, p. 31).

benign narrative, they were cast as noble savages whose decline or disappearance would be the price of progress (Elliott, 2007, p. 29). Either story<sup>5</sup> of course rationalizes the dispossession, displacement and outright genocide of indigenous nations, and assured settlers of their morality (Huhndorf, 2001). By the last quarter of the nineteenth century, the hegemonic national security imaginary offered two options to deal with the “Indian problem”: extermination or integration into the capitalistic national body politic “as partners in ‘law and habits of industry’” (Huhndorf, 2001, p. 15).

### ***The Erotics of Conquest: Biopolitics are Geopolitics***

Civilizational knowledges around “progress” and “development” played a critical role in U.S. nation-building, shaping the twin security practices of indigenous elimination and settler indigenisation, and in turn these security practices informed those very civilizational discourses. From the start these civilizational knowledges were structured prominently around discourses of racialized sexuality and gender.

From the beginning of the modern colonial conquests, European invaders considered sex “a threat to social order, modernity and the nation, a threat to progress” (Binnie, 2004, p. 17). “For centuries, the uncertain continents – Africa, the Americas, Asia – were figured in

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<sup>5</sup> Hegemonic colonial representations of the relationship of indigenous peoples to the land they lived on prior to conquest were fundamental also to enlightenment thinking, the development of international law and the concomitant rise and expansion of capitalism. Never having set a foot on “American” soil, John Locke famously pronounced himself on the matter in his *Second Treatise on Government*, stating that “[...] in the beginning all the world was *America*” (Locke, 2010, sec. 49), suggesting that the land was left unimproved by the savages and simply laid “waste.” In his influential book *The Law of Nations* (1758) Emmerich de Vattel argued that if more people were to live like indigenous people “only by hunting, fishing, and wild fruits, our globe would not be sufficient to maintain a tenth part of its present inhabitants” (as cited in Rosier, 2009, p. 3), hence rendering the containment if not outright elimination of indigenous people a biopolitical necessity.

European lore as libidinally eroticized” (McClintock, 1995, p. 22). Colonial narratives and practices painted the colonies or dark corners of the earth as feminized and “spatially spread for male exploration” (McClintock, 1995, p. 23) or *penetration* and equated the lack of potency and domination of the male body (and the nation) with femininity and male same-sex desire. In these colonial fantasies, the “Arabic Orient” constituted the site of particular sexual excess, in particular aggressive male desire (cf. Said, 1994; Boone, 2003), which Enlightenment thinkers from Bodin and Montesquieu to Wollstonecraft linked to the absolute despotism of Islamic forms of governance (Marr, 2006). “Enlightenment thought frequently figured the harem as the domain of sexual dissipation in which lawless passions disrupted the social process of moral home building - a space from which men withdrew from public virtue to relish unrestrained vice” (Marr, 2006, p. 42).

In the American colonies, the figure of the Savage “was developed as the Other of civilization and one of the first ‘proofs’ of this otherness was the nakedness of the savage, the visibility of its sex” (Mercer & Julien, 1988, p. 106; as cited in Somerville, 2000, p. 5). Settler colonists cast indigenous sex-gender regimes as indicative of “a general primitivity among Native peoples” (Morgensen, 2010, p. 106; Smith, 2005). Early European conquerors often depicted indigenous men as so-called sodomites – perverts that deserved to be penetrated and killed (Trexler, 1995). Within these “porno-tropics for the European imagination,” as McClintock puts it, “women figured as the epitome of aberration and excess” (1995, p. 22) and female sexuality was often depicted as cannibalistic (McClintock, 1995, p. 27). With the rise of the transatlantic slave trade and the concomitant institutionalized rape of enslaved women, Black femininity was constructed as being naturally hypersexual in an animal-like way, “lacking all the qualities that defined ‘decent’ womanhood or women of ‘purity of

blood” (Kempadoo, 2004, p. 31). This construction of Black women as always already “sexually suspect” helped normalize the forced extraction of reproductive labour, including of sexual services for their White owners, and hence casting Black women as un-rapeable (hooks, 1998, p. 69; see also Davis, 1981; Bakare-Yusuf, 1999).<sup>6</sup>

The racialized sexualization of the conquest of the Americas was critical to colonial governmentality in a variety of ways. Discourses of racialized sexuality and gender played a central role in terms of constructing boundaries along the intersecting lines of class, gender, race, nation and civilization in ways that helped regulate the larger social order, and in particular helped organize the transfer of land and the exploitation of labour. For most settlers, progress and development were unequivocally equated with White settlement. However, civilizational discourses evoking a normative settler sexuality and gender relations in sharp opposition to indigenous primitivism and perversion helped make a White nation far beyond the symbolic level.

The settler state sought to replace native sex-gender systems with compulsory heterosexuality based on dichotomous patriarchal gender relations. As Trexler (1995) argues, those not fitting into the binary gender imaginary of the European invaders were among the first to be killed (see also Drinnon, 2005; Driskill, 2012; Hall, 2008; Smith, 2005; Morgensen, 2010). Therefore the colonial biopolitics of sexuality marked as sexually deviant not only those engaging in same-sex activities and or whose gender expression did not conform to hegemonic gender relations among settlers, but cast as queer all Native subjects whose perceived sexual and or gender practices placed them outside hegemonic “settler

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<sup>6</sup>The historical “un-rapeability” of black women meant that both White and Black men could sexually assault enslaved Black women with relative impunity (hooks, 1998, p. 69, Davis, 1981; Bakare-Yusuf, 1999).



sexuality” (Morgensen, 2010, p. 106; see also Driskill, 2012; Hall, 2008; Smith, 2005, 2008). The governance of indigenous sexuality and gender hence constituted a vital technology of racialization, *racializing* Natives as *queer* populations marked for death while producing settler sexuality and its subjects as subjects of life (Morgensen, 2010). These violent contestations over national sexuality and gender, often in the form of sexualized violence, targeted indigenous people of all genders. These performances of sexualized violence were not “simply” destructive but also helped constitute indigenous bodies and the land as rapeable (Smith, 2005, p. 10).

As laid out by Mark Rifkin (2011; see also Smith, 2005), breaking up indigenous gender-sex systems was an attack also on indigenous modes of sociality, often narrowly understood as “kinship,” and hence an attack on native sovereignty over their polities and land. By expecting to transform indigenous gender and sexual relations towards heteropatriarchal nuclear families, settler colonial biopolitics of sexuality sought to bring about a transformation from *collective* ownership to a regime of private property, and from modes of sociality around clan and tribe towards the nation-state (Rifkin, 2011, p. 41). The hegemonic security imaginary framed the colonial management of indigenous subjects as targeting *populations* rather than a collection of polities - and hence a matter of geopolitics - and thereby helped undermine indigenous claims to sovereignty over their *territories* (Rifkin, 2011, p. 41).

The shift in the racialization of indigenous people in the early nineteenth century towards a notion of so-called blood Indianness as well as the implementation of allotment policy at the end of the century seeking to break up tribal lands into private property were contingent upon the normative heterosexualization of indigenous peoples (Rifkin, 2011). In

the 1820s, the discourse of Indianism shifted from allowing amalgamation into White settler society towards the fixed racial taxonomy of “blood” Indians (Rifkin, 2011, p. 38; see also Kauanui, 2008b; Wolfe, 2006, 2011). The racial discourse of blood Indianness ascribes status based on arithmetic formulas of so-called parental blood quantum. As Rifkin (2011, p. 45) notes, this racialization of indigenous peoples “through a heterosexualizing logic of racial ‘blood’ depends on the erasure, or at least marginalization, of other modes of kin-making.”

In a similar vein, the 1887 passage of the General Allotment (Dawes) Act (as well as later the Indian Reorganization Act of 1934) sought to break up indigenous land into privately held plots by transforming indigenous subjectivity (Rifkin, 2011). Specifically, the allotment policy sought to “reform” indigenous subjectivities via a heteronormative logic of raciality (Rifkin, 2011, p. 18). In Rifkins words: “Allotment policy repeatedly was characterized as about the transformation of Indian subjectivity and affect, as an effort to shift the objects of native feeling – from clans and kinship networks to nucleated families, from collective territory to private property, from tribe to nation-state” (Rifkin, 2011, p. 41).

To conclude this section, the foundation and consolidation of American state and nation rested fundamentally on genocidal settler security practices against indigenous populations, coming to an official close only a century after independence (Kiernan, 2005, p. 29; Drinnon, 1980, p. 19). Three centuries of settler violence gave rise to “a race consciousness which made all Europeans forget their differences and unite against a common enemy, the Indian” (Weston, 1972, p. 6). The management of colonial sexual and gender formations constituted a critical terrain of settler imperial geopolitics. Discourses of sexuality and gender were central technologies of racialized governmentality from the geopolitics of settler invasion to the biopolitical management of colonized indigenous

populations and the indigenisation of settlers. Yet, as I will discuss below, the hegemonic gendered and sexed racial narrative about the securing of the New World cast the White settler subject in opposition not only to the figure of the Indian savage but also the figure of the Black=Slave.

### **Chattel slavery and racial Blackness**

#### ***Blackness as enslaveability***

The concept of sovereignty was created both on the inter-national level and at the level of the individual subject in opposition to the figure of the Slave. The “revolutionary and manly idea of being a ‘freeman’” was established in clear opposition to logics of anti-Blackness (Roediger, 2006, p. 81). Inherent in the racial logics of slavery was the promise that even poor White cismen without productive property and engaged in wage labour could be assured of the secure “ownership of their own bodies” (Roediger, 2006, p. 68). Not only formally self-possessed, they could furthermore claim - or at least *feel* entitled to - ownership or sovereignty over the flesh of those marked as objects of “accumulation and fungibility”<sup>7</sup> (Wilderson, 2010, p. 14), which included claims also to sexual gratification.

While the “travelers” and traders of the early imperial European states of the fifteenth and sixteenth century othered the people they encountered along the African West coast as “savage,” “barbarian” and “uncivilized,” it was not until the expansion of the transatlantic slave trade, and the New World being shaken by slave revolts and other forms of labour unrest at the turn of the seventeenth century, that captured Africans were given an

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<sup>7</sup> Wilderson draws those concepts from the work of Saidiya Hartman (1997).

entirely different legal status than other unfree labour in the emerging racialized caste system of the New World. Until then, racial taxonomies were unstable with for instance Irish workers considered “white negroes” and indigenous people as Whites at a lower stage of evolution (McNally, 2002, pp. 104-115; Roediger, 2008).<sup>8</sup> It took over another hundred years for the discourse of modern racism to develop. However, despite the porosity of these gendered racial-sexual designations and the sometimes dramatic reconfigurations of these taxonomies, in the European slave traders' initial imaginary it was *African* bodies that were cast in ways that made them “the repository of the violence that was the slave trade” (Wilderson, 2007, p. 27) over for instance the English underclass.

That the modern transatlantic slave trade was much more than simply an economic enterprise driven by a simple profit motive has been well established. Research by David Eltis (1993), David Northrup (2002) and other historians of the transatlantic slave trade have demonstrated the far greater monetary cost of enslaving and successfully shipping people from the West African coastline over shipping enslaved or indentured Europeans to the New World (Barrett, 2014; Sexton, 2010a; Wilderson, 2007, 2010). As I will elaborate in more depth below, transatlantic chattel slavery provided – and made possible - Western modernity with an ontology of racial Blackness - a new ontology in which Africans are disappeared onto slave ships and get off in the New World as Blacks=Slaves=socially dead (Wilderson, 2010, p. 38). Racial chattel slavery animated a measure of ranking of life and worth “*that has yet to be undone*” (Hartman, 2007, p. 6; my emphasis; as cited in Sexton,

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<sup>8</sup> Up until the eighteenth century monogenism was the hegemonic but not undisputed Christian doctrine. The doctrine considered Africans and Indians as heathens, yet it also viewed baptism and conversion to Christianity as an effective and desirable path out of this state of savagery to becoming civilized, however differentially and precariously (cf. McNally, 2002, p. 112; see also Morgan, 1975).

2010a, p. 37). This ontology of Blackness – while functioning “as *if* it were a metaphysical property across the *longue dureé* of the pre-modern, modern and now postmodern eras [...] is the explicit outcome of a politics” and hence subject to historical challenge (Sexton, 2010b, p. 18).

The rise of chattel slavery in “America” began with the introduction of enslaved Africans in the North American colony of Virginia in 1619. By the mid-seventeenth century, Africans were excluded from the requirement to carry arms (1639/1640) and by 1662 Virginia law saw the possibility of life servitude for Africans. Five years later baptism was no longer a way to become free. 1650 marked the onset of the dramatic increase in the numbers of imported enslaved African people and a significant expansion of their area of origin (Barrett, 2014, pp. 9-10).

While in principle the killing of a slave was murder, in 1669 the Virginia assembly passed *An act about the casuall killing of slaves* establishing that

if any slave resist his master (or other by his masters order correcting him) and by the extremity of the correction should chance to die, that his death shall not be accompted Felony, but the master (or that other person appointed by the master to punish him) be acquit from molestation, since it cannot be presumed that prepensed malice (which alone makes murther Felony) should induce any man to destroy his own estate (as cited in Morgan, 1975, p. 312).

This legislation enshrined the principles that informed later legislation codifying the right to correct slaves “to the point of killing them” (Morgan, 1975, p. 312). This legislation in conjunction with a later law that sought to eliminate the “problem” of runaway slaves by providing that it would “be lawful for any person or persons whatsoever, to kill and destroy

such slaves by such ways and means as he, she, or they shall think fit, without accusation or impeachment of any crime for the same” (as cited in Morgan, 1975, pp. 312-313) gave rise to a legal regime authorizing “not merely an open season on outlying slaves, but also the deliberate maiming of captured slaves” (Morgan, 1975, p. 313).

Following a series of revolts, culminating in the Bacon's Rebellion of 1676, legislatures across the New World created distinct legal classifications distinguishing between “whites,” “Indians” and “Negros” and thereby further separated White indenture from Black enslavement (Roberts, 2011, p. 9; McNally, 2002, p. 108; see also Morgan, 1975). While settlers got to fashion their sense of White self against the figure of the Black anti-citizen and in fact anti-Human, in the early years of slavery the category of “African” was nevertheless in flux and remained somewhat internally differentiated. This instability had to do not only with the existence of free Blacks but also with the ways in which different ethnicized groups from the African continent were marked as differing in terms of their labour skills (Roediger, 2008, pp. 21-22).

The co-existence of enslaved and free Blacks - some of whom owned property - posed a serious problem for White landowners who worried that “their” slaves might try to free themselves and join ranks with free Blacks. Hence in the interest of the social control of the unfree labouring classes, to administer and police who was an escaped slave and who was free, being marked as Black had to correspond with enslaveability also experientially, of being inherently enslaveable and hence constituting property no matter one’s actual legal status (Roberts, 2011, p. 10). By the end of the seventeenth century then, “Africans whose specific identity was Ibo, Yoruba, Fulani, etc were rendered 'black' by an ideology of exploitation based on racial logic – the establishment and maintenance of a 'color line'” (Omi

& Winant, 1986, p. 64). However, as mentioned earlier, given the higher costs and logistical challenges of capturing and transporting enslaved Africans to the New World, the racialized logics of enslavability were not simply embedded in economic rationality but in anti-Black cultural logics that have ontological status.

The racialized knowledge production giving rise to and in turn being shaped by racialized social status and legal classifications circulated transnationally. For instance, colonial policy was significantly shaped by “men of the colonial empire ... who never set a foot in the colonies,” like liberal philosopher John Locke who placed Africans in the animal world (Roediger, 2008, p. 9, 27). Moreover, the racialized fashioning of the colonial settler state and its settlers was influenced by “the lessons learned” in colonial Barbados (Roediger, 2008, p. 9). As Barbados was too small to attract indentured labour with the promise of land, the planter class there turned to a system of African slave labour and created a racialized slave code years before Virginia did (Roediger, 2008, p. 10; see also Morgan, 1975, pp. 298-303).

Key to the ossification of the racial categories of Black and White and the overall racial order was the governance of sexuality, in particular marriage. From about 1660 on a range of laws were enacted seeking to prevent “mixed” marriages and “miscegenation,” and with that the status of “White” and “Black” servants began to diverge significantly (McNally, 2002, p. 109; Morgan, 1975) with Maryland outlawing “interracial” sex in 1661 and Virginia in 1662. White women in such relationship - and the Virginia law mentions the word “White” for the first time in any of the state's legal codes - faced particularly harsh penalties, even more so if they were servants (Roediger, 2008, p. 7, 28). The new laws specified that the children of European women in servitude would automatically be servants themselves until

the age of twenty if the child's father was Black (Roediger, 2008, p. 6). Moreover, the woman “would suffer severe public whipping and see her own service extended by as much as seven years” (Roediger, 2008, p. 6). The severity and visual display of the punishments suggest that the rages of male racialized sexual anxiety are rooted in (some) women being not only “desired objects” but “unruly desiring subjects”, as Stoler (1995, p. 41) puts it in a different modern colonial context.

By 1691 Virginia shored up the emerging racial order even more by criminalizing “negroes, mulattoes, and Indians intermarrying with English, or other white women” and even rendered “unlawfull accompanying with one another” (Morgan, 1975, p. 335).<sup>9</sup> Yet while the children of enslaved African women automatically constituted property, and hence the sexual assault of enslaved women by their master potentially increased the latter's property, by law White women who got pregnant by a sex partner deemed White could give birth only to legally free children (Roediger, 2008, pp. 28-29). By 1700 “Africans were treated as a distinctly different kind of slave: they were made into the actual property of their masters, a lifelong bondage that passed down their children” (Roberts, 2011, p. 8). Over time, even those legally free yet of African descent lost their right to vote and were legislated “to a permanent status of legal degradation that resembled the bondage of their brothers and sisters” (Roberts, 2011, p. 10). Like slaves, they were stripped of political rights, unable to move freely, could not testify against Whites and importantly, like those enslaved they were often punished with the lash (Roberts, 2011, p. 10).

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<sup>9</sup> Anti-miscegenation laws remained in force until 1967 when the Supreme Court ruled them unconstitutional in *Loving vs. Virginia*.



Slaves codes in the South reduced the enslaved to nothing but the physical body or *flesh*. Legislating in great detail the minimal needs of slaves the law required only that enslaved subjects receive clothing, food, and lodging “sufficient to their basic needs” (Dayan, 2007, pp. 11, 51-52). In its ruling the Alabama Supreme Court in *Creswell's Executor v. Walker* (1861) declared that slaves, although civically dead, must be provided with “a sufficiency of healthy food or necessary clothing ... and the master cannot relieve himself of the legal obligation to supply the slave's necessary wants” (Dayan, 2007, p. 11). Although killing a slave was murder in the newly founded United States of America, slave codes (and later black codes) legalized extreme corporeal suffering and mutilation (Dayan, 2007, pp. 11-12, 87).

Dayan cites John Haywood's *A Manual of the Laws of North Carolina* (1808), in which he explains that a person would not be judged 'guilty of willfully and maliciously killing a slave' if the slave had died 'under moderate correction'" (Dayan, 2007, p. 12). The 1851 penal code of Georgia put limits on the permissible suffering of slaves prohibiting “unnecessary and excessive whipping, beating, cutting or wounding ... cruelly and unnecessarily biting and tearing with dogs ... withholding proper food and sustenance” (Dayan, 2007, p. 13). Yet as Dayan notes succinctly in response to Haywood's manual and the “limits” to cruelty against slaves, framing as “moderate” a “correction” that causes death “is to assure that old abuses would continue, made legitimate by vague standards” (Dayan, 2007, p. 12). Specifically, “the license to fall short of what might be considered inhumane lay in the unsaid – or in language deliberately unclear or hypothetical. ... When the use of whips, cudgels, and dogs was not only possible but to be expected, the effort to enshrine descriptions of gratuitous and extreme cruelty in law became only a guarantee of tyranny” (Dayan, 2007, pp. 12-13). So rather than protect the enslaved, the juridical codification of

limits to cruelty institutionalized anti-Black grammars of legitimate suffering.

Punitive corporeal practices like whipping, beating, forced nudity, and the use of dogs were critical to the subjugation of Blacks beyond their immediate repressive function and effects. The highly visual and spectacular inscription of violent subjugation on the bodies is also “a mechanism through which we distinguish and observe other things. In other words, [violence] is more than a practice that acts upon individual subjects to inflict harm and injury. It is metaphorically speaking, also a way of looking at these subjects” (Mason, 2002, p. 11; as cited in Kuntsman, 2009, p. 3). More so, these kinds of security practices mark the boundaries between “us” and “them,” rank the bodies within the larger social order and are hence productive of corporeal differences. These security practices help turn socially recognized categories of difference, such as race, gender, sexuality and religion, into *bodily* difference (Rao & Pierce, 2006, p. 21) and the very act of inscribing corporeal violence on them provides the “visual record” or “proof” for their social difference and hence status (see also Phillipose, 2007; Roberts, 2007, 2011; Wacquant, 2002).

Hence while “[t]he legal captivity of Africans and their descendants was central to the codification of rights and freedoms for those legally constituted as white and their legally white descendants” (Sharpe, 2010, p. 15), racial thinking and taxonomies as well as the American racial formation in this context were not simply manufactured by law, but law was shaped by and simultaneously enabled a wider set of cultural logics, processes and technologies of race-making, in particular discourses of sexuality and *spectacular* inscriptions of violence, and with the dramatic staging of Blackness emerged “the invention of the white race,” as Theodore Allen's (1994) landmark book of the same title suggests.

The U.S. state's newly emerging racial order based on the hierarchies of modern racism enabled propertyless Whites to act as “petty sovereigns” (Butler, 2006, p. 65) and hence privileged managers of the security of the White nation (Hage, 2000; as cited in Kuntsman, 2009, p. 124), thereby being affectively and materially invested in the newly emerging White supremacist racial order. In the wake of the Bacon's Rebellion, the state of Virginia adopted Pass laws that restricted the movement of enslaved people and which enlisted poor Whites to patrol and enforce the laws. By 1670 free Black and indigenous men “though baptised” were prohibited to own Christian servants (Morgan, 1975, p. 331). In 1680 then the Virginia assembly passed a law whereafter “if any negroe or other slave<sup>10</sup> shall presume to lift up his hand in opposition against any christian” they would be punished with thirty lashes on the bare back (as cited in Morgan, 1975, p. 331). With the power of the state on their side, this legislation allowed White servants to bully and attack enslaved people with impunity “placing them psychologically on a par with masters” (Morgan, 1975, p. 331; see also Roediger, 2008, p. 6).

Moreover, while enslaved people were punished typically naked and in public, in 1705 a new law authorizing the dismemberment of unruly slaves prohibited masters to “whip a christian white servant naked, without an order from a justice of the peace” (as cited in Morgan, 1975, p. 331). Forced nudity was reserved only to “a brutish sort of people” (Morgan, 1975, p. 331). Over time, the designation Christian increasingly came to signify White - “Africans would not be defined as such” (Roediger, 2008, p. 6; see also Roberts, 2011, p. 9).

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<sup>10</sup> The only other group of people that was enslaved were indigenous people.

By giving poor white laborers legal dominion over all blacks, enslaved or free, wealthy landowners secured their racial loyalty. Poor whites would cherish their privileged status over blacks – what Du Bois called their 'psychological wage' – rather than joining with blacks to fight for a more equitable society (Roberts, 2011, p. 11).

Inherent in the anti-Black logics of slavery was the promise that even poor White men without productive property and engaged in wage labour could be assured of the secure “ownership of their own bodies” (Roediger, 2006, p. 68). Not only formally self-possessed, they could furthermore claim - or at least *feel* entitled to - ownership or sovereignty over the flesh of those marked as objects of “accumulation and fungibility,” as Wilderson (2010, p. 14) writes in reference to Saidiya Hartman’s book *Scenes of Abjection* (1997), and this felt entitlement has always also included claims to sexual gratification.

Finally, Whites of all classes could take *pleasure* in the crimes of slavery beyond the wage of Whiteness. As Saidiya Hartman holds, “the crimes of slavery are not only witnessed but staged” and the “constitution of blackness as an abject and degraded condition and the fascination with the other's enjoyment went hand in hand” (Hartman, 1997, p. 8; as cited in Sharpe 2010, p. 112). “Antebellum slavery's multiple horrors and pleasures are staged at the whipping post, in enslaved people's forced performances of affect, like singing and 'stepping-it-lively' on the cofle and on the auction block (Hartman 1997, pp. 17-23; as cited in Sharpe 2010, p. 112).

By the mid-nineteenth century White security discourses also identified Chinese and Irish migrant workers as unproductive anti-citizens and associated them with Blackness (cf. Aarim-Heriot, 2003; McClintock, 1995; Roediger, 2006). Aarim-Heriot (2003, p. 215) refers to the entwinement of Anti-Chinese and anti-Black racism as the “Negroization of the Chinese,” and calls the mapping of anti-Black racism onto anti-Irish racial security discourses

as “the Asianization of African Americans.” Both Chinese and Black men were constructed as “emasculated anti-citizens” (Roediger, 2006, p. 123) and simultaneously as sexual threats to White femininity (cf. Takaki, 2012; Ong, 2004). In her study *Chinese Immigrants, African Americans, and Racial Anxiety in the United States, 1848-82*, Aarim-Heriot shows how “the Chinese question” was framed and informed by “the Negro problem” and suggests that by the 1920s, this discursive formation was extended to include Eastern European immigrants as well.<sup>11</sup> While the Irish for much of the nineteenth century were called “White n\_\_\_” and linked visually to African Americans via simian drawings, these representations were commonly *not* associated with sexual menace (Roediger, 2006, p. 152).

### ***Racial capitalism and the rise of the prison system: From Jim Crowe to Progressivism***

Domestically, the years after the Civil War up to World War I marked a period of strong social conflict and unrest. Following the bloody “fratricide” of the Civil War, the American Eagle stood on fragile feet. Throughout the Reconstruction period, the formally emancipated and their descendants mobilized against the Jim Crowe gendered racial-sexual class order. Moreover, in 1876 federal troops under General Custer lost the Battle of the Big Horn adding another deep blow to the hegemonic national imaginary of White American supremacy and the manliness of the nation. The political unity of the nation was not only fractured along the North-South line, but the growing class conflict in the wake of economic depression, growing urbanization and mass immigration from Southern and

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<sup>11</sup> Importantly, Aarim-Heriot's study challenges hegemonic theories that view the 1882 *Chinese Exclusion Act* as the result of labour competition between White settlers and Chinese newcomers, demonstrating that anti-Chinese “sentiments” were part of a larger discourse and project of defining the White nation against its Others.

Eastern Europe led to increasing social unrest and anxiety among Anglo-Americans at the fin-de-siècle. "In all these conflicts, race loomed large" (Huhndorf, 2001, p. 21).

The sudden liberation of hundreds of thousands of (*de jure*) formerly enslaved people free to carry arms combined with fears of supernatural powers like Voodoo constituted a source of enormous anxiety for many Whites, particularly in the South. As Métraux writes in the context of racial chattel slavery on the island of Haiti, then French-owned and called Saint-Domingue:

Man is never cruel and unjust with impunity: the anxiety which grows in the minds of those who abuse power often takes the form of imaginary terrors and demented obsessions. The master maltreated his slave, but feared his hatred. He treated him like a beast of burden but dreaded the occult powers which he imputed to him. And the greater the subjugation of the Black, the more he inspired fear; that ubiquitous fear which shows in the records of the period and which solidified in that obsession with poison which, throughout the eighteenth century, was the cause of so many atrocities. Perhaps certain slaves did revenge themselves on their tyrants in this way – such a thing is possible and even probable – but the fear which reigned in the plantations had its source in deeper recesses of the soul: it was the witchcraft of remote and mysterious Africa which troubled the sleep of people in 'the big house' (1972: 15; as cited in Farmer, 2006, p. 157).

The formerly enslaved challenged racialized oppression by fighting for both political and economic justice. They made demands on the Jim Crowe state and society in terms of fair access to political power, job opportunities in the face of discrimination by employers and (White) unions, housing and compensation for slave labour. The resistance and resilience of American citizens marked as Black in the wake of racial chattel slavery fundamentally contradicted hegemonic representations of Blackness with child-like needs, dependence on and gratitude for their old and new masters.

The formal end of slavery threatened not only the White supremacist racial order, but also intimately connected, its underpinning gender relations.

With military and political defeat, with the end of slavery as a source of patriarchal authority, with poverty and landlessness increasingly undermining male roles as providers, with black women undercutting differences from white women by withdrawing from field labor, and with war-related disabilities rife, the Southern gender system tottered, and the traditional definition of manhood was shaken to its foundation (Roediger, 2008, p. 116).

In 1876 then federal troops under General Custer lost the Battle of the Big Horn against Lakota, Northern Cheyenne and Arapaho people. On June 25, 1876 more than two hundred federal soldiers of the Seventh Cavalry fighting under Brevet Major General George Armstrong Custer were killed in battle. The federal troops were accompanied by Crow and Arikara people who worked as scouts for them. The battle quickly took on and continues to have significance that goes far beyond the significance of the actual military loss (Elliott, 2007, p. 260). From a national security perspective by 1876 the overall military mission to conquer “America” was nearly fully accomplished, and there was no reason to doubt that the White nation was going to be victorious. Yet in the context of the larger gendered and racialized class anxieties and power struggles, Custer's loss added another deep blow to the hegemonic national imaginary of White supremacy and the manliness of the American nation. The assessment by Iron Hawk, a Hunkpapa Lakota, who fought in the battle against Custer's troops succinctly captures the perception among American settlers and likely among the people they enslaved: “These Wasichus [a Lakota word for white people] wanted it, and they came to get it, and we gave it to them” (as cited in Elliott, 2007, p. 26).

As the Wounded Knee Massacre of 1890 marked the end of the military conquest and hence indigenous people no longer seemed to pose a military threat to White civilization, the hegemonic Indianist security discourse shifted and indigenous peoples no longer simply figured as brutal savages who had and deserved to be killed. Representations of Natives as noble savages, as “idealized versions of themselves, as the embodiments of virtues lost in the Western world” (Huhndorf, 2001, p. 6), became more common and reports and cultural productions about Whites “going native” became increasingly popular.<sup>12</sup>

Black resistance however together with the fear and paranoia about human and super-human revenge brought about a proliferation of security discourses on Black criminality giving rise to the prison system which was to play a foundational role in the production of White freedom/Black unfreedom and White ownership/Black fungibility (Rodríguez, 2007, p. 39). The official abolition of slavery had not done away with the legality of slavery (cf. Davis, 2002, 2003, 2005, 2007; Gilmore, 2006, 2009; Hartman, 1997; James, 2000, 2005, 2007; Rodríguez, 2007, 2007, 2008a; Sexton 2006, 2007, 2008; Sexton & Lee, 2006; Shakur, 1987; Sudbury, 2002, 2004, 2005). The 13<sup>th</sup> Amendment (1865) to the constitution prohibited slavery “except as a punishment for crime whereof the party shall have been duly convicted.” As a result, formally ex-enslaved people and their descendants were targeted with criminalization and then forced to work in the convict-lease system (cf. Davis, 2003; Dayan, 2007). Ensuring sufficient supply of bound labour, immediately after the Fourteenth (1868) and Fifteenth (1870) Amendments came into effect, nearly all former Confederate states created so-called black codes that “criminalized blacks in ways that

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<sup>12</sup> As notes Huhndorf, “[g]oing native ... expresses European and America's anxiety about the conquest and serves in part to recast this terrible history by creating the illusion of white society's innocence. At the same time, these events also assert white dominance” (Huhndorf, 2001, p. 21).



served as substitutes for slavery” (Jun, 2011, p. 302). Under these laws, Blacks were required to sign work contracts with plantation owners and to carry them with them at all times. “Failure” to do so was criminalized as “vagrancy” and would result in incarceration and forced labour through the convict lease system, hence leaving those marked Black “as vulnerable to exploitation and violence as they were during slavery” (Jun, 2011, p. 302). The Thirteenth Amendment and other civil rights hence did not undo racial slavery but rather transformed it (Hartman, 1997, p. 10), transferring “black people from the prison of slavery to the slavery of prison” (Davis, 1998; as cited in Rodríguez, 2007, p. 39). In fact as Hartman (1997, p. 13) observes without sarcasm, “black lives were more valuable under slavery than under freedom.”

The vulnerability and value/lessness of bodies marked as Black to violence and hyper-exploitation of their labour in the U.S. slave state went and in fact continues to go beyond legal subjugation. As Sharpe (2010, p. 122) notes, drawing on Dionne Brand,

Discursively produced in ways that signify enslavement and its excesses, black bodies are made to bear the burden of this signification ... in ways that white and other raced bodies do not; as they are “bodies occupied, emptied and occupied,” and visibly marked in Euro-American contexts as the descendants of the Atlantic slave trade, they still have currency “as physically and psychically open space.”

In his comparative study *Slavery and Social Death* Orlando Patterson characterizes the fact of racial chattel slavery as not being about forced labour but about “the permanent, violent domination of natively alienated and generally dishonored persons” (1982, p. 13) producing the “socially dead” status of the enslaved person. Building on Patterson and Fanon's (1952) earlier insight that “ontology – once it is finally admitted as leaving existence by the wayside

- does not permit us to understand the being of the black man” (Fanon, 2008, p. 90), Afro-Pessimist theorists (cf. Agathangelou, 2009a, 2009b, 2010a, 2010b, 2011, 2013a, 2013b; Fanon, 1952; Mbembe, 2001; Hartman, 1997, 2008; Sharpe, 2010; Sexton, 2006, 2007, 2008, 2010a, 2010b, 2011; Spillers, 1987; Wilderson, 2007, 2010) question the distinction between Blackness and Slaveness suggesting that “the Black [is] a subject who is always already positioned as Slave” (Wilderson, 2010, p. 7).

During the Middle Passage, writes Wilderson (2010, pp. 18-19) in *Red, White & Black. Cinema and the Structure of U.S. Antagonisms*, “chattel slavery, as a condition of ontology and not just as an event of experience, stuck to the African like Velcro,” changing from a condition anyone can get subjected to, “to a word which reconfigures the African body into Black flesh.” The emergence of racial Blackness gave rise also to the creation of the Human, tying together symbiotically “the political ontology of Humanity and the social death of Blacks” (Wilderson, 2010, p. 21). While the worker’s suffering is characterized by exploitation and alienation, the slave’s (non)existence is about “accumulation and fungibility... the condition of being owned and traded” (Wilderson, 2010, p. 11) meaning that it is not one’s labour that is commodified, but one’s life. What constitutes slavery then are not *labour* relations but *property* relations (Sexton, 2010b, p. 18). Drawing on the work of Hartman, Sexton notes that under the racial-sexual grammars of Blackness, Black resistance becomes illegible, “the slave will [is] acknowledged *only* as it [is] prohibited or punished” (Hartman, 1997, p. 82; emphasis added; as cited in Sexton, 2010b, p. 15). Therefore, “to suffer colonization is unenviable unless one is enslaved. One may not be free, but one is at least not enslaved. More simply, we might say of the colonized: you may lose your motherland, but you will

not 'lose your mother' (Hartman, 2007)" (Sexton, 2010b, p. 14).<sup>13</sup>

Accordingly, Blackness signifies enslaveability and openness to "gratuitous violence" (Patterson, 1982, p. 13) understood not simply as legitimate suffering, but cast the capture, murder, rape and maiming of Black bodies a "structural impossibility" (Agathangelou, 2010b, p. 200). Therefore enslavedness as ontology marked by a grammar of gratuitous violence, accumulation and fungibility (Hartman, 1997; Wilderson, 2010) survives the institution of chattel slavery and, as I will explore in my analysis of post-9/11 U.S. national security discourses in the following chapters, continues to produce logics of anti-Blackness that signify enslaveability and openness to gratuitous violence, and concomitantly, continues to produce subjects cast as Human, and subjects seen as mere flesh.

The "tragic continuities" (Hartman, 1997, p. 7) in antebellum and postbellum production of Blackness as "abject, threatening, servile, dangerous, dependent, irrational, and infectious" (Hartman, 1997, p. 116) were mediated by the emancipatory promise of formal equality under the law. Procedural legality and the extension of liberal rights and freedoms allow the writing of the body into law, giving rise to the "burdened individuality" of the responsabilized freedperson (Hartman, 1997, p. 116). Formal legal equality created new

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<sup>13</sup> Sexton's argument draws on Orlando Patterson's (1982, p. 13) conceptualization of slavery as "the permanent, violent domination of natively alienated and generally dishonored persons" discussed earlier.

'[N]atal alienation' ... goes directly to the heart of what is critical in the slave's forced alienation, the loss of ties of birth in both ascending and descending generations. It also has the important nuance of a loss of native status, of deracination. It was this alienation of the slave from all formal, legally enforceable ties of 'blood,' and from any attachment to groups or localities other than those chosen for him [sic] by the master, that gave the relation of slavery its peculiar value to the master. The slave was the ultimate human tool, as imprintable and as disposable as the master wished. And this was true, of all slaves, no matter how elevated (Patterson, 1982; as cited in Sexton, 2010b, p. 14).

responsibilities and grounds upon which to render these subjects “blameworthy” (Hartman, 1997) and to punish them (Kandaswamy, 2012, p. 269; Melamed, 2011b, p. 221), hence constituting a key mechanism of governmentality of the formerly enslaved as well as the persistent constitution of White entitlement and “Whiteness as property” (Harris, 1992).

With the formal end of slavery, antebellum slave patrols, which had been a key technology of Whiteness enabling poor Whites to share in the White supremacist social order, gave way to the terror regime of public lynchings. Once again anti-Black security practices provided a common project to unite around for Whites of all classes as well as “White but not quite” (Agathangelou, 2004, p. 4; Kuntsman, 2009, p. 100) populations aspiring to achieve Whiteness. As Ida B. Wells pointed out at the time, while “runaway” slaves used to be brutally punished, the planter class often had a clear stake in preserving their lives and labour. Following emancipation, she notes, “the vested interest of the white man in the Negro's body was lost” (as cited in Roediger, 2008, p. 114).

Wells saw a clear connection between the security discourses around Black criminality, lynching and race-making: “To lynch for a certain crime not only concedes the right to lynch any person for any crime but it is in a fair way to stamp us a race of rapists and desperadoes” (2002, p. 41; as cited in Gilmore, 2009, p. 80). With the spectacle of the lynching<sup>14</sup> of the Black body “validat[ing] white beliefs about black subjection and criminality” (Roberts, 2007, p. 234), anti-Black security practices also constituted a key mechanism of race-making for immigrants from Southern and Eastern Europe who upon their arrival in the United States were located somewhere in between the dominant

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<sup>14</sup>While the primary targets of lynchings were Blacks, in California between 1850 and 1936 for instance half of the people killed by lynching were Chinese, Mexican, Latin American or Indigenous (Roediger, 2008, p. 122).

White/Black racial-sexual scheme of the U.S. social formation (Nevels, 2007).<sup>15</sup> Given the pervasiveness of anti-Black subjugation new immigrants marked as non-White were well aware of the privileged safety that came with Whiteness (Roediger, 2008, p. 141) and hence were well advised to distance themselves from Blackness. One of the avenues for them to improve their ambiguous racial status was the perpetration of racist violence against Blacks, in particular via the most spectacular form of Black subjugation, the sexualized lynching of Black men and boys. The lynched Black body served not only as a boundary marker against which one could determine acceptable or respectable sexuality, masculinity/femininity and morality (Douglas, 2002, p. 4), but ontologized as flesh continued to mark the threshold between the Human and anti-Human. “Jim Crow, then,” writes Ruth Gilmore (2009, p. 82), “did not only work to suppress Black people; it was both template and caution for all who were not members of the sovereign race.”<sup>16</sup>

Remarkable about the lynchings was not only the *public* character of commonly carefully staged acts of cruel as grotesque violence, but also the sheer banality and ordinariness in which these murders were witnessed and remembered. Lynchings were more often than not based on meticulous planning and official invitations to White (aspiring) attendees of all ages, genders and classes, and the gruesome killings were typically recorded and documented through photographs, images that were later on shared

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<sup>15</sup> Adi Kuntsman’s (2009) insightful book *Figurations of Violence and Belonging: Queerness, Migrantism and Nationalism in Cyberspace and Beyond* first drew my attention to Nevel’s work. Building on Nevel (2007), Kuntsman explores (in her study of first generation Russian-speaking queer Jewish Israeli settlers) how for subjects positioned as “white but not quite” military and national “violence can carry a particular promising path of belonging” (Kuntsman, 2009, p. 100).

<sup>16</sup>For an insightful analysis on “the narrative demands” on Black people trying to negotiate their dehumanization qua ideologies of racial uplift, specifically through the articulation of Orientalist disidentification with Chinese immigrants, see Jun (2011).

and even turned into postcards to be mailed off to loved ones who could not attend themselves (Garland, 2005). Finally, lynchings, genital mutilations, rape and other sexualized security practices performed on the bodies of Black and Indigenous men, Two-Spirit and other gender-nonconforming people, afforded White cismale settlers with a queer intimacy otherwise not socially sanctioned, to borrow from Razack (2008, p. 19; see also Philipose, 2007, p. 1060) in a different context.

A central element of this assemblage of gendered racial-sexual anxieties and power struggles pervading U.S. state and nation at the fin-de-siècle was the growing class conflict. Despite the imperial triumphs overseas, from the last quarter of the nineteenth century to the First World War, the U.S. was in the grip of serious social conflict between capital and labour, with the liberal state deploying first police and then the newly created National Guard to fight the poor (Kiernan, 2005, pp. 108-109). Growing urbanization and mass immigration from Southern and Eastern Europe in the wake of economic depression, as well as the news of the 1871 Paris Commune, led to increasing social unrest and anxiety among Anglo-Americans. The spectre of the Paris Commune quickly sharpened racialized and gendered class polarizations (Rosier, 2009, p. 19).<sup>17</sup>

This era of racial capitalism rested on a regime of explicit White supremacy (Melamed, 2006), which articulated itself through gender and sexual normativity (Hong,

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<sup>17</sup>In 1904, the Mine Owners' Association famously sought to break up unions "with all the typical American strike-breaking weapons of vigilantes, deputies, company police, militia, federal troops and subservient courts" (Davies, 1943, p. 34, as cited in Kiernan, 2005, p. 147). Theodore Roosevelt sought to promote class conciliation by curbing the worst excesses of capitalism through progressive legislation (Kiernan, 2005, pp. 147-148). While a Socialist Party gained enough support to frighten Conservatives, labour radicalism was dampened by the constant influx of new immigrants who were generally less willing to organize and more accepting of lower working conditions. Their presence contributed to "discourage radicalism among the older strata of workers, by making life easier for them, as well as for the middle classes" (Kiernan, 2005, p. 148).

2011, p. 89). The state defined citizenship around Whiteness and heteromascularity, thereby creating de-valued surplus labour in the form of racialized and nonnormatively gendered and sexualized workers (Hong, 2011, p. 87). The biopolitical and necropolitical administration of the labour force allowed for menial work to be more and more considered to be “beneath the dignity of the free white American,” and was off-loaded onto a racialized and feminized workforce of workers marked as Black and immigrant women (Kiernan, 2005, pp. 148-149). This racialized and gendered regime of political economy rendered well-paid Americans into “the position of a ruling race ... [that] is served and attended by negroes and alien immigrants very much as the ancient Athenian was served by a Thracian or an Asiatic” (Hirst et al., 1900, pp. 138-139; as cited in Kiernan, 2005, p. 149). As Kiernan (2005, p. 149) notes succinctly: “In other words the American was a colonialist at home, in the enjoyment of comforts that the ordinary European had to go to India or Africa in search of.”

Hegemonic discourses persistently branded “domestic” enemies in the form of anarchists, labour activists and even simply striking workers as “savages,” “wild Indians,” “mobs,” and “tribes” (Slotkin, 1992, p. 121; Roediger, 2008, p. 125). The communards were called “red Indians” and “blood-thirsty Indian squaws” and likened to the “fierce” Apaches or Comanche fighters (Rosier, 2009, p. 19). In turn, indigenous resistance in Texas was referred to as “the Red Spectre.” After the Sioux and Cheyenne defeated Custer and his men, a *New York Tribune* article called the Sioux “communistic” and “compared them to the Molly Maguires and other ‘dangerous classes’” (Rosier, 2009, pp. 20-21). Domestically the civilizational discourse of “the Red scare” was first applied to rapidly growing urban spaces peopled by immigrant workers and poor Americans: “The rhetoric of concentration in rural and urban America was the rhetoric of containment. The containment of the poor in the city

slums marked these as urban reservations for workers who failed to adapt to the norms of civilization” (Rosier, 2009, p. 20).

The conflation of “Red labour” and “Red Indians,” the equation of the urban “mob” with “savage tribe,” constructed both groups not only as twin security threats to industrial civilization and its underpinning regime of private property, but also as threats to “the very ‘manhood’ of the race” both at home and abroad (Slotkin, 1992, p. 91; Rosier, 2009, p. 19). The collapsing of “White” and “Red” threat helped legitimize the state's and employers' harsh punitive responses to labour unrest, including the use of military force. While White leftists and workers who changed their political aspirations or admitted defeat were welcomed back into the “family of man,” this kind of rehabilitation was unavailable to those marked racially backward at home and abroad, “leaving savagery deeply connected to people of color” (Roediger, 2008, p. 125). Once again, civilizational racial-sexual discourses and actual practices of sexed and gendered racist violence against the “backward races” mobilized not only affective economies of Whiteness and national belonging, but allowed those marked White to have a very material stake in the postbellum order within and beyond the bounds of the U.S. state.

Victor Gordon Kiernan (2005), David R. Roediger (2008), Ruth W. Gilmore (2009) and others have made connections between the circulation of anti-Native and anti-Black logics and security practices at the time and their effects on understandings of legitimate violence. With more than three thousand lynchings of people marked as Black officially recorded in the last two decades of the nineteenth century, for most of the White(-aspiring) subjects, “[f]eelings about Indians could not be unaffected by feelings about Negroes” (Kiernan, 2005, p. 33). Kiernan argues that the 1890 Wounded Knee massacre, which



marked the official end of the Indian wars, “might be called an official lynching” (Kiernan, 2005, p. 100). In the wake of the Spanish-American War (1899-1902) the “homeland” experienced another strong surge in lynchings with some authors connecting the “logic of massacre” (Slotkin, 1992, p. 114) in the suppression of Filipino anti-colonial resistance to the lynchings of Black subjects in the homeland (Slotkin, 1992, p. 114; Weston, 1972, p. 21).

With the mass mobilization of WWI and the ensuing labour shortages, Northern employers actively recruited Black workers living under Southern Jim Crowe oppression. By the end of the war, around half a million people marked as either ex-slaves or the descendants of enslaved people had migrated to the Northern industrial centres. While they often sought to leave behind the brutal regime of Jim Crowe, their labour value continued to be constructed as cheap and Northern employers often strategically used the prevalent anti-Black racism among Whites to break working class solidarity and hired Black workers as strike breakers. During the bloody “Red Summer” of 1919 with its notorious Palmer raids against leftist political and labour organizers, racist riots in large industrial cities across much of the nation led to a surge in the lynchings of Black men (Gilmore, 2009, p. 78).

### ***Overseas expansion***

The experiences of Indian wars and the control, surveillance and punishment of an enslaved population had left “an invaluable legacy” (Kiernan, 2005, p. 29) for running a global empire. After the so-called closing of the frontier, the racial-sexual logics of Indianism and Blackness shaped overseas national security practices, including discussions on desirability and the actual going about of imperial expansion, and thereby further shored up understandings of the homeland as White, capitalist, masculine and heterosexual.

Following the Spanish-American war, “the United States found itself with a variety of possessions none of which could be settled by white Americans, and whose local populations did not fit historic criteria for ethnic and cultural assimilation” (Rana, 2010, p. 272; as cited in Simon, 2010, p. 260). Most of the people in the newly occupied lands were compared to the “Negroes or Indians living in the United States” (Weston, 1972, p. 22). While the desirability of global expansion was contested domestically, both imperialists and anti-imperialists subscribed to “colonial narratives of racial uplift and beliefs in Anglo-Saxon supremacy” (Dawson & Schueller, 2007, p. 4). Reflecting the White supremacist unease among both imperialists and anti-imperialists about the incorporation of “people of colour” into the national body politic, one author at the time wrote off the acquisition of overseas territories as a result of the Spanish-American War as “America's Negro empire” (Weston, 1972, p. 6).<sup>18</sup>

Despite their imperial rivalries, the scramble over Asia led the USA, Great Britain, and other European states to develop a collective sense of self - a consciousness of “the white man's common interest and feelings” (Kiernan, 2005, p. 66). An unabashed advocate of “White solidarity,” Theodore Roosevelt asked his European counterparts in a speech “to make common cause in our dealing with the backward races” (Angell, 1933, p. 290; as cited in Kiernan, 2005, p. 273). The White man's common interest and feelings allowed for the imperial powers to come together in a gentleman's agreement of sort on the legality and limits of the use of force between them, with the newly emerging laws of war binding between “civilized” enemies only (cf. Anghie, 2005; Kiernan, 2005; Krishna, 2001).

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<sup>18</sup> As a result, at the fin-de-siècle the U.S. Supreme Court developed a new legal framework that allowed for the incorporation of new territories such as Puerto Rico “in a permanent limbo characterized by discretionary authority and offering no clear path to statehood” (Simon, 2010, p. 260).

When the United States occupied the Philippines, the denial of Filipino sovereignty was based on the same racial-sexual civilizational premises as settler empire-building at home. The Taft Commission, the effective civilian colonial government established by President McKinley in 1901, referred to the residents of the Philippine Islands as “Negritos” (Cho & Gott, 2010, p. 212). Overall, high ranking military officials and policy makers typically spoke of Filipinos as “Indians” while American rank and file soldiers referred to local people commonly as “n-----s” (Slotkin, 1992; Balce, 2006). In the face of Filipino nationalist resilience, American troops committed countless massacres and systematically tortured the colonized. The occupation of the Philippines turned into a “formative period of counterinsurgency doctrine” (Slotkin, 1992, p. 446) and it was during that counterinsurgency that U.S. forces invented the practice of water boarding, which turned into an official tool of U.S. state craft during the War on Terror.

In the first year of the war, a U.S. Senator stated that Emilio Aguinaldo, the charismatic leader of the Filipino anti-colonial movement who had come back from exile, had become “Tecumseh, Sitting Bull, Old Cochise, or some other celebrated Indian warrior” (as cited in Rosier, 2009, p. 39). Theodore Roosevelt likened Filipinos to Apaches and anti-imperialists to “Indian-lovers” (Slotkin, 1992, p. 106). Roosevelt declared that anti-imperialists were not only traitors to their race but also “recreant to their sex – emasculators of American manhood,” as Slotkin (1992, p. 106) puts it. Many of the U.S. troops fighting during the American-Philippine war were veterans of the Indian wars and typically viewed themselves as fighting another Indian war, yet the most common racist epithet used against Filipino subjects was “n\_\_\_\_\_” (Slotkin, 1992, pp. 114-115; Rosier, 2009). Rosier (2009, p. 39) cites a soldier who told a newspaper reporter that the Philippines “won't be pacified until the

n\_\_\_\_ [meaning the Filipinos] are killed off like the Indians.” The article quotes another soldier as saying that “The only good Indian is a dead Indian” (Rosier, 2009, p. 39). Slotkin cites from another newspaper article at the time which reported the death of 1008 Filipino anti-colonial forces as “1008 dead n-----” (Slotkin, 1992, pp. 114-115).

Cho and Gott refer to the equation of Filipinos with Blackness as “negroization,” the process of drawing “physical, biological, and cultural similarities between Africans and Asians to exclude them from the body politic and realm of first-class citizenship” (2010, p. 213). As discussed earlier, prior to the mapping of Blackness onto Filipinoness, nineteenth century anti-Irish and anti-Chinese racial discourses were intimately intertwined with anti-Black racism. The connections between the figure of the Native Savage and the figure of the Black were also performed by turn of the century “commodity racism” (McClintock, 1995). Ivory soap advertisements for instance deployed visual representations of Indigeneity that drew on the visual markers of the barbaric Blackness of Blacks and Irish (Rosier, 2009, pp. 26-28.). As I will discuss more in the following while the figure of the Savage and the figure of the Black are intricately connected, they also carry some distinctive ideas and evoke distinctive “structures of feeling” (Williams, 1977).

For the American occupiers to imagine the Philippines as Indian country, naming indigenous resistance groups after the Apache and comparing anti-colonial leaders to famous Native American leaders, reflects fear, anxiety and admiration of enemy space and people. Simultaneously, mapping the Indian wars discourse onto the colonial occupation of the Philippines provided comfort and the promise that despite the fierceness of anti-colonial resistance and the occasional devastating defeat, White victory was natural and inevitable (cf. Elliott, 2007; Silliman, 2008). The promise of modernization helped also normalize the

perpetration of unspeakable acts of cruelty and mass killings in the making of imperial history. Framing the colonial conflict as Indian wars turns the military conflict into “savage war,” and since the only language Savages understand is force, one needs to become savage in order to fight the Savages (Slotkin, 1992, p. 547).

The simultaneous identification of Filipinos with Blackness allowed U.S. security discourses to mark Filipinos as lacking any claims to *sovereignty*, even in respect to their own bodies, casting them as a “servile race well suited for subjugation, whose presence is *polluting* as much as menacing” (Slotkin, 1992, p. 114; emphasis in original). While both racial-sexual mappings render those populations killable, conflating Blackness and Filipinoness helped cast U.S. security practices as acts of (domestic) policing, and not as acts of imperial geopolitics.

While the figure of the Indian and the figure of the Black shaped the security practices of overseas imperial expansion, it is important to note that Filipino resistance also drew on and framed the national liberation struggle in terms of the historical conflict between European settler invaders and America's indigenous peoples. For instance at the beginning of the U.S. war on the Philippines, a representative of the Aguinaldo government warned General Miller that the Filipinos would not surrender but fight back and draw the occupiers into “North American Indian warfare” (Rosier, 2009, p. 39).

## **CONCLUSION**

This chapter explored key logics, processes and practices of security in the making of the early U.S. settler empire, which, as will be discussed in the following chapters continue to

inform contemporary security practices in the War on Terror and structure the relations of possibility for the larger project of liberal governance in which they are embedded. From the geopolitics of settler invasion to the biopolitics of liberal governance at the turn of the nineteenth century, the production of social difference along the interlocking lines of race, sex, gender and nation was not only fundamental to organizing these violent processes but these security practices helped bring into being the very racial-sexual taxonomies underwriting the emerging settler colony's gendered racial-sexual class order.

The acquisition of indigenous land combined with the appropriation of enslaved and indentured labour as well as settler women's unpaid reproductive labour provided the affective and material raw ingredients of imperial settler formation. Constructed as the chief opponents and hence boundary markers of the White American nation, the figure of the Indian and of the Black taught and reassured the nation and its White settler subjects across class divisions what they were *not*, allowing them to define themselves along gendered, sexed and racialized civilizational lines as sovereign and free, even if only at the level of their own body. Contrary then to triumphalist narratives of the growing inclusiveness of the liberal settler state, the political project of American independence was not simply not-yet-inclusive, but cannibalistically fed on the subjugation, dispossession and labour of those excluded from the establishment of settler self-rule.

The "colour schemes" (Trask, 2004, p. 9) underpinning these processes and practices were produced in relationship to a rigidly heteropatriarchal sex-gender regime. Interlocking (non)normative classed national, racial, gender and sexual social formations helped obscure the "parasitical nature of white freedom" (Morrison, 1993, p. 57) and the processes of violence necessary for its reproduction. As explored in this chapter, the

relationship between the differential distribution of in/security and gendered racial-sexual economies of difference was mutually constitutive. Based on a performative understanding of law, power and violence, I examined how security practices, in particular corporeal practices of violence, visually re/produced and hence *verified* subjugated social status turning it into bodily difference at both the level of the individual body and the level of population.

The production and management of gendered racial-sexual difference and cultural alterity around gendered notions of Whiteness, Blackness and Indigeneity was not simply shaped by the hands of the sovereign state but was pursued by “petty sovereigns” (Butler, 2006, p. 65) and state agents through various technologies of power across the social, including law, discourses of sexual respectability, carceral violences, slavery, and outright attempts at genocide. As discussed, discourses of Indianism and Blackness are not monolithic and have been reconfigured over time. While they signify distinctive gendered racial-sexual discourses, they emerged never far apart from one another.

The Indian war discourse up until the so-called closing of the Western frontier was about securing the annexation of territory through the pacification of the peoples indigenous to the land. The Indian wars paradigm narrates the heroic making of the American West as exemplary for world history. Despite all the challenges in the face of an at times fierce and worthy opponent, setbacks are only temporary, and civilizational progress is natural and inevitable (Elliott, 2007). This White fantasy, in short, is a story of race war with a guaranteed happy end. Intimately connected to the idea of the naturalness and hence inevitability of civilizational progress is the connection between progress and the use of violence. The Indian war discourse insists that when White civilization is faced with

resistance, “‘progress’ can and must be defended by ‘savage war,’ prosecuted till one side or the other is annihilated or subjugated” (Slotkin, 1992, p. 493). Since savage war is said to be pursued until the extermination of one side, massacres, acts of terrorism and torture become *vital*, to paraphrase Foucault (1978, p. 137). Within this biopolitical discourse, there is narrative space for viewing the “Injun” as a “noble savage” and potentially as domesticable, and given that savage war is historically structured around the “elimination of the Native” (Wolfe, 2006, p. 387), led until one side is exterminated, it is a fairly safe fantasy to produce.

Blackness signifies a range of meanings, including being servile, dependent, abject, lazy and criminal; it evokes sexual excess and or sexual threat while simultaneously marking the body as socially dead and open to gratuitous violence. In the context of war and security along the global frontier, mapping the figure of the Black onto for instance Filipino anti-colonial resistance casts U.S. security practices as (domestic) policing practices and hence non-political, thereby obscuring the imperial character of state violence and concomitantly displacing the question of (Filipino) sovereignty.

In the following chapter, I will examine some of the genealogies and desires giving rise to imag(in)ing the battlefields of the War on Terror as Indian country. Against the backdrop of the recent reorganization of the U.S. national security state’s use of force and the larger liberal project of security it seeks to consolidate, I explore how the imaginary geographies of Indian country affect and facilitate the production and targeting of Muslim/ified populations and spaces, and help provide the raw materials for the consolidation of the liberal way of life.



**Chapter III:<sup>1</sup> Beyond the sexed colour line? Liberal war and the imaginary geographies of Indian country in the Age of the Muslim/ified target<sup>2</sup>**

*“The Indian Wars Are Not Over.”*

*(Inscription at the Visitor Centre at Wounded Knee. As cited in Elliott, 2007, p. 281)*

For over a decade now, numerous state officials, security experts and popular cultural productions, such as the racist joke on “playing Cowboys and Muslims” mentioned in the introductory chapter, connect the ongoing War on Terror to the colonization and attempted genocide of the indigenous populations of the Americas (see also Brown, 2006; Dunbar-Ortiz, 2004; Engelhardt, 2006; Faludi, 2007; Feldman, 2011; Forbes, 2003; Silliman, 2008). From President Bush’s infamous “Wanted, Dead or Alive” speech within days of the 9/11 attacks to President Obama’s successful mission to kill “Geronimo” Osama Bin Laden and hence restore justice in a seeming act of frontier violence inside a compound in Abbottabad, Pakistan, the imaginary geographies of the hegemonic U.S. post-9/11 security discourse equate Afghanistan, Iraq, and more recently Pakistan, Somalia and Yemen with “Indian country” or “Injun country.” This mapping of the War on Terror onto the nineteenth century Indian wars sits uneasily with the claim that U.S. troops fight Islamic terrorists not only to defend the U.S. homeland but to help liberate the people of Afghanistan and Iraq - if not all of “the Muslim world.” Critics have questioned “[w]hy ... Arabs in the 'Indian Country' of their own homeland [would] desire a status resembling anything like

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<sup>1</sup> I would like to thank Maya Eichler, David Grondin and Sandra McEvoy for their thoughtful comments on earlier drafts of this chapter.

<sup>2</sup> The title plays on Rey Chow’s (2006) monograph entitled *The Age of the World Target*.

what 'American Indians' have experienced?" (Scarr, 2007, para. 11). In the wake of bin Laden's assassination TIME magazine asked in a similar vein "why nickname the operation to kill America's most-hated terrorist with the name of a famous Native American freedom fighter?" (Townsend, 2011, para. 2).

This chapter examines some of the genealogies and desires giving rise to imag(in)ing the battlefields of the War on Terror as Indian country. This conflation in the hegemonic U.S. national security imaginary is neither new nor exceptional. The figure of the Indian savage has been mapped onto a range of security threats at home and abroad, ranging from militant labour and Filipino anti-colonial resistance (see chapter two) to the war on VietNam and the First Gulf War (cf. Drinnon, 1980; Elliott, 2007; Kiernan, 2005; Slotkin, 1992). However, as will be explored in this chapter, both the Bush and Obama administrations have conducted the War on Terror as a liberal war in defense of a *global* population, as a *universal* project and not as a civilizational struggle à la Huntington. Liberal war in this age of "post-racial triumph" (Ho Sang & LaBennett, 2012, p. 5) rests on the promise that the nineteenth century sexed "colour line" (DuBois, 1903) has been transcended and no longer *per se* marks populations as in/violable. How then does the War on Terror's evocation of Indian war figure into this officially post-racial era?

The chapter explores how - similarly to the hegemonic national imaginary during the height of the historical Indian wars - official and popular post-9/11 security discourse cast the U.S. military response in the form of the War on Terror, including the recent expansion and radicalization of the use of military force, as defensive, not offensive. Contrary to the historical Indian wars however, the Indianist discourse of the War on Terror is not about territorial conquest, but about managing populations with the goal of fostering liberal life at

a planetary level. The chapter shows how - rooted in the desires and disavowals of a White settler nominal post-slavery<sup>3</sup> nation - the War on Terror's promise of liberal freedom and self-rule is ambiguous, always already haunted by past and present extractions and management of the raw materials of the liberal ways of life. These processes rest on the *pacification* of various gendered racial-sexual subjects and populations via a wide set of security practices, including military and carceral violence. Racialized civilizational logics via discourses of sexuality continue to inflect the dark underbelly of the liberal project of security, informing the intertwined production of value/lessness, political community and il/legitimate violence. These preemptive and extra-territorial killings of "pre-insurgent" populations via drone strikes and other kinetic counterterrorism measures are not "simply" destructive and or "mere" effects of gendered racial-sexual logics of violence, but constitute a key site and technology of gendered and sexualized race-making in this era of "post-racial triumph" (HoSang & LaBennett, 2012, p. 5).

I will first discuss the emphasis on a politics of preemption in post-9/11 U.S. national security making. My discussion of the Bush-doctrine connects homeland security practices in the form of (selective) immigration enforcement with the reorganization of the use of force abroad, focusing in particular on debates around the ongoing deployment of the Bush-era's *Authorization of Military Force* (AUMF) and challenges to the *War Powers Resolution Act* under Obama. In a second step I examine how the hegemonic War on Terror discourse, the save-civilization-itself fantasy (Richter-Montpetit, 2007), articulates gendered racial-sexual enemy subjects and spaces while simultaneously inviting the racialized Muslim to join the free world of free markets and formal equality. My analysis

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<sup>3</sup> I am drawing here on Rodríguez' (2008, p. 190) conceptualization of a "nominal post-slavery era."

draws primarily on the 2002 *National Strategy for Homeland Security* and speeches by high officials in both Bush and Obama administrations. In the third and final section of the chapter I then examine how the Indian war discourse affects and facilitates the targeting of Muslims and the waging of permanent war. My discussion traces the circulation of the imagined geographies of Indian country among a wide range of actors and sites, including high-level security advisors, military staff, and popular cultural productions.

### **The Politics of Preemption and Global Race War**

As notes Andrew J. Bacevich (2006, p. 19), the big lesson of 9/11 for U.S. national security making in President Bush's (2004) words was that “this country must go on the offense and stay on the offense.” This view of offensive warfare as self-defense and as the necessary and legitimate response to the threat of Islamic terrorism ushered into the institutionalization of the *preemptive* use of military and carceral force and became known as the “Bush-doctrine” (cf. Anghie, 2004a; Agathangelou, 2010a; Bacevich, 2005; Barnett, 2003; Chandler, 2007; De Goede, 2008; Monten, 2005; Roberts, Secor, & Sparke, 2003). The Bush-doctrine expands the use of force in space and time – in fact “as far into the future as possible,” according to the oft-cited September 2000 report *Rebuilding America's Defenses* by the neoconservative Project for a New American Century (as cited in Agathangelou, 2010, p. 710). This official shift in the use of force in U.S. National Security making is part and parcel of a larger reconfiguration of U.S. Grand Strategy from the rather defensive Cold War strategy of containment to the more offensive post-Cold War strategy of integrating non-liberal states - “the Gap” (Barnett, 2003, para. 6) - into the circuits of the global capitalist economy, including through military force (Roberts et al., 2003).

“[C]apitalism is not a spontaneous order” (Neocleous, 2014, p. 48). Since the early days of primitive accumulation, liberalism has relied on extra-economic forces, including brute acts of violence (cf. Agathangelou, 2010, 2011, 2013b). Contrary to Fukuyama’s (1992) promise that we reached the “End of History,” the post-Cold War global liberal order was not left to its own devices. With the shifting field of forces in the wake of Glasnost and Perestroika, those seeking to expand and intensify capitalist social relations globally could more openly have the “hidden hand of the market [operate as] a fist” (McNally, 2006, p. 61). The post-Cold War era’s geopolitical shift towards U.S. supremacy has come with intensified processes of “accumulation by dispossession” (Harvey, 2003, p. 162), including through war (Agathangelou, 2010, 2011, 2013b; Bacevich, 2006; Neocleous, 2014; Roberts, Secor, & Sparke, 2003). In the wake of 9/11 then, the promotion of free markets and liberal democracy - including via the use of military force (“regime change”) - was declared critical also to the fight against terror. The Obama administration radicalized the reorganization of the lawful and legitimate use of lethal force in the wake of 9/11. Obama oversaw a significant shift in emphasis away from the capture and torture of “enemy combatants” to extra-judicial killings via drone strikes of terrorism suspects residing in countries the U.S. is not officially at war, such as Pakistan, Somalia and Yemen. Among those targeted and killed without trial in such drone strikes are several U.S. citizens.

Domestically, within days of 9/11, the politics of preemption gave rise to a nationwide racialized and gendered dragnet in which the federal government arrested and detained between 1200 and 2000 Arab, Muslim and South Asian men (Ahmad, 2004, p. 1270). Concurrently a separate program called in eight thousand Arab, Muslim, and South Asian men for “voluntary” interviews with the FBI, and some of these men were deported

(Ahmad, 2004, p. 1271). The INS created a “Special Registration” program which targeted “non-immigrant alien” men from twenty-six countries, all but one of them Muslim countries, for interrogation (Ahmad, 2004, p. 1274). In June 2003, a federal policy guidance explicitly authorized racial profiling in the context of “matters of national security, border integrity or the possible catastrophic loss of life” (Ahmad, 2004, p. 1268). These preemptive security practices focus not only on stopping terrorists before they commit a specific act of political violence, but intervene and seek to manage potential “pre-insurgent” (Anderson, 2011, p. 224) populations, in particular through immigration laws and policy.

To justify the killings of suspected enemy fighters outside of official warzones both Bush and Obama administrations refer to the Authorization for Use of Military Force (AUMF). Passed by Congress within days of the 9/11 attacks, the AUMF states

That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons (U.S. Congress, 2011, sec. 2a).

Congress authorized the use of “all necessary and appropriate force” however limited its application to the people and organizations responsible for or complicit with the attacks of

9/11. While the Obama administration seeks to distance itself from the Bush administration by avoiding the use of the concept of the “War on Terror” by for instance referring to its counterterrorism efforts as “Overseas Contingency Operations,” the “war on Al-Qaeda” (cf. Miller, 2012) or as being “at war with al Qaeda, the Taliban and their associated forces” (Obama, 2013, para. 32), the U.S. security state under Obama continues to pursue suspected terrorists associated with Al-Qaeda, including through extralegal use of military and carceral force on a planetary scale as a matter of national defense.

In his widely anticipated speech entitled “The Ethics and Efficacy of the President’s Counterterrorism Strategy” at the Woodrow Wilson Center in April 2012, John Brennan, Obama’s then chief counterterrorism advisor (2009-2013), articulated the Obama administration’s position on the lawfulness of the use of drone strikes outside of official warzones. In Brennan’s words,

as a matter of domestic law, the Constitution empowers the President to protect the nation from any imminent threat of attack. The Authorization for Use of Military Force—the AUMF—passed by Congress after the September 11th attacks authorizes the president “to use all necessary and appropriate force” against those nations, organizations and individuals responsible for 9/11. There is nothing in the AUMF that restricts the use of military force against al-Qa’ida to Afghanistan. As a matter of international law, the United States is in an armed conflict with al-Qa’ida, the Taliban, and associated forces, in response to the 9/11 attacks, and we may also use force consistent with our inherent right of national self-defense. *There is nothing in international law that bans the use of remotely piloted aircraft for this purpose or that prohibits us from using lethal force against our enemies outside of an active battlefield, at least when the country involved consents or is unable or unwilling to take action against the threat* (Brennan, 2012, para. 34-35; emphasis added).

Brennan, who as of March 2013 is Director of the CIA and hence in charge of the CIA's secret targeted killings program, argues that the AUMF does not limit the use of force to Afghanistan. He emphasizes that the use of lethal drone strikes outside of official battlefields is lawful for the purpose of self-defense, "at least when the country involved consents or is unable or unwilling to take action against the threat." In short, in the name of self-defense "the everywhere war" (Gregory, 2011b) casts the pursuit of enemy forces legitimate and legal globally.

Under the Obama administration remotely piloted aircrafts not only provide aerial surveillance. Within days of President Obama's election drones have become a crucial pillar of U.S. offensive warfare and contributed to a dramatic transformation of the battlefield and how we wage war. During the first Obama presidency, more than 300 UAV strikes were conducted killing more than 2,500 people (Roggio & Mayer, 2012), including in Afghanistan, Pakistan, Yemen and Somalia. The Obama administration's official disregard of the extant legal principle of territorial sovereignty is also reflected in the administration's use of the name Af-Pak or AfPak to refer to the areas along both sides of the Afghani-Pakistani border. This border region which "[f]or the American people ... has become the most dangerous place in the world" (Obama, 2009a, para. 7), is under constant aerial surveillance, and the frequent target of lethal drone strikes. Considered the best currently publicly available aggregate data on drone strikes, *The Bureau of Investigative Journalism* reports that from June 2004 through mid-September 2012, U.S. drone strikes killed 2,562-3,325 people in Pakistan only, of whom 474-881 were civilians, including 176 children (International Human Rights and Conflict Resolution Clinic of the Stanford Law School and Global Justice Clinic of the NYU School of Law, 2012, p. vi). Never before in military history



have so many people been killed via remote control, seemingly removing the shooter out of any harm's way.

The preemptive efforts of U.S. Counterinsurgency operations focus not only on stopping terrorists or insurgents before they commit a specific act of political violence, but intervene to manage *potential* insurgents or “pre-insurgent” (Anderson, 2011, p. 224) populations, including via drone strikes. The vast majority of drone attacks since 2008 were so-called signature strikes, not targeting specific individuals, but groups of people whose identities are unknown, yet are said to bear a certain “signature” and hence risk, and who are thus presumed to constitute a legitimate and lawful target (cf. Heller, 2012). There are no clear and transparent criteria on what kind of behaviour constitutes a “signature.” All that is publicly known about this practice is that in a dramatic reversal of the legal principle of the presumption of innocence, all “military-age” males in certain spaces are counted as combatants under the classified but leaked U.S. signature strikes policy since summer 2008. That means that being presumed male and older than 14 years - not actual terrorist or even “pre-terrorist” activity - make one a valid target of UAV strikes, hence rendering signature strikes an extreme form of the biopolitics of *preemption* or rather necropolitics of preventative killing.<sup>4</sup> Furthermore, many of these remotely piloted aircraft strikes practice “double tap,” a tactic involving multiple bombings of the same site within a short period thereby typically hitting first responders (cf. Delmont, 2013; Kelley, 2012; Woods, 2012).

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<sup>4</sup> As discussed in chapter one, while an analytics of biopolitics does connect the power to foster life with death, the main thrust of power in this reading lies in the cultivation of life with death being conceptualized more as a secondary effect or spin-off of this primary objective. Mbembe's analytics of necropolitics foregrounds how in certain spaces, for instance the colony or the slave plantation, the operations of modern power rest on the creation of “death-worlds” (2003) for certain populations. Necropolitics hence accounts for the primacy of logics of death underpinning signature strikes' preventative killing of potential (pre-)insurgents and or terrorists.

Among the several thousand people killed in extra-judicial drone strikes are also four American citizens. All four of them were killed inside Yemen. Anwar Al-Awlaki is considered the first execution of a U.S. citizen based on secret evidence without trial via a targeted killing outside of an official war zone. A leading figure of AQAP (Al Qaeda in the Arabian Peninsula), but not Al-Qaeda, Al-Awlaki was not involved in the attacks of 9/11 as instructed by the AUMF. Al-Awlaki was put on a CIA kill list and assassinated by a remote-controlled missile together with Samir Khan on September 30, 2011. Khan was also a U.S. citizen however the CIA had previously decided *not* to add him to the target list. Two weeks after the assassination of the two men, Al-Awlaki's 16-year-old son, Abdulrahman Al-Awlaki, was also killed via drone strike in Yemen. The teenager's death was considered "collateral damage" as the missile targeted him accidentally while he was travelling in the desert to find his father (Mazzetti, Savage, & Shane, 2013). Jude Kennan Mohammed, the fourth U.S. citizen killed in a drone strike outside an official war zone, was not targeted either. He was killed in a CIA signature drone strike on a compound in South Waziristan, Pakistan, on Nov. 16, 2011 (Shane & Schmitt, 2013).

During the 2011 war on Libya then, the Obama administration created a new legal precedent around decreased public oversight and deliberation over the use of military force abroad by evoking drone technology. Under the *War Powers Resolution Act* the President requires Congressional approval within 60 days of deploying troops into an armed conflict or has to terminate the mission. The Obama administration however argued that there was no need for Congressional authorization as strikes by NATO forces and remotely piloted U.S. drones would not pose the risk of significant American casualties (Rohde, 2012; Savage & Landler, 2011). The Obama administration hence attributes unauthorized war-making

powers to the Executive branch with reference to the low or no risk involved for those that control UAVs.

Considering the enormous recent improvements in capacity and reliability of remote-controlled combat technology, the implications of the Obama administration's position are nothing short of dramatic for the way warfare in the twenty-first century will be conducted and regulated. What are the relations of possibility for this change? During congressional hearings on the extension of the AUMF in mid-May 2013, military officials and Senators in favour of the extension kept evoking the “changing landscape” (cf. Rosenthal, 2013) in the fight against terror. In the next section, I focus on the imagined geographies of Indian country in the War on Terror and explore more closely the role of this spatial imaginary for understandings of legitimate violence.

**Save-civilization-itself fantasy: “the everywhere war”<sup>5</sup>**

***Global society must be defended*<sup>6</sup>**

The hegemonic U.S. national security imaginary in the War on Terror casts the attacks of 9/11 not simply as acts of terrorist violence against the American nation but as threats to civilization itself. On several occasions in the months following 9/11, Bush called the War on Terror the war “to save civilization itself.” President Bush claimed that “the civilized world faces unprecedented dangers” (Bush, 2002c, para. 1). The War on Terror is a total war, as the “(terrorist) threat cannot be appeased. Civilization itself, the civilization we share, is

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<sup>5</sup> “The everywhere war” was coined by Derek Gregory (2011b).

<sup>6</sup> The title of course plays on Foucault’s well-known 1975-1976 lecture series published in English in 2003 under the title “Society Must Be Defended.”

threatened.” Hence “[t]his is not ... just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight” (Bush, 2001b). Therefore “[w]e wage a war to save civilization itself. We did not seek it, but we will fight it and we will prevail” (Bush, 2001c, para. 69). Echoing Bush’s vision of the lines of conflict in the War on Terror, the 2002 *National Security Strategy* declares that “[t]he war on terror is not a clash of civilizations” yet “the allies of terror are the enemies of civilization” (as cited in Neocleous, 2014, p. 121). While Obama in an effort to distance his administration’s counterterrorism efforts from that of his predecessor has made it a point not to evoke the concepts War on Terror and civilization itself, his so-called “comprehensive, new strategy for Afghanistan and Pakistan” announced two months following his first inauguration draws the same line of conflict claiming that in the war against “Al Qaeda and their extremist allies ... [t]he safety of *people around the world* is at stake” (Obama, 2009a, para. 8; emphasis added) hence rearticulating that this war is conducted to fight the enemy of a universal humanity. In the name of self-defense of both U.S. homeland and people around the world/civilization itself from an irredeemably different kind of enemy (National Strategy for Homeland Security, 2002, p. 17; Schlesinger, 2004; Yoo, 2005), the terrain of the War on Terror has *de facto* never been limited to the official war zones of Afghanistan and Iraq, and under Obama the battlefield was officially established as the global, rendering the pursuit of enemy forces legitimate and legal *everywhere*.

The concept of civilization in the context of national security at the current juncture evokes ideas about cultural difference and about these differences constituting a source of military threat in the post-Cold War security environment (cf. Huntington, 1993; Lewis, 1990). I argue that while the save-civilization-itself fantasy racially marks gendered subjects

and populations linguistically and through corporeal practices of military and carceral violence, both Bush and Obama have cast the War on Terror as a liberal war in defense of a *global* population from an *internal* enemy of liberal modernity or globalization, and not as a struggle against a competing order or civilization (see also Brown, 2006; De Genova, 2012; Medovoi, 2007; Neocleous, 2014). So in this understanding civilization itself encompasses not simply the U.S. homeland or “the West” but the *universal* project of liberal capitalist modernity. Building in particular on the work of Mark Neocleous (2006, 2011, 2014) on the liberal order-making effects of both the concept of civilization and the concept of national security, I seek to draw our attention to the linkages between national and social security in the governance of life and death in the War on Terror. The pacification of civilization itself’s enemy populations along a global frontier is part of the globalization narrative that imagines the international beyond the inside/outside dichotomy of the Westphalian interstate system (Duffield, 2007; Evans, 2011; Kienscherf, 2013). Globalization’s liberal project of security seeks to *globalize* capitalist social relations and manage the *global* circulation of goods, services, information, and (some) people by facilitating good circulations and neutralizing bad forms of circulation (Foucault, 2007, p. 65; see also Aradau & Blanke, 2010; Bigo, 2008; de Larrinaga & Doucet, 2010; Dillon, 2007; Dillon & Neal, 2008; Duffield, 2007; Evans, 2010, 2011; Kienscherf, 2013). To this end, liberal governmentality rests on a broad spectrum of security tactics, technologies and measures that blur the – in view of the discussion in the previous chapter always already questionable and racially contingent - boundaries between warfare and policing operations, governing through freedom when deemed possible and relying on force when considered necessary (see also Holmqvist, 2014; Kienscherf, 2013; Neocleous, 2014).

The save-civilization-itself fantasy rests on racialized geographies that essentialize and then pitch the “civilized” nations in diametrical opposition to the terrorists and insurgents “lurking in the shadows” (National Strategy for Homeland Security, 2002, p. 9), “dwelling in the dark corners of the earth” (Bush, 2002b, para. 11) or “rogue states.” These imagined geographies racially mark gendered populations in different kinds of (battle) spaces as duplicitous and prone to use savage forms of violence and who hence require different kinds of security measures, including indefinite detention, torture and signature drone strikes. In the words of the Secretary of Homeland Security, the challenge is “[t]o defeat an enemy that lurks in the shadows and seeks relentlessly for some small crack through which to slip their evil designs (Ridge, 2004, para. 47). With the enemy lurking in a super-human or animal-like capacity outside of standard battlefields in the shadows of the dark corners of the world, and hence in spaces ungoverned by “our” liberal principles, diplomacy (“appeasement”), the application of existing legal standards and other “civilized” ways of interaction would prove insufficient for managing this kind of security threat. To pacify the Islamic insurgency the adoption of special measures is indispensable, and one needs to follow the terrorists wherever they lurk.

Central to the racialized geographies of the “the everywhere war” (Gregory, 2011b), dividing the globe into sovereign and nonsovereign spaces and populations, is the imaginary of Muslim/ified life spaces “as a single geopolitical mass” (Rana, 2011, p. 5). The racialized geopolitical imaginary of “the Muslim world” rests specifically on inserting Pakistan and Afghanistan into the Middle East (Rana, 2011, p. 5) – a space and population cast by the Orientalist imaginary as passive yet violent, irrational yet calculating, sensual yet backward and repressed (Said, 1978) - and fuses Afghanistan and Pakistan into Af-Pak

(cf. Gregory, 2011b), thereby rendering these spaces and population a legitimate target of state and non-state violence. Less than two months following the events of 9/11, over one thousand acts of racist violence against those imag(in)ed<sup>7</sup> to belong to “the Muslim world” had been perpetrated by private citizens across the United States. These self-proclaimed acts of public safety/national security include the murders of nineteen people, fire bombings of mosques, temples, and gurdwaras, acts of vandalism, street harassment including the forced removal of hijabs and turbans, and intimidation (Ahmad, 2004, p. 1266; see also American-Arab Anti-Discrimination Committee, 2003; Cainkar, 2009; Puar, 2007).

Fundamental to these articulations of civilizational sameness (“the Muslim world”) and difference (“liberal modernity” vs. “Islamic backwardness”) are ideas about racialized sexuality and gender, in particular the Orientalist idea that the Muslim world constitutes a site of particular sexual excess and, simultaneously, extreme sexual repression, in particular of women and queers (Richter-Montpetit, 2007; see also Razack, 2005; Yeğenoğlu, 1998; Zine, 2006). Simultaneously, and in contrast to this narrative of liberal modernity’s “sexual exceptionalism” (Puar, 2007, p. 2), the only other time that President Bush conjures up threats to civilization itself is in his speeches on what one could term the War on Same-Sex Marriage<sup>8</sup> (Richter-Montpetit, 2007, p. 47). However, as I explore in more depth in the following chapters, under the hegemonic post-9/11 security imaginary normative sexuality and gender relations are in flux and being invoked in opposition to both the Muslim Other inhabiting enemy spaces abroad and certain sexual Others at home, ranging from the figure

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<sup>7</sup> On the epidermalization of clothing for subjects racialized as non-white, see Mimi Thi Nguyen (2010).

<sup>8</sup> I would like to thank Mark Salter for this observation.

of the homosexual to the figure of the Black or Latina welfare queen (see also Agathangelou et al., 2008; Cohen, 1997; Puar & Rai, 2002; Puar, 2007; Wacquant, 2002). These representations are not simply ill guided rhetoric but acts of gendered and sexualized race-making and forms of imperial power.

***Securing the homeland: Ethical subjects and self-government.***

Official and popular security discourses cast the 9/11 attacks as a threat to everyday spaces (see in particular Hay and Andrejevic's (2006) Special Issue in *Cultural Studies*), specifically to the American *home* and *family* (Faludi, 2007; Young, 2003). President Bush for instance, on the fifth anniversary of 9/11, warned the nation that "[w]e face an enemy determined to bring death and suffering into our homes" (as cited in Faludi, 2007, p. 5). According to the 2002 *National Strategy for Homeland Security*, the defense of home and family requires us to "[m]obilize our entire society" (National Strategy for Homeland Security, 2002, p. 3; see also Hay & Andrejevic, 2006, p. 336) with ethical citizen-subjects expected to be in charge of securing their home, person and property. Seeking to extend national security practices across the social field and into spaces historically deemed private (at least for normative citizen-subjects) in a system of liberal governance (Hay & Andrejevic, 2006), homeland security practices operate via the regulation of "the conduct of conduct" at the level of the individual and of the population. Central to the (self-)making of the ethical homeland security subject=patriot are discourses of (sexual) morality and alterity painting the heteronormative family not only as "the locus of responsibility, desire, and relationality" (Melamed, 2011a, p. 99; Reddy, 2005), but a critical battlefield in the defense of the homeland in the U.S. War on Terror.



From taking care of one's finances to one's health and now one's national security, self-care has become a key modus of biopower under neoliberalism (Hay & Andrejevic, 2006, p. 343; see also Caluya, 2009; Inda, 2006; Rose, 1999). Under the save-civilization-itself fantasy, security is not simply provided by the national security state but "is something that individuals are obligated to work on and improve as self-actualizing subjects," to borrow from Inda in a different context (2006, p. 33). This kind of self-care is not simply forced on the political subject – the ethical subject accepts that responsibility or prudent disposition towards "their" national security quite willingly. Key to the mobilization of individuals and populations to actively participate in their own governance and the defense of the homeland and civilization itself are affective economies of security, which give rise to "affective communities of belonging" (Rajaram, 2010, p. 92). Drawing on Agathangelou, Bassichis, and Spira (2008, p. 122, 129), affective economies refers

to the circulation and mobilization of feelings of desire, pleasure, fear, and repulsion utilized to seduce all of us into the fold of the state - the various ways in which we become invested emotionally, libidinally, and erotically in global capitalism's mirages of safety and inclusion. We refer to this as a process of seduction to violence that proceeds through false promises of an end to oppression and pain [and where] collusion becomes the cost of belonging.

As Agathangelou et al. (2008, p. 137) argue, the liberal project of security also operates by mobilizing our "most 'intimate' sensibilities." Critical to successful self-rule and hence national security are sexual practices (within the framework of normative familial relations) and the prudent cultivation of private ownership. In his second Inaugural Address in January 2005, President Bush articulates the entwined character of national security and economic security, of self-rule and the family under the save-civilization-itself fantasy:

In America's ideal of freedom, citizens find the dignity and security of economic independence, instead of laboring on the edge of subsistence. This is the broader definition of liberty that motivated the Homestead Act, the Social Security Act, and the G.I. Bill of Rights. And now we will extend this vision by reforming great institutions to serve the needs of our time. To give every American a stake in the promise and future of our country, we will bring the highest standards to our schools, and build an ownership society. We will widen the ownership of homes and businesses, retirement savings and health insurance - preparing our people for the challenges of life in a free society. By making every citizen an agent of his or her own destiny, we will give our fellow Americans greater freedom from want and fear, and make our society more prosperous and just and equal. In America's ideal of freedom, the public interest depends on private character - on integrity, and tolerance toward others, and the rule of conscience in our own lives. *Self-government relies, in the end, on the governing of the self.* That edifice of character is built in families [...] (Bush, 2005, para. 25; emphasis added).

Bush articulates here critical elements of the vision of the save-civilization-itself fantasy, in particular the links between social and national security. National prosperity and hence security relies on “private character” which in Bush’s articulation of the save-civilization-itself fantasy is made through *productive* economic and sexual conduct within the framework of the heteronormative family. Bush’s vision of freedom and security through private ownership and self-governance, and his evocation of the Homestead Act plays on the Yeoman farmer ideal (cf. Friend & Glover, 2004). Under the Homestead Act, yeomen were granted ownership over a small piece of land to build a home and operate a family farm. The hard labour of yeomen and their families turning (alleged) wasteland into fertile and hence productive agricultural land was said to shape private character around traits like sturdiness and self-reliance that were cast as the backbone of republican values. This promise of freedom and security through private ownership and self-reliance organized around a normative capitalist settler domesticity was made possible of course through the

violent dispossession of indigenous populations, slave economy and the mass settlements of family farms (and their internal gendered division of labour).

As mentioned earlier (and as will be explored in more depth in chapter five), drawing on the historical link between racialized notions of civilization and sexuality, the only other time that President Bush conjured up threats to civilization, is in his speeches opposing same-sex marriage. At stake in the struggles over sexual politics in the post-9/11 American social formation, in particular around the debates on same-sex marriage and the inclusion of queers into the military, are not simply clashing cultural values as suggested by descriptors like “culture wars.” The “unproductive eroticism” (Sommer, 1990, p. 87; as cited in Stoler, 1995, pp. 134-135) of queer sexualities is not only immoral *and* unpatriotic (Stoler, 1995, pp. 134-135), but hegemonic visions of the familial household and the underlying racialized gendered and sexed relations have been fundamental to the geopolitics of settler invasion and the larger re/production of capitalist modernity (cf. Agathangelou, 2004; Davis, 1985; McClintock, 1995; Rifkin, 2011; Smith, 2005).

Under neoliberalism, the “market becomes a model not just for economic behavior but for a naturalized version of the social” (Hay & Andrejevic, 2006, p. 344). In this vein, the neoliberal restructuring of the U.S. welfare state does not simply serve economic objectives, but it also has a “moral goal” (Hay & Andrejevic, 2006, p. 344; see also Duggan, 2003). Under neoliberal understandings of freedom, citizenship and political belonging, “social security is immoral ... not just because it erodes self-reliance and personal responsibility, but because it undermines the nuclear family and the forms of sexual behavior sanctioned by it. The resulting moral decay in turn weakens the nation and renders it vulnerable to attack” (Hay & Andrejevic, 2006, p. 344). In the words of the vice-president of the

libertarian Cato Institute, gay economist David Boaz, both free market forces and marriage “impose discipline and privatize dependency among the poor” (as cited in Duggan, 2003, p. 64). Writing approvingly of the disciplinary effects of “traditional” marriage in the context of a heteropatriarchal capitalist order, Boaz further notes that “[t]he stark truth is that as long as the welfare state makes it possible for young women to have children without a husband and to survive without a job, the inner city will continue to be marked by poverty, crime and despair” (as cited in Duggan, 2003, p. 64). Duggan (2003) shows in her study that Boaz’ rhetoric about personal responsibility and the moral roots of poverty is symptomatic of much of mainstream LGBT organizing in the past decade.

As Priya Kandswamy (2008) explores in her insightful article “State austerity and the racial politics of same-sex marriage in the U.S.,” historically, the institution of marriage has not only played a key role in securing gender inequality, but also institutionalized racialized dispossession. Stratified centrally along the interlocking lines of class, gender, race, and sexuality, the welfare regime’s system of rights, entitlements and access was constructed discursively and materially around “black women as the antithesis of good citizenship” (Kandswamy, 2008, p. 708). When the key pillars of the U.S. welfare state were established under the New Deal as a result of strong labour militancy, programs, public resources and rights were organized around the establishment of a family wage for the imagined White settler male breadwinner and with the goal of entrenching a highly racially segregated labour market and social formation. The expansion of the welfare state under the New Deal excluded the majority of Black and Mexican workers either via occupational

status<sup>9</sup> or by leaving state- and local-level officials enormous discretion over the allocation of financial assistance, including old-age assistance (Kandaswamy, 2008; see also Abramovitz, 2006; Roediger, 2008).

Built around the idealization of the heteropatriarchal unit, the family wage defined white men as independent workers and white women as dependent mothers. Because the principle of the family wage was not extended to people of color, women of color were generally compelled to work outside of the home and then were frequently denied aid on the basis that they did not meet dominant ideals of motherhood (Kandaswamy, 2008, pp. 710-711).

The 1935 *Social Security Act* once again excluded from its social and unemployment insurance according to occupations and wage and employment histories in ways that dramatically favoured White male workers (Roediger, 2008, p. 177). These exclusions managed to exacerbate an already starkly unequal gendered racial order and helped secure the support of the White middle and working-class for a “free market” system at risk after the devastating social dislocation caused by the Great Depression led to nearly unprecedented labour militancy. The emerging stratification of the welfare state into a two-tier system along lines of heterosexed race and gender helped entrench a hegemonic

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<sup>9</sup> By excluding domestic and agricultural workers from the 1938 Fair Labor Standards Act (FLSA), a majority of Black and Mexican workers were effectively shut out from the social democratic redistribution of wealth and access to state services, rights and protections (Kandaswamy, 2008; Roediger, 2008). Five years prior, the National Industrial Recovery Administration (NIRA) refused to eliminate the racialized wage gap as well as refused to render illegal the selective layoffs of blacks (Roediger, 2008, p. 176).

discourse that labels as welfare only programs targeting low-income and poor people, while the public resources, material benefits and rights allocated to those at the top tier of the welfare state have been rendered invisible (Kandaswamy, 2008; Roediger, 2008). Discursively and materially the allocation of rights and resources was “contingent on the performance of American cultural norms of domesticity” (Kandaswamy, 2008, p. 710).

With the rise of neoliberal restructuring in the late 1970s, in particular the privatization of public services and the shedding of a system of social solidarity, capitalism's reliance on women's unpaid or poorly compensated labour for societal reproduction strongly intensified. Neoliberal restructuring of the welfare state climaxed in 1996 with the adoption of the *Personal Responsibility and Work Opportunity Reconciliation Act* (PRWORA), which opened with the declaration that “marriage is the foundation of a successful society” (as cited in Kandaswamy, 2008, p. 706). The extreme makeover achieved by replacing the *Aid to Families with Dependent Children* (AFDC) program with *Temporary Assistance to Needy Families* (TANF) block grants to the states brought about “the end of welfare as we know it,” as President Clinton referred to his legislative pet project (Abramovitz, 2006; Kandaswamy, 2008; Smith, 2010).

The measure put a five years lifetime cap on aid and established mandatory workfare and stricter paternity identification practices. As notes Kandaswamy (2008, pp. 706-707), “PRWORA effectively articulated state austerity toward working class single mothers to protecting the heteropatriarchal institution of marriage.” Even though the new law had a devastating impact on women generally, it was framed as a benevolent and patient fatherly state finally cracking down on the reckless and immoral behaviour of lazy and sexually promiscuous Black women (“welfare queens”) whose royal life-style was

made possible by an unreasonably and irresponsibly generous and liberal state. This measure followed by the Bush-administration's adoption of HR240, the *Personal Responsibility, Work, and Family Promotion Act*, quite openly sought to create the social conditions or incentives for “intact” and “healthy families” – that is “families” with a father (Duggan, 2003, p. 64) by rendering women dependent on husbands and the (low-wage) labour market.<sup>10</sup>

The connection between normative familial relations and the defense of the nation from Islamic terrorism, urban crime and sexual deviance is also narrated by the post-9/11 discursive shift from *national* security to *homeland* security. As Amy Kaplan notes, to frame national security in terms of homeland security draws on the “notion of the nation as a home, as a domestic space (2003, p. 59).” *Domestic* has a double meaning linking “the space of the familial household to that of the nation, by imagining both in opposition to everything outside the geographic and conceptual border of the home” (Kaplan, 2003, p. 59). The critical role of the management of domestic spaces and relations for modern European empire-building is well-documented (cf. McClintock, 1995; Stoler, 1995, 2002). Anne McClintock (1995) in her formative study on the British Empire’s politics of domesticity points out the linguistic connection between domesticity, domination and the home. In her words,

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<sup>10</sup> The effects of the neoliberal dismantling of the welfare state were mitigated and hence made possible through the creation of a highly vulnerable and hence exploitable migrant labour force. Drawing on a report by the Audre Lorde Project, Reddy (2005) lays out how the reorganization of the U.S. immigration regime since the 1980s rendered migrants dependent on family ties and hence conformity to normative sexuality and gender for their social reproduction, for instance “access to room and board, employment, and other services, such as (what amounts to) work place injury insurance, healthcare, [and] child care” (Reddy, 2005, p. 110). With the Immigration Act of 1990, the U.S. state implemented a cap of 10,000 visas to individual low-skilled applicants, while increasing family-based immigration visas to 480,000. Immigration law thereby forces migrants into normative gender and sexual norms while allowing the state to produce itself as the benign mender of broken families and, simultaneously, making immigrant families responsible for their social reproduction while shedding its welfare responsibilities (Reddy, 2005, p. 109; see also Ferguson, 2011).

“[e]tymologically, the verb to domesticate is akin to dominate, which derives from *dominus*, lord of the *domum*, the home” (McClintock, 1995, p. 35). Until the middle of the twentieth century, the verb “to domesticate” also carried the meaning “to civilize” (McClintock, 1995, p. 35).

Furthermore, the “decidedly antiurban and antic cosmopolitan ring” (Kaplan, 2003, p. 88) of the very word homeland departs from the traditional melting-pot nationalism and its temporal orientation towards becoming and spatial emphasis on boundlessness and mobility. In Kaplan’s words, homeland “conveys a sense of native origins, of birthplace and birthright. It appeals to common bloodlines, ancient ancestry, and notions of racial and ethnic homogeneity. ... *Homeland* also connotes a different relation to history, a reliance on a shared mythic past engrained in the land itself” (Kaplan, 2003, p. 86). The language of homeland evokes a “folksy rural quality, which combines a German romantic notion of the folk with the heartland of America to resurrect the rural myth of American identity” (Kaplan, 2003, p. 86). The discursive shift from national security to homeland security hence narrates the nation in opposition to those racialized as immigrants of colour thereby conflating Whiteness and Americanness, and connecting multiple diasporas to one another as populations tied to illegality and criminality, from the Muslimified terrorist to the Black urban criminal and the illegal Mexican immigrant (Rana, 2011a, 2011b; see also Agathangelou, Bassichis, & Spira, 2008; Roberts, 2007; Wacquant, 2002). Common to all of these racialized security threats are associations with deviant sexualities and a failed domestic life (Rana, 2011b, p. 226).

This narrative obscures how the neoliberal self-governance of the ethical homeland security subject is already haunted by the “parasitical nature of white freedom” (Morrison,



1993, p. 57). Self-rule of normative nominally post-slavery<sup>11</sup> settler subjects, as explored in chapter two, is intimately connected with the simultaneous exclusion, subjugation and elimination of indigenous peoples and enslaved people, with the acquisition of indigenous land combined with the appropriation of slave and indentured labour constituting “indispensable material support for freedom as self-rule” (Simon, 2011, p. 254) for those being established as White cismale subjects. In his October 8, 2001, acceptance speech as the first head of the newly created Office of Homeland Security (OHS)<sup>12</sup>. Tom Ridge announced that

[w]e will work to ensure that the essential liberty of the American people is protected, that terrorists will not take away our way of life. It’s called Homeland Security. While the effort will begin here, it will require the involvement of America *at every* level (my emphasis). Everyone in the homeland must play a part. I ask the American people for their patience, their awareness and their resolve. This job calls for a national effort. We’ve seen it before, whether it was building the Trans-Continental Railroad, fighting World War II, or putting a man on the moon” (as cited in Kaplan, 2003, p. 87).

Recasting terrorism from a threat to national security to a threat to the homeland, Ridge’s mobilization of America and Americans “at every level” articulates a vision of U.S. Homeland Security that rests on and simultaneously disavows the settler imperial character of the nation (expansion of the global frontier from the Trans-Continental Railroad to outer space) and hence violently extracted raw materials of White freedom and self-rule. For some populations to be managed through self-regulation, other populations are

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<sup>11</sup> I am drawing here again on Rodríguez’ (2008, p. 190) conceptualization of a “nominal post-slavery era.”

<sup>12</sup> A year later, the OHS was elevated to a cabinet department and turned into the since existing Department of Homeland Security.

governed and their labour appropriated through more punitive technologies of power, with the use of force cast as self-defense (against for instance indigenous terrorism resisting the railroad's expansion) and/or pedagogical (regulating indentured Chinese railroad workers and other unfree labour). Akin to being forced to join World War II, the U.S. in the War on Terror only gets involved in the war mongering of others when attacked on *home* soil and, from European fascism to Islamo-fascism, will sacrifice and use force to *defend* not only the homeland but civilization itself.

Underpinning this narrative of the benign and selfless use of force is the idea of "American exceptionalism" (cf. O'Connell, 2002; Pease, 2009; Puar, 2007), whose theological and secular components date back to the early days of the settler invasion of the New World. From the story of Europe's destined conquest of America at the hands of Christopher Columbus, followed by the American Puritans' divinely ordained "errand in the wilderness," to the secular ideology of Manifest Destiny (Spanos, 2000, p. 22) and the Cold War "defender of the Free World"-fantasy, the American national identity has been constructed around

a long story - a story we continue, but whose end we will not see. It is the story of a new world that became a friend and liberator of the old, a story of a slave-holding society that became a servant of freedom, the story of a power that went into the world to protect but not possess, to defend but not to conquer (Bush, 2001a, para. 5).

This narrative constructing U.S. national identity as peaceful and “the most free nation in the world” obscures the foundational role – the “foundational subsidy” (Agathangelou, 2010b, p. 270) - of violence in the production of the larger settler colonial order and its underpinning biopolitical and necropolitical processes of de/valuing populations and regulating the accumulation and distribution of social resources, including land and labour. In the following section I will discuss in more depth the relations of possibility for the simultaneous articulation of on the one hand, a highly racialized and heteropatriarchal “clash-of-civilizations”-discourse and associated practices of war and security, and on the other hand, the casting of the use of military violence as defensive and protective not only for the American homeland and nation but for populations across the globe.

***Securing the liberal project of security: Governance through be-longing***

While in particular the Bush-administrations shrouded the War on Terror in civilizational rhetoric, the line of conflict was drawn not between different competing civilizations, as in the “Clash of Civilizations”-model of Samuel Huntington (1993), but as examined earlier, was carefully framed as the defense of civilization itself. In fact, as I discuss in the following, the save-civilization-itself fantasy simultaneously makes space and promises liberation to certain racial-sexual Others.

After President Bush's “quip” on the War on Terror being a crusade on September 16, 2001, his staff tried to distance U.S. foreign policy from the history of the Inquisition and the Christian wars against Muslims, as well as the easy equation of Islam and terrorism. Four days later in his speech at the Joint Session of Congress declaring a War on Terror, Bush insisted “the enemy of America is not our many Muslim friends; it is not our

many Arab friends. Our enemy is a radical network of terrorists, and every government that supports them” (Bush, 2001b, para. 44). At several occasions after, Bush emphasized the difference between the ideology of the attackers and the religion of Islam and that “[n]o one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith” (Bush, 2001b, para. 78):

Whatever it's called, this ideology is very different from the religion of Islam. This form of radicalism exploits Islam to serve a violent, political vision: the establishment, by terrorism and subversion and insurgency, of a totalitarian empire that denies all political and religious freedom (Bush, 2005; as cited in Smith, 2010, p. 198).

Not only is the War on Terror not a war against “the religion of Islam,” but it is being pursued to defend and liberate the figure of the good Muslim from oppressive Islamic leaders, terrorists and Oriental sex-gender relations.

Obama in his highly anticipated speech to “the Muslim world” in Cairo in 2009 goes even further in his articulation of the War on Terror narrative. Obama (2009b) emphasizes not only that “Islam is not part of the problem in combating violent extremism – it is an important part of promoting peace,” but that in fact, “Islam is a part of America.” While “[t]he dream of opportunity for all people has not come true for everyone in America, ... its promise exists for all who come to our shores – that includes nearly seven million American Muslims in our country today who enjoy incomes and education that are higher

than average” (Obama, 2009b, para. 12). Obama's positioning of American Muslims as an educated and prosperous model minority reflects the save-civilization-itself fantasy's promise of inclusion in a post-racial modernity for ethical, self-actualizing liberal subjects. Obama's election itself was widely read as the apex of a post-racial America and world order. Marked as Black and the son of a Muslim, Obama's ascendancy was celebrated by many as the final nail on the coffin of White supremacy understood as dominance based on “white bodily monopoly” (Rodríguez, 2008b, para. 6).

As discussed above, critical to successful self-rule and hence, homeland security are the formation of normative familial relations and the pursuit of private ownership. These aspirations and desires are cast as universally shared and a key technology of national belonging. As Bush said, “[i]n America's ideal of freedom, the public interest depends on private character” and this “edifice of character is built in families, supported by communities with standards, and sustained in our national life by the truths of Sinai, the Sermon on the Mount, the words of the Koran, and the varied faiths of our people” (Bush, 2005, para. 26). It is these universal aspirations rooted in normative domesticity and reproductive futurity that allow the American people to overcome the legacies of a racist past and achieve “a more perfect union,” as evoked by Obama in his famous 2008 presidential campaign speech of the same title. “[W]e may not look the same and we may not have come from the same place, but we all want to move in the same direction – towards a better future for our children and our grandchildren” (Obama, 2008, para. 6).

In sum, the hegemonic post-9/11 U.S. national security discourse articulates racial-sexual enemy subjects and spaces, including through the racialized distribution of carceral and military violence, while simultaneously actively seeking to enlist certain historically

object - such as the racialized Muslim - in the governmentalized struggle to defend the nation along a global frontier. How is one to make sense of these radically diverging if not paradoxical trajectories of, on the one hand, a complex yet deeply regressive racialized national security narrative and practices, ranging from indefinite detentions, the creation of an official torture policy to the recent targeted killings of enemy combatants outside of official warzones, including of U.S. citizens, and, on the other hand, “post-racial triumph” (Ho Sang & LaBennett, 2012, p. 5) with a hawkish Republican administration staffed by the most diverse Presidential cabinet in U.S. history replaced by the first American President racialized as Black? As I will briefly lay out in the following section, this official break with a clear-cut “colour line” (DuBois, 1903) and the articulation of the U.S. security state as the protector of the racially oppressed globally is rooted in the changing field of forces in the wake of anti-colonial liberation movements challenging Western hegemony’s perpetration of openly White supremacist forms of violence and oppression.

### **Governing through equality: Embedded Liberalism and the “racial break”**

The painful experiences of fierce anti-colonial resistance at the fin-de-siècle in the Philippines and beyond helped inform a dramatic shift in U.S. security strategy and global governance ever since. Under Woodrow Wilson, the U.S. famously declared the right to national self-determination in conjunction with the creation of a global liberal order, “a world made safe for free enterprise” (Kiernan, 2005, p. 207). With the shift away from expansion via formal colonial settlements and the concurrent shift from international trade towards foreign direct investment, the U.S. national security state became more and more

invested in securing foreign regimes congenial to the interests of U.S. investors rather than governing through direct colonial rule. Critical to the recalibration of the extant system of naked imperial power towards liberal hegemony was the reconfiguration of gendered racial-sexual formation from explicit White supremacy to liberal anti-racism. This official state-led antiracism cast the global expansion of capitalist modernity under U.S. hegemony and hence incorporation of racially oppressed populations at home and abroad into the free market as the means to achieve freedom (Dudziak, 2000; Melamed, 2006, 2011b; Von Eschen, 1997).

The end of the Second World War constituted a dramatic turning point in the American and global racial formation – a “racial break” as Omi and Winant (1994) put it. Following the racist industrial mass murder in the heart of European civilization and the nuclear holocaust visited on the Orientalized populations of two large urban centres in Japan in the context of the growing anti-colonial liberation movements across much of the globe as well as the Soviet Union and Eastern Germany projecting themselves with much legitimacy as the official anti-fascist and hence anti-racist forces globally, Jim Crowe segregation and the larger regime of open White supremacy had to go (Melamed, 2011b, pp. 8-10; see also Chow, 2006; Von Eschen, 1997; Dudziak, 2000; Hong, 2012; Kaempf, 2009; Melamed, 2006; Omi & Winant, 1994; Povinelli, 2011; Reddy, 2011a; Singh, 2012; Thobani, 2007). The explicitly White supremacist national racial formation naturalizing economic inequalities nationally and internationally was replaced by forms of “racial liberalism” (Melamed, 2011b, pp. 18-26; see also Melamed, 2006; Singh, 2012) casting the state as formally anti-racist and protective of non-White populations, which included the U.S. State Department intervening in support of school integration in the 1950s (Singh, 2012, p. 278),

while limiting demands for racial justice to reforming certain civil rights.

Meeting towards the end of WWII and with the devastating market failure of the Great Depression still fresh in mind, the leading capitalist states agreed on a system of “embedded liberalism” (Ruggie, 1982) that restructured the relationship between state and market, with the state playing an active role in not only preventing market failure but also in establishing social peace between capital and labour through a redistribution of wealth via the welfare state (cf. Abramovitz, 2006; Gilmore, 1998; Harvey, 2005; LeBaron & Roberts, 2010). While the expanding U.S. welfare state was structured around the White cis-male breadwinner model, in the wake of the civil rights mobilizations this anti-racist Keynesian liberalism allowed also for active state intervention in the form of affirmative action policies for populations categorized as women and or people of colour. Importantly, while this formally antiracist reconfiguration of liberal-capitalist modernity “revises” gendered racial-sexual governance, it does not replace or do without it (Melamed, 2011b, p. 7).

The invitation to join the free world of free markets and formal equality became a central modus of liberal governmentality. By limiting projects for racial justice to liberal freedoms, liberal antiracism rendered the newly free subjects responsible for their success and thereby shielded those who benefited from the theft of land and labour from symbolic and material accountability, including reparations. Once again the extension of liberal rights and freedoms wrote these subjects into law creating new responsibilities and grounds upon which to render these subjects “blameworthy” (Hartman, 1997) and to punish them (Kandaswamy, 2012, p. 269; Melamed, 2011b, p. 22). Moreover, while the rise of domestic and international liberation movements led to a reconfiguration of liberal governance acknowledging and valorizing certain modalities of racialized, gendered and sexualized



difference in ways previously unimaginable, it simultaneously helped legitimize the global liberal order's continued exploitation, death and destruction of other Others' bodies and ecologies along the lines of racialized sexuality and gender (Hong, 2012, p. 91; see also Ong, 2006).

Following the contestations of and challenges to U.S. hegemony in the 1960s and 1970s at home by radical social movements (including Red Power, Black Power, organized labour, feminist and queer liberation) and abroad with the rise of the Non-Aligned Movement, the founding of OPEC as well as the loss of the war on VietNam, U.S. state and capital were under attack. The way out of the associated economic crisis was a reregulation of the capitalist system from Keynesian macro-economics and the welfare state towards a neoliberal mode of accumulation based on deregulation of capital controls, privatization, liberalization of trade and fiscal austerity through cuts in social spending. The neoliberal reconfiguration of state-market relations led to an intensified privatization of social reproduction, including the re-privatization and hence re-depoliticization of racialized and gendered difference (cf. Agathangelou, 2004; Jones & Mukherjee, 2010; Melamed, 2011b).

In this crisis of U.S. hegemony, two of the seemingly paradoxical strategies pursued by the neoliberal state seeking popular consent are on the one hand a racialized law-and-order project (Singh, 2012, p. 280; see also Gilmore, 1998, 2005; Hall et al., 1978; LeBaron & Roberts, 2010; Wacquant, 2002), and on the other hand, the unprecedented inclusion of "worthy multicultural" subjects into the nation (Agathangelou et al., 2008; Melamed, 2006, 2001a, 2011b; Ong, 2006; Wacquant, 2002). While the welfare state was dismantled, the neoliberal state underwent a dramatic expansion and intensification of its punitive and military apparatuses. Targeting disproportionately low-income Black, indigenous and Latino

men and those marked as nonnormative in their gender and sexual expression, neoliberal governmentality gave rise to mass incarceration and the militarization of urban space (cf. Davis, 2000; Davis, 2006; Gilmore, 1998, 2006, 2009, 2005; James, 2000, 2005, 2007; Rodríguez, 2007, 2007, 2008a; Sexton 2006, 2007, 2008; Sexton & Lee, 2006; Shakur, 1987; Sudbury, 2002, 2004, 2005; Spade, 2011; Stanley & Smith, 2011). Simultaneously, an era of post-racial/sex/gender triumph<sup>13</sup> was declared. Following the inclusion of individual subjects tied to certain historically marginalized and oppressed populations in the wake of civil rights reforms, hegemonic discourses celebrating neoliberal multiculturalism cast inequalities along interlocking lines of race, class, gender, sexuality, ability as mere social difference “relegated to the realm of private choice and consumption” (Jones & Mukherjee, 2010, p. 410). How does the War on Terror’s evocation of Indian war figure into this “post-racial triumph” (Ho Sang & LaBennett, 2012, p. 5)? In the following I explore the connections between the production of the civilizational threat in form of the Muslim terrorist, which is always already racialized and queer (Puar & Rai, 2002; Puar, 2007), and the figure of the Indian Savage.

### **Pacifying Indian country, Pacifying the Global Frontier: U.S. National Security Making in the War on Terror or “Wild West in the Wild East”**

While careful to avoid another Huntington-style clash of civilization discourse, the day following his notorious equation of Islam and terror President Bush evoked being in a race war against another historical enemy of the state, a racial-sexual discourse which did not

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<sup>13</sup> This phrase is inspired by Ho Sang and LaBennett’s (2012, p. 5) expression “post-racial triumph.”

elicit much public critique nor necessitated any official back-peddling. In a September 17, 2001 speech at the Pentagon President Bush famously declared to hunt down Osama bin Laden in John-Wayne fashion: “I want justice. And there's an old poster out West that says, 'Wanted, Dead or Alive'” (Harnden, 2001, para. 2). In the first meeting of the cabinet at Camp David following the attacks of 9/11, President Bush had them served a “Wild West menu” of buffalo meat (Faludi, 2007, p. 5). *Vanity Fair* magazine featured the nation's Commander-in-Chief as the Cowboy-in-chief on its cover (Faludi, 2007, p. 48). As I explore in more depth below, the conflation of the ongoing War on Terror with the colonization and attempted genocide of the indigenous populations of the Americas continued also under Obama, whose election was widely hailed as the ultimate proof for a “post-racial” era. As I discuss in the following section, the discourse of Indian war is flexible and different meanings are mobilized in different fields of force. In the War on Terror, the imaginary geographies of Indian country are not about territorial conquest, but about managing populations with the goal of fostering liberal life at a *global* level while rendering certain spaces and people necessary and legitimate targets of violence.

***“Wilder than the Wild West”<sup>14</sup>: Fear and Envy in Muslim/ified Indian country***

According to Bob Woodward, President Bush kept “his own personal scorecard for the war” inside his desk at the Oval Office - photographs of the world's “most dangerous terrorists” featuring a short description of their character, ready to be crossed out as his forces took them down (Engelhardt, 2007, para. 39). Bush also evoked American frontier

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<sup>14</sup> For President Bush, a remote region in Pakistan was “wilder than the Wild West” (as cited in Mazzetti & Rohde, 2007, para. 24).

imagery in a 2007 *New York Times* interview on the conflict with Taliban and Al Qaeda forces in Pakistan: “Taliban and Al Qaeda figures do hide in remote regions of Pakistan. This is wild country; this is wilder than the Wild West” (Mazzetti & Rohde, 2007, para. 24).

In late January 2002, the *Washington Times* reports on U.S. intelligence noting a drop in communication between Osama bin Laden and his close supporters following the mid-December fall of Tora Bora to anti-Taliban forces stressing that this was certainly a ruse trying to make the intelligence community believe that he had been killed in the fighting. The news article cites a senior U.S. intelligence official who told them that “[w]e don't see any of his [bin Laden's] Indians doing anything on his behalf” (Scarborough, 2002: A01; as cited in Silliman, 2008, p. 243). Many American commentators mention how the mountainous region around Tora Bora resembles or simply “is like” the mountain ranges of Indian country.

In the early days of the war in Afghanistan Allan R Millet, a retired Marine Corps colonel and Ohio State University professor, said the following when speaking about the possibilities and challenges facing the U.S. military in the mountainous regions bordering Pakistan: “It's like shooting missiles at Geronimo... you might get a couple of Apaches, but what difference does that make?” (Westcott, 2011, para. 10). Westcott (2011, para. 8) cites another pundit that equates this area with “Indian country” when referring to Bin Laden as a “21st-Century Geronimo, trying to elude the US military somewhere in a dry mountain range that could easily pass for the American West.”

In a 2007 article in the *Wall Street Journal*, correspondent Bing West, former U.S. Assistant Secretary of Defense for International Security Affairs, and his son Owen West, a Wall Street banker and advisor to the Marines in Anbar Province, Iraq, write about the area, a stronghold of the “Sunni insurgency,” as Indian country. “About the size of Utah,

Anbar has the savagery, lawlessness and violence of America's Wild West in the 1870s. The two most lethal cities in Iraq are Fallujah and Ramadi, and the 25-mile swath of farmlands between them is Indian Country” (West & West, 2007, para. 1). ... “Anbar is like the American West in the 1870s. Security will come to towns in Anbar as it came to Tombstone<sup>15</sup> – by the emergence of tough, local sheriffs with guns, local power and local laws” (West & West, 2007, para. 21).

Several influential commentators writing for top national newspapers like *The Wall Street Journal* and *New York Times* on national security issues have been blunt in drawing parallels with the nineteenth century Indian Wars of “pacification” (see also Brown, 2006) Military historian Max Boot for instance in WSJ equates the U.S. War on Terror with “savage wars,” a thesis he elaborates on in his best selling book *Savage Wars of Peace* (2003). A Senior Fellow in National Security Studies at the *Council on Foreign Relations* Boot also works as a consultant to the U.S. military and teaches at U.S. military institutions such as the U.S. Army War College.

At a seminar on counterinsurgency at the U.S. Army War College in 2008, a colonel explained to one of the seminar participants how contemporary U.S. counterinsurgency in Iraq could learn from the historical Indian wars: “We used to be real good at dealing with tribes. Back in the days of Manifest Destiny, we were geniuses at setting up one group of Indians against another. This is what we need to do in Iraq. Get some Sunnis on our side, to block the crazy Shi’a. Then, when things calm down, we start to introduce the poison blanket” (Bass, 2008, para. 3).

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<sup>15</sup>Tombstone, AZ, is a famous former frontier boomtown that preserved its rugged “Old West” architecture and continues to be a popular tourist destination.

The most prolific and widely read pundit on contemporary “Indian wars” is Robert D. Kaplan. In his 2005 best-selling book *Imperial Grunts* Kaplan similarly argues that “[t]he War on Terrorism was really about taming the frontier” on a global scale ... and “the righteous responsibility to advance the boundaries of free society and good government into zones of sheer chaos” (as cited in Elliott, 2007, p. 279; see also Faludi, 2007, p. 5). In the clearest association between indigenous “Americans” and terrorists, Kaplan calls the 1876 *Battle of Little Bighorn* resulting in the “massacre” of General Custer's troops “the 9/11 of its day” (2005, p. 367; as cited in Silliman, 2008, p. 243). Having travelled extensively with U.S. troops, including in Afghanistan and Iraq, Kaplan writes in *Imperial Grunts*, “‘Welcome to Injun Country’ was the refrain I heard from troops from Colombia to the Philippines, including Afghanistan and Iraq” (2005: 4; as cited in Silliman, 2008, pp. 239-240; see also Brown, 2006, para. 3). In his monograph Kaplan notes repeatedly that U.S. military commanders use the phrase Injun Country in their specification of the realms that they fight in, and Kaplan brazenly approves of what he calls “the red Indian metaphor.” *Imperial Grunts* was one of the two books President Bush read during his 2005 holiday according to the White House (Elliott, 2007, p. 279; see also Brown, 2006; Lobe, 2005).

In a widely-cited 2004 *Wall Street Journal* article, Kaplan argues that the U.S. military still has to learn from the U.S. Army's mistakes during the historical Indian wars, in particular its use of “large mounted regiments burdened by the need to carry forage for horses” when fighting an unconventional enemy (2004, para. 12). In his view, the U.S. military's reliance on convoys of humvees that are easily immobilized by a simple improvised road bomb has proved a similar failure in the struggle against the Iraqi insurgency. In his words,

The Plains Indians were ultimately vanquished not because the U.S. Army adapted to the challenge of an unconventional enemy. It never did. In fact, the Army never learned the lesson that small units of foot soldiers were more effective. ... Had it not been for a deluge of settlers aided by the railroad, security never would have been brought to the Old West. Now there are no new settlers to help us, nor their equivalent in any form. To help secure a more liberal global environment, American ground troops are going to have to learn to be more like Apaches (Kaplan, 2004, para. 12).

Kaplan's article makes quite explicit the glaring paradox structuring much of Indianist discourses in the War on Terror, namely the simultaneous feeling of on the one hand, a clear sense of superiority and mission to pacify and govern Indian country on a global scale "to advance the boundaries of free society and good government into zones of sheer chaos," as he puts it in *Imperial Grunts* (Kaplan, 2005; as cited in Elliott, 2007, p. 279; see also Khalili, 2012, p. 241), and on the other hand, the fear and admiration for the enemy's skilled military tactics and at times seemingly super-human capacity to resist and evade capture. As cited earlier, Secretary of Homeland Security Tom Ridge speaks of the challenge "[t]o defeat an enemy that lurks in the shadows and seeks relentlessly for some small crack through which to slip their evil designs" (Ridge, 2004, para. 47). Similarly, a 2004 *LA Times* article entitled "No Shortage of Fighters in Iraq's Wild West," quotes the following from interviews with soldiers:

'When you walk on the streets, they can hide in every nook and cranny and you can never find them until they start shooting,' said Marine Cpl. Glenn Hamby, 26, who heads Squad 3 of Golf Company. 'Here, they have to come right to us.' ... 'It's like ghost fighters,' Cpl. Hamby said. 'You can get into a firefight, and afterward when you go to the exact spot you were firing at, you won't find any shell cases, bodies, nothing. They grab everything and they're gone' (McDonnell, 2004, para. 3, 29).

This mix of fear and envy towards Indian country's superhuman terrorist monster informed also Obama's mission to have a Team of Navy Seals and CIA operatives "capture or kill" Osama bin Laden inside his suspected hiding place in Abbottabad, Pakistan, in early May 2011. While the code name for the operation was *Neptun's Spear*<sup>16</sup>, its main target Osama bin Laden, the alleged mastermind of a range of deadly attacks against U.S. targets domestically and abroad, was code-named "Geronimo" after the legendary Chiricahua Apache leader. Still today, Geronimo, whose real name was Goyathlay, is commonly associated with "barbaric cruelty" towards the settlers (Slotkin, 1992, p. 651) and considered one of the most significant symbols of anti-colonial resistance to the territorial expansion of the U.S. settler colony.<sup>17</sup>

Not only bin Laden himself was coded in Indian war discourse. In fact, the codes used for all of the other al Qaeda operatives suspected to be inside the compound *and* for the U.S. Special Forces involved in the raid were rooted in the historical Indian wars. Bin Laden's son Khalid, who was also killed in the raid, was code-named "Chappo" after Geronimo's son. Bin Laden's second son Hamza was called Cochise after another famous Chiricahua-Apache leader. Bin Laden's couriers, al Kuwaiti and Arshad Khan, who were

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<sup>16</sup> The Roman god plays a role in initiation rites and hazing for new Navy recruits and the trident of his spear is part of Navy SEAL's Special Warfare Insignia.

<sup>17</sup> The choice of name led to some controversy, in particular some indigenous nations were highly critical: A widely reported response was the one by Steven Newcomb, columnist for the popular weekly newspaper *Indian Country Today*. Newcomb writes: "Apparently, having an African-American president in the White House is not enough to overturn the more than 200-year American tradition of treating and thinking of Indians as enemies of the United States" (Townsend, 2011, para. 1). The response of much of the international English-speaking media was similar: How tasteless or bizarre to call the alleged mastermind of various "terrorist attacks" after what much of world opinion considers a hero in the legitimate quest against colonial dispossession and genocide. Much of the media took the position that this naming practice shows the unreflective position of the U.S. government on the land theft and genocide out of which the country was born. Much of the media also speculated that the code name for bin Laden's manhunt was chosen as a result of bin Laden's capacity to evade capture for years akin to the "real" Geronimo.



both present inside the compound at the time of the raid, were code-named Comanche and Chippewa (cf. Pfarrer, 2011). Interestingly, the code name for the Navy SEALs in this operation was Apache – Apache, even though most of their targets in this operation were called after famous Apache leaders.

Geronimo or Goyathlay first fought Mexican and then also U.S. troops that were invading Apache territory in the second half of the nineteenth century. The federal army pursued Geronimo across the national border inside the territory of Mexico (see also Feldman, 2011, pp. 3, 11), and hence in violation of Mexico's territorial sovereignty. The killing of bin Laden of course took place in Pakistan, a country the U.S. is not officially at war. However, there is more. Geronimo was considered a brilliant and fearless fighter who together with a small group of fellow Apaches managed to evade capture for around three decades. At the height of the manhunt for Geronimo 5,000 U.S. federal troops, 500 Indian scouts, and 3000 Mexican soldiers were trying to track him down (Newcomb, 2011). Following the probably biggest manhunt in U.S. history until then, he surrendered in 1886 and died in captivity twenty-five years later (Townsend, 2011).<sup>18</sup> Geronimo's resilience and ability to evade capture gave rise to many legends about his super-human skills. For instance, it was widely believed that Geronimo could walk without leaving tracks, could

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<sup>18</sup> Once Geronimo surrendered, his captivity turned into an ongoing spectacle of the conquered savage at various public and widely publicized events, such as the 1901 Pan-American Exposition at Buffalo and the 1904 St Louis World's Fair. All of this culminated on the day of President Roosevelt's 1905 inaugural parade. The ceremony was structured around the narrative that empire-building and progress were made possible "through the conquest of the Geronimos of the American West" (Rosier, 2009, p. 12). Having Geronimo together with five other indigenous men dressed in "traditional" cloths ride on horses followed at a distance by Native Americans who had undergone a re-education under the Civilizational Program and were dressed in their school's military-style uniforms (Rosier, 2009, p. 12) was not only the display of victor and vanquished as commonly practiced by Rome's imperial rulers, as Rosier (2009, pp. 12-13) suggests, but offers the promise that for at least some Indians to achieve civilization is possible through modern liberal re-education.

survive being shot, and he was even said to be able “to vanish into thin air” (Allen, 2011, para. 7). As an article in *The Telegraph* reporting on the killing of bin Laden puts it, “[m]ore than a century before bin Laden escaped from the caves of Tora Bora, Geronimo was said to have pulled off a similar evasion in New Mexico. He and his followers entered a cave which was said to have only one visible entrance, and then disappeared as US troops waited at the front” (Allen, 2011, para. 9).

This fear of the superhuman über-terrorist Geronimo bin Laden was expressed also in a widely circulated statement by Republican Senator Lindsey Graham. During a congressional hearing following the killing of bin Laden inside his Abbottabad bedroom, Graham was quoted as saying that “From a Navy Seal perspective, you had to believe that this guy [Osama bin Laden] was a walking IED. If I were a Navy SEAL and I made a positive ID on this guy, I would want to take him down as far away from my teammates as possible” (Pelofsky & Vicini, 2011, para. 7). Equating bin Laden - who reportedly was killed in his pyjamas in his bedroom in the middle of the night - with an improvised explosive device (IED), some kind of superhuman man-machine articulates the paranoid gendered racial-sexual fantasies about the extreme ferocity and danger of the civilizational enemy in Indian country. It is in this context that Attorney General Eric Holder’s naming of the killing of an unarmed suspect dressed in his PJs by a highly trained and armed Navy SEAL as “an act of national self-defense” (Gerstein, 2011, para. 1)<sup>19</sup> becomes legible.<sup>20</sup>

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<sup>19</sup> Holder added that even if bin Laden had not resisted arrest the Navy SEALS would have had legal ground to kill him anyway.

<sup>20</sup> These anxieties around the superhuman capacity to strike terror extends beyond the “Injun country” of the battlefields to the carceral regime of the War on Terror. As I explore in more depth in the chapter four, the infamous Bybee memos (2002, 2005) on “enhanced interrogation” conceptualized the torture chamber an extension of the War on Terror’s battlefields. Bybee’s

As Robert Kaplan argues above, in the face of this exceptional danger, the “new cavalry” of Navy SEALs has to be more like the Apaches to catch the Apache leaders and pacify Indian country. Kaplan is blunt about the civilizing imperative of post-9/11 U.S. military campaigns and the indispensability of the use of force in past and present struggles to tame the global frontier. However, while these racial fantasies about the extreme ferocity and danger of the civilizational enemy cast violence as the only language “these” people understand, the pacification of Indian country in the War on Terror is articulated as a liberal war: “In [today’s] Indian Country, as one general officer told me, ‘you want to whack bad guys quietly and cover your tracks with humanitarian-aid projects’” (Kaplan, 2004, para. 11).

When that fails like for example with the publication of U.S. massacres in Fallujah, the Indian war discourse allows to render excessive, extra-judicial practices of violence legitimate security practices. The mapping of “savage war” onto imperial warfare helps rationalize the preemptive use of force and other kinetic security practices of “pre-emptive cruelty” (Slotkin, 1992, p. 116), such as administrative detention, torture, and massacres via shock-and-awe bombings and signature strikes, by rendering both sides “subject to the logic of massacre”<sup>21</sup> (Slotkin, 1992, p. 112). Narrating the War on Terror as another Indian war mobilizes gendered racial-sexual knowledges of the Native or terrorist (suspect) as irrevocably different, treacherous and brutal. The Indian wars discourse ascribes responsibility for good soldiers turning savage (becoming more like the Apache) to the

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biopolitical legal maneuvering sought to frame the perpetration of severe cruelty on the body of a prisoner as an act of self-defense – self-defense not of the actual torturer but of the nation.

<sup>21</sup> In a colonial or imperial context the capacity to inflict suffering on the opponent and/or annihilate them is of course typically highly unequal.

ferocity of the enemy Other, and renders the perpetration of savage warfare a biopolitical necessity in the quest to save civilization itself. Khalili (2013, p. 119) for instance cites a 2004 *Washington Post* article reporting in the wake of the Falluja massacres that “American ideals that were among the justifications for the 2003 invasion, such as promoting democracy and human rights, are giving way to values drawn from Iraq’s traditions and tribal culture, such as respect, fear and brutality.” The narrative of the psychological pressures of living in “Injun country” and having to face a “different kind of enemy” underpins also hegemonic representations of the latest massacre committed by one or more U.S. soldiers in two villages outside of Kandahar in March 2012. Since savage war is said to be pursued until the extermination of one side, massacres, torture and other acts of terrorism become *vital*, to paraphrase Foucault (1990, p. 137).

As widely reported, this mix of fear and admiration for Geronimo and indigenous resistance more generally also manifests itself in the tradition of a parachute division to shout “Geronimo” before jumping out of the plane as well as two of the U.S. Army’s elite units having the regimental nickname “Geronimo” (Westcott, 2011). The nickname Geronimo was also adopted by the 1st Battalion (Airborne), 509th Infantry Regiment, which has been operational in Iraq and Afghanistan. The latter as well as the elite units are known to adopt tactics and techniques of their opponents similar to the ways Apache resistance during the Indian wars is said to have operated. As Slotkin argues,

The Indian symbolism was intended to mark the 'otherness' of these units: their kinship with the traditional enemies of their own society and civilization; the distinction between their rule-breaking practice as warriors and the conventional, rule-bound fighting habits of regular troops; and their willingness to fight the enemy in the enemy's style (1992, p. 458).

Embedded in what Wolfe calls the “logic of elimination,” the performance of “Indianness” by non-indigenous Americans is a technology of settlement that helps naturalize and legitimize the colonial acquisition of territory and hence, helps normalize the current settler colonial order. As Rayna Green writes, “playing Indian” is contingent upon

the physical and psychological removal, even the death, of indigenous people. In that sense, the performance, purportedly often done out of a stated and implicit love for Indians, is really the obverse of another well-known cultural phenomenon, 'Indian hating,' as most often expressed in another, deadly performance genre called 'genocide' (as cited in Smith 2006, p. 68).

The performance is based on the idea of the “vanished Indian” whose containment and hence elimination into a distant past allows non-indigenous people to imagine themselves as the rightful owners of the land (Smith, 2006, p. 68).<sup>22</sup> As Andrea Smith (2013, p. 119) notes succinctly:

After all, why would non-Native peoples need to play Indian - which often includes acts of spiritual appropriation and land theft - if they thought Indians were still alive and perfectly capable of being Indian themselves? ... It is okay to take land from indigenous peoples, because indigenous peoples have disappeared.

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<sup>22</sup> Another example for this “contradictory reappropriation of a foundationally disavowed Aboriginality” (Wolfe, 2006, p. 389) is the widely reported “Seminole Indian war dance” performed by tank crews stationed in Kuwait near the Iraqi desert prior to getting ready to attack and cross into Iraqi territory in March 2003 (Dunbar-Ortiz, 2004). “Seminole” means rebel in Creek (Muskogee) language and the Seminoles were “a nation born in struggle” (Dunbar-Ortiz, 2004, para. 19) uniting groups of Creek who moved into the Florida Everglades, then Spanish territory, with thousands of free Blacks and enslaved Africans who escaped to freedom. The First Seminole War started in 1818. In the following year, the United States annexed Spanish Florida “and claimed to be fighting terrorists” (Dunbar-Ortiz, 2004, para. 19). Never defeated and never having signed a treaty with the settler state, relentless Seminole resistance in a series of three wars resulted in the U.S. military ceasing to fight them in 1836 (Dunbar-Ortiz, 2004).

In sum, the Indian war discourse of the War on Terror is fraught with tensions, including a “contradictory reappropriation of a foundationally disavowed Aboriginality” (Wolfe, 2006, p. 389).<sup>23</sup> On the one hand, the U.S. settler colony requires the elimination of Natives in order to establish itself on the land in a racialized and gendered developmentalist *telos* that equates White settlement with progress. On the other hand, Indigeneity is evoked to express fear and envy of the warrior masculinity of the gendered racial-sexual figure of the Native American brave. This warrior masculinity denotes courage, fierceness, virility and sophisticated battle skills beyond the narrow and effeminizing constraints of the militarized masculinity associated with the modern military bureaucracy.<sup>24</sup> One needs to become more like the Apache in order to fight the Apache, as Kaplan avowed so openly.

The Indian war discourse is so common sense among settlers and other non-indigenous people that even otherwise critical analyses like anti-racist feminist works leave unaddressed the ways in which settler colonial narratives inform security discourses in the U.S. War on Terror. An example for that are discussions around the March 2003 ambush of the 507th Maintenance Company in Nasiriyah by Iraqi forces and the subsequent widely televised rescue of captured U.S. soldiers, including Pfc. Jessica Lynch, by U.S. Special Forces. Feminist analyses of “The Jessica Lynch story” have drawn attention to the gendered racial-sexual rescue narrative that reproduced patriarchal gender relations in respect to a normative vulnerable White hetero-femininity and simultaneously remained largely silent about the liberation of two other women, Pfc. Shoshana Johnson (marked as Black working-

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<sup>23</sup> Per capita service of indigenous people in the U.S. military is by far the highest of any racially marked group.

<sup>24</sup> See Wolfe (2006, p. 389) for a discussion on how settler colonies like Australia evoked Indigeneity to express their difference from the British “motherland” and claim independence.

class and a single parent) and the killing of Pfc. Lori Piestewa (marked as Native working-class and single parent of two) (cf. Brittain, 2007; Buttsworth, 2005; Lobasz, 2008; Masters, 2009; Sjoberg, 2007). What has gained less feminist<sup>25</sup> scrutiny around the narratives of capture and rescue are firstly, the widely cited comments by the Sergeant in charge of the group comparing the ambush to General Custer and the *Battle of the Little Bighorn* and secondly, how the captivity narrative is rooted in and inextricably tied to “savage war” and the expansion of the Frontier.

The attack on the 507th Maintenance Company in Nasiriyah featured armed menfolk unable to protect themselves and “their” women. Sergeant James Riley when speaking to a *Washington Post* journalist after the rescue compared the ambush and surrender of his troops to the most famous “massacre” of settlers at the hands of indigenous resistance: “We were like Custer. We were surrounded. We had no working weapons. We couldn't even make a bayonet charge. We would have been mowed down. We didn't have a choice” (CNN, 2003, para. 7). As explored in the previous chapter, Custer's loss occurred at a time when the final victory of White settler society over indigenous resistance was so close that it was completely taken for granted. Custer's defeat hence came as shock to the nation, yet given the settler state's otherwise unquestioned position of military superiority, his loss allowed the nation born through genocide to imagine itself as having been engaged in a *fair* competition with indigenous populations over the land all along. Given U.S. troops' highly asymmetrical capacity to injure and kill or “shock-and awe” their Iraqi opponents, in particular after years

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<sup>25</sup> Among the few feminist analyses to explore the Indian wars captivity theme is Faludi (2007). In her book on post-9/11 U.S. security discourses, Faludi (2007) offers a substantive engagement with how the gendered rescue narrative that gained hegemony after the attacks of 9/11 coalesced around the racialized figure of the cowboy.

of sanctions, Riley's narrative evokes affective memories of a fair battle in another Indian country.

The captivity narratives of the American West typically feature a White ciswoman captured by Native men. The civilizational discourse about the rescue of the woman from *sexual* violence and hence the defense of her *racial* purity by the manly White saviour enjoyed mass circulation via newspapers and popular novels (cf. Slotkin, 1973). These cultural productions served as a key technology in the making of the American West; by helping legitimize past and present acts of settler violence and the heteropatriarchal sex-gender order they played a crucial role in the making of the White nation and the self-fashioning of the White settlers as moral subjects while committing genocide and land grab. As Native feminist theorists like Andrea Smith (2005, 2008, 2012) have argued, for our (not only) feminist analyses not to address the operations of settler colonial logics – in this case how they inform the gendered racial discourse of Jessica Lynch - normalizes the very project of settler colonialism in the American *homeland*.

In conclusion, the power of the Indian war paradigm is that it always already tells a full-fledged story when evoking “memories” like “Custer's Last Stand” or “Injun country.” As in any Anglo-Saxon colonial settler society, this story is a racialized fantasy about White origins that comes with a guarantee of a happy ending - despite all the setbacks in the face of a fierce and skilled opponent, civilizational progress is natural and inevitable (Elliott, 2007; Silliman, 2008). The imaginary geography of Indian country in the War on Terror hence marks not only the *boundary* of the-not-yet pacified but also the *promise* of the soon-to-be-incorporated. Rearticulating also the historical shift from a geopolitics of settler invasion to a biopolitics of settler colonialism, the hegemonic War on Terror narrative casts the security



practices across the global frontier as police operations against an internal Other of civilization itself, thereby suppressing questions of sovereignty and settler empire. As will be explored more in the following chapters, racialized civilizational logics via discourses of sexuality are critical to the operations of the liberal project of security, informing the intertwined production of (no longer) in/violable bodies, boundaries of political community and il/legal violence.

Like any racist settler fantasy, the Indian war story is more about affect than fact. Silliman (2008, p. 242) similarly argues that the Indian wars discourse is about more than a metaphor for guerrilla warfare and rooted in White supremacist desires. He provides the example of former CIA director and Defense Policy board member James Woolsey, who in an interview with *Vanity Fair* gets the basic facts of the nineteenth-century Indian wars wrong. In the interview he deplores that “[w]ithout the trained Iraqis, it was like the Seventh Cavalry going into the heart of Apache country in Arizona in the 1870s with no scouts. No Apache scouts. I mean, hello?” (Rose, 2007; as cited in Silliman 2008, p. 242). As Silliman (2008, p. 242) points out, the Seventh Cavalry, who was famously defeated at Little Bighorn in 1876 and participated in the massacre of civilians at Wounded Knee in 1890, never actually fought Apaches. The mere mentioning of key Indian wars terminology like “Seventh Cavalry” and “Apaches” evokes *memories* that give rise to “affective communities of belonging” (Rajaram, 2010, p. 92) in a racialized landscape of Indian country.

Moreover, and intimately connected to the idea of the naturalness and hence inevitability of civilizational progress qua White governance is the connection between progress and the use of violence. The Indian war model insists that when civilization is faced with (anti-colonial) resistance, “‘progress’ can and must be defended by ‘savage war,’

prosecuted till one side or the other is annihilated or subjugated” (Slotkin, 1992, p. 493), hence rendering massacres, acts of terrorism and torture *vital*. As Drinnon (1980, p. 445) puts it so succinctly: “Propelled by the traditional westward thrust of their empire” and “three and a half centuries of conquest had made more self-evident than questionable the Anglo-American conviction that in any contest with nonwhites, dusky natives would surely lose.” Indeed historically the trope of Indian wars and the need for the application of extra-legal use of force against a “different kind of enemy” has only been evoked in reference to spaces and people racially marked as non-White and non-Western (see also Silliman 2008, p. 242).

When the national imaginary conflates imperial war with “savage war” hence conjuring up the necropolitical specter of genocide, both sides become “subject to the logic of massacre” (Slotkin, 1992, p. 112). Imagining enemy spaces and populations as Indian country evokes racial fantasies of an exceptionally dangerous enemy (who is both inferior yet highly skilled; who expresses both a deviant queer sexuality, i.e. “sodomite” with effeminate long hair, and intimidating brave warrior masculinity) outside the historical boundaries of the fully human and hence rehabilitation, and who thus requires good White men to turn savage in order to defeat the savages (Slotkin, 1992, p. 547). The narrative of the psychological pressures of living in Indian country and having to face a “different kind of enemy” drives and rationalizes even the most excessive and preemptive forms of violence as *defensive* security practices, no matter how asymmetrical the capacity to terrorize, injure and kill. Within this settler colonial discourse there is narrative space for casting the “Injun” as a noble savage and potentially as domesticable yet given that savage war is historically

structured around genocidal violence, led until one side is eliminated, it is a safe settler fantasy to produce.

The use of violence at the colonial juncture always also has a pedagogical function whether it is about education, reform, rehabilitation or about visual proof of mastery and subjugation, including through corporeal “trophies,” torture or annihilation (cf. Razack, 2005; Phillipose, 2007; Richter-Montpetit, 2007; Roberts, 2011). Among the constitutive effects of these violences is not only the production of the terrorist but also the creation of the docile patriot (Alexander, 2005) and a racial economy of Whiteness vs non-Whiteness, with Whiteness identifying “real” Americans and Whiteness offering power and privileges in a most literal sense (Bassett, 2009, p. 237), including the promise of freedom from state violence. Finally, given that much of the United States and in particular U.S. military bases, are on unceded land, the continued production of war along civilizational lines, in particular the (imagined) waging of Indian wars, is fundamental to the larger social order and nation-building also in terms of the ongoing struggle over indigenous sovereignty and the indigenisation of settlers.

### ***Virtuous War in Indian country***

In this final section on Indian war discourse in the U.S. War on Terror, I will focus in on its simultaneous evocation of nineteenth-century savage war and twenty-first-century technofetishist discourse of (near) posthuman network-centric precision warfare of swarming drones and “smart bombs.” As will be discussed, from shock-and-awe warfare to targeted killings via drone strikes, the highly performative display of the U.S. war machine’s asymmetrical power over life and death is not only destructive but gives rise to the kind of

gendered racial-sexual meaning-making processes critical to the production of contemporary liberal war while simultaneously obscuring its violent foundation.

Characteristic of U.S. post-9/11 counterterrorism measures is an intensification of the Revolution in Military Affairs (RMA) or “virtual revolution” (Der Derian, 2009) at the end of the Cold War where technology is said to be put “in the service of virtue” (Der Derian, 2009, p. xvi). “Virtuous war” (Der Derian, 2000) promises “a vision of bloodless, humanitarian, hygienic wars” (Der Derian, 2000, p. 772) *thanks to* high precision weapons systems and their “surgical” strikes to reduce unnecessary suffering for non-combatants. While the discourse that aerial warfare “is by its very nature, virtuous” dates back to the origins of air bombings as the preferred measure of modern colonial *pacification* (Gregory, 2011a, p. 205; as cited in Neocleous, 2014, p. 140), the U.S. military’s *spectacular* showcasing of the “virtual revolution” over the skies of Baghdad during the First Iraq War deeply affected public understandings of what counts as legitimate practices of war (Beier, 2003). This normative focus on saving populations from unnecessary suffering gained strategic importance in recent U.S. counterterrorism efforts. In response to the stubborn anti-occupation resistance in Afghanistan and Iraq, U.S. security making shifted from hypermasculine large-scale, higher firepower forms of warfare like *Operation Iraqi Freedom’s* “Shock and Awe” campaign towards counterinsurgency.

With the stated objective being popular support (Anderson, 2011, p. 223) and not surrender, counterinsurgency seeks to place population at the centre of its operations. Seemingly gendered as feminine, this goal is pursued on the ground, by understanding and respecting the “culture” of the “human terrain,” increasingly by purposefully deploying

ciswomen<sup>26</sup>-only teams of soldiers (cf. Dyvik, 2013; Khalili, 2010; McBride & Wibben, 2012), and vertically, through the promise of precision-strike capability in the form of targeted killings via Precision-guided Munitions (PGMs) and drone strikes. Despite the emphasis on population-centric and culture-centric warfare contemporary U.S. counterinsurgency is of course warfare (Gregory, 2011a, p. 196), and for all the hype around smart weapons and targeted killings, aerial warfare results in more civilians killed than reliance on ground troops and special forces (Kaempf, 2009; Zehfuss, 2011, 2012). As Zehfuss puts it, “greater efficiency in hitting what you want to hit is not the same as being able not to hit what you do not want to hit” (2011, p. 560).

Under international law, the killing of civilians is not illegal *per se*, as long as the killing was a mere accident and not intended. The distinction between fighters and population, or combatants/non-combatants, rests on the – racially contingent – gendered idea that non-combatants are said not to be in the business of seeking or being able to harm the enemy (cf. Khalili, 2010; Kinsella, 2005, 2011). While said to protect civilians from the scourges of war, the principle of non-combatant immunity and the notion of accident vs. intent (“collateral damage”) normalizes and allows for the pursuit of ethical warfare, including the killing of civilians, rather than impeding it (Owen, 2003; Zehfuss, 2011, 2012). With the UAVs in the U.S. War on Terror being piloted from as far away as a Nevada Airforce base, it has however become impossible for drone targets to harm the pilots. This highly asymmetrical capacity to injure and kill undermines the distinction between combatants and non-combatants. In a radical critique of the production of the ethicality of warfare qua the

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<sup>26</sup> Transwomen (and transmen) are prohibited from serving in the U.S. military under medical regulations (cf. Erickson-Schroth, 2014, p. 191).

principle of non-combatant immunity, Zehfuss pushes this observation arguing that it is therefore “not clear why protecting non-combatants should be a priority if enemy combatants are equally unable to inflict harm” (2011, p. 555).

The highly differential power over the distribution of force and visibility in the relationship between drone pilot and drone target ruptures the gendered racial-sexual trans/national post-WW II imaginary of U.S. fighter pilots as “knights of the air” (Owens, 2003, p. 614), and arguably compares to the asymmetrical relationship between torturer and tortured.<sup>27</sup> As discussed earlier, imagining the War on Terror as Indian wars evokes gendered racialized representations of the Islamic terrorist as possessing super-human animal-like capacities to hide, strike, and endure pain, thereby rendering the violently asymmetrical exchange of power and force, including preemptively and or outside of official battlefields, necessary and fair.

In turn, the targeting of the Muslim (pre-)terrorist helps normalize the ongoing pacification of Indian country in the homeland. The main site for the operation of drone strikes in the War on Terror is Nellis Air Force Base, which is located on Western Shoshone (Newe) people’s land in Nevada. The land was appropriated in violation of the 1863 *Treaty of Ruby Valley* (Churchill, 2002, p. 260) and indigenous people there and elsewhere across the U.S. settler colony continue to fight the settler invasion and U.S. military and militarism (cf. LaDuke, 2012; Smith, 2008; see also chapter six), thereby challenging representations of the American state as the anti-racist defender of the oppressed, and of the project of neoliberal governance under U.S. hegemony as universal and benign. Reactivating

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<sup>27</sup> See Elaine Scarry (1985) for a discussion of the similarities between nuclear capacity and torture.

gendered racialized representations of the figure of the Indian to visualize the Muslim/ified “enemy combatant” facilitates the ongoing U.S. settler invasion, the indigenisation of settlers, and hence revitalizes logics and pursuit of indigenous elimination.

Finally, targeted killings’ highly performative display of the asymmetrical power over life and death is not only destructive and steeped in gendered racial-sexual fantasies of technological=civilizational superiority, but these enactments of power are productive of the very gendered racial-sexual taxonomies and economies that make them possible in the first place – they are, in Keith Feldman’s (2011) words, a form of “racialization from above.” In an ironic turn, with “targeted killings” via drone strikes framed as humane and ethical forms of military violence because of their alleged reduction in unnecessary suffering of non-combatant bystanders (Zehfuss, 2011, p. 553), only the most high-tech militaries can live up to the “ethical” standards of practicing killing through virtuous war (Zehfuss, 2011, p. 559; see also Beier, 2003). In this gendered racializing process, those that rely on low-tech forms of political violence and or the strategic targeting of civilian infrastructure and people are marked as brute killers and savages, and those wiped out by a drone strike are not killed but merely reduced to bug splat<sup>28</sup>, “the collateral damage of those nonwhite others who end up dead on the windshields of cars speeding into the future” (Driscoll, 2011, p. 274). The “precision” visualization and targeting technologies via the drone pilot’s god’s eye perspective - in itself a “white and upright” (Driscoll, 2011, p. 275) subject position - give

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<sup>28</sup> CIA and military operators reportedly refer to killed human targets as bug splat “since viewing the body through a grainy-green video image gives the sense of an insect being crushed” (Hastings, 2012). The CIA Counterterrorism Center’s chief bragged that thanks to the drone strikes program, “We are killing these sons of bitches faster than they can grow them now” (Pugliese, 2013, p. 194).

rise to the necropolitical constitution of populations racialized as Muslim terrorists and pre-insurgents, and who are spatially limited to the horizontal<sup>29</sup> - confirming their technological and sexual backwardness - while the ethicality of U.S. security making produced via the norm of discriminatory bestows civilizational Whiteness on the U.S. war machine.

## **CONCLUSION**

This chapter identifies profound tensions in the hegemonic U.S. post-9/11 national security imaginary. On the one hand, despite its civilizational rhetoric the hegemonic War on Terror narrative breaks with the Huntington-style clash-of-civilizations model and actively enlists certain non-normative subjects, including the good Muslim, in the governmentalized struggle to defend the nation and civilization itself along a global frontier. On the other hand, the post-9/11 security assemblage governs certain Muslimified people and spaces necropolitically, not only on targeting terrorists or insurgents for deportation, death or detention *before* they commit a specific act of political violence, but intervene to manage *potential* insurgents or “pre-insurgent” (Anderson, 2011) populations. Building on the previous chapter, I argue that rooted in the desires and disavowals of a capitalist White settler colonial slave nation, the War on Terror’s promise of liberal freedom and self-rule is ambiguous, always already haunted by the violences that enable the extraction and management of the raw materials of the liberal way of life. The chapter draws attention to the central role of the gendered racial-sexual logics and practices of Indian wars discourse

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<sup>29</sup> See Weizman (2002) and Adey, Whitehead, & Williams (2011) on what Weizman terms “the politics of verticality.”



and the associated imaginary geographies of Indian country in stitching together and render intelligible seemingly incompatible contradictions.

The chapter suggests that the gendered racial-sexual figure of the Native Indian continues to provide a central foil around which U.S. security state and nation can make themselves. Similarly to the hegemonic national imaginary during the height of the Indian wars, the save-civilization-itself fantasy casts U.S. security practices in the War on Terror, including the *preemptive* use of military and carceral force inside and outside of official war zones, as defensive, not offensive. Contrary to the historical Indian wars however, the War on Terror is not about territorial conquest, but about managing populations with the goal of fostering liberal life at a planetary level by integrating “the Gap” (Barnett, 2003, para. 6) into the circuits of the global capitalist economy. The Indian wars discourse mobilizes not only knowledges of war and violence that facilitate the targeting of the Muslim (pre-)terrorist in an age of neoliberal “post-everything” (Crenshaw, 2014), but these security practices and their underwriting racial-sexual grammars of security risk and il/legitimate violence shore up the settler colonial order in the homeland.

Building on the analysis of this chapter on how contemporary security discourses are produced in relationship to the figure of the Native Indian, in the next chapter I will connect the carceral violences in the racialized lawfare against Muslimified people and spaces to the capture and enslavement of Africans and the concomitant production of the figure of the Black body as the site of enslaveability and openness to gratuitous violence.

## **Chapter IV:<sup>1</sup> The Biopolitics of Racial Lawfare. Carceral landscapes, torture and the racial-sexual grammars of legitimate suffering**

*Without the capacity to inspire terror, whiteness no longer signifies the right to dominate  
(bell hooks, 1997, p. 178).*

Chronicling the decade-long hunt for Osama bin Laden, Kathryn Bigelow's film *Zero Dark Thirty* elicited notoriety weeks ahead of its January 2013 release. The movie's depiction of the use of torture in the U.S. Central Intelligence Agency's struggle to locate bin Laden gave rise to so much controversy that the frontrunner for this year's Oscars failed to win a single important Academy Award. Attacked from the political left for normalizing torture (cf. Greenwald, 2013; Wolf, 2013; Zizek, 2013), and criticized from the right for disseminating classified information and hence threatening national security (cf. Estes, 2013), *Zero Dark Thirty* turned out to be a huge box office success. Whether or not the film is simply a Riefenstahlesque piece of pro-torture propaganda, it speaks to some of the complex affective and material economies that have shaped the relations of possibility for the use of force in post-9/11 U.S. national security-making. *Zero Dark Thirty* depicts "enhanced interrogation"<sup>2</sup> techniques such as waterboarding and sexualized humiliations, and casts them as brutal acts of torture. As some of the film's critics have noted, however, the movie leaves viewers with the impression that evidence gained through torture led to the discovery of bin Laden's Abbottabad compound, a claim that was virulently disputed by national security officials.

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<sup>1</sup> I would like to thank Marieke de Goede and the anonymous three reviewers at *Security Dialogue* for their helpful comments on an earlier draft of this chapter.

<sup>2</sup> The Bush administration and its supporters speak of enhanced interrogation rather than torture when referring to controversial carceral practices such as the use of strobe light and water boarding.

In the opening scene, CIA agent Dan takes Maya, another CIA agent and the film's protagonist, into the interrogation of Saudi prisoner Ammar. Ammar looks horribly beaten up and refuses to provide Dan with the information he is looking for, so Dan threatens him with more torture and tells him that trying to resist the torture is futile, because “in the end everybody breaks, bro. It's biology.” While in the end torture might well break all of its victims, contrary to the commonsense understanding of torture as a form of information-gathering, confessions made under the influence of torture produce notoriously unreliable data, and the overwhelming majority of interrogation experts and studies oppose the collection of intelligence via the use of torture. This is because most people are willing to say anything to stop the pain or to avoid getting killed and/or are simply unable to remember accurate information owing to exhaustion and trauma (cf. Blakeley, 2009; Center for Constitutional Rights [CCR], 2006; Hajjar, 2009, 2013; Hersh, 2004: 14; Rejali, 2009; Rose, 2008; Scarry, 1985).

If torture does not work, how come, then, that in the wake of 9/11 the U.S. at the highest levels of government ran the risk of setting up a torture regime in violation of international and domestic law? Why alienate international support if not increase resentment and political grievances against “America” with the public display of controversial incarceration practices, as in Guantánamo Bay, instead of simply relying on the existing system of secret renditions? What is the intelligence value of grilling prisoners five years and more in detention about the existence of safe houses in Afghanistan (Begg & Brittain, 2006; Saar & Novak, 2005)? Furthermore, in the words of a former head of interrogations at Guantánamo Bay (McClintock, 2009, p. 64), most of the tortured and indefinitely detained are “Mickey Mouse” prisoners, reportedly known not to be involved in

or not to have any information on criminal or terrorist activity against the U.S. and its allies. This chapter explores this puzzle by addressing two key questions: What is the *value* of these carceral practices when they do not produce actionable intelligence? And, what are the social relations and structures of feelings that make these carceral practices *possible* and *desirable* as technologies of security under the hegemonic post-9/11 U.S. security imaginary?

In the words of President George W. Bush (2004a), the big lesson of 9/11 for U.S. national security-making was that “this country must go on the offense and stay on the offense” (as cited in Bacevich, 2006, p. 19). As discussed in the previous chapter, this view of offensive warfare as self-defence and as the necessary and legitimate response to the threat of Islamic terrorism ushered in the institutionalization of the preemptive use of military and carceral force and became known as the Bush doctrine. This narrative on the preemptive use of military and carceral force along a global frontier as self-defence, necessary and legitimate, is inflected by gendered racial–sexual logics. While much of international relations scholarship attentive to the critical role of racial logics and practices in the War on Terror’s politics of life and death focuses on Orientalism, this chapter builds on my analysis in the previous two chapters tracing how contemporary security discourses are produced in relationship also to the figure of the Native Indian and the figure of the Black and their underpinning grammars of legitimate suffering. As Sara Ahmed writes in her book *The Cultural Politics of Emotions*, “the word terrorist sticks to some bodies as it reopens past histories of naming, just as it slides into other words” (as cited in Puar, 2007, p. 185).

Specifically, this chapter connects the carceral violences in the racialized lawfare against Muslim/ified people and spaces to the capture and enslavement of Africans and the

concomitant production of the figure of the Black body as the site of enslaveability and openness to gratuitous violence (Agathangelou, 2009a, 2009b, 2010a, 2010b, 2011, 2012, 2013a, 2013b; Fanon, 2008; Mbembe, 2001; Hartman, 1997; Patterson, 1982; Sharpe, 2010, 2012; Sexton 2006, 2007, 2008, 2010a, 2010b, 2011; Wilderson, 2007, 2010). Building in particular on the work of Andrea Smith (2006, 2012), the premise of this chapter is that we can only meaningfully interrogate the operations of violence (including against Orientalized subjects) in contemporary U.S. security-making by accounting for the foundational role of anti-Black racism and the settler colonial character of the U.S. social formation. As will be the focus of this chapter, locating the use of torture and other seemingly valueless carceral security practices within the genealogies of anti-Black violence points to their fundamental role in the production of the larger biopolitical order and its underpinning processes of de/valuing populations. Importantly, the so-called torture memos and concomitant carceral practices are not only shaped by the gendered racial-sexual logics of slave laws but constitute a key site and technology of gendered and sexualized race-making in this era of “post-racial triumph” (Ho Sang & LaBennett, 2012, p. 5).

I will first discuss the myth of the instrumental rationality of torture. In a second step, I examine the lawfare around the legalization of state-administered suffering in custody, with a focus on a set of memos and reports produced by the Bush administration legally codifying the use of “enhanced interrogation” measures to protect officials from possible prosecution for authorizing and or committing torture. I explore how the law gets mobilized as a technology of security in the management of populations and the production of the larger liberal order. Based on a performative understanding of power,

the chapter then turns to a discussion of the productive effects of various carceral violences, understanding them not “simply” as effects of racist violence but as giving rise to interlocking (non-)normative-classed national, racial, gender and sexual formations and subjects. These security practices facilitate the production of both the figure of the Muslim=terrorist and the civilizational Whiteness of the torturer and those who feel their lives cared for by these biopolitical acts.

### **The Myth of the Instrumental Use of Torture**

Contrary to commonsense understandings and cultural representations like *Zero Dark Thirty*, the effects of strong pain and of other practices causing extreme distress are complex and difficult to predict, and hence it is impossible to inflict extreme suffering on another person in a controlled way. Despite the enormous efforts and resources invested, the U.S. post-9/11 global torture regime and its systematic use of torture on “enemy combatants” across the globe yielded not a single documented case of actionable data. If anything, critics including former CIA agents and other U.S. intelligence officials argue that the use of torture has led to blowbacks due to false intelligence and disrupted relationships with prisoners who cooperated.<sup>3</sup>

As an Army intelligence agent told investigative journalist Seymour Hersh: “They’ll [tortured prisoners] tell you what you want to hear, truth or no truth. ... You can flog me until I tell you what I know you want me to say. You don’t get righteous information” (as

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<sup>3</sup> The Senate Intelligence Committee’s still-classified 6,000-page 2012 report of the torture programme, based on reviewing six million pages of CIA documents, concludes that torture did not produce any significant information.

cited in Hersh, 2004, p. 66). Also, more injury does not necessarily produce more pain but can lead to desensitization, render the tortured unconscious, and thus lead to delays or premature death and hence loss of control over the interrogatee (Rejali, 2009, pp. 446-453). The administration of pain may also strengthen prisoners' resistance and typically results in even cooperative prisoners being unable to recall even simple information of the past, in particular the recent past, or cause the "illusion of knowing" due to sleep loss, exhaustion or brain trauma (Rejali, 2009, pp. 466-468). These complexities are acknowledged in the CIA manuals on interrogation, the *Kubark Counterintelligence Manual* (CIA, 1963) and the unedited *Human resources Exploitation Training Manual* (CIA, 1983) (Rejali, 2009, p. 462) as well as in the U.S. Army's *Field Manual on Interrogation*.<sup>4</sup> As a survivor of torture notes on the effects and limits of extreme pain,

All individual acts of torture have their limits, just as our bodies have limits of endurance. When the infliction of pain reaches the latter limits, the body and spirit protect themselves by lapsing into unconsciousness. ... This is the beginning of the victory over torturers and tortures alike (as cited in Rejali, 2009, p. 475).

Maybe the most prominent declassified blowback due to torture in the War on Terror is the case of Ibn al-Shaykh al-Libi. Al-Libi was rendered to Egypt for interrogation and during torture falsely admitted to close ties between Iraq and Al-Qaeda. His confession was the foundation of the Bush administration's erroneous claim that Iraq trained Al-Qaeda

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<sup>4</sup> In September 2006, the U.S. Army replaced this *Field Manual* (FM 34-52) with *Field Manual 2-22.3*, called *Human Intelligence Collector Operations*.

members to use biological and chemical weapons, and hence fundamental to its case for war against Iraq (Jehl, 2005; see also Rejali, 2009, pp. 504-505).

A few weeks following the release of the “torture memos” by the U.S. Department of Justice in Spring 2009, Ali Soufan (2009, para. 1), a supervisory special agent with the U.S. Federal Bureau of Investigation (FBI) from 1997 to 2005, came forward in an op-ed in the *New York Times* on what he views as the “false claims magnifying the effectiveness of the so-called enhanced interrogation techniques like waterboarding.” Soufan maintains that the torture memos are based on false premises. The first memo authorizing the use of “enhanced interrogation” practices was created specifically for Abu Zubaydah, an alleged high-ranking Al-Qaeda member who turned out to be responsible for minor logistics, such as making travel arrangements for the wives of Al-Qaeda members (Rejali, 2009, p. 505). Zubaydah was the first prisoner to be exposed to waterboarding and other forms of torture under the newly emerging torture policy. The rationale provided for the adoption of these measures was that conventional interrogation techniques had not worked on him. The three torture memos created in the wake of Zubaydah’s torture made the claim that “enhanced interrogation” methods had worked well, and therefore called for their continued use (Soufan, 2009).

Together with another FBI agent, and with several CIA officers present, Soufan interrogated Zubaydah from March to June 2002. He maintains that Zubaydah was cooperative and provided him and his partner with “important actionable intelligence” (Soufan, 2009). With the help of traditional interrogation methods, the FBI agents identified Khalid Shaikh Mohammed as the mastermind behind the 9/11 attacks (see also Rejali, 2009, p. 506) and were told about Jose Padilla, the so-called dirty bomber. Two



months later, Zubaydah started to be tortured by CIA agents, and Soufan (2009, para. 5) maintains that “[t]here was no actionable intelligence gained from using enhanced interrogation techniques on Abu Zubaydah that wasn’t, or couldn’t have been, gained from regular tactics.”

In his formative study *Torture and Democracy*, Rejali (2009, pp. 456-460, 506) argues that permitting the use of torture leads to a “deskilling” of state agents who deploy force on prisoners as a short cut and neglect traditional intelligence-gathering. Soufan and other intelligence officials argue that the different positions of CIA and FBI on the value and legality of the use of torture kept them from working together. “Because the bureau would not employ these problematic techniques, our agents who knew the most about the terrorists could have no part in the investigation. An FBI colleague of mine who knew more about Khalid Shaikh Mohammed than anyone in the government was not allowed to speak to him” (Soufan, 2009, para. 7).

Not only is the collection of intelligence via the use of torture considered ineffective, but most of the prisoners in Guantánamo Bay, Bagram and Abu Ghraib have been indefinitely detained despite being deemed innocent of any criminal or terrorist activity against the USA and its allies. In early 2002, Michael Dunlavey, then head of interrogations at Guantánamo Bay, complained that he was receiving only what he called “Mickey Mouse” prisoners (McClintock, 2009, p. 64). In June 2004, the *New York Times* reported on a top-secret September 2002 CIA study about the intelligence value of Guantánamo prisoners. The study concluded that “many of the accused terrorists appear to be low-level recruits who went to Afghanistan to support the Taliban or even innocent men swept up in the chaos of the war” (as cited in Rose, 2004, p. 42). According to officials who read the report,

“only a relative handful – some put the number at about a dozen, others more than two dozen – were sworn al-Qaeda members or other militants able to elucidate the organization's inner workings” and of those not one was a “senior operative” (Rose, 2004, p. 42). Only five percent among those detained were picked up “on anything that could be called a battlefield” (McClintock, 2009, p. 64). Most of them were arrested in exchange for bounties in the range of US\$5,000 to \$10,000 “by such dubious forces as the Northern Alliance, the Pakistani military and intelligence, ... sometimes betrayed by neighbors or by people simply seeking remuneration” (McClintock, 2009, p. 65).

In 2004, two years after the first prisoners arrived, Steve Rodriguez, Dunlavey's successor as head of interrogations at Guantánamo, maintained that of the maybe seven hundred prisoners at that time, only somewhere between twenty and fifty “are providing critical information today” (CCR, 2006, p. 9). In the same year, Lt. Col. Anthony Christino stated “that there is a continuing intelligence value . . . for [s]omewhere a[round] a few dozen, a few score at the most” of the Guantánamo prisoners (CCR, 2006, p. 9). Even the *Combatant Status Review Tribunals* determined that 55% of all prisoners did not commit “any hostile act against the U.S. or its coalition allies” (CCR, 2006, p. 8; see also Rejali, 2009, p. 510). Eighty-six percent of these prisoners were captured by either Pakistan or the Northern Alliance in the context of the U.S. policy of paying large rewards for the arrest of suspected Al-Qaeda or Taliban supporters (CCR, 2006, p. 9). The detention of people considered innocent continues under U.S. President Obama. In late August 2009, General Douglas Stoke, who was asked to prepare a classified report on detainee operations, “told senior military officials that at least two thirds of Bagram detainees pose no threat to the US or Afghanistan, and recommended their release” (Hajjar, 2011c).

Similarly, a February 2004 report by the International Committee of the Red Cross states that U.S. military intelligence officials estimate that 70-90% of all prisoners detained in Iraq had been arrested by mistake or had no intelligence value (Jaffer & Singh, 2007, p. 35; McKelvey, 2007, p. 15). In a sworn statement from May 2004, a former commander of the 320<sup>th</sup> Military Police Battalion stationed at Abu Ghraib states that “the majority of our detainees were detained as the result of being in the wrong place at the wrong time, and were swept up by Coalition Forces as peripheral bystanders during raids ... [and] only one in ten detainees were of any particular intelligence value” (as cited in Jaffer & Singh, 2007, p. 35). In another sworn statement, a sergeant assigned to the Detainee Assessment Board and hence responsible for screening prisoners for release at Abu Ghraib states that “85% to 90% of detainees were of either no intelligence value or were of value but innocent and therefore should not have remained in captivity” (as cited in Jaffer & Singh, 2007, p. 35). In short, nearly all Abu Ghraib prisoners “had no discernible connection to terrorism or insurgency” (Jaffer & Singh, 2007, p. 36), yet the detention and torture of prisoners by military personnel “was accepted as standard practice, even outside the interrogation context” (Jaffer & Singh, 2007, p. 36).

### **Legalizing torture: All roads lead to Abu Ghraib, none to Rome<sup>5</sup>**

*Some will ask whether a civilized nation - a nation of law and not of men - can use the law to defend itself from barbarians and remain civilized. Our answer, unequivocally, is "yes." Yes, we will defend civilization (Attorney General John Ashcroft, 2001).*

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<sup>5</sup>The United States under President Clinton signed onto the Rome Statute but subsequently never ratified the document and hence never joined the International Criminal Court (ICC). The Bush-administration also refused to ratify the Rome Statute.

Juridical warfare or lawfare has come to play a prominent role in the production of U.S. global power at the current juncture (cf. Morrissey, 2011). While discussions of the detention centre in Guantánamo Bay and more recently the use of extrajudicial killings via drones outside of war zones evoke a state of lawlessness or exception, both the Bush and Obama administrations have gone to great pains not to simply declare a state of exception and suspend the law. Rather, they have sought to legalize a wide range of lethal and non-lethal security practices, including capture, rendition, indefinite detention, “enhanced” interrogation and targeted killings, some of which remain classified. In the following, I will briefly lay out some of the key post-9/11 legal manoeuvres of the Bush administration in relation to the use of carceral violence as a mode of national security-making.

In an article that has been widely cited by U.S. national security theorists, Major General Charles Dunlap, Jr., defines lawfare as the “strategy of using – or misusing – law as a substitute for traditional military means to achieve an operational objective” (Dunlap, 2008, p. 146). Even though Dunlap and others drawing on his work evoke the concept of lawfare to denounce the use of law, in particular human rights and the laws of war, as a weapon of war against the United States, I deploy this concept to trace the ways in which law is used by the U.S. security state to enable a range of carceral security practices in the War on Terror (see also Morrissey, 2011). As I will discuss, post-9/11 carceral lawfare rests on two main pillars: the newly created legal classification “unlawful enemy combatant” and the meaning of the words “cruel and unusual.”

International law is unequivocal about the absolute and universally applicable prohibition of torture. The prohibition of torture is considered a peremptory or *jus cogens*

norm, meaning that it is considered so fundamental in international law that no derogation is ever permitted, therefore even if a country has not signed on to or ratified a particular treaty, it is bound on the basis of general international law (cf. Foley, 2003; Jaffer & Singh, 2007; Ratner & Ray, 2004). Hence even in cases of war, conflict or state of emergency, torture is unlawful at all times.<sup>6</sup>The Geneva Conventions (GC), the pillars of international humanitarian law, regulate the treatment of civilian and military prisoners during war. Each of the four treaties includes a provision mandating “that prisoners be 'treated humanely' and specifically protects prisoners from 'violence to life and person,' including 'cruel treatment and torture,' and from 'outrages upon personal dignity, in particular, humiliating and degrading treatment'” (as cited in Jaffer & Singh, 2007, p. 3).

According to the most significant international treaty on the prohibition of torture, the *United Nations Convention against Torture and Other Inhuman, Cruel and Degrading Treatment or Punishment (UNCAT)* (1984), which was ratified by the U.S. in 1994,

“torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions (UNCAT, Art.1.1).

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<sup>6</sup>Torture is prohibited under various international and regional treaties, including the four *Geneva Conventions* (1949), the *International Covenant on Civil and Political Rights* (1966), the *Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1975), the *Inter-American Convention to Prevent and Punish Torture* (1985), and the *Rome Statute of the International Criminal Court* (1998).

UNCAT prohibits not only torture, but also other forms of abuse that are severe, but not so severe as to constitute torture (Ratner & Ray, 2004, p. 30), for instance so-called “stress positions” such as standing for hours. Legally, for an act of pain, suffering or injury to constitute torture, the perpetrator has to be a public authority and the person harmed in custody. Included under the definition of public authority are not only soldiers, intelligence officials and (military) police, but also state-hired contractors, like private security firms and medical doctors, and, importantly, non-state groups are not excluded (Hajjar, 2009, p. 326; Ratner & Ray, 2004, p. 33). Art. 2, 3 of the convention is unequivocal that “[a]n order from a superior officer or a public authority may not be invoked as an excuse for torture,” and that following such an illegal order is a crime and punishable under the convention.

Under U.S. law, torture is prohibited and punishable by the death penalty if the abuse results in the death of the prisoner (Ratner & Ray, 2004, p. 32). Moreover, federal law considers any grave breaches of the GC a war crime, including torture, wilful killing, inhuman treatment, and causing great suffering to a prisoner (Ratner & Ray, 2004, p. 32). From 1992 up until early September 2006, U.S. military interrogations were officially governed by the same version of the *U.S. Army Field Manual on Interrogation* also entitled *FM 34-52*. The 177-page document explains how to conduct interrogations that are effective and conform to international and U.S. law. The manual explicitly referenced the Geneva Conventions and prohibited “acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means or aid to interrogation” (as cited in Jaffer & Singh, 2007, p. 4).

Despite the absolute and universally applicable prohibition of torture, in the post-9/11 lawfare the Bush administration juridically codified in a series of classified memos

that abuse just short of killing a prisoner was considered permissible suffering. Less than a week after the 9/11 attacks, President Bush signed a memorandum of understanding that authorized the CIA to establish a secret overseas detention and interrogation operation. The memo upgraded the existing Clinton-era authorization to transfer arrested terror suspects to third countries by extending the rendition of suspects to secret U.S.-run detention sites across the globe. This policy permits the CIA to kidnap people from anywhere in the world and disappear them into secret prisons where they can be held incommunicado as so-called ghost detainees, or transferred extralegally for interrogation to allied states that practise torture, such as Morocco, Syria and Egypt (Bassiouni, 2010; Brody, 2005; Hajjar, 2009, 2011a). On November 13, 2001 Bush issued a military order entitled *Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism* in which he declared that those captured in the war against terrorism are to be regarded as neither combatants nor civilians under the 1949 GC.

By December 2001, Pentagon officials tried to obtain authorization for interrogation methods beyond the ones listed in the Army's *Field Manual*. To develop more effective interrogation techniques, they sought to "reverse engineer" the techniques of a Cold War programme called Survival, Evasion, Resistance, Extraction (SERE), which had been designed to help captured U.S. soldiers withstand interrogation and torture in the event that they were captured by enemy forces that did not adhere to the Geneva Conventions (Jaffer & Singh, 2007, pp. 4-5; Bassiouni, 2010; Hajjar, 2009, 2011a; Rejali, 2009). Military personnel that get trained under SERE are deliberately humiliated, subjected to stress positions, forced to exercise to the point of exhaustion, and subjected to various forms of psychological torture. By December 2002, drawing on techniques used in

the SERE programme and other aggressive interrogation methods, the Department of Defense created a draft document entitled “JTF GTMO SERE INTERROGATION SOP” (Jaffer & Singh, 2007, pp. 5-6).

In January 2002, the first prisoners arrived in Guantánamo Bay. At a Department of Defense media briefing on 11 January 2002, U.S. Secretary of Defense Donald Rumsfeld announced that “[t]hey will be handled not as prisoners of wars, because they're not, but as unlawful combatants.” He added that “technically unlawful combatants do not have any rights under the Geneva Convention” (Rozenberg, 2002). Two weeks later, on 25 January 2002, White House Counsel Alberto Gonzales (2005) advised Bush in a memorandum that the war against terrorism was a *new* kind of war, one that rendered the terms of the Geneva Conventions inapplicable:

The nature of the new war places a high premium on other factors, such as the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities against American civilians, and the need to try terrorists for war crimes such as wantonly killing civilians. ... [T]his new paradigm renders obsolete Geneva's strict limitations on questioning enemy prisoners ... (Gonzales, 2005).

Primarily on the basis of the Gonzales memo, on 7 February 2002, Bush issued a directive to the U.S. National Security Council declaring that captured Al-Qaeda and Taliban fighters were not Prisoners of War (POWs), and henceforth the GC did not apply to them.



Rather than simply suspending or ignoring existing laws around the treatment of prisoners, POWs and the prohibition of torture, the Bush administration carefully sought to clear the ground for what critics consider an official torture policy. In an effort to shield interrogators and administration officials from future war crimes prosecution, the Commander-In-Chief's February 7 directive was based on the legal principle of *nulla poene sine lege*, meaning that one cannot be punished for something that is not prohibited by law.<sup>7</sup>

The emerging torture policy was contested by various government officials and legal counsels, in particular among those working for the JAG and the State Department.<sup>8</sup> The 7 February directive sought to sway them with the line that U.S. forces “shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva” (Hajjar, 2011a). Yet as Lisa Hajjar (2011a, para. 23) so succinctly notes,

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<sup>7</sup> On May 6, 2002, President Bush sent a note to the U.N. Secretary General formally reiterating the position that the United States had and would not ratify the Rome Statute and hence did not view itself accountable to the ICC.

<sup>8</sup> From the outset, the newly authorized interrogation methods were met with considerable scepticism if not outright rejection by some intelligence professionals. FBI officials doubted the lawfulness, effectiveness and reliability of intelligence obtained via “enhanced interrogation.” In a memorandum forwarded to Gen. Miller on November 22, 2002, the FBI's Behavioral Analysis UNIT (BAU) formally objected to interrogation methods they “considered coercive by Federal Law Enforcement and [Uniform Code of Military Justice] standards” and that “reports from those knowledgeable about the use of these coercive techniques are highly sceptical as to their effectiveness and reliability” (Jaffer & Singh, 2007, p. 11). Similar objections were expressed by military personnel, including the Defense Department's Criminal Investigation Task Force (CITF), whose leadership prohibited CITF agents from participating in interrogations that made use of “any questionable techniques” (Jaffer & Singh, 2007, p. 12). The Navy's general counsel, Alberto J. Mora warned that Rumsfeld's interrogation methods could constitute torture. On January 15, 2003 Rumsfeld indeed withdrew his December 2, 2002 approval of “enhanced interrogation” techniques until the review of another study he was to commission. In this memo Rumsfeld nevertheless explicitly invited “requests” for the employment of those “particular techniques” in “individual case[s].”

The message moving down the chain of command from Washington to Afghanistan and Guantánamo was not the imperative of humane treatment but rather the license to harshly interrogate anyone in US custody as a potentially guilty font of valuable information. Prisoners' demonstrations of innocence or ignorance were interpreted as signs of their deceptive skillfulness.

At the heart of this lawfare is the newly created legal classification “unlawful enemy combatant” for those captured in the War on Terror, which effectively places them outside the reach of the laws of war and rule of law more generally. The memos established that unlawful enemy combatants detained in offshore detention facilities have no right to access U.S. courts and that the judiciary has no oversight role for the government's overseas detention policies (Hajjar, 2011b). Moreover, instead of determining unlawful enemy combatant status by a review tribunal, in his directive of 7 February, President Bush declared that “I ... determine that none of the provisions of Geneva apply to our conflict with Al Qaeda in Afghanistan or elsewhere throughout the world.” The Bush administration claimed that via executive fiat, the President had the unilateral authority “to arrest virtually anyone, anywhere, noncitizen or citizen, even in the United States, if he deemed them an enemy combatant” (Ratner & Ray, 2004, p. 25). By leaving it up to Bush's discretion (via presidential decree) to declare a captured person “unlawful enemy combatant,” this provision of course “effectively conflated being in custody with an uncontestable presumption of guilt” (Hajjar, 2011a, para. 12).

Increasing anxieties among CIA staff about the potential for future prosecution led government lawyers in the Office of Legal Counsel to create three memos dated 1 August

2002, known today as the “torture memos.” In his 46 pages long memorandum on “Standards of Conduct for Interrogation under 18 U.S.C. §§2340-2340A” to White House legal counsel Alberto Gonzales, Assistant Attorney Jay Bybee dramatically narrows down the definition of torture “to only the most extreme forms of physical and mental harm” (2005, p. 207) and “the most egregious contact” (2005, p. 172) Bybee argues that the key phrase in the U.S. Code's definition of torture is that it causes “*severe* physical and mental pain or suffering” (2005, p. 174; my emphasis): “[C]ertain acts may be cruel, inhuman, or degrading, but still not produce pain and suffering of the requisite intensity to fall within proscription against torture” (Bybee, 2005, p. 172). For an act to constitute torture “the pain or suffering must be of such a high level of intensity that the pain is difficult for the subject to endure” (Bybee, 2005, p. 176). “Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious injury, such as organ failure, impairment of bodily function, or even death” (Bybee, 2005, p. 172).

In Bybee's reading, then, physical torture excludes anything less severe than the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. The memo also limits the understanding of mental torture, arguing that “severe mental pain requires suffering not just at the moment of infliction but it also requires lasting psychological harm.” Hence, “cruel, inhuman or degrading treatment would not constitute mental torture unless it caused effects that lasted 'months or even years’” (Bybee, 2005, p. 172). Importantly, the memo stresses that for an action to “reach the threshold of torture in the criminal context” (Bybee, 2005, p. 173) requires *specific* intent, not simply *general* intent, meaning “the infliction of such [severe] pain must be the defendant's *precise objective*” (Bybee, 2005, p. 174; my emphasis). Therefore, Bybee (2005,

p. 175) concludes, “even if the defendant knows that severe pain will result from his actions, if causing such harm is not his objective, he lacks the requisite specific intent even though the defendant did not act in good faith.” For instance for an act of psychological harm to constitute torture “requires the specific intent to cause prolonged mental harm” (Bybee, 2005, p. 177).

Bybee’s reasoning draws on an understanding that the George H.W. Bush administration submitted at the time of the ratification of the Convention Against Torture, which declared:

The United States understands that, in order to constitute torture, an act must be specifically intended to inflict severe physical or mental pain and suffering and that mental pain or suffering refers to prolonged mental pain caused by or resulting from (1) the intentional infliction of threatened infliction of severe physical pain or suffering; (2) administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality (as cited in Bybee, 2005, p. 187).

Adding to these existing limitations on what constitutes torture in the official understanding of the U.S. government, Bybee further argues that the prison cell is a battlefield in the War on Terror and hence any decision-making in regards to carceral security practices is the prerogative of the President. He writes that “[a]s Commander-in-Chief, President Bush has the constitutional authority to order interrogations of enemy combatants to gain intelligence information concerning the military plans of the enemy” (Bybee, 2005, p. 200). Hence “Congress may no more regulate the President’s ability to

detain and interrogate enemy combatants than it may regulate his ability to direct troop movements on the battlefield” (Bybee, 2005, p. 2003). Therefore, Bybee (2005, p. 207) reasons that any legal limits on the ways interrogations on enemy combatants are being conducted “would be an unconstitutional infringement of the President's authority to conduct war.” Finally, violations of U.S. law regarding torture may be justified by “necessity and self-defense [...] to elicit information to prevent a direct and imminent threat to the United States and its citizens” (Bybee, 2005, p. 207). In Bybee's words:

[T]he nation's right to self-defense has been triggered by the events of September 11. If a government defendant were to harm an enemy combatant during an interrogation in a manner that might arguably violate Section 2340A, he would be doing so in order to prevent further attacks on the United States by the Al Qaeda terrorist network. In that case, we believe that he could argue that his actions were justified by the executive branch's constitutional authority to protect the nation from attack (Bybee, 2005, p. 213).

In response to the request by the CIA to verify that a set of interrogation techniques that were meant to be used on Abu Zubaydah would not constitute torture, Bybee issued another memo on August 1, 2002. Prepared for John Rizzo, the Acting General Counsel of the CIA, Bybee (2002) in the 18-page document applies the findings of the first memo to each of the ten interrogation techniques, including waterboarding. He argues that all of the procedures lack the specific intent to inflict severe and or prolonged physical and or mental pain or suffering, and are hence lawful.

The Office of Legal Counsel issued a third memo on 1 August 2002. Prepared by Deputy Assistant Attorney General John Yoo (2005) for Gonzales, the memo very briefly discusses the legality of the “enhanced interrogation methods” under international law,

essentially replicating much of Bybee's memo. Seven months later, Yoo (2003) prepared a much more detailed memorandum for William J. Haynes II, General Counsel of the Department of Defense. Dated March 14, 2003, Yoo (2003) in the 81-page long document examines the lawfulness of military interrogations of so-called alien unlawful combatants held outside the United States under both domestic and international law. Yoo rearticulates the findings and reasoning of Bybee's (2005) first memo. He argues that abuse does not constitute torture unless the victim "experience[s] intense pain or suffering of the kind that is equivalent in intensity to the pain accompanying that would be associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant boy function will likely result" (Yoo, 2003, p. 45), and unless the procedure involves the *specific* intent of the defendant. Building on the legal scholarship of Colin Dayan (2007, 2011) and Afro-pessimist social theory, the following section will explore how the torture memos and associated practices are connected to the legal imaginaries and practices of slave laws and black codes and their underpinning racial-sexual grammars of anti-Blackness.

### **Beyond legal subjugation? Torture memos, Blackness and sovereignty**

*In the "excesses" of torture, a whole economy of power is invested (Foucault, 2005, p. 35).*

The torture memos extend the official battlefield in the War on Terror away from the declared war zones in Afghanistan and Iraq, into the network of secret CIA-run detention chambers across the globe. Framing enhanced interrogation as an act of national self-

defense, the memos render lawful the infliction of any pain and suffering on unarmed prisoners that is short of “the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” In fact, wounding, maiming and other technologies of violence considered less severe than those defined as torture by the memos become *vital* for the life of the nation, rendering the application of preemptive force in the form of enhanced interrogation critical to the biopolitical management of life in the War on Terror. By inflicting suffering on the enemy, the torturer “becomes the ultimate carer for the nation – the privileged ‘nationalist manager’” (Hage, 2000; as cited in Kuntsman, 2009, p. 124). The cultural logics informing the legal reasoning about legitimate suffering - and which hence render these carceral violences possible and desirable under the hegemonic security imaginary - are informed by grammars of anti-Blackness, the capture and enslavement of Africans and the concomitant production of the figure of the Black body as the site of enslavability and openness to gratuitous violence.

While liberal critics of the Bush administration's torture policy deplored the return to medieval forms of punishment,<sup>9</sup> Bybee's (2002, 2005) and Yoo's (2003, 2005) codification of extreme forms of violence on those in state custody in the War on Terror are inflected by gendered racial-sexual logics that historically bring about “the absolute divestment of sovereignty at the site of the black body” (Sexton, 2006, p. 252). These logics and concomitant security practices continue to circulate, in particular via the settler colony's

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<sup>9</sup> A prominent example for the “return” of torture argument among critiques of the War on Terror is the work of David Rose. Rose's in-depth feature articles (cf. 2004) and book (2008) on the use of torture and other human rights violations by the U.S. government in the War on Terror constitute an important intervention into the myth of the instrumentality of “enhanced interrogation.” However, his analysis rests on a problematic reading of the modern penal system, writing that European rulers abolished torture in the second half of the 18<sup>th</sup> century and then laments the “terrible comeback” of torture following 9/11 (Rose, 2004, p. 142).

prison-industrial complex.<sup>10</sup> As traced by Dayan (2007, 2011), the memos' distinction between legal/ized and illegal/ized cruelty or infliction of pain and suffering and their central focus on the question of intent rather than effect or reasonable expectation is rooted in the legal imaginaries and practices of slave laws and black codes. In the following, I will discuss how the affective and material economies of chattel slavery continue to circulate and shape security practices and the management of populations, including via securitizing technologies of legal subjugation.

As explored in chapter two, central to the ossification of the racialized categories of Black and White and the overall racialized settler colonial order was the governance of sexuality and gender. "Interracial" sex and familial relations were anxiously regulated and brutally policed by state and private actors, allowing propertyless Whites to be affectively and materially invested in the settler colonial slave state's racial order. The law saw those transgressing the boundaries of acceptable racialized sexual conduct or sexualized racial contact punished with public whippings. However, over time the law made it unlawful for masters to "whip a christian white servant naked, without an order from a justice of the peace," reserving forced nudity for "a brutish sort of people" only (as cited in Morgan, 1975, p. 331). This sexualized racist logic intersects with discourses of animalism that cast Black bodies as closer to animals, as having thicker skin and hence able to endure more pain, and therefore as requiring different forms of corporeal punishment. Finally, anti-Black and other modern racist discourses commonly ascribe lust to animals – "raw, untamed/uncivilized sexuality" (Hoch, 1979, p. 51).

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<sup>10</sup> For a discussion on how they inform "mundane" everyday technologies of violence in U.S. civilian prisons/SHU super-max prisons, see Alexander (2010), Davis (2003) and Pinar (2001, 2007).



Slave laws produced the enslaved as civilly dead, a subject that became recognized as a person only when committing a crime (Dayan, 2011, p. 89; see also Hartman, 1997, p. 82; Sexton, 2010b, p. 15). “Not simply things and not really human, slaves occupied a curiously nuanced category” (Dayan, 2011, p. 139). As a result, while in principle the killing of a slave was murder both in the British colonies of the New World and later in the newly founded settler colonial republic, slave codes legalized extreme suffering, including corporal mutilation, “to the point of killing them” (Morgan, 1975, p. 312). As discussed in chapter two, punitive corporeal practices like whipping, branding, forced nudity, and the use of dogs were critical to the subjugation of those being marked Black in ways that went beyond their immediate repressive function and effects. The spectacular inscription of violent subjugation marks the boundaries between “us” and “them,” ranks bodies within the larger social order, and helps turn socially recognized categories of difference, such as race, gender, sexuality and religion, into bodily difference (Rao & Pierce, 2006, p. 21), as the very performance of violent bodily domination provides the visual “proof” for “their” social difference and hence differential status (see also Philipose, 2007; Roberts, 2007, 2011; Wacquant, 2002). Therefore, while the legal decapacitation of captured Africans and their descendants was foundational to the production of Whiteness and White settler freedom (Sharpe, 2010, p. 15), racialized taxonomies and the larger racial formation they gave rise to were not simply manufactured by law. Rather, law was shaped by and simultaneously enabled a wider set of processes and technologies of race-making, in particular, twin racial discourses of sexuality and animalism, and spectacular inscriptions of violence.

As explored in more depth in chapter two, the official abolition of slavery did not do away with the legality of slavery and a range of punitive practices bringing about corporeal pain and suffering short of death (cf. Davis, 2002, 2003, 2005, 2007; Gilmore, 2006, 2009; Hartman, 1997; James, 2000, 2005, 2007; Rodríguez, 2007, 2007, 2008a; Sexton 2006, 2007, 2008; Sexton & Lee, 2006; Shakur, 1987; Sudbury, 2002, 2004, 2005). The 13th Amendment (1865) to the U.S. Constitution prohibits slavery “except as a punishment for crime whereof the party shall have been duly convicted,” transferring in Angela Davis’s words “black people from the prison of slavery to the slavery of prison” (as cited in Rodríguez, 2007, p. 39). The production of the convict as civilly dead or the “slave of the state,” as a judge put it in 1871 (as cited in Dayan, 2011, p. 61), continues to draw on the legal gymnastics of slave law, ascribing the felon full criminal responsibility yet less than full personhood. Since the mass mobilizations of the 1960s, the judicial system has legislated cruelty in prison as a matter of routine, producing the civil death of prisoners through a range of measures, including indefinite solitary confinement and denial of access to the courts. As Dayan (2007, pp. 45–46) notes, “[u]nder cover of ‘legitimacy’ and ‘reasonableness,’ using terms like ‘decency’ and ‘basic human needs,’ the courts have sustained a brutalization that might not leave physical marks but that recreates the civil, legal, and political incapacitation of slavery.” Deploying the logic of the slave laws, specifically the requirement for intent in order for even the most gruesome acts of violence to qualify as cruel and unusual punishment, recent decisions of the U.S. Supreme Court have “literally stripped [prisoners] of the right to experience suffering” (Dayan, 2011, p. 195). Rendered dead in law, and hence reduced to cadaver, devoid of mental “interiority” and “no longer even a victim,” the prisoner is simply blood and flesh (Dayan, 2011, p. 181;

see also Agathangelou, 2010b; Dillon, 2012, 2013a; Rodríguez, 2006, 2007, 2008a; Sexton, 2007; Sexton & Lee, 2006; Shakur, 1987; Wilderson, 2007).

The vulnerability of bodies marked as Black to violence and hyper-exploitation of their labour is a matter beyond legal subjugation. As discussed in chapter two, enslavedness as ontology in the “afterlife of slavery” (Hartman, 2007, p. 6) survives the institution of chattel slavery and continues to produce Blackness as signifying enslaveability and openness to gratuitous violence (Agathangelou, 2009a, 2009b, 2010a, 2010b, 2011, 2012, 2013a, 2013b; Dillon, 2012, 2013a; Fanon, 2008; Mbembe, 2001; Hartman, 1997; Patterson, 1982; Sharpe, 2010, 2012; Sexton, 2006, 2007, 2008, 2010a, 2010b; Sexton & Lee, 2006; Shakur, 1987; Wilderson, 2007, 2010). These logics of Blackness do not “simply” provide legitimization of suffering, but rather disavow injury by casting the capture, murder, rape and maiming of Black bodies a “structural impossibility” (Agathangelou, 2010b, p. 200) and, concomitantly, continue to produce subjects cast as Human, and subjects seen as mere flesh. They make possible the legalization of extreme corporeal suffering and mutilation or wounding just short of “pain accompanying serious injury, such as organ failure, impairment of bodily function, or even death.” Moreover, framing so vaguely the limits to cruelty against those suspected of terror is – to borrow from Dayan (2007, pp. 12-13) in the context of racial plantation slavery – “to assure that old abuses would continue, made legitimate by vague standards.” Dayan elaborates: “When the use of whips, cudgels, and dogs was not only possible but to be expected, the effort to enshrine descriptions of gratuitous and extreme cruelty in law became only a guarantee of tyranny” (Dayan, 2007, pp. 12-13). From the antebellum slave plantation to the so-called *black* sites of the War on Terror, framing so vaguely the limits to legitimate suffering allows

“masters to hide behind the law and ensured that their posture of care would remain a humane fiction” (Dayan, 2007, pp. 12-13).

To conclude, the torture memos’ distinction between legal and illegal cruelty and their central focus on the question of intent rather than effect or reasonable expectation is rooted in the legal imaginaries and practices of racialized chattel slavery and its afterlife. As I explore in more depth below, the torture memos and the concomitant racialized distribution of state-administered force and cruelty in custody are not simply shaped by gendered racial-sexual logics: these legal documents and associated carceral practices constitute key technologies of gendered and sexed race-making.

### **Erotics of racism and the biopolitics of torture**

*The tortured body ... must produce ... the truth of the crime. (Foucault, 2005, p. 35)*

Torture is commonly being understood and rationalized as a form of information-gathering that consists of “a primary *physical* act, the infliction of pain, and a primary *verbal* act, the interrogation” (Scarry, 1985, p. 28; my emphasis). As discussed above, contrary to such a commonsense understanding of rationale and effects of torture, this form of interrogation is considered ineffective in terms of providing actionable intelligence. On the basis of a performative understanding of power, I explore how carceral security practices like human capture and torture restore and eroticize the display of state authority and racist subjugation in the wake of the emasculating national security crisis termed “9/11.” Central to the actual application of torture practices are Orientalist ideas about Muslim/ified sex-gender regimes.

In her research on the prison memoirs of women incarcerated in the dungeons of various Latin American military dictatorships during the 1970s and 1980s, Mary Jane Treacy (1996, p. 132) comes to the conclusion that interrogations of prisoners were not primarily about gathering the facts, because “many prisoners had little or no knowledge to give prison authorities.” Drawing on Frank Graziano, Treacy (1996, p. 132) argues that the questioning and accompanying physical assault formed the core of a “ritual enactment of power” where “the prison interrogation room and its torture table became ‘stages’ where the prisoner, having lost control over her body, now lost control over her voice”:

It was then not what the victims being interrogated said that motivated the continuation of torture, but rather that they were being made to use their speech against themselves, that their voices were being appropriated and translated into the power that destroyed them.... Whatever was said, the regime was speaking. Whatever response the victims managed to articulate was subordinated before it was uttered. The victim could only announce their absorption into a monologue that edified the State (Graziano; as cited in Treacy, 1996, p. 132).

Echoing Treacy’s observation about the myth of the instrumental use of torture, Elaine Scarry (1985, p. 29) in her classic study on *The Body in Pain* notes similarly that “the fact that something is asked as if the content of the answers matters does not mean that it matters,” noting that “while the content of the prisoner’s answer is only sometimes important to the regime, the form of the answer, the fact of his answering, is always crucial.” Scarry (1985, p. 29) argues that the purpose of torture is “to deconstruct the prisoner’s voice.” In short, “pain becomes power” (Scarry, 1985, p. 37) with the body of the tortured constituting the stage or the site of the production of the state’s and the “petty sovereign’s” (Butler, 2006, p. 65) sovereign power (Mertus & Rawls, 2008, p. 34). That

torture is deployed to stage or visualize domination and to turn the pain and humiliation of the prisoner into the power of the torturer is also reflected in the naming practices of torture chambers from the Philippines (“production room”) to South Vietnam (“the cinema room”) and Chile (“blue lit stage”) (Scarry, 1985, p. 38). As Foucault notes, “In the ‘excesses’ of torture, a whole economy of power is invested” (Foucault, 2005, p. 35)

State-administered security practices like torture and detention do not simply constitute a display of authority and domination, but produce state sovereignty and subjection through the very exercise of terror (Rodríguez, 2006, p. 162). Reading power performatively, the arrest and detention of a prisoner population of which up to 90% are “Mickey Mouse” prisoners in Guantánamo, Bagram and Abu Ghraib no longer appear as ineffective and absurd examples of operational failure. What renders these seemingly unproductive/counterproductive practices of security desirable and of value is their capacity to mobilize the state as *spectacle* (see also Feldman, 1991, pp. 84–89). As Feldman writes in the context of British counterinsurgency in Northern Ireland,

The performance of torture does not apply power; rather it manufactures it from the “raw” ingredients of the captive’s body. The surface of the body is the stage where the state is made to appear as an effective material force. ... The state (m)others bodies in order to engender itself. The production of bodies – political subjects – is the self-production of the state (Feldman, 1991, p. 115; as cited in Rodríguez, 2006, p. 162).

When the first twenty prisoners arrived in Guantánamo Bay, manacled and masked in their orange jumpsuits, one of the journalists present observed: “The military left nothing to chance. They ringed the aircraft on the leeward side of this sprawling base with Marines in Humvees, some armed with rocket launchers, others with heavy machine guns. A navy Huey helicopter hovered overhead, a gunner hanging off the side” (as cited in Rose, 2004, p. 3). As General Richard E. Myers, chairman of the Joint Chiefs of Staff, told reporters: “These are people who would gnaw through hydraulic lines in the back of a C-17 to bring it down” (Goetz & Sandberg, 2011, para. 4). The military left nothing to chance also once this first group of prisoners had been successfully caged. In the first few days of the official opening of Guantánamo Bay for captured “enemy combatants,” prisoners were shackled to gurneys and wheeled from their cages to interrogation (Rose, 2004, p. 50). It was only due to global protests that this practise was terminated, and prisoners made to walk (shackled) to their interrogation. At night in their starkly illuminated cages, prisoners were instructed to sleep with their hands outside their blankets, so they would be visible at all times.

Prison guards were reportedly deeply afraid of the prisoners: “They'd been told they were rabid terrorists, who could rip their throats out” (Rose, 2004, p. 50). As a result, prisoners were shackled even once they had been acquitted and were on their flights back “home” (Begg, 2006; Rose, 2004; Saar & Novak, 2005). It is against the background of the emasculating national security crisis triggered by less than two dozen individuals armed only with box cutters that we can make sense of the desire to openly display excessively shackled prisoners in bright orange jumpsuits who are known to be cruelly and illegally detained in Guantánamo Bay. As Comaroff (2007, p. 400) argues,

Camp Delta gives the state a space by means of which it can represent the fruits of its military operations, a kind of virtual, offshore museum of victory-in-the-making, which is demonstrably “there” but can be seen only in the most veiled of representations: depersonalized images of orange jumpsuits, rendered uniform by metal mesh and wire, the ephemera of incarceration.

Feldman (1991, p. 88) notes that these performances of state power assume even greater centrality when outright military defeat of the Other proves unattainable - and indeed, some of the prison cells in Guantánamo Bay were named after places where the U.S. was militarily humiliated, like “Somalia,” “USS Cole,” “Nairobi” and “Twin Towers.”

Furthermore, acts of carceral violence like torture and detention are a spectacle not simply because they can be observed but, in Gail Mason's (2006, p. 174) words,

more fundamentally, because [they are] a mechanism through which we observe and define other things. Violence has the capacity *to* shape the ways that we see, and thereby come to know, these things. In other words, violence is more than a practice that acts upon the bodies of individual subjects *to* inflict harm and injury. *It* is, metaphorically speaking, also a way of looking at these subjects.

Torture, then, is productive of differential status not only between torturer and tortured in the prison cell, but between those populations that can be tortured and those that will not. Treating those captured as “enemy combatants” and “detainees” instead of prisoners of war



not only facilitates their legal subjugation, but also marks them as outside the rule of law, and hence as less than fellow human. As discussed earlier, critical to the making of the enslaved=figure of the Black was not simply legal subjugation but a carceral regime based on punitive corporeal practices like whipping, beating, forced nudity and the use of dogs. The distinction between populations subject to penal techniques involving forced nudity and other technologies of sexualization and those protected from this humiliation was critical to the racialized ordering of the settler imperial slave state.

As depicted in *Zero Dark Thirty*, at the heart of the documented torture practices were sensory deprivation, sexualized humiliation and animalism. According to official military and civilian investigations into the torture of prisoners at Abu Ghraib - and as will be explored in more depth in chapter five - male prisoners were “sodomized” by prison guards and forced to “masturbate themselves” and/or “perform indecent acts on each other” (Fay & Jones, 2004, p. 72; as cited in Richter-Montpetit, 2007, p. 45), such as simulating and/or performing oral or anal “sex” on fellow male prisoners. The guards also arranged naked male prisoners in a human pyramid in such a way “that the bottom guys [sic] penis would touch the guy on tops [sic] butt” and called them names such as “gay” (Taguba, 2004, p. 19; as cited in Richter-Montpetit, 2007, p. 45). Many of these homosexual acts = indecent acts were photographed and/or videotaped, promising “in a context of great fear and vulnerability ... to capture and fix, in the stopped-time of the image, the soldiers’ fleeting moments of grand omnipotence” (McClintock, 2009, p. 60). Moreover, the soldiers stripped male prisoners, forced them to wear “women’s” panties, often on their heads and, as shown in *Zero Dark Thirty*, had non-transwomen such as agent Maya gaze at and mock their naked bodies. These so-called pride-and-ego-down techniques have been

used across U.S.-run detention centres and have been reported as late as April 2010 (Hajjar, 2011c).<sup>11</sup>

These violences are grounded in racialized scripts that constitute these bodies and spaces as violable and disposable, in particular through discourses of sexuality. The use of sexualized violence against colonized bodies of all genders, casting these populations and their land as rapeable has been and continues to be a critical technology of colonial governmentality (Smith, 2005). In the wake of 9/11, gender and sexuality are once again critical sites in the struggle to defend civilization itself from racial-sexual terrorism (Agathangelou, Bassichis, & Spira, 2008; Haritaworn et al., 2008; Puar, 2007) in complex and at times contradictory ways. While both Bush and Obama (during his first term) staunchly defended the *Defense of Marriage Act* – though Obama did so without Bush’s vitriol – the United States and other liberal countries have framed the violation of women’s and gay rights as a reason to fight wars in the context of both Afghanistan and Iraq, as well as when threatening military action against Iran.

The evocation of gender and sexual equality has come to serve liberal states as a main criterion for measuring and assuring themselves of their level of civilization against the savagery and sexual backwardness of both the terrorist Other abroad and their “own” migrant and/or people-of-colour populations (Haritaworn et al., 2008; Puar, 2007). It is against the backdrop of these complex reconfigurations of sexual and gender regimes that Orientalist discourses narrate sexualized violence by ciswomen against cismen, as well as

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<sup>11</sup> Within the first three years of Obama’s Presidency the prisoner population at Bagram airbase more than tripled, and in April 2011 was more than ten times the size of Guantánamo Bay. The Obama administration continues to argue that the government has the right to indefinitely non-Afghan prisoners who have been or in the future could be transferred there from other countries (Hajjar, 2011c).

“homosexual sex” and its simulation, as particularly if not only humiliating for Arab/Muslim/Brown men. The performance of torture along a misogynist, homophobic and transphobic script casts the tortured bodies as racially queer: simultaneously sexually repressed and perverted, the torture script gives rise to the homophobic misogynist fundamentalist and implicitly constructs the United States as exceptionally feminist and gay-friendly (Puar & Rai, 2002; Puar, 2004, 2005, 2007; Richter-Montpetit, 2007). This production of the Muslim terrorist threat through the performance of capture and other penal techniques thereby helps shore up also the domestic settler racial–sexual order and its underpinning prison-industrial complex that disproportionately feeds on anti-Black, anti-Latino and anti-Indigenous racial logics and bodies (see also Agathangelou et al., 2008; Cohen, 1997; Roberts, 2007, 2011; Smith, 2006, 2012; Wacquant, 2002).

As explored elsewhere (Richter-Montpetit, 2007), the inscription of the terrorist’s racialized difference is articulated also through discourses of animalism. There are numerous reports and pictures of prisoners being forced to crawl and to bark. This logic of equating the terrorist Other with animals also operated in the speeches of President Bush. On several occasions, the latter announced that he would “smoke out the terrorists” (cf. Knowlton, 2001) dwelling in the caves of the “dark corners of the earth” (Bush, 2002b). Animals in this discourse are considered wild and dangerous and need to be tamed or civilized with force. The most domesticated animal in the Euro-American context is the dog. Yet, even when dogs are domesticated, they are still dogs.<sup>12</sup> These animalist discourses cast racialized bodies as requiring more brutish forms of corporeal punishment – for their own good. In one of the court martials, a witness testified that when he saw “two naked

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<sup>12</sup> I am grateful to Carmen Sanchez for pointing this out to me.

detainees, one masturbating to another kneeling with its [sic] mouth open,” one of the perpetrators, former civilian prison guard Staff Sergeant Ivan L. Frederick II, told him, “Look what these animals do when you leave them alone for two seconds” (Hersh, 2004b; my emphasis). These performances of capture and domination not only animalize the captured but also allow the petty sovereign to stage the erotics of racism, including the pleasures both of enacting queer intimacies otherwise not sanctioned (Razack, 2008, p. 19; see also Philipose, 2007, p. 1060) and of feeling interpellated as the “privileged manager” (Kuntsman, 2009, p. 124) of the nominal post-slavery<sup>13</sup> settler colonial nation and civilization itself (Richter-Montpetit, 2007).

While the ability to perform torture on somebody is commonly read as a sign of the omnipotence of power, it also indicates the limits of such power, for if it is on account of the vulnerability, permeability, contestability and hence precarity of power that torture is being used in the first place (Scarry, 1985, p. 27). State-administered practices of bodily violence are simultaneously a display of power and a reminder that the state’s rule is contested and hence at risk. Furthermore, the death of the detained body is the *natural* limit to the power of the torturer. Once this threshold is crossed the torturer irreversibly lost control over the tortured body.<sup>14</sup>

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<sup>13</sup> I am drawing here on Rodríguez’ (2008, p. 190) conceptualization of a “nominal post-slavery era.”

<sup>14</sup> It is in this context that hunger strikes of prisoners in Guantánamo Bay were labelled “terrorist attacks” by U.S. state officials that had to be responded to with forced feeding of prisoners. Also, part of the “art of maintaining life in pain” (Foucault, 1977, p. 33) in the War on Terror involved the supervision of the administration of “enhanced interrogation” by medical staff, in particular in the torture of those prisoners deemed of high intelligence value (cf. McKelvey, 2007, p. 103).

Finally, contrary to common understandings of torture leading to prisoners losing their voices (including Scarry's brilliant meditation on *The Body in Pain*), prisoners can and do use the torture "stage" as a political field and affect their torture/r.

The body made into a political artifact by an embodied act of violence is no less a political agent than the author(s) of violence. The very act of violence invests the body with agency. The body, altered by violence, reenacts other altered bodies dispersed in time and space; it also reenacts political discourse and even the movement of history itself (Feldman, 1991, p. 7).

Experienced prisoners learn to manage the interrogation through managing their body and other practices that undermine their domination, turning the interrogation session into "a shared political arena" (Feldman, 1991, pp. 138-139), however highly unequal. Ways in which prisoners typically seek to gain a sense of control over their suffering include controlling when they get beaten through provocation and naming interrogation techniques (Feldman, 1991, pp. 140-142).

According to Erik Saar, a former Guantánamo Bay military intelligence linguist, prisoners "loved to stir things up" (Saar & Novak, 2005, p. 70). When a prisoner objected to certain practices - for instance, the inspection of his Koran by a non-Muslim soldier - he would start chanting "Allah al-Akbar" and the entire cellblock would join him. The prisoners also spat at guards and doused them with water, urine or feces (Saar & Novak, 2005, p. 71). Prisoners in Guantánamo Bay and Abu Ghraib reportedly responded to their

detention also by smearing their feces onto walls (Rose, 2004, p. 66) or their own bodies (McKelvey, 2007, p. 100). “These disturbances were a way for them to fight their oppressors – and sometimes a pure source of entertainment. Their capacity to create tension in the camp was great, and they knew it” (Saar & Novak, 2005, p. 71). As the prison regime seeks to project total control over the inmates, in particular in the context of “softening them up” for interrogation, making use of one’s faeces is a powerful way of enacting some kind of control over one’s body and to get back at one’s tormenters. Prisoner Hai Ismale Abdul Hamid, who was led on a leash like a dog by Lyndie England, for instance, was notorious for smearing faeces on himself (Saar & Novak, 2005, p. 71). U.S. prison authorities however - and in unison with some of the most vocal critics of the carceral regime, including David Rose (2004, p. 66) - interpreted these acts as sign of poor mental health and soon more than a fifth of inmates were put on Prozac.

Another common response among Abu Ghraib and Guantánamo prisoners is to call their guards Nazis (Rose, 2004, p. 68), connecting their own treatment in U.S. custody to the racist annihilation politics of another modern White state. Furthermore, prisoners engage in hunger strikes and noncooperation campaigns refusing to attend interrogation sessions, shower or go out for their exercise period (Rose, 2004, p. 78). The latest reported mass hunger strike was happening in March 2013 at the time of this writing to protest Obama’s broken promise to shut down Guantánamo Bay. However empowering or limited these practices might feel for the prisoners, under both anti-Black and Orientalist racial-sexual grammars of legitimate suffering, the tortured are denied any meaningful interiority, and hence this action becomes legible only as criminal or self-destructive.

## CONCLUSION

With a focus on the U.S. carceral regime in the War on Terror, this chapter explores the social relations and structures of feelings that make torture and other seemingly ineffective and absurd carceral practices possible and desirable as technologies of security. Given that the moral lines are drawn so clearly in the ultra asymmetrical capacity of the torturer to inflict pain and injury, how do audiences get interpellated to identify with and possibly take pleasure in Dan and Maya's performances of "enhanced interrogation"? Adding to the existing International Relations scholarship on Orientalism as a central racial-sexual logic in the operations of the War on Terror, the chapter suggests that the torture memos' disavowal of carceral suffering short of death, the denial of the prisoner's possession of bodily interiority and thus sovereignty, follows the racial-sexual grammars of chattel slavery and its afterlife. This genealogy does not suggest an analogy with anti-Black racism and suffering but opens up our analyses towards a more comprehensive understanding of carcerality and other modalities of security in the War on Terror. Against the exceptionalism of conceiving of these violences as "cruel and unusual," "abuse" or "human rights violations" (Agathangelou, et al., 2008, p. 136; Rodríguez, 2006, p. 47; see also Puar, 2004, 2007; Richter-Montpetit, 2007), this genealogy indicates the fundamental role of these security practices and their underpinning gendered racial-sexual grammars of legitimate suffering for the consolidation of the sovereign authority of the U.S. settler empire and the *universal* liberal project of security, and thereby disclose the liberal project as *particular* and expose its contingency on violence.

The chapter further argues that those carceral security practices are key technologies of gendered and sexualized race-making in this era of "post-racial triumph"

(Ho Sang & LaBennett, 2012, p. 5). As discussed, carceral technologies of security do not simply discipline the individual body but produce and regulate populations by producing interlocking (non-)normative classed national, racial, gender and sexual social formations and the differential distribution of vulnerability and security. The gendered racial-sexual production of the Muslim terrorist and the civilizational Whiteness of the torturer (and of those invited to feel cared for by the latter's vital acts of national and civilizational security) through the performance of capture and cruel and inhuman penal techniques helps restore - and eroticizes - state authority and the display of state power in the wake of the United States' most profound national security crisis since the attack on Pearl Harbor. This "defense" of the global population from the racial-sexual threat of Islamic terrorism shores up the gendered and classed racial-sexual order of the settler-colonial homeland, in particular one of its central pillars, the prison-industrial complex. Contrary, then, to recent debates on the shift away from sovereign power towards a society of security, the law continues to be mobilized as a technology of security, playing a significant role in the management of life and death at the current juncture.

As I explore in the following two chapters, while the older colour schemes (Trask, 2004, p. 9) underpinning these in/security practices are produced in relationship to a rigidly heteropatriarchal sex-gender regime, global liberal war *rests* on a complex reconfiguration of racialization, queerness and gender that makes (some) space for the overlapping and leaky categories of queers, women and people of colour. These shifts and incorporations are also reflected in the roles of *Zero Dark Thirty's* agent Maya and her pious White Muslim CIA colleague.



## Chapter V:<sup>1</sup> Beyond Equality? Women Torturers, Liberal War and Belonging

*It is easy, albeit painful, to point to the conservative elements of any political formation; it is less easy, and perhaps much more painful, to point to ourselves as accomplices of certain normativizing violences (Puar, 2007, p. 24).*

Within days of the attacks of September 11, 2001, U.S. official and popular security discourses articulated the attacks on the World Trade Center and the Pentagon as assaults on the American home and family. Central element of the post-9/11 security imaginary was an aggressively heteropatriarchal rescue narrative that constructed the state and its security apparatuses as manly father figures ready and committed to protecting feminized “women and children” at home and abroad from the racial-sexual threat of Islamic terrorism. The heteronormative family was cast not only as a critical battlefield in the War on Terror but also governmentalized as a central “unit of national security” (Puar & Tongson, 2012, sect. 4, para. 5). However, as will be explored in this and the following chapter, in spite of this surge in a post-9/11 patriotism tied to the intensified heteromasculinization of the American nation and preservation of the American heteronormative family, the U.S. national security state has actively demanded, supported and relied on at times quite radical transgressions from the gendered grammars of the usual “War Story”<sup>2</sup> (Cooke, 1996) in the decade following 9/11.

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<sup>1</sup> I would like to thank Annick Wibben, Bobby Benedicto and Elisa Wynne-Hughes for their helpful comments on earlier iterations of this chapter.

<sup>2</sup> The War Story rests on a series of gendered binaries, including male/female, protector/protected, perpetrator/victim, war/peace and power/resistance, and which historically have been less fact than powerful fiction. For accounts of the involvement of ciswomen in 20<sup>th</sup> century U.S. war efforts in official and informal capacities, see for instance Enloe (1983) and Moon (1997). As previously articulated, cisgendered or non-trans\* indicates that someone’s assigned gender at birth matches

As will be the focus of this chapter, in April 2004 the White heteropatriarchal post-9/11 rescue narrative was dealt a first dramatic blow when U.S. TV news show *60 Minutes II* published visual evidence of the torture of Iraqi prisoners at the hands of seven U.S. military prison guards, three of them gendered as ciswomen. Official investigations into the crimes trivialized as “prisoner abuse” collected around 16,000 photos featuring among others, Army reservist Lynndie England holding a crawling prisoner on a leash like a dog. While only a very small selection of photos was shared with the public, those images attested that American soldiers engaged not only in cruel acts of torture but that soldiers of all gender expressions undoubtedly took great pleasure in hurting and humiliating prisoners. The Abu Ghraib torture “scandal”<sup>3</sup> gave rise to much debate around the question of women’s relationship to war and violence, and connected to that, the inclusion of women in the military.<sup>4</sup>

Indeed, the heavy and active involvement of women soldiers in the torture of prisoners seems to stand in clear contradiction to not only the U.S. military’s self-image as the quintessential masculine institution that turns cisboys into men but also feminist scholarship on the foundational role of militarized masculinity in military operations (cf. Bashim, 2013; Belkin, 2012; Britton & Williams, 1995; Brown, 2012; Chisholm, 2014;

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the gender they personally identify with under the hegemonic (not only) American sex-gender imaginary.

<sup>3</sup> Much of the public debate referred to what happened in Abu Ghraib as a “scandal” centering the effects of the torture regime on the reputation of U.S. state, military and nation. This framing displaces the suffering of Iraqi people caused by these carceral security practices and the larger war they were part of.

<sup>4</sup> Conservative commentators blamed feminism and the inclusion of women into the military for the “abuse” of Abu Ghraib prisoners (Kaufman-Osborn, 2005). Among the main reasons provided for the dangers of opening military service to women, were unit cohesion and women’s (alleged) incapacity to fight and lead.

Connell, 1985; D'Amico & Weinstein, 1999; Duncanson, 2009, 2013; Eichler, 2012, 2013; Enloe, 1983, 2000; Higate, 2003; Howell, 2006; Kirby & Henry, 2012; Masters, 2006; Whitworth, 2004). How do we account for these seemingly diverging political trajectories of on the one hand, the post-9/11 ascendancy of an aggressively re-masculinized and heterosexed state who acts as the protector of women (and later also queers) at home and abroad, and on the other hand, this very security state actively inviting and desiring feminized subjects to secure more prominent positions in U.S. national security making, including in the ultimate bastion of American manliness, the U.S. Armed Forces? This is the conundrum at the heart of this and the following chapter.

Recent feminist publications in the area of global security seeking to make sense of the active participation of feminized subjects in masculine security practices in the U.S. War on Terror conceptualize the involvement of women like Lynndie England, Condoleeza Rice and “embedded feminists” (Hunt, 2007, p. 51) as “gender decoys” (D’Amico, 2005, p. 45) or “sexual decoys” (Eisenstein, 2007, i) in the service of a “camouflaged politics” (Hunt & Rygiel, 2007, p. 1) – suggesting at least implicitly that their participation was a matter of skillful deception orchestrated by the state and other masculine elite actors - or have interpreted the participation of women in the torture of War on Terror prisoners as “a sign of gender equality” (Ehrenreich, 2004, para. 5). With a focus on representations of the participation of women soldiers in the torture of Abu Ghraib prisoners, this chapter will critically engage some of these feminist analyses and their underpinning analytics of gender power. Among the various feminist readings of the Abu Ghraib prisoner abuse, three explanatory frameworks in regard to the active involvement of women in these torture practices gained much prominence: (1) Women soldiers were cast as victims (of

patriarchal military culture, histories of sexual abuse and or their so-called “White trash” background); (2) their participation in torture was read as a sign of gender equality; and (3), the women torturers acted as “gender decoys” – “females in political drag” that lure us into a “fantasy of gender equity” (Eisenstein, 2007, p. 100). Extending the insights generated in particular by Women of Colour/Black feminisms (cf. Anzaldúa, 2012; Carby, 1982; Collins, 1990; Combahee River Collective, 1977; Davis, 1981, 2007; Lorde, 1984; Moraga & Anzaldúa, 1984; Smith, 1983), Transnational feminisms (cf. Alexander 1991, 1994, 2005; Alexander & Mohanty, 1997; Baccheta et al., 2002; Arat-Koç, 2007; Grewal, 2005; Grewal & Kaplan, 1994, 2000, 2001; Kaplan, Alarcón, & Moallem, 1999; Kaplan & Grewal, 2001; Mohanty, 1988; Mohanty, Russo, & Torres, 1991; Razack, 2004, 2005, 2008; Thobani, 2007, 2010), Native feminisms (cf. Arvin, Tuck, & Morrill, 2013; Hall, 2008; Kauanui, 2008a, 2008b; Smith & Kauanui, 2008; Smith, 2005, 2006, 2010, 2012), Postcolonial feminisms (cf. Agathangelou & Ling, 2004a, 2004b, 2005, 2009; Chowdhry, 2007; Chowdhry & Nair, 2004; McClintock, 1995; Spivak 1988, 1999; Stoler, 1995, 2002) and Queer/Trans\* of Colour Critique (cf. Cohen, 1997; Eng, Halberstam, & Muñoz, 2005; Ferguson, 2004; Gosine, 2013; Haritaworn 2008a; Haritaworn, Kuntsman and Posocco 2013, 2014b; Haritaworn, Taquir, & Erdem, 2008; Muñoz, 1999; Puar & Rai, 2002; Puar, 2004, 2005, 2006, 2007; Reddy, 2011) around the raciality and coloniality of gendered and sexed power relations, my analysis departs from all three of these positions. In conversation with in particular Angela Davis (2007), Liz Philipose (2007), Jasbir K. Puar (2004, 2005, 2007), Sherene Razack (2004, 2005, 2008), Andrea Smith (2005, 2006, 2010) and Sunera Thobani (2010), I argue that the three U.S. women soldiers convicted of “abusing” Abu Ghraib prisoners were not simply “puppets” or “decoys” in the service of racialized

heteropatriarchy, nor does their participation indicate gender equality. The chapter locates their actions in a long history of settler colonial practices and desires, and a recent shift or fractures in the ways gendered, sexual and racial difference and the U.S. nation are imagined on settler imperial terrain.

The chapter will first briefly provide some background to the Abu Ghraib prisoner torture. I will then locate these security practices and their representations within the larger War on Terror, discussing how particular gendered racial-sexual logics and practices are articulations of the hegemonic post-9/11 security discourse, the save-civilization-itself fantasy. Methodologically, the first part of the chapter offers a discourse analysis of official reports into the prisoner abuse (Jones & Fay, 2004; Taguba, 2004; Schlesinger et al., 2004) and a visual analysis of some of the “trophy” photos taken by U.S. soldiers, and whose release by U.S. media triggered the torture scandal. The chapter then turns to a discussion of prominent feminist scholarly interventions on women’s participation in the acts of torture against Abu Ghraib prisoners. My analysis focuses in particular on Barbara Ehrenreich’s widely debated argument about the acts of torture constituting a sign of gender equality, and then offers my own reading locating recent seemingly progressive inclusions of ciswomen<sup>5</sup> in the U.S. military against the backdrop of the War on Terror’s promise of liberal war. My engagement with these feminist concepts and debates focuses in particular on how these feminist critiques reproduce larger cultural logics that make possible some of the very violences that they seek to denounce. Methodologically, this analysis rests on an engagement with a feminist archive that contains not only scholarly writings but also

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<sup>5</sup> Transwomen (and transmen) are excluded from military service under medical regulations and at the time of writing continue to be excluded (cf. Erickson-Schroth, 2014, p. 191).

feminist commentary and cultural productions in the form of poetry on the anti-Black police torture of Abner Louima, the movie *Zero Dark Thirty* and a social media campaign entitled “A Salute to Heroic Women” that was launched to promote the film among female audiences, as well as a “humorous” meme that circulated on social media and which depicts four female fighter pilots involved in the war against the Taliban. As will be examined, the challenge of how to formulate analytics of power that try to capture the complexities and heterogeneities of gendered power relations is not just an academic question but has profound ethical and political implications.

### **Abu Ghraib, Torture and the Iraq War**

Established under the Hussein dictatorship, Abu Ghraib prison was notorious as a torture dungeon. Following the U.S. invasion and occupation of Iraq in March 2003, the U.S. military took over the prison and used it to detain and interrogate anti-occupation forces. It was not until late April 2004 when CBS’s *60 Minutes II* broadcasted photos of U.S. soldiers torturing prisoners there that the American public took notice and interest in what turned out to be a state-led global torture regime. Earlier media reports on the use of torture against Iraqis and other enemies in the so-called War on Terror, including from the detention centre in Guantánamo Bay, had garnered little public attention and debate. Less than three weeks after the airing of the *60 Minutes II* broadcast, Seymour Hersh (2004b) in the *New Yorker* discussed the acts of torture in Abu Ghraib prison based on the photos shown in the broadcast and a leaked copy of the classified Taguba-report (2004), one of the first official investigations into the prisoner abuse. Since then, around half a dozen

official investigations by American military and civilian investigators as well as sworn statements by Iraqi torture survivors and witnesses have been made public.<sup>6</sup>

As we now know, the seven prison guards had received instructions by Military Intelligence to “soften up” prisoners before interrogation. The order to use force and other coercive measures came from the highest levels of the Bush administration, which had asked lawyers to legally clear the way for a global torture regime. Many of the torture techniques used on Abu Ghraib prisoners were first developed and applied on prisoners in Guantánamo Bay, and which according to Taguba’s (2004) report travelled with General Geoffrey Miller’s transfer from Guantánamo Bay. Miller reportedly was sent to Abu Ghraib to “Gitmo-ize” the prison’s inefficient interrogation program (Hersh, 2004a, p. 31; Mirzoeff, 2006, p. 27).

At the centre of (not only) the American public’s revulsion and fascination with the prisoner scandal was the seemingly active participation of soldiers gendered as ciswomen in highly sexualized acts of torture on the bodies of prisoners gendered as cismale, which included the spectre of the raping female phallus.<sup>7</sup> Among the initially 1,800<sup>8</sup> seized photos of the torture and other cruel treatments in U.S. custody, the dozen or so that gained public attention are the ones showing nudity and sexualized poses involving the active participation of three women soldiers. This focus turned the torture scandal and its ensuing national security crisis into a “crisis of gender” (Holland, 2009, p. 252). The discourse of “an isolated instance of extreme female deviance” (Holland 2009, p. 254) helped normalize and hence

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<sup>6</sup> For a list of all known classified and declassified official investigations into the prisoner torture at Abu Ghraib, see <http://www.pbs.org/wgbh/pages/frontline/torture/paper/reports.html>.

<sup>7</sup> The Fay-Jones report (2004, p. 77) for instances documented “a female Soldier ... press[ing] a broom against his [a male-identified detainee’s] anus.”

<sup>8</sup> Over time, investigators collected over 16,000 photos (see Caldwell, 2012, p. 1).

deflect attention from men's perpetration of torture (including those at the highest level of government who planned and authorized the torture regime of the War on Terror), sexualized violence and rape of (presumed) anti-occupation forces of *all* genders - including Iraqi women, the role of torture in counterinsurgency as well as the effects of the "normal" violences of war on Iraqi people and land (see also Jeffrey, 2007; Masters, 2009; Puar, 2007).<sup>9</sup>

The most notorious image shows (then) Specialist Lynndie England holding a crawling and naked male prisoner on a leash like a dog.<sup>10</sup> Another iconic photo depicts England in camouflage with a cigarette dangling from her lips as she stands in front of six seemingly hooded naked male prisoners. One of her hands is formed as a gun pointing at the genitals of prisoner Hayder Sabbar Abd, her other hand does a thumbs up for the camera. Fellow prison guard Specialist Sabrina Harman was captured smiling and giving thumbs up for the camera while leaning over the dead body of prisoner Manadel al-Jamadi. Al-Jamadi was killed during a CIA-led interrogation, and his corpse then packed in a bag filled with ice.<sup>11</sup> A smirking Harman was also captured giving thumbs up while standing together with (then) Specialist Charles Graner - deemed ringleader among the seven low-ranking soldiers

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<sup>9</sup> England's characterization as "hillbilly" or "trailer trash" in some of the media coverage indicates that her "abuse" of prisoners was not only read as a sign of gender transgression rooted in sexual deviance, but also a racial transgression violating the civilizational codes of normative middle-class Whiteness. The discourse of England as "trailer trash" displaces the racist violence of the liberal imperial state (promising to save civilization itself) trivializing the acts of torture to the deeds of a few degenerate, irredeemably racist rednecks from West Virginia known for their proclivity for uncontrolled violence (see also Tucker & Triantafyllos, 2008, p. 92. For a more general and in depth discussion of representations of Appalachian people and land as the agents/sites of "uncontrolled violence", see Rebecca R. Scott, 2010).

<sup>10</sup> Male participants and/or onlookers were cropped out of the published image (Marshall, 2007, p. 53).

<sup>11</sup> Al-Madi's death was ruled a homicide by the U.S. military, yet neither the CIA-agent nor the private contractor responsible have been prosecuted.



prosecuted for abusing Abu Ghraib prisoners - behind a pile of naked male prisoners stacked on top of one another as a human pyramid. Unidentified women interrogators reportedly smeared red ink on prisoners' faces pretending it was menstruation blood, a practice that was first developed on captives detained in Guantánamo Bay.

Neither the deeds of a few rotten apples nor the result of a state of exception (Richter-Montpetit, 2007; see also Puar, 2004, 2007), the torture enacted on the bodies of Abu Ghraib prisoners constitute acts of imperial warfare, made possible and shaped by “established circuits of power” (Davis, 2007, p. 28) underwriting U.S. national security making since the early days of the U.S. settler empire (chapters 2-4; see also Carby, 2004; Davis, 2005; Kaufman-Osborn, 2005, 2007; Khalid, 2011; McClintock, 2009; Mirzoeff, 2006; Nusair, 2008; Philipose, 2007; Puar, 2004, 2005, 2007; Pugliese, 2007, 2008; Razack, 2005, 2008; Rodríguez, 2006, 2007, 2008a; Sexton & Lee, 2006; Tetreault, 2006). The next section will discuss how in fact, the torture practices followed in many ways the script of the hegemonic post-9/11 national security imaginary, the save-civilization-itself fantasy.

### **Save-civilization-itself fantasy**

As discussed in chapter three, the save-civilization-itself fantasy rests on racialized geographies that essentialize and then pitch the civilized nations in diametrical opposition to Islamic terrorists and insurgents “lurking in the shadows” (National Strategy for Homeland Security, 2002, p. 9), “dwelling in the dark corners of the earth” (Bush, 2002b, para. 11) or rogue states. These imagined geographies racially mark gendered populations in different kinds of (battle) spaces as duplicitous and prone to use savage forms of violence and who require different kinds of security measures (Said, 1978; see also Razack, 2004).

The save-civilization-itself fantasy also operates in and structures the reports of official investigations into the torture of prisoners at Abu Ghraib (two published together as Fay-Jones, 2004; Schlesinger et al., 2004; Taguba, 2004) (see Richter-Montpetit, 2007). One such report declares that after the events of 9/11, “the President, the Congress and the American people recognized we were at war with a different kind of enemy” (Schlesinger et al., 2004, p. 6). It cites approvingly U.S. General Abizaid’s Orientalist testimony before a Senate Committee on May 19, 2004: “Our enemies kill without remorse ... Their targets are not Kabul and Baghdad, but places like Madrid and London and New York” (Schlesinger et al., 2004, p. 28). By pitching Western/ized cities in diametrical opposition to Oriental/ized cities cast as violent Other, Abizaid’s testimony and its recounting in the report serve to (re)construct the line of conflict in international relations in a way that separates and homogenizes the peaceful West on the one side and Bush’s “dark corners of the earth” on the other. Concretely, in these “dark corners of the earth,” which represent “a complex and dangerous operational environment” (Jones & Fay, 2004, p. 6), “there are no safe areas behind ‘friendly lines’ – there *are* no friendly lines” (Schlesinger et al., 2004, p. 57; emphasis in original). This Orientalist narrative recalls also the imaginary geographies of “Indian country” (see chapter four). Central to the discourse of a *different* kind of enemy is the anxiety around suicide-bombings (cf. Asad, 2007). According to the hegemonic security imaginary, this in/security practice - from imperial Japan to contemporary Palestine - is ultimate proof of Oriental depravity, nihilism and hence exceptional danger.<sup>12</sup>

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<sup>12</sup> As discussed in chapter four, racial-sexual fears of “a different kind of enemy” informed also some of the more mundane “excessive” carceral practices in Guantanamo Bay, for instance the immobilization of prisoners’ limbs through shackling once they were officially cleared of any wrongdoing and transported back to their home countries.

Fundamental to these articulations of civilizational sameness (“the Muslim world”) and difference (“liberal modernity” vs. “Islamic backwardness”) are ideas about racialized sexuality and gender, in particular the Orientalist idea that the Muslim world constitutes a site of particular sexual excess and, simultaneously, extreme sexual repression, in particular of women (Richter-Montpetit, 2007; see also Ahmed, 1992; Haritaworn et al., 2008; Nayak, 2006; Nusair, 2008; Razack, 2008; Spivak, 1988; Yeğenoğlu, 1998; Zine, 2006). The Orientalist rescue fantasy of protecting the freedom and security of global society from the oppressive gender and sexual regimes of Islamic terrorism is critical to representations of the War on Terror as a liberal war. Not only is the War on Terror not a war against “the religion of Islam” (Bush, 2005; as cited in Smith, 2010, p. 198) but it is being pursued in defense and liberation of the figure of the good Muslim from oppressive Islamic leaders, terrorists and Oriental sex-gender regimes.

Simultaneously, and in contrast to this concern in official and popular security discourses with Iraqi men’s (alleged) monstrous misogyny and homophobia, the U.S. social formation, in particular its national security state and Armed Forces are historically patriarchal and aggressively anti-queer and transphobic. For instance soldiers gendered as women in the U.S. military experience sexualized assault at double the rate than their civilian counterparts (Sadler et al., 2003), and with Black women soldiers facing higher rates of sexualized violence than White women soldiers (Buchanan et al., 2008).<sup>13</sup> At the time of the Abu Ghraib prison scandal, only 15 percent of U.S. service members were officially gendered as women and the *Don’t ask, Don’t tell, Don’t pursue* (DADT) policy

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<sup>13</sup> At the time of writing the U.S. state continues to refuse to hold perpetrators accountable outside the military chain of command.

banned openly gay and lesbian soldiers from military service. Trans\* people are excluded from military service not because of DADT but under medical regulations and at the time of writing continue to be excluded. Between 1994 and 2003, nearly 9,500 U.S. soldiers, sailors, airmen and airwomen as well as Marines were discharged under DADT (Associated Press, 2005). DADT was repealed in late 2011 only, and the *Combat Exclusion Policy* prohibiting women soldiers from serving in positions deemed proximate to direct combat was overturned in January 2013.

The hegemonic post-9/11 security imaginary painted the heteronormative American family as threatened not only by the Muslim Other inhabiting enemy spaces abroad, but, as explored in chapter three, also in opposition to certain sexual Others at home, ranging from the figure of the homosexual to the figure of the cash-poor Black and Brown single parent (“welfare queen”). Drawing on the historical link between racialized notions of civilization and sexuality, the only other time that President Bush conjured up threats to civilization itself is in his speeches against same-sex marriage (Richter-Montpetit, 2007, p. 47). At the time of the torture scandal, the Bush administration aggressively pursued the adoption of a constitutional amendment to limit marriage to unions between a “man” and a “woman.” Bush declared numerous times that a constitutional ban on same-sex marriage was a matter of “national importance” (Bush, 2004c, para. 17) because the union of a man and woman in marriage is “the most fundamental institution of civilization” (2004b, para. 1). Same-sex marriage threatens “the basis of an orderly society, ... the welfare of children” (Bush, 2004c, para. 18) – ultimately it threatens civilization itself, or so the argument goes. This collapsing of the terrorist threat with sexual perversion (and concomitant attempt to contain the roots of Islamic terrorism and insurgency in failed heteronormativity and failed masculinity)

underwrites also mainstream and critical approaches to terrorism studies as well as popular cultural productions (Puar & Rai, 2002; see also Ahmad, 2002; Alexander, 2005; Puar, 2007; Richter-Montpetit, 2007).

While the acts of torture are embedded in and enabled by “established circuits of power” (Davis, 2007, p. 28), these circuits traditionally are highly masculine and commonly enforced by cismale subjects according to the heteropatriarchal grammars of the War Story. However, normative sexuality and gender relations underwriting the post-9/11 security discourse are unstable and in flux. In the next section, I will explore in more depth the highly sexualized character of many of the torture practices, and connected to that, discuss the seeming tension between on the one hand, the U.S. military’s self-image as the quintessential masculine institution that turns boys into men as well as feminist theories on the fundamental role of militarized masculinity in military operations, and on the other hand, the systematic deployment of women soldiers in the torture of the detainees.

### **Militarized Masculinity and the Erotics of Conquest**

Feminist scholarship has pointed to the seeming impossibility today of thinking about war and soldiering without invoking discourses of masculinity. War and masculinity in fact secure each other's meaning and render each other intelligible (Hutchings, 2008, p. 402; see also Cohn, 1989; Connell, 1985; Eichler, 2012; Elshtain, 1987; Enloe, 1983, 2000; Hooper, 2001; Parpart & Zalewski, 2008; Whitworth, 2004; Zalewski & Parpart, 1998). Militaries do not rely on just any kind of man and manhood. “Militaries need man to act as ‘men’ - that is, to be willing to kill and die on behalf of the nation to prove their manhood” (Peterson & Runyan, 2010, p. 163).

Supporters and critics of the military agree that being a soldier is, “in short, about violence and about preparing people to destroy other human beings by force” (Whitworth, 2004, p. 151). At the heart of this process of becoming and being a soldier, is what feminist scholarship calls militarized masculinity. Drawing on Cynthia Enloe, Sandra Whitworth (2004, p. 16) argues that militaries rely on a certain kind of “ideology of manliness” in order to function well, an ideology premised on violence and aggression, individual conformity to military discipline, aggressive heterosexism, misogyny and racism. The military compensates the soldier for subordination and physical stress with the promise of community, physical and emotional toughness (Whitworth, 2004, p. 16), with successful combat experience promised to constitute the ultimate test and proof of manhood.

Basic training is about instilling particular attributes in the recruit, such as toughness, discipline, conformity, obedience and patriotism, which get gendered as masculine. Recruits learn to kill or suppress certain emotions, such as lack of fear, sadness, guilt, remorse and grief by coding them as feminine. As will be explored in more depth in chapter six, while the specific articulations of militarized masculinity may vary, contemporary military masculinities in the U.S. Armed Forces rest firmly on a male-female dichotomy (Hutchings, 2008) with femininity continuing to be associated with weakness, emotionality, dependency, subordination and disloyalty (Belkin, 2012, p. 26). Militarized masculinity is inherently fragile, due to the discrepancies between the “myths and promises” associated with militarized masculinity as promised and enacted in military training, and the lack of control in the actual lives of soldiers (Whitworth, 2004, p. 166), including during combat. Whitworth further argues that it is often through violence and

the denigration of Others who undermine their promised entitlements that soldiers seek to reconstitute their sense of soldierly self.

The heavy involvement of women soldiers in the torture of prisoners seems to stand in clear contradiction to feminist theories of militarized masculinity and military operations. How can we make sense of this tension? I argue that we can do so if we understand “Operation Iraqi Hope” as a liberal imperial war steeped in notions of civilizational Whiteness and associated colonial desires. Accounting for the highly racialized character of the encounter between prison guards and detainees renders legible the torture of male prisoners by White U.S. women soldiers as acts of racist, imperial violence. I will now turn to an analysis of how the acts of torture were staged.<sup>14</sup>

At the heart of the documented torture practices were brute acts of force, such as beatings, whippings, sexualized assault and rape, as well as sensory deprivation, including hooding, exposure to extreme heat or cold, loud noise or strobe lights. At least five prisoners were tortured to death. As discussed also in chapter four, according to official military reports Abu Ghraib male detainees were “sodomized” by prison guards, forced to “masturbate themselves”, and/or “perform indecent acts on each other” (Fay & Jones, 2004, p. 72; as cited in Richter-Montpetit, 2007, p. 45), such as simulating and/or performing oral or anal “sex” on fellow male prisoners. One of the most widely circulated photos of the Abu Ghraib torture scandal shows a human pyramid of naked male prisoners. The guards arranged the tortured in such a way “that the bottom guys [sic] penis would touch the guy on tops [sic] butt” and called them names such as “gay” (Taguba, 2004, p. 19; as cited in Richter-

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<sup>14</sup> For a range of reasons, including that the visual recording of the torture were part and parcel of the torture, I describe rather than visually reproduce any of the available images.

Montpetit, 2007, p. 45). Women soldiers were reportedly deployed to “shout abuse” (Reid, 2005, p. A01) at male prisoners. Finally, naked prisoners were forced to wear “women’s” panties.

Building on the previous chapter’s focus on how logics of slavery and anti-Blackness inform carceral security practices in the War on Terror, including against Orientalized subjects, this chapter zooms in more closely on the gendered racial-sexual grammars of Orientalism (Said, 1978). I will discuss in the following how the torture practices performed on the bodies of Abu Ghraib prisoners followed a cultural script that casts the colonies or “dark corners of the earth” (Bush, 2002b, para. 11) as feminized and “spatially spread for male exploration” (McClintock, 1995, p. 23) or *penetration*, and, secondly, equates the lack of potency and domination of the cismale body (and the nation) with femininity and male homosexuality.

As hinted at in earlier chapters and discussed in more depth elsewhere (Richter-Montpetit, 2007), from the “discoveries” of the Middle Ages on, the racialized and gendered sexualization of the conquest of foreign lands and peoples played a central role in the (settler) imperial imaginaries of European powers and their settler colonial offspring. “For centuries, the uncertain continents – Africa, the Americas, Asia – were figured in European lore as libidinally eroticized” (McClintock, 1995, p. 22). Sex was considered the Other of civilization – “a threat to social order, modernity and the nation, a threat to progress” (Binnie, 2004, p. 17). Within these “porno-tropics for the European imagination,” as Anne McClintock (1995, p. 22) put it, and while the gendered grammars of modern imperialism somewhat varied in different parts of the world (1995, p. 31), “women figured as the epitome of aberration and excess.” Female sexuality – in particular Black female sexuality -



was often depicted as cannibalistic (McClintock, 1995, p. 27). Moreover, the first European conquerors of the Americas often depicted indigenous men as sodomites – perverts that deserved to be penetrated and killed (Trexler, 1995). In these colonial fantasies, the “Arabic Orient” constituted the site of particular sexual excess (Boone, 2003; Said, 1978, 1993), and simultaneously, repression. While the “peculiar practices of Islam with respect to women had always formed part of the Western narrative of the quintessential otherness and inferiority of Islam” (Ahmed, 1992, p. 149; as cited in Tetreault, 2006, p. 37), it was not until the nineteenth century and modern colonial conquest of Muslim/ified spaces in the Middle East, that the trope of the oppression of Muslim women became the cornerstone of Orientalist narratives of Islam and Arab culture (see also Yeğenoğlu, 1998).

Even though the heteromasculine narratives of modern (settler) imperial conquest gendered foreign lands as feminine and mute (“virgin lands”), as “passively awaiting the thrusting, male insemination of history, language and reason,” these “gendered erotics of knowledge” were underwritten not only by masculine imperial megalomania, but came with male anxiety and paranoia about emasculation at the hands of the “savages” (McClintock, 1995, pp. 23-30). These fears about the superhuman capacity and cruelty of the colonized erupted into rages of gratuitous violence. As McClintock (1995, p. 28) notes, “Their [The colonizers’] unsavory rages, their massacres and rapes, their atrocious rituals of militarized masculinity sprang not only from the economic lust for spices, silver and gold, but also from the implacable rage of paranoia.”

The hetero-patriarchal association of the penetrated body as passive and feminine, and of the penetrator as virile and masculine continues to inflect the gendered racial-sexual security imaginary of the U.S. military today. For example, during the 1991 Gulf War,

U.S. Air Force members scribbled messages on their bombs, such as “Mrs. Saddam’s sex toy,” “a suppository for Saddam” and “bend over Saddam” (Progler, 1999). In the wake of 9/11 a highly popular cartoon circulated via email showing Osama bin Laden being “sodomized” by a U.S. air strike. This tableau of the anal rape was set against the backdrop of the *penetrated* twin towers (cf. Freccero, 2002; Mann, 2008). Soon after a news photo circulated documenting that U.S. airmen had scribbled “High Jack [sic!] This Fags” on bombs that were about to be dropped over Afghanistan’s skies (cf. Cohler, 2006; Freccero, 2002; Hammond, 2003; Puar, 2006). In this hetero-patriarchal narrative, to be feminized and sexualized by a ciswoman is deemed particularly humiliating for the colonized cismale body (and his nation).

In Abu Ghraib, forced nudity among detainees - at times for several days - was a “seemingly common practice” (Jones & Fay, 2004, p. 68).<sup>15</sup> The performance of forced nudity draws on the colonial imaginary discussed earlier, according to which the first “proof” of the Barbarian Other’s primitivism is the open display of its genitals – and which was critical to the visual constitution of the Black=slave under racial chattel slavery (see chapter four). The visual *capture* of the “exoticism” of the Orientalized prisoners with the help of video and photo camera allowed the soldiers to make claims to civilizational Whiteness. Over a period of three months, the prison guards took around 16,000 pictures of their acts of violent subjugation. Numerous publicly available pictures depict grinning

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<sup>15</sup> Theorists who conceptualize the U.S. prison-industrial complex as a technology of colonial capture and immobilization note the routine character of sexualized carceral security practice, ranging from brute acts of rape to mundane, everyday assault, including strip search, cavity search, vaginal and rectal searches (Davis, 2012, p. 100; see also Agathangelou et al., 2008; Davis, 2000; James, 2004; Rodriguez, 2007; Shakur, 1987; Spade, 2011; Sudbury, 2004, 2005). Two of the low-ranking prison guards convicted of torture in Abu Ghraib had worked as civilian prison guards prior to their deployment to Iraq.

soldiers giving thumbs up to the camera next to the wounded, naked flesh of the detainees. The images strongly evoked the neo/colonial archive of trophy pictures by big-game hunters and late modern tourists standing proudly next to their prey. Immortalizing the moment of triumph over the beast with the help of pictures allows them to relive the triumphant moment, and to share it with friends and family (Richter-Montpetit, 2007; see also McClintock, 2009; Puar, 2004; Pugliese, 2007).

As previously discussed, this conflation of the tortured with animals played a prominent role in the articulation of the gendered racial-sexual civilizational difference of Abu Ghraib prisoners in official security discourses and actual security practices. There are numerous reports and pictures of the tortured being forced to crawl and to bark. Naked prisoners were forced to masturbate and, in the words of one of the official investigations into the prisoner torture, were “ridden like animals” (Jones & Fay, 2004, p. 78). One of the most infamous pictures associated with the Abu Ghraib torture scandal shows Spc. Lynndie England holding a crawling prisoner on a leash like a dog. Painting racialized Others as (closer to) animals implies that they are more immune to pain and hence can stand if not require forms of corporeal punishment different from those required by non-British populations – *for their own good*.

Another instance revealing how the prison guards imagined themselves on a civilizing mission with the prisoners cast as beasts to be domesticated through the use of force is the production of one of the Abu Ghraib prisoners as “the Gollum,” a main character from Tolkien’s famous fantasy novel *Lord of the Rings*. At the time of the torture, the novel had been adopted into the then highly popular Hollywood trilogy of the same title. According to the Fay-Jones report (2004, p. 66), one of the detained was incarcerated

in a “totally darkened cell measuring about 2 m long and less than a metre across, devoid of any window, latrine or water tap, or bedding.” On the door to this prison cell was the inscription “the Gollum” and a picture of the said character from *Lord of the Rings*. In the movie, the Gollum is portrayed as dangerous, irrational, ugly and naked; he hates sunlight and its warmth and, because of that, retreats to a dark cave where his body transforms and becomes more animal-like, with for instance his eyes turning monstrously large. The Gollum is a murderer, constantly lying, and finally betrays the heroes. As he is irredeemably irrational, the only language he understands is force. In fact, the only time in the film that the Gollum speaks anything close to the truth is when he gets tortured. Staging the detention of the Iraqi prisoner according to the script of *Lord of the Rings* positions the prison guards in an epic struggle of good against evil - and renders the torture of the prisoner’s body a civilizing act (Richter-Montpetit, 2007).

To conclude this section, with militarized masculinity being inherently fragile, and with the very racial-sexual pornotropics of the imperial imagination productive of colonial feelings of superiority simultaneously giving rise to colonial anxiety and paranoia, the nightly reenactments of prisoner subjugation – and their visual capture - allowed the prison guards to reassert or at least simulate control, and reconstitute the soldierly Self and its claim to civilizational Whiteness as part of “Operation Iraqi Freedom.” Echoing the sentiment of Jasbir K. Puar’s reflection on queer theory and politics in the quote shared at the beginning of this chapter, I will now turn to a critical engagement with “progressive,” in particular feminist representations of the Abu Ghraib prison torture. My analysis of the ways in which some of these works obscure or reproduce fundamental aspects of the violences they deplore points to the urgency of feminist analytics of power that may not

always necessarily foreground “woman” or “gender” as the prime analytical entry point or lens (Davis, 2007).

### **Narrative E(race)sures<sup>16</sup>**

The first representational practice surrounding the torture of prisoners in Abu Ghraib that I will explore for its narrative erasures around the raciality and coloniality of gender and sexual formation - e(race)sures (Moore, 2012) - is the discourse of sodomy. U.S. mass media, official investigations into the acts of torture and most of the critics<sup>17</sup> of the Bush administration’s torture regime overwhelmingly reported that male prisoners in Abu Ghraib were forced to have or simulate “homosexual sex” or “sodomization.” As explored elsewhere (Richter-Montpetit, 2007; see also Puar, 2004, 2005, 2007), framing these acts of aggression as sex and not sexualized violence is first of all embedded in the heteropatriarchal grammars of the orthodox rape discourse that casts rape as the inevitable result of male testosterone and/or the irresistible “sexiness” of the female victim/survivor (cf. Brownmiller, 1975; Seifert, 1993). As even military psychologists argue, rape and other practices of sexualized assault however are about violence and domination, making the Other lose control over their body, particularly their sexuality (cf. Marlowe, 1983; Goldstein, 2001), and hence potentially render anyone of any gender expression capable to perpetrate and be subjected to sexualized violence.

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<sup>16</sup> I borrow the concept of e(race)sure from the work of Darnell L. Moore (2012).

<sup>17</sup> Among the few exceptions is Jasbir K. Puar (2007). For her brilliant analysis of the sodomy discourse and discussions of “homosexual acts,” see pp. 140-141. Puar (2007, p. 97) also notes that Amnesty International was “among the few that did not mention homosexuality, homosexual acts, or same-sex sexuality in its press release condemning torture.”

But there is something else to it. The following poem by Miriam Axel-Lute (2001, p. 15) captures really well another violent erasure of the sodomy discourse. The poem is about the “sodomization” of Abner Louima, a Haitian migrant man racialized as Black who was brutally sexually assaulted by White supremacist NYPD officers in 1997:

**They Never Call it Rape<sup>18</sup>**

Even the sympathetic media  
say Abner Louima  
was “sodomized”  
by the police  
in a bathroom  
after being beaten.

sodomized

as if the terrible part  
was his ass  
and not the splintering  
toilet plunger handle  
they used.

Axel-Lute’s poem draws our attention to how the discursive use of sodomization obscures the brutality and concomitant pain inflicted on Louima by ramming a toilet plunger handle up his rectum with so much force that it actually splinters. The poem renders legible the anxiety of the sodomy discourse around the anus and its (potential) openness to both pleasure and violence, and conveys how its focus on the “ass” silences the concrete violation as an act of *racist* violence against a body *racialized* as Black.

The de-racialized narrative of the hegemonic sodomy discourse underwriting even sympathetic discussions about the torture of male prisoners in Abu Ghraib and other War

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<sup>18</sup> The poem is reprinted with kind permission of the author.

on Terror detention sites displaces not only the racist desires of individual prison guards, but obscures how racialized violence has always been critical to the making of the U.S. social formation and its White (aspiring) nominally post-slavery settler subjects. This narrative e(race)sure in public expressions of sympathy for the victims and survivors of torture thus also narrows the terrain of violence to the doings of a few individual soldiers thereby enabling sympathetic settler imperial subjects to disavow how the material and affective economies structuring their/our life worlds are made possible by the ongoing gendered racial-sexual practices of imperial and settler colonial violence (Lamble, 2008). The narrative erasure of racist violence allows (“us”) witnesses or (feminist) commentators to ignore or deny the ways in which hegemonic Whiteness is enacted and sustained through violence (Lamble, 2008, p. 35). In sum, the Abu Ghraib sodomy discourse upholds “the myth of White innocence,” to borrow from Sarah Lamble in a different (but related) context (2008, p. 35).

One of the most widely received feminist interventions into public debate in the wake of the publication of the Abu Ghraib torture photos was the commentary by socialist author and activist Barbara Ehrenreich published in the Sunday Opinion section of the *LA Times* on May 16, 2004.<sup>19</sup> Entitled “Feminism’s assumptions upended,” Ehrenreich’s article argues that the “prisoner abuse” in Abu Ghraib was “female sexual sadism in action” (2004, para. 9), “sickening” (2004, para. 3) and yet a sign of “gender equality” (2004, para. 5). Ehrenreich based her analysis and argument on the fact that three out of the seven prison

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<sup>19</sup> Ehrenreich’s op-ed was disseminated also via other leftwing news websites and published in 2004 in an edited volume on *of Abu Ghraib: The Politics of Torture*.

guards then accused of prisoner abuse, as well as the director of Abu Ghraib prison, the top U.S. intelligence officer in Iraq and the National Security Advisor, were all ciswomen.

An advocate of women's full inclusion in the military, Ehrenreich (2004, para. 2) admits that she "did have some illusions about women." While she "never believed that women were innately gentler and less aggressive than men" (2004, para. 7), she had hoped that once women achieved a critical mass in the military, they would change the institution over time, "making it more respectful of other people and cultures, more capable of genuine peacekeeping" (2004, para. 8). Ehrenreich (2004, para. 9) further notes that the revelations of the torture photos killed inside her "a certain kind of feminism or ... a certain kind of feminist naiveté [...]. It was a kind of feminism that saw men as the perpetual perpetrators, women as the perpetual victims, and male sexual violence against women as the root of all injustice." In a slightly revised version of her initial article, Ehrenreich (2007, p. 171) adds that "[m]aybe this form of feminism made more sense in the 1970s." While reading the acts of torture as a sign of gender equality, she emphasizes that "[g]ender equality cannot, all alone, bring about a just and peaceful world" (Ehrenreich, 2004, para. 14).

Ehrenreich's commentary rightly draws our feminist attention to the increasing role of women in the U.S. military, which both its supporters and critics typically cast as the most masculine of American institutions. However, as I lay out in the following, Ehrenreich's reading of the participation of the three women military prison guards in the torture of Abu Ghraib prisoners as a sign of gender equality relies not only on the erasure of fundamental power relations but in fact produces a feminist (re)articulation of the save-civilization-itself fantasy. As discussed earlier, the acts of torture and the larger national



security discourse they are embedded in rest on the equation of femininity with inferiority, associated in particular with subordination, weakness and passivity. While the sexualized humiliation of racialized cismale prisoners at the hands of White American ciswomen disrupts the fictitious clear-cut male/female dichotomy underpinning militarized masculinity and the dominant War Story in the War on Terror, these violent practices of feminization constitute merely a reversal of that logic, they do not displace it. To remain within Ehrenreich's problematic framework, by aggressively reproducing bigendered heteropatriarchal gender norms, if anything the women soldiers ironically contributed actively to gender *inequality* (Richter-Montpetit, 2007).

Embedded in a heteronormative ontology that maps a bipolar notion of gender onto a bipolar notion of sexed bodies, and which flirts with a certain essentialism about femininity and masculinity (though less rooted in nature than nurture), Ehrenreich's notion of woman and gender equality erases how the subject-position woman is always already racialized, classed and sexualized, to mention just a few dimensions of the gendered "matrix of domination" (Collins, 1990, p. 18) at play here. The gendered subjectivity underwriting her analysis is reminiscent of the universal/izing feminist subject "woman" conjured by dominant strands of the first- and second-wave feminist movement(s) in Europe and North America. This feminist subject has been contested for being implicitly marked as White, heterosexual, able-bodied and middle-class, in particular by Black feminist thought, Women of Colour feminisms and Third World feminisms (cf. Alexander & Mohanty, 1997; Anzaldúa, 2012; Carby, 1982; Collins, 1990; Combahee River Collective, 1977; Davis, 1981; Lorde, 1984; Mohanty, 1983; Moraga & Anzaldúa, 1984; Smith, 1983). Specifically, Ehrenreich's notion of gender erases not only the racialization of

the cisfemale-gendered subject (namely White) on imperial terrain, but also the possibility of this subject being racist and/or homo- and transphobic. These narrative erasures are effected also by feminist commentaries that conceptualize cisfemale participants in the torture of Abu Ghraib prisoners as only or primarily *victims* of masculinist military hierarchies, histories of sexualized abuse and or their so-called trailer trash background (cf. D'Amico, 2007; Ensler, 2007), and hence I will not analyze them separately.

Commenting on the photo that depicts Lynndie England holding a prisoner on a leash like a dog, Ehrenreich (2004, para. 4) writes at the beginning of her article that “[i]f you were doing PR for al Qaeda, you couldn’t have staged a better picture to galvanize misogynist Islamic fundamentalists around the world.” Describing outrage to England’s criminal treatment of the prisoner among the latter’s (imagined<sup>20</sup>) supporters as *misogynist* inadvertently blames the tortured men – whose Muslimified bodies are already positioned as a “particular typological object of torture” (Puar, 2007, p. 86) - for feeling violated by misogynist, homo- and transphobic carceral practices (see Richter-Montpetit, 2007), and discursively positions these security practices as *feminist*. This narrative of England’s and her female colleagues’ torture works as a sign of gender equality feeds into the hegemonic post-9/11 national security discourse that casts gender and sexual equality as hallmarks of Western civilization = liberal modernity in relation to the “savagery” and “sexual backwardness” of Muslim/ified populations and spaces. Ehrenreich’s argument gives rise to a feminist rearticulation of American Exceptionalism - “U.S. sexual exceptionalism”

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<sup>20</sup> As discussed in the previous chapter, most of the Abu Ghraib prisoners had no affiliation with Al-Qaeda or so-called Islamic fundamentalism.

(Puar, 2004, 2005, 2006, 2007) - and the very civilizational logics that make possible the torture practices enacted on the bodies of Abu Ghraib prisoners.

The Orientalist discourse about these sexualized technologies of punishment being humiliating for Arab/Muslim men only/in particular was reproduced by numerous critical interventions in newspapers and scholarly publications, including feminist analyses. Timothy Kaufman-Osborn (2005) for instance is highly critical of Ehrenreich's account of women's participation in the torture of prisoners in Abu Ghraib. Drawing on Judith Butler's performative understanding of gender, Kaufman-Osborn offers an insightful analysis of the production of normative gender formations through torture beyond the gendered bodies of the perpetrators. However, his critique reproduces Orientalist ideas around "Muslim culture." In regards to the forced nudity of male prisoners in front of American servicewomen, he writes sympathetically that "[i]n addition to offending cultural sensitivities, especially those dictated by Islamic law regarding proper attire, this technique emasculates prisoners by exposing them in a way that is familiar from representations of women, including but by no means limited to those conventionally labeled 'pornographic'" (Kaufman-Osborne, 2005, p. 609). Similarly, Jill Steans (2008, p. 174) in her critique of the cooptation of women's rights in the War on Terror writes that "[t]he use of women to humiliate Iraqi inmates was read in the Arab world as a particularly effective tactic against Arab men, because Arab culture and society is male dominated."

The first and most prominent articulation of this "U.S. sexual exceptionalism" (Puar, 2006, 2007) by a staunch critic of the Abu Ghraib prisoner torture is Seymour Hersh's widely quoted investigative article in the *New Yorker* published May 10, 2004. Entitled "Torture at Abu Ghraib" Hersh's piece was the first to offer a detailed analysis and critical

intervention countering the Bush-administration's "few bad apple" thesis on the prisoner abuse in Abu Ghraib. Hersh writes that "[s]uch dehumanization is unacceptable in any culture," but then quotes an "expert" who argues that "it is especially so in the Arab world. Homosexual acts are against Islamic law" (Hersh, 2004b; see also Puar, 2007, pp. 82-84). This reasoning conflates "homosexuality" with dehumanization, as well as all inmates as Arabs=the Arab world=Islamic=Fundamentalist, and obscures not only how terror against queers – including queer Muslims - and women in the alleged "most free nation in the world" is systemic and state-sponsored, but as discussed earlier inadvertently blames the tortured cismen for feeling violated by misogynist, homo- and transphobic carceral practices.

As explored in chapter four, torture and other corporeal carceral practices such as sexualized humiliations do not simply discipline the individual body but produce and regulate populations by producing interlocking (non)normative classed national, racial, gender and sexual social formations. Abu Ghraib male prisoners were produced as homophobic misogynist fundamentalist Muslim subjects not only through the actual practices of torture, but also by Orientalist representations in (otherwise) sympathetic accounts such as by Hersh, Kaufman-Osborn and Steans. Reiterating U.S. sexual exceptionalism and the civilizational discourse underwriting these carceral security practices, these anti-torture interventions help shore up torture and other security practices in the War on Terror as pedagogical (feminist and queer-positive) and thus help cast them as legitimate forms of violence and suffering.

While public debates on the perpetration of sexualized torture by ciswomen in Abu Ghraib overwhelmingly cast them as deviant acts of gender transgression, within less than

a decade, reconfigurations of normative gender and sexuality have made increasingly space for representations of women as active defenders of the nation and civilization itself. Kathryn Bigelow's film *Zero Dark Thirty* is one of the most prominent cultural productions "rehabilitat[ing] the degraded image of 'leash girl' Lynndie England by re-imagining the female torturer as a careerist go-getter" (Cornell, 2013, sect. "Maya", para. 1). The film credits CIA-agent Maya with locating Osama bin Laden in his Abbottabad compound and suggests that evidence gained through torture helped Maya track down bin Laden. Maya is a young White woman who was recruited in high school and who has since worked on collecting intelligence on the whereabouts of bin Laden.

In her *Salon* article entitled "'Zero Dark Thirty' goes feminist" Irin Carmon (2013) notes a crucial shift in the marketing of *Zero Dark Thirty* within weeks of its release.<sup>21</sup> Carmon suggests that after the initial controversy over the film's depiction and role of torture in the tracing of bin Laden, the film was promoted as a movie about women's empowerment. Carmon points out that Kathryn Bigelow, the film's director, participated in a social media campaign in support of women's full and equal inclusion in the U.S. military, called "A Salute to Heroic Women." Linking the promotion of her movie and her support of the campaign, Bigelow tweeted the following message which was then also shared on the campaign's website: "Women helped find the world's most dangerous man. Are you surprised? #Zero Dark Thirty" (Thunderclap, 2013). Furthermore, Bigelow also wrote an extended letter of support shared on the campaign site:

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<sup>21</sup> Matt Cornell's (2013) blog post first drew my attention to Carmon's (2013) piece.

Women have long played a critical role in our national security, too frequently without proper credit. The recent decision by the Department of Defense to lift the ban on women serving in combat is a move toward acknowledging their important and strategic contributions to our national defense. ... Take, for instance, the hunt for Osama bin Laden, which preoccupied the world and two American presidential administrations for more than a decade. Many of the most significant parts of that intelligence operation were played by women. ... Our account of bin Laden's pursuit and capture [in *Zero Dark Thirty*] offers viewers an inside look at women like Maya who dedicate their lives to selflessly protecting our freedom (Thunderclap, 2013).

Following her tweet about bin Laden being "the world's most dangerous man," Bigelow's letter seeks to draw attention to the often invisible role and labour of women in regards to U.S. national security making. Bigelow's letter implicitly centers "women like Maya" as the victims of U.S. national security and simultaneously suggests that their participation in the illegal torture of prisoners in the quest to locate bin Laden is feminist.

*Zero Dark Thirty's* screenwriter, Mark Boal, echoed Bigelow's message about women's empowerment in his interview with Carmon (2013) about the gender politics of the film. Boal states that Maya's character is "emblematic of a larger shift within the culture of women taking on jobs that were previously reserved for men, in the intelligence community, but also, as we see, in the military" (Carmon, 2013, para. 6). Emphasizing "that's not to excuse torture," he adds that "it's ironic that bin Laden was defeated in part – and the emphasis being on 'in part' – by one of the things that he hated the most, which was a liberated Western woman" (Carmon, 2013, last para.), thereby reiterating Ehrenreich's (2004) comments discussed earlier on England's acts of prisoner torture galvanizing "misogynist Islamic fundamentalists around the world" (see also Cornell, 2013).

Matt Cornell (2013) in his blog post entitled “The torturer as feminist: from Abu Ghraib to Zero Dark Thirty” identifies a range of other leftist critics of the Bush-administration and the larger War on Terror joining into the celebration of CIA agent Maya’s role in tracking bin Laden, including documentary film maker and author Michael Moore and the popular feminist blog *Jezebel*. Moore praised the film at different occasions as a “women’s film’ and a great achievement for women in general” and as a “21<sup>st</sup> century chick flick” (Cornell, 2013, sect. “Marketing Maya”, para. 4). Cornell argues that the movie links agent Maya’s increasing comfort with torture to her personal and professional *empowerment*. He points out that “Maya’s class status makes her a more persuasive symbol for the feminist torturer than Lynndie England, who was a working-class grunt” (2013, sect. “Marketing Maya”, para. 10). Nevertheless, the movie carefully avoids any hints that Maya might have physically tortured any of the prisoners herself. Instead, Maya always delegates any physical abuse and torture to male colleagues. Also, in the final scene of the film, after she has identified the corpse of bin Laden, Maya is shown weeping and hence her character is realigned with the gendered script of the usual “War Story” (Cooke, 1996).

The civilizational narrative of the security practices of the War on Terror as feminist informs also the following meme that circulated on Facebook in late 2012.<sup>22</sup> The image depicts four young White women in flight suits walking relaxed passed a row of parked U.S. military jets,<sup>23</sup> projecting the (erotic) confidence and sense of adventure typically associated with the military masculinity of Tom Cruise’s combat pilot character in *Top Gun*. Evoking the asymmetrical capacity of U.S. airpower in the War on Terror the

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<sup>22</sup> For a brief feminist discussion of the racism underwriting the meme, see also DasGupta (2012).

<sup>23</sup> I would like to thank Harold C. Nance for his valuable research assistance on flight suits and airplanes depicted in the photo.

meme mocks Taliban fighters (implicitly gendered as heterosexual and cismale), suggesting that while they keep “their” women from driving, American women not only drive as equals, but in this civilizational discourse surpass these sexually and technologically backward men, literally topping/being on top of them.



©Facebook/"The Tea Party"

The meme mobilizes a range of gendered racial-sexual knowledges of war and security underwriting the save-civilization-itself fantasy. As discussed in chapter three, central to the racialized geographies of the War on Terror, and its division of the globe into sovereign and nonsovereign spaces and populations, is the imaginary of Muslim/ified life spaces “as a single geopolitical mass” (Rana, 2011, p. 5). The racialized geopolitical



imaginary of “the Muslim world” rests specifically on inserting Pakistan and Afghanistan into the Middle East (Rana, 2011, p. 5), and fuses Afghanistan and Pakistan into Af-Pak (Gregory, 2011b). The meme transplants the infamous ban on women driving by the Saudi state, one of the United States’ closest allies in the Middle East, into Taliban-land.

With the dramatic expansion of drone warfare in the skies above Afghanistan and Pakistan under President Obama, U.S. air power has come under increased scrutiny. The highly differential power over the distribution of force and visibility in the relationship between drone pilot and drone target together with the indiscriminate bombing of anyone deemed male and 15 years of age or older (“signature strikes”) has posed a critical challenge to the trans/national post-WW II imaginary of U.S. fighter pilots as “knights of the air” (Owens, 2003, p. 614). With few to no risk for the knights of the air, the asymmetrical exchange of power and force, including preemptively and or outside of official battlefields, the meme casts U.S. aerial warfare as acts of gender equality, and hence as just and necessary.

As discussed earlier, according to the gendered racial-sexual grammars of the hegemonic War on Terror discourse the only language these Muslim/ified “enemy fighters” and or pre-insurgents understand is violence. In the civilizational narrative of the meme, for the Taliban/ized enemy population to be subjected to U.S. airstrikes is not only pedagogical, but as they are being taught a lesson by educated and sexually liberated American women pilots, the use of military force becomes a feminist act. Akin to the Orientalist script of the Abu Ghraib torture practices, the meme suggests that for the Taliban/misogynist Islamic fundamentalist to be subjugated – topped - by a woman is even more humiliating. The humorous effect of the joke rests of course on the audience’s shared

misogynist cultural framework casting domination by a woman as emasculating, hence equating femininity and feminization with weakness and inferiority.

While the meme renders the participation of women in anti-Taliban warfare acts of gender equality, its production of the feminist and hence ethical use of force by women fighters relies on not just any kind of woman or military femininity, nor the deployment of just any kind of force. The four pilots racialized as White are constructed in relationship to two other prominent femininities in the War on Terror discourse, the figure of the oppressed and “imperiled” Muslim woman – and which is constructed of course in relationship to “dangerous Muslim men” (Razack, 2008, p. 104) - and the specter of the masculine, “gender-bending ... hillbilly” Private Lynndie England (Feinman, 2007, p. 68). The meme references (“Your women can’t drive”) and simultaneously e(race)s the figure of the victimized Muslim woman. The four women pilots project respectable White Middle-class femininity, their use of military force is enabled and mediated through mastery over complex and hyper-phallic technology – “our” women don’t just drive a car or a tank, but they fly a fighter jet. This gendered civilizational discourse of U.S. women vertically surpassing dangerous Muslimified men is connected to the *racialized* character of the encounter between pilot and target.

As discussed in chapter three, targeting killings of Muslim/ified people and spaces are, in Keith Feldman’s (2011) words, a form of “racialization from above.” The “precision” visualization and targeting technologies via the drone pilot’s god’s eye perspective confer on the pilot a “white and upright” (Driscoll, 2011, p. 275) subject position while populations racialized as Muslim terrorists and pre-insurgents are spatially limited to the horizontal, confirming their technological and sexual backwardness. While the meme

suggests “manned” aerial warfare, the terrain of combat is still highly asymmetrical, relegating many of its horizontally limited targets to being combatants-without-combat-capacity except for on-the-ground low-tech attacks deemed barbarian in contrast to the humane and “ethical” standards of practicing killing through virtuous war (chapter three). Simultaneously, the use of air power also spatially removes the attacker from the target, and hence helps mitigate or sanitize the gender transgression of the military force-wielding female patriot.

Finally, I offer a queer reading of the meme. Hegemonic official and popular security imaginaries historically associate being a fighter pilot with the “hard bodies” (Jeffords, 1994) of White cismen like Tom Cruise. With the flight suits of U.S. Navy and Air Force pilots eroticized as “chick magnets,” the meme also hints at the legitimacy of queer desires. As will be explored in more depth in the following chapter, the save-civilization-itself fantasy makes discursive space not only for (certain) women, but also for certain queers, evoking U.S. sexual modernity or “sexual exceptionalism” (Puar, 2006) also in respect to homosexuality.

In her monograph *Sexual decoys: gender, race and war in imperial democracy* feminist theorist Zillah Eisenstein (2007, p. xii) makes the important observation that war and militarism at the current juncture rely on shifts in “the meaning of gender along with its relationship to the sexed and raced body.” Focusing primarily on U.S. security practices in the War on Terror, Eisenstein notes that despite these destabilizations of gender formations, “the privilege of racialized masculinity” remains in place (2007, p. xii), and that gender and racial diversity should not be confused with equality (2007, p. xiii).

Greater varieties and expressions of gender and sexuality exist for my daughter than did for me; women are present in new and different sites; patriarchy is more differentiated and complex, creating more choice and variability; and there are also greater restrictions on many of the choices given neoliberal privatization across the globe. ... For instance while in 2005 popular TV series Commander-in-Chief features a woman president, it is harder to get an abortion in the US than a decade earlier (Eisenstein, 2007, p. xiii).

In reference to the rising numbers of White women and women and men of colour in positions of political power and the military both in the U.S. and globally, Eisenstein identifies a “manipulation of race and gender as decoys for democracy” (Eisenstein, 2007, p. xviii). She argues that “[u]sing and abusing women for imperial power - either in established gender form and/or decoy status - is not good for females of all colors, for women, or for feminism” (Eisenstein, 2007, p. 95). In Eisenstein’s words:

Racialized gender and sex operate as both cover and deception - as though democracy exists because Colin Powell and Condoleezza Rice exist - and as exposure - as in the sexual and racial violations in the prisons of Guantanamo and Abu Ghraib. Amidst this cacophony it is no longer clear, if it ever was, who or what a woman is, and/ or what it means or should mean to be African American. Color trumps race, gender trumps sex. And, patriarchal/ racialized hetero-masculinity has authorized and normalized a privileged white womanhood. ... Females like Condi Rice and Sandra Day O’Connor do the bidding of imperial power while women and girls join militaries almost everywhere [...] (Eisenstein, 2007, p. xvi).

Eisenstein makes an important intervention in terms of drawing our feminist attention to the operations of racism and imperialism and that author a privileged White womanhood. Connected to that, Eisenstein alerts the reader to how certain human rights discourses and seemingly progressive change, such as the inclusion of historically marginalized subjects

into the security state, have the effect of shoring up practices of war and violence. She rightly notes that “[i]nclusion and exclusion are not simple opposites” and that we hence need to examine the changes “in terms of their democratic consequences” (Eisenstein, 2007, pp. 94-95).

Commenting on women’s participation in the torture of prisoners in Abu Ghraib, Eisenstein challenges interpretations that read their involvement as signs of gender equality:

As decoys, the females in military uniform at Abu Ghraib let one think that females acting like men are what democracy looks like. As decoys they create confusion by participating in the very sexual humiliation that their gender is usually victim to. Flux and flexibility are the newest gender rules of racialized patriarchy for global capitalism” (Eisenstein 2007: 101). ... Gender decoys ... are females in political drag and the drag allows us to think that they represent the best of democracy when they don’t. Woman - whomever, whatever, the definition - plays a role of deception and lures us into a fantasy of gender equity” (2007, p. 100).

Contrary to Ehrenreich, Eisenstein argues that women’s participation in sexualized torture practices on Abu Ghraib prisoners reproduced the very gendered and sexualized grammar of misogynist cultural scripts, and hence women’s participation in these acts of military force simply offers feminists “a fantasy of gender equity.” As Sunera Thobani (2010, p. 140) has pointed out, while Eisenstein explicitly addresses questions of racialization and racism, she “either relegate[s] both to the past, or attribute[s] them solely to 'capitalist' and 'imperialist' structures, and to white male elites.” Thereby Eisenstein (2007, p. 141) reinscribes the White cisfemale gendered subject “as innocent of, and far removed from, the reproduction of imperialist relations.” The conceptualization of White cisfemale

subjects like Lynndie England as sexual decoys for “imperial and fascistic democracy” (Eisenstein, 2007, p. xi) obscures how historically it has been on racialized imperial terrain that White American women could acquire a proximity to full citizenship and liberal freedoms otherwise unattainable in the settler homeland. While Eisenstein mentions towards the end of the monograph that “[w]omen in the US are a part of imperial power whether they choose this or not” and that “almost all, even if advertently, enjoy the privileges of empire” (2007, p. 105), her overall analysis and argument keep locating these reconfigurations of gender as firmly in the service of “racialized patriarchy for global capitalism” (2007, p. 101).

Native Feminist and Two-Spirit theories challenge transnational and anti-imperial feminist scholarship to treat the U.S. state not only as an empire, but to also account for its settler colonial character (cf. Driskill, 2004, 2011; Hall, 2008, 2009; Kauanui, 2008a, 2008b; Smith, 2005, 2008; Smith & Kauanui, 2008). Understanding settler colonialism not as a discrete *event* in the past but as a *structure* (Wolfe, 1996) and hence ongoing (see chapter two), we come to understand that women’s equal inclusion in the U.S. military and participation in other U.S. national security practices shore up not only American imperial geopolitics but also deepen U.S. settler colonial rule “at home.” Eisenstein (2007, p. xv) deplores that “[t]he wars in Afghanistan and Iraq are destroying the soul of America.” While she points to the continued existence of indigenous nations when mentioning that the Oglala Sioux nation elected a woman as their political leader, the production of 9/11 as a watershed moment in U.S. history “destroying the soul of America” normalizes the settler colonial character of the U.S. state and nation (and erases a host of other foundational practices and institutions of racialized violence and exploitation).

Addressing the U.S. state's ongoing occupation of unceded indigenous land, Andrea Smith (2005) more productively theorizes acts of sexualized violence against indigenous bodies of all genders not simply as acts of heteropatriarchal violence, but part and parcel of (settler) colonial governance. Smith (2005, p. 10) argues that these performances of sexualized violence are not simply destructive but constitute certain bodies and the land as *rapeable*. As discussed in chapter one, liberal war invites and governs liberal subjects of freedom through affective economies of security and belonging that seek to mobilize our "most 'intimate' sensibilities" (Agathangelou, Bassichis, & Spira, 2008, p. 137), including through "seduction[s] to violence" (Agathangelou et al., p. 122). If we follow Smith's lead and read the gendered and sexualized security practices enacted on Abu Ghraib prisoners not simply as tools of patriarchy but as tools of colonialism and racism, then (1) entire communities of colour - however differentially - are the targets of sexualized practices of war and violence (Smith, 2005, p. 8); and, (2) cisfemale settler subjects act not simply as decoys but are agents and beneficiaries of settler imperial power who get invited (even if precariously and temporarily) into the settler nation through the perpetration of racist acts of imperial warfare.<sup>24</sup>

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<sup>24</sup> As discussed elsewhere (Richter-Montpetit, 2007), even though none of the published torture pictures depict soldiers of colour, one of the seven soldiers convicted of prisoner "abuse" self-identifies as a Black man. These reports do not contradict my argument that the soldiers desired and enacted a fantasy of White supremacy. "Operation Iraqi Hope" is part of the save-civilization-itself fantasy, "the story of a power that went into the world to protect but not possess, to defend but not to conquer" (Bush, 2001a, para. 5). This national fantasy constructs discursive space for civilizational Whiteness, the subject-position of the "freedom-loving" and "civilized" Westerner, citizen of "the most free nation in the world," who intervenes in Iraq to defend civilization itself and to benevolently sort out the problems of Third World Others who are unable to take care of them themselves. In short, this liberal civilizational fantasy creates discursive space for the interpellation of some of the U.S. settler empire's internal Others to participate and (simulate) be-longing, however unequally and precariously.

## **CONCLUSION**

Knowledge production is inherently limited. Whenever we try to make sense of the world, we zoom in on some aspects of a limitless reality thereby leaving certain other aspects of that reality “out of the picture” (Krishna, 2001, p. 403). Every act of knowledge production is hence simultaneously an act of concealment (Krishna, 2001, p. 403), inevitably both opening and foreclosing our political imaginary and possible political responses, including to war and violence. Feminist and queer critiques are not exempt from these dynamics. With a focus on the so-called Abu Ghraib prison torture scandal, this chapter explored how feminist gender analyses in fact can give rise to some serious analytical blind spots, which in turn have serious ethical and political consequences.

Gender and sexuality are critical sites in the politics of the War on Terror, in at times unexpected ways. How do we make feminist sense of recent transgressions from the heteropatriarchal grammars of the usual War Story in post-9/11 U.S. national security making in ways that are “responsible and politically effective” (Zalewski & Parpart, 2008, p. 1)? With this concern in mind, this chapter critically engaged a range of analytical concepts and frameworks deployed in prominent feminist commentaries on the participation of ciswomen soldiers in the Abu Ghraib torture. My analysis explores how certain narrative erasures around the raciality and coloniality of the encounter between torturer and tortured not only obscured central relations of power and violence, but in fact helped shore up the very cultural logics that render these violences possible in the first place. Contrary to some prominent feminist representations of the role of the three women soldiers convicted of “abusing” Abu Ghraib prisoners, I argue that the women were neither simply “victims,” “puppets” or “decoys” in the service of racialized heteropatriarchy nor does their



participation indicate gender equality. Rather my analysis identifies affective and material investments (Agathangelou et al., 2008; Lamb, 2013) by the U.S. security state and the soldiers themselves that are rooted in a long history of settler imperial practices and desires, and recent shifts in liberal imperial governance.

While the active participation of women in torture challenged the clear-cut gendered protector/protected binary of the War Story, representations of the inclusion of women in “kinetic” security practices such as torture as acts of gender equality and hence feminist reinforces Orientalist civilizational logics that frame the use of (even illegal) military and carceral force against Muslimified people and spaces as necessary, pedagogical and fair. However, reading the involvement of women soldiers in acts of torture as simple ruses of power (“pawns”; “sexual decoys”) forecloses analyses of their agency as (potentially) inflected by settler imperial desires and the “seductions to [racialized, civilizational] violence” (Agathangelou et al., 2008, p. 122) for historically marginalized subjects. Performing violences on the bodies of Abu Ghraib prisoners reasserted not only the perceived control of the individual militarized Selves of the soldiers but promised civilizational Whiteness and hence national belonging. In the following chapter on the recent inclusion of LGB people into the U.S. military, I will explore in more depth how contemporary liberal security governance rests on the operations of affective economies of punishment and war that promise “freedom with violence” (Reddy, 2011) for historically (racially) feminized and queered subjects.

To conclude, the challenge of how to formulate feminist analytics of power that seek to capture the complexities and heterogeneities of (gendered) power relations is not just an academic question but has profound ethical and political implications. Rather than

taking the subject “woman” for granted, we need to interrogate how this gendered subject is produced in a particular context. What is the field of forces shaping “her” and her actions? While the increasing commitment in feminist scholarship to *intersectional* analytics of power is to be commended, the chapter further suggests that we can only meaningfully make sense of the intersectionality of gendered power relations at play by carefully paying attention to the larger matrix of oppression on a *transnational* field. In the context of American women soldiers’ agency in War on Terror security practices, it is not enough to consider the imperial character of the U.S. state, but we need to also account for its settler colonial character. That means that depending on the field of forces, a “responsible and politically effective” (Zalewski & Parpart, 2008, p. 1) feminist analysis might indeed - as Angela Davis (2007) urges - not necessarily foreground “woman” or even “gender” as the main lens.

## Chapter VI:<sup>1</sup> Gay Patriot Acts. Queer Investments<sup>2</sup> in Liberal War and Security

*"Gay is the New Black."*

*(Cover title of The Advocate's December 2008 issue)*

The post-9/11 era saw the rise of a complex and seemingly contradictory U.S. national security imaginary and associated transnational practices of war and violence. Perhaps the maybe most startling departure from the heteropatriarchal grammar of the usual "War Story" (Cooke, 1996) in the wake of 9/11 was the "the strange coupling of civil rights and national security" (Reddy, 2011, p. 5), specifically the right to homo/sexual equality. As surprising as this development were the actors that pushed for this linkage. On the one hand, the post-9/11 era gave rise to a shift in much of LGBT activism from struggling for protection *from* the state to seeking protection *via* the state. On the other hand, a re-masculinized and aggressively heterosexed state has acted not only as the protector of women and queers<sup>3</sup> at home and abroad, but actively invited and desires the inclusion of historically feminized subjects into the ultimate bastion of American manliness, the U.S. Armed Forces.

While both Bush administrations as well as the first Obama administration staunchly defended the *Don't Ask Don't Tell*-policy (DADT) and the *Defense of Marriage Act* (DOMA) – though Obama without Bush's vitriol - the U.S. security state has put forth women's and gay

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<sup>1</sup> I would like to thank Arthur Imperial, Konstantin Kilibarda and Tina Managhan for their helpful comments on an earlier draft of this chapter.

<sup>2</sup> "Queer investments" was coined by Sarah Lamble (2013).

<sup>3</sup> Even though "queer" is said to have been developed in distinction to the (alleged) identity-politics of LGBT politics and subjectivities, recent years have seen queer as a self-identification and or a political label being taken up and deployed in a wide range of ways and political contexts. Hence I use queer and LGBT interchangeably rather than queer indicating a more anti-identitarian or "radical" subjectivity and politics (see also Cohen, 1997; Haritaworn, 2008; Lamble, 2013).

rights as reasons to fight wars in Afghanistan and Iraq, invoked the violation of women and LGBT human rights when threatening military action against Iran and just very recently warned about possible cuts to development aid as Uganda passed its Anti-Homosexuality Act. This invitation into the nation and the commitment to protect lives historically cast as queerly abject reached a first major climax when the 2009 *National Defense Authorization Act* was tied to the *Matthew Shepard and James Byrd Jr Hate Crimes Prevention Act*, the latter named in memory of two cismen killed in so-called hate crimes (Reddy, 2011). The victims are said to have been murdered because of anti-gay hatred (Shepard) and anti-Black racism (Byrd). As Reddy (2011, p. 5) points out, “Not long ago it would have been inconceivable to propose that a U.S. military appropriations bill incorporate the projection of homosexuality, or that homosexual emancipation casts its lot with the sustenance and growth of the military.” In September 2011 then all four branches of the U.S. military unconditionally opened service to gays, lesbians and bisexuals,<sup>4</sup> and just over a year later, the Supreme Court overturned DOMA following the passionate public pleas for “marriage equality” by a phalanx of human rights organizations - and the Department of Defense.

Building on my earlier analysis of the post-9/11 ascendancy of an aggressively militarist yet fundamentally *liberal* national security imaginary (chapters 3-5), I will explore in this chapter the conditions of possibility for the “the strange coupling” of LGB rights and national defense. With the previous chapters addressing rather “spectacular” practices of war and violence, my analysis now turns to seemingly mundane and benign security practices. My discussion of the mobilization of homo/sexual equality and “queer

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<sup>4</sup>Trans\* people are excluded from military service not because of DADT but under medical regulations and at the time of writing continue to be excluded (cf. Erickson-Schroth, 2014, p. 191).

investments” (Lamble, 2013) in the operations of Homeland Security and the larger War on Terror draws on a queer reading of media interviews and a set of still and moving images depicting performances of gay patriotism and queer intimacies by active duty soldiers around the repeal of DADT and DOMA. Rather than seeing these security practices as mundane and/or benign, the argument developed here challenges these readings and instead explores the “convivial relations” (Puar, 2007, p. xiv) between the affective and material economies of liberal security and queer pro-equality activism. The chapter asks: How do queers commonly relegated to the “discursive realm of the public toilet and the asylum” (Haritaworn, 2008a, p. 7) get attached to or invested in the security practices of the U.S. homeland security regime? What kinds of queer subjects are being produced (and over which other Others)? In the context of the narrative demands on queers as sexually deviant and gender nonconforming, what are the narrative strategies of queer soldiers to position themselves as respectable, reliable patriots and fighters?

My analysis of gay patriot acts starts off with a discussion of the public performances of Lieutenant Dan Choi, who in 2009 became the ultimate gay patriot “face” of the struggle to repeal DADT. Drawing primarily on media interviews with Choi, my analysis explores how Choi’s performances of gay patriotism negotiated a complex terrain of racialized sexuality and gender. With the help of a pro-LGBT equality cartoon on segregated water fountains that circulated widely across social media I examine his use of “the civil rights analogy” (cf. Reddy, 2011; Sheper, 2013) – the equation of the campaign for equal inclusion of LGBT people into marriage and military with the Black liberation/civil rights struggle. The chapter then offers a visual analysis of three photos depicting acts of gay patriotism that circulated in the days following the repeal of DADT, all of which gained significant

media attention. Finally, the chapter turns its attention to a video advocating for the equal inclusion of queer soldiers into military and marriage. Entitled “same skin,” the video juxtaposes the scarred bodies of two soldiers, one straight, one gay. The objective of my queer reading of these representations and performances is not to offer an interpretation of the images in themselves (iconography) and or to speculate or judge the intentions behind certain political actions, nor to simply blame the individual actors involved. Rather these visual objects - all of which gained significant media attention - offer an entry point for my exploration of the larger affective and material economies of security these discourses and performances are embedded in and the kind of politics they help render possible or foreclose.

My analysis cautions celebratory readings of the repeal of DADT and DOMA beyond the question of collusion in helping to “man” the U.S. Armed Forces. I argue that while the contestations articulated by gay patriots and their supporters have in some ways challenged dominant understandings of sexual respectability and military masculinity, they are contingent on and have helped shore up a progressive, egalitarian and compassionate military masculinity that narrates aggressive *preemptive* acts of military and carceral violence as *defensive* acts of freedom, and thereby also secure the racial-sexual class order of the homeland. The chapter contribute to the growing literature rooted in Transnational feminism and Queer/Trans\* of Colour Critique that conceptualize human rights as a critical mode of liberal governmentality (cf. Alexander, 2005; Dudziak, 2000; Grewal, 2005; Melamed, 2006, 2011b; Puar, 2007; Razack, Smith, & Thobani, 2010). My analysis and argument build in particular on recent debates in queer studies on homonormativity (Duggan 2003) and homonationalism (Puar, 2007; see also Agathangelou, Bassichis, & Spira,

2008; Agathangelou, 2013a; Driskill, 2010; Gosine, 2013; Haritaworn, Taquir, & Erdem, 2008; Morgensen, 2010; Kuntsman, 2009; Puar & Rai, 2002; Reddy, 2011; Smith, 2010) and specifically on queer anti-equality voices outside and inside academia that are critical of the ways in which LGBT demands for equal military service, marriage equality, hate crime legislation, immigration reform get articulated (cf. Bailey, Kandaswamy, & Richardson 2004; Conrad 2010, 2011, 2012; Farrow 2010, 2011; Haritaworn 2008a; Haritaworn, Kuntsman and Posocco 2013, 2014a, 2014b; Jones, 2011; Nair 2010, 2011; Nopper, 2011; Spade, 2011; Spade & Willse, 2004, 2010, 2014).<sup>5</sup> The chapter adds to this literature by tracing how certain queers become regulatory not only in relationship to the Orientalized monster-terrorist-fag - so brilliantly discussed first by Puar and Rai (2002) - suggesting that the re/production of national racial-sexual norms is constructed also in relationship to cultural logics around settler coloniality and anti-Blackness. As explored in earlier chapters, liberal freedom - in this case queer liberal freedom - is anchored in “grammars of suffering” (Wilderson, 2010, p. 10) structured by and enabled through ongoing colonial settlement and “the social, civil and living death” (Dillon, 2013, p. 56) of subjects marked as Black. So beyond the question of complicity in “manning” the military then, these representations and performances play a fundamental role in the affective and material economies of the larger biopolitical order, structuring its underpinning processes of de/valuing populations and regulating their differential vulnerability to violence and access to social resources, including land.

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<sup>5</sup> See the online archive of the *Against Equality* collective for an extensive list of “anti-equality” publications in the areas of marriage, military and prison: <http://www.againstequality.org>.

I will first address recent shifts in the ways gendered, sexed, and racialized difference are imagined in the context of neoliberal governance's emphasis on regulating the conduct of conduct, including through the promotion of alterity. The chapter then turns to analysis and discussion of LGBT human rights discourses and performances of gay patriotism around the repeal of DADT and DOMA.

### **Neoliberal Governance, Ethical Subjects and Affective Economies of Liberal War**

Recent reconfigurations of inclusion and exclusion in the U.S. military are part of broader shifts in alterity under neoliberalism. As explored in chapter three, the rise of domestic and international anti-colonial liberation and new social movements challenging the global liberal post-WW II order brought about a recalibration of governance with liberal regimes acknowledging, valorizing and accommodating certain modalities of racialized, gendered and sexualized difference in ways previously unimaginable (McNay, 2009; Melamed, 2006, 2011b; Reddy, 2011). The incorporation of certain erstwhile abject subjectivities into the protective fold of the biopolitical state has come to constitute a critical technology of neoliberal governmentality.

This chapter expands my previous exploration on how U.S. national security making operates not only through military and carceral force, but also affectively through the self-regulation of the ethical citizen-subject and the promotion of social difference. Key to the mobilization of individuals and populations to actively participate in their own governance and in defending the homeland and civilization itself are affective economies of security. Following Agathangelou, Bassichis, and Spira's (2008, p. 122) exploration of the kind of



“intimate investments” that draw historically marginalized subjects into the fold of nation and empire, affective economies refers “to the circulation and mobilization of feelings of desire, pleasure, fear, and repulsion utilized to seduce all of us into the fold of the state — the various ways in which we become invested emotionally, libidinally, and erotically in global capitalism’s mirages of safety and inclusion.” Agathangelou et al. (2008, p. 122) “refer to this as a process of seduction to violence that proceeds through false promises of an end to oppression and pain [and where] collusion becomes the cost of belonging.” Entitled *Intimate Investments. Homonormativity, Global Lockdown and the Seductions of Empire*, Agathangelou et al.’s article draws our attention to how neoliberal governmentality operates also by mobilizing our “most ‘intimate’ sensibilities,” offering freedom and security through state violence and the market as a solution to our fears and desires (2008, p. 137; see also Lamble, 2013, pp. 231-232). As Agathangelou et al. (2008) discuss in their article, following recent shifts in the U.S. social formation, queers are no longer per se excluded from the invitation to join and invest into the affective and material economies of the liberal project of security (see also Puar, 2007). These affective economies of security promise “freedom with violence” (Reddy, 2011), presenting carceral and military practices including urban street patrols (cf. Hanhardt, 2008, 2013), national border controls and anti-immigrant checkpoints (cf. Luibhéid, 2002, 2008a, 2008b; Luibhéid & Cantú, 2005; White, 2013), hate crime legislation (cf. Conrad, 2012; Lamble, 2013; Reddy, 2011; Spade, 2011), torture, global lockdown (cf. Agathangelou et al., 2008; Conrad, 2012; Richter-Montpetit, 2007; Stanley & Smith, 2011; Sudbury, 2002, 2005) and warfare (cf. Nair, 2011) as remedies for our vulnerabilities.

In this chapter then I address “queer investments” (Lamble, 2013) by security state and gay patriots in liberal war and security. Building on Agathangelou et al.’s conceptualization of “intimate investments” among certain LGBT subjects, Lamble’s (2013) notion of “queer investments” refers to both affective and material processes underpinning the recent invitation of (certain) queers into the nation. “To ‘invest’ in something is to give it resources in order that it might be sustained, strengthened or expanded – usually with the aim of generating a direct benefit to the investor. Investment thus signals both the process of resource mobilization and the embedding of subjects within that process” (Lamble, 2013, p. 331). As is the focus of this chapter, the valorization and value of newly incorporated subjects such as the gay patriot feeds on and becomes part of the production of other Others whose lives continue to be managed through punitive and necropolitical modalities of governance, “from the soft deaths of pastoral care to the hard deaths of sovereign killing” (Povinelli, 2011, p. 167). Made possible through the neoliberal recognition and promotion of a range of individual and social *differences* and affective economies of security, these “murderous inclusions” (Haritaworn, Kuntsman, & Posocco, 2013) make the art of government so much more flexible, insidious and effective (McNay, 2009).

### **War, Sex and Marriage**

DADT was implemented in 1994 under President Clinton as a response to the military's outright ban of homosexuals in the wake of WW II.<sup>6</sup> By disallowing military staff to *ask* about

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<sup>6</sup> As a result of the increasing medicalization of social problems at the time, the U.S. military during the Second World War started to rely on a distinction between sexual *practices* and sexual *identity* when deciding on whether or not to dismiss a soldier under the homosexual ban (Cohn, 1998). This distinction between “homosexual acts” and “homosexual identity” stayed in place until the repeal of

soldiers' sexuality as long as soldiers did not (openly) *tell* if they were gay, lesbian or bisexual, the new policy was supposed to make it easier for LGB people to serve and thereby also improve military recruiting and retention. Under the first Obama administration then and after much struggle, DADT was repealed and ceased to be in effect as of September 20, 2011. Even though the majority of the 13,000 soldiers dismissed from the U.S. military under DADT were women - primarily women marked as Black<sup>7</sup> - the debate on whether or not to allow openly "homosexual" soldiers focused squarely on the spectre of White gay men fighting (Britton & Williams, 1995; Sheper, 2013).

Despite the public focus on the effects of DADT on White cismen, statistics by the Department of Defense show that by 2003/2004, discharge rates for male soldiers and White military staff had dropped dramatically, while the discharge rates for women and soldiers of colour remained fairly stable between 1997 and 2009 (Gates, 2010). Gates (2010, p. 3) identifies a significant shift in the ways DADT was implemented by the early 2000s, with women and soldiers of colour "bear[ing] a larger burden imposed by the policy than they did when the policy was first implemented in 1993." Gates' data only disaggregates by either "sex" or "race/ethnicity." The decline in discharge under DADT for White soldiers and male soldiers occurred in the wake of 9/11 and the onset of the wars on Afghanistan and Iraq, and hence at a time when the military had a heightened interest in troop retention. Racism and sexual harassment ("lesbian-baiting") rendered women of colour,

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DADT. While sodomy was criminalized throughout, getting caught during "homosexual sex" did not automatically lead to discharge; military regulations allowed the "queen for a day"-defense stating explicitly that service members were allowed to stay when such "conduct" was "unlikely to recur" (Belkin, 2012; Glauser, 2011).

<sup>7</sup> See Scheper (2013) who draws on statistics from Lynette Holloway's 2010 article in *The Root* entitled "'Don't Ask, Don't Tell' Hurts African-American Women the Most."

most of whom Black women, most vulnerable to being investigated and discharged for “homosexuality” (Britton & Williams, 1995; Sheper, 2013).

As discussed in the previous chapter, the War Story (Cooke 1996) is structured around a series of dichotomies that are highly gendered, including the binary of protector/protected. Building on Connell's (1995) concept of hegemonic masculinities, there is by now a rapidly growing body of literature investigating different articulations of militarized or military masculinity. There are studies tracing variations in military masculinities across time, countries, occupation, rank and service branches within national militaries (cf. Barrett, 1996; Belkin, 2012; Brown, 2012; Enloe, 1998, 2000; Higate, 2003; Higate & Henry, 2009; Kirby & Henry, 2012; Morgan, 1994; Niva, 1998; Ortega, 2012, Razack, 2004; Whitworth, 2004). Research on the recent growing inclusion of women into militaries across the globe suggests that women can also make claims to military masculinity, however military masculinity continues to be more available to cismen than to ciswomen (Belkin, 2012, p. 3; Enloe, 2000). In short, while the specific articulations of military masculinity may vary, contemporary military masculinities seemingly rest firmly on a male-female dichotomy (Hutchings, 2008) with femininity continuing to be associated with weakness, emotionality, dependency, subordination and disloyalty (Belkin, 2012, p. 26).

Despite the clear cut gendered dichotomy, militaries including the U.S. Armed Forces rely on soldiers to not simply disavow or flee from the un-masculine but the military incites and forces service members to also inhabit and perform unmasculine practices and positions, however they get recoded as affirming one's overall military masculinity (Belkin, 2012). In fact, the military provides men the opportunity to safely

transcend the boundaries of acceptable heteromascularity, allowing men to engage in emotional, erotic, and sexual encounters and impulses they would have to censor themselves in the civilian world in fear of being seen (by others or themselves) as queer and therefore not real men (Cohn, 1998, p. 17; see also Theweleit, 1977).

In the debate around the repeal of the DADT-policy the main reason provided for why homosexual soldiers would undermine military preparedness, cohesion and retention is that straight soldiers' sense of privacy would be undermined by being subjected to sexualization by their homosexual peers. As noted earlier, the military is a highly homoerotic institution that facilitates an intimacy of male bonding that is typically unavailable outside the confines of the officially manliest heterosexual manhood conferring institution. At the heart of the panic around the lack of privacy under the (imagined) homosexual male gaze then is that this gaze “will turn heterosexual men from subjects with desire to objects of desire (Bordo, 1993; as cited in Britton & Williams, 1995, p. 10).” The anxiety in regards to the anticipated sexual objectification is not that the homosexual male gaze would turn straight men into gay men, but into women – it would pose a threat to their gendered subject position and not their sexuality (Cohn, 1998, p. 16).

At stake in the struggles over sexual politics and normative domesticity in the post-9/11 American social formation, in particular around the debates on the full inclusion of women and queers into the military and the repeal of DOMA, are not simply clashing cultural values as the widely used descriptors “culture wars” seems to suggest. As explored in chapter two, civilizational discourses structured around a normative settler sexuality and gender relations in sharp opposition to Indigenous and Black primitivism and perversion have helped make a White nation well beyond just the symbolic level. The “unproductive

eroticism” (Sommer, 1990, p. 87; as cited in Stoler, 1995, pp. 134-135) of queer sexualities is not only immoral *and* unpatriotic (Stoler, 1995, pp. 134-135), but hegemonic visions of the familial household and the underlying racialized gendered and sexed relations have been fundamental to the settler invasion and re/production of the larger capitalist modernity in which it is embedded (cf. Agathangelou, 2004; Davis, 1985; McClintock, 1995; Rifkin, 2010).

Lisa Duggan famously argued that the political demand for extending marriage recognition to same-sex couples is an expression of a “new homonormativity,” a queer politics that “does not contest dominant heteronormative assumptions and institutions but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption” (Duggan, 2003, p. 50). Duggan thus holds that same-sex marriage is not just about imitating bad family traditions. Queer demands for the inclusion into the existing institution of marriage take for granted and reinforce the historically gendered and racialized access to and distribution of social resources of the stratified American welfare state and its underpinning gendered and classed racial-sexual normativities (cf. Bailey et al., 2004; Conrad, 2010; Farrow, 2005; Kandaswamy, 2008; Spade & Willse, 2008; Spade, 2011).<sup>8</sup>

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<sup>8</sup> As discussed in chapter two, the expansion of the welfare state under the New Deal excluded the majority of Black and Mexican workers of an already highly racialized and gendered class society under the guise of colour-blind legislation. The structural denial of access to the social resources available under the New Deal for these workers and their dependents while many White workers and non-wage labouring White mothers across differentials of social class enjoyed state support when in need and or to create wealth, for instance in the form of home ownership and old-age pension, further racially stratified the gendered distribution of wealth and poverty. With the intensified upward redistribution of wealth and access to social resources under the neoliberal restructuring of the welfare state, the disparities in the distribution of material rewards such as tax credits and health benefits qua marriage continue to be determined along highly racialized and gendered class lines (see in particular Kandaswamy, 2008; Roediger, 2008).

Central to the neoliberal restructuring of the U.S. welfare state and its regulation of familial relations are discourses of sexuality and criminality anchored in anti-Blackness (Bailey et al., 2004; Cohen, 1997; Davis, 2002, 2003, 2005; Farrow, 2004; Gilmore, 1998, 2006; Kandaswamy, 2008; Sudbury, 2002, 2005; Wacquant, 2002). Queer liberal mobilizations around “marriage equality” have relied heavily on hegemonic racialized ideas around sexual respectability that emerged in opposition chiefly to imagined Black sexual aberration, excess and danger (Bailey et al., 2004; Kandaswamy, 2008) and - in the context of neoliberal austerity and the concomitant hyper-expansion of the prison-industrial complex - have sedimented around the figure of the underserving Black (and recently Brown) welfare queen and the figure of the dangerous Black male criminal (Cohen, 1997; Gilmore, 2006; Kandaswamy, 2008; Roberts, 2011; Sudbury, 2002, 2005; Wacquant, 2002). As will be explored in the next section on gay patriot acts challenging DADT and DOMA, this reproduction of national gendered racial-sexual norms constructed in relationship to anti-Blackness resonates and has helped shore up also the civilizational knowledges of the hegemonic post-9/11 security discourse and its associated practices of war and violence.

Theorizing sexuality as a central mode of racialized governmentality in U.S. nation- and empire-building requires us to account also for its foundational role in securing the “domestic” settler colonial order. As explored in chapter two, the breaking up of indigenous modes of sociality and their transformation towards the heteronormative nuclear familial relations of the settler society were critical to the colonial conquest of “America” (Rifkin, 2011; Smith, 2005). Building on Wolfe’s (1996) theorization of settler colonialism as a structure rather than an event, chapter two discussed the importance of settler sexuality not

only for indigenous elimination, but also for “settler indigenisation”<sup>9</sup> (Veracini, 2011, p. 194), the ongoing struggle and efforts of settler subjects to “appear to be proper to the land” (Morgensen, 2012, p. 9). Following the insights of Native feminist and Two-Spirit theorists (cf. Driskill, 2004, 2011; Driskill, Justice, & Miran, 2011; Smith, 2010) on how queer subjects and queer sexualities are governed also by logics and processes of settler colonialism, my analytics of sexuality in the context of the U.S. War on Terror will deploy Morgensen’s (2010) concept of settler homonationalism.

### **Gay Patriot Acts. (National) Love, Violence and Belonging.**

In the following, I will explore some of the contestations around the recent opening of U.S. military service to cisgendered LGB soldiers and the implications of these inclusions for the constitution of soldierly selves, in particular the relationship between soldiering and masculinity. With the help of a Foucauldian-inspired analytics of governmentality, I propose that we read these shifts in the military's sex-gender regime most productively in the context of global liberal war which operates not only through practices of capture and annihilation but also through the neoliberal promotion of difference and associated affective economies of security.

My discussion starts with an exploration of some of the prominent public interventions by Lieutenant Dan Choi, who in 2009 became the ultimate gay patriot “face” of the struggle to repeal DADT. Until then, queer activism around the equal inclusion of

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<sup>9</sup> Settler indigenisation refers to the multitude of strategies and processes in response to the contradictions and anxieties around settlers' sense of being the natural owners of settled lands while knowing of the violent expropriation and elimination of indigenous people as the precondition for owning the land.



LGBT people into the U.S. military focused nearly exclusively on the discharge of White gender-conforming cismale service members (Carbado, 2013; Scheper, 2013; Stone & Ward, 2011). This focus on White gender-normative military masculinities in the campaign to repeal DADT led to the near erasure in the public imaginary of Sergeant Perry Watkins, the first soldier to have successfully challenged DADT. Watkins, a Black cisman, had served in the Army for 18 years – all through which he had openly communicated with his employer and co-workers about being gay (Carbado, 1999, 2013). Watkins regularly performed in drag at official and unofficial military gatherings (Carbado, 1999, 2013). When he was denied a promotion due to his homosexuality in 1981, he took the Army to court and won (Carbado, 1999, 2013). Watkins spoke out against his marginalization by what he identified as a queer rights movement centred on White men (Carbado, 1999, 2013).

Lieutenant Dan Choi is a graduate of the elite West Point military academy. Choi had served in the last Iraq war as an Arabic linguist before being discharged under DADT. Being racialized as “Oriental” and hence feminized, Choi's claims to military masculinity as a queer officer had to negotiate a complex terrain of racialized sexuality and gender which saw women – in particular women of colour - and men of colour being discharged as homosexuals on a much higher rate than White cismen. The dominant American imaginary not only denies Asianized masculinities the penis, but both heteronormative and queer scripts conflate Asianness and the anus (Eng, 2001; Fung, 2000). Cast as submissive and asexual, Asianized masculinities in the U.S. military are positioned - that is gendered and racialized - as queer already. As Richard Fung (2004, p. 340) notes on the racialized emasculation of gay Asianized men: “So whereas, as Fanon tells us, 'the Negro is eclipsed.

He is turned into a penis. He is a penis,' the Asian man is defined by a striking absence down there. And if Asian men have no sexuality, how can we have homosexuality?" It is against the backdrop of this phallogentric racialized script of the lack of penis that Dan Choi's performances of gay patriotism and claims to military masculinity are being enacted and read.

In March 2009, in an attempt to challenge the exclusion of openly gay, lesbian and trans\* people from the U.S. military, Choi identified himself on the *The Rachel Maddow Show* to a national audience as gay. Choi also acted as the spokesperson for *KnightsOut*, a queer advocacy organization of West Point alumni, faculty and staff. After his discharge, he engaged in some carefully staged public displays of allegiance to the nation and its military.



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Choi managed to elicit national media attention, for instance in March 2010 when he chained himself to the fence around the White House wearing a camouflage military uniform and a black beret.

In July 2010, Choi delivered an open letter to then Senate Majority Leader Harry Reid relinquishing his West Point class ring in response to Reid's unfulfilled promise to repeal DADT. A few months later, in an interview for a feature story with the *Village Voice*, Choi declared that "Harry Reid is a pussy, and he'll be bleeding once a month" (Thrasher, 2010, para. 18). Half a year after his coming out on national TV, Choi famously declared at the *National Equality March* in Washington, D.C. that "[w]e love our country, even when our country refuses to acknowledge our love. But we continue to defend it, and we continue to protect it, because love is worth it" (Advocate, 2009, para. 5). In a 2010 interview with Amy Goodman at a conference in Las Vegas, Choi explains how war helped him come out: "I could have died at any moment in the area that I was in...Why should I be afraid of the truth of who I am?" (Goodman, 2010a, para. 4) He went on, "if I die in Afghanistan or Iraq, then would my boyfriend be notified?" (Goodman, 2010a, para. 5; see also Nair, 2011) In October 2010, in a widely discussed debate on *Democracy Now* with queer anti-war activist Matilda Bernstein Choi made three arguments in favour of opening military service to gays and lesbians:

I know this is going to sound like fingernails on the chalkboard to some of your viewers, but war is a force that gives us meaning. War is a force that teaches us lessons of humanity and allows us to realize something about our society and

teaches us the lessons that we probably should have learned before we went to war (Goodman, 2010b, para. 8).

Choi then proceeds to comment on the recently reported pandemic of queer teenage suicides:

These kids that committed suicide, they certainly didn't know that there were other people that have been through that particular road. And when they hear messages that they cannot do a certain kind of job and that, as a stigmatized minority, just like the undocumented immigrants or Muslim Americans, or those people who look like Muslim Americans, are stigmatized and scapegoated in our country, we all know that the military is sometimes the only option for some people (Goodman, 2010b, para. 7).

The third argument Choi raised in favour of the repeal of DADT was the opportunity for a soldier "to serve honestly":

[W]e are not allowed to serve honestly in the military because of legal grounds. And if we are to make a strong moral argument, an absolutely strong moral argument on its face, after Don't Ask, Don't Tell is repealed, and you're allowed to serve, then your argument becomes that much stronger. Then you can say, I have

these skills, and I'm not going to be a part of the military. But right now, you understand, the argument, it doesn't quite make sense to a lot of people, because your inability to serve honestly and with integrity is just a legal default (Goodman, 2010b, para. 15).

Choi's pro-equality discourse identifies and promotes a range of "queer investments" (Lamble, 2013) in affective and material economies of liberal war and security, promising "freedom with violence" (Reddy, 2011; see also Nair, 2011). From bullied queer kids committing suicide to undocumented migrants and Muslim Americans, Choi lets them know that *it gets better*<sup>10</sup> because "war is a force that gives us meaning." The ways Choi analogizes the prohibition of LGB soldiers serving openly in the U.S. armed forces with the racist oppression of Muslims and Muslim look-alikes and undocumented migrants by state and "petty sovereigns" (Butler, 2006, p. 65) reproduces queerness as a White norm and straightness=homophobia as a racialized norm (Puar, 2007, p. xxiv; Somerville, 2000, p. 8; see also Eng, 2010). His analogy equates and trivializes the state-led racist oppression of "terrorist Muslims" (rendition; torture) and "criminal illegals" (detention; deportation) with losing one's employment with the most heavily armed military in the world. In the same vein, Choi's discussion of being deprived of "serving honestly" and whether upon his death on the battlefields of Afghanistan or Iraq his boyfriend would be notified centres the violations of

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<sup>10</sup> In September 2010, a month before Choi's interview with Bernstein, U.S.-based author Dan Savage created a YouTube video with the professed goal to inspire hope in LGBT youth facing homophobic harassment. The video went viral and gave rise to the popular *It Gets Better Project*, which gave rise to 50,000 user-created videos, which by June 2014, had been viewed globally more than 50 million times (Itgetsbetter.org). For more in depth critiques of the campaign, see Bassichis & Spade (2014) and Puar (2012).

the gay all-American soldier while de-centring the actual victims of U.S. warfare and torture (see also Nair, 2011). The kind of nationalism that is being narrated is muscular and multicultural in ways that helps secure rather than challenge the “mythical norm” (Lorde, 1983) around Whiteness, heteronormativity and class privilege, and reproduces the hegemonic national security imaginary.

Choi's performance of patriotism and manliness draws heavily on the “lexicon of bourgeois civility” (Stoler, 1995, p. 8) and resonates with the much-admired model of Anglo-Saxon military masculinity associated most famously with General Custer, the famous commanding officer whose defeat at the Battle of the Little Bighorn against various Indigenous nations just a few years prior to the so-called closing of the frontier became legendary beyond the military significance of the battle. This model of manliness casts the soldier as a “courtly cavalier,” “inheritor of knightly virtue” who is led by “his fierce loyalty to his friends, his sense of the military as a profession infused by male camaraderie, and his disinterest in the political ideologies that motivated the conflicts in which he participated” (Elliott, 2007, pp. 65-66). As notes Elliott (2007, p. 73).

Custer's mode of chivalry, with his emphasis on camaraderie and his love of the West Point brotherhood, also had future utility; this set of values would provide a foundation for 'the romance of reunion,' with Union and Confederate veterans in the decades to come celebrating the valor and sacrifice of the Civil War by participating in historical amnesia about its divisive political matters, especially slavery.

Like Custer, Choi casts himself and other homosexual soldiers as apolitical professionals that valorize fighting for the sake of fighting (Elliott, 2007, p. 66). Choi's promise of "freedom with violence" (Reddy, 2011) de-politicizes legality and effects of the use of military force and carceral violence at a time of state austerity when the enormous military spending on the wars in Iraq, Afghanistan and Pakistan has come under severe criticism. As Elliott writes in the context of Custer's time at West Point, this kind of militarized masculinity contributes to political amnesia and facilitates national union in the face of social conflict and race war. In this gendered discourse on learning vulnerability and comradeship in war and the characterization of Reid as a "pussy" and leaky menstruating body, Choi positions himself as a hyper-masculine warrior whose body is sealed and self-contained - no leaking bodily fluids and un-penetrable, despite (being) the anus.<sup>11</sup> In the context of the global liberal war (on terror) it is via the participation in the affective and material economies of security and hence on settler imperial terrain that queer racialized subjects like Lt. Dan Choi, whose belonging to the nation and national masculinity is otherwise precarious and ambiguous (at best), are invited and or get to (imagine themselves to) be-long. Nguyen in the context of 20<sup>th</sup> century Chinese-American literature argues that the narrative demands on racially emasculated American men marked as Oriental and hence effeminate is to achieve racial remasculinization through the performance of violence by the male body on other Others, in particular towards those marked as Black (Nguyen, 2000, pp. 133-134). As I discuss in the following, Choi's production and self-fashioning as a Gay Patriot is indeed anchored also in grammars of anti-Black suffering.

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<sup>11</sup> Choi was the only prominent anti-DADT activist to publicly support Chelsea Manning during her trial. Choi argued that Manning's commitment to "truth" and "integrity" were "Army values" (Dolan, 2011).

Choi and twelve other people had to stand trial for chaining themselves to the fence of the White House on Nov. 15, 2010 (see picture above). Choi argued that he was targeted unfairly for prosecution due to his civil rights activism for LGBT equality in the military. He told the court that he had modelled his actions according to the actions of the Black civil rights movement of the 1960s, such as the famous lunch counter sit-ins at a Woolworth's department store in Greensboro, N.C., that challenged segregation laws (Chibarro, 2011). Choi's public interventions demanding the end of DADT not only drew on forms of direct action developed by the civil rights movement, but Choi also compared the politics around the exclusion of LGBT soldiers from military service with the racialized segregation of the military under Jim Crowe (cf. Glantz, 2010).



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This equation of the struggle for LGBT equality with the civil rights struggle gained much prominence in the mobilizations around the repeal of DADT and DOMA and much of U.S.-based LGBT human rights advocacy. A popular visual articulation of “the civil rights analogy” (Reddy, 2011) widely shared via social media in the months leading up to the repeal of DADT shows two water fountains – one for straight people, one for gay people.<sup>12</sup> The one marked “gay” appears less modern, looks dirty and hangs lower. The meme reminds the audience of the “separate but equal” policy, which assigned Whites and Blacks separate and unequal access to public institutions, goods and space.

Suggesting that “Gay is the New Black”<sup>13</sup>, the civil rights analogy implicitly renders gay=White and hence obscures the existence of queer, trans\*, Two-Spirit and gender-nonconforming Black, Indigenous and other people of colour (QTIBPOC). This erasure allows for the civil rights analogy to narrate the repeal of DADT and DOMA<sup>14</sup> as another historical step along the *telos* of universal human rights starting with and in relationship to Black liberation dating back to either the Civil Rights/Black Power Movements or racial

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<sup>12</sup> The civil rights analogy expressed visually as segregated water fountains circulated in various iterations, including <http://achievementgap.wordpress.com/2008/11/19/gay-straight-water-fountains/> and [http://cartoonblog.nbcnews.com/\\_news/2012/08/03/13108586-cartoonist-talks-about-controversial-chick-fil-a-cartoon?lite](http://cartoonblog.nbcnews.com/_news/2012/08/03/13108586-cartoonist-talks-about-controversial-chick-fil-a-cartoon?lite).

<sup>13</sup> “Gay is the New Black. The Last Great Civil Rights Struggle” was the cover title of the December 16, 2008 issue of *The Advocate*, the oldest and largest LGBT magazine in the USA. The title was in response to the success of Proposition 8, a referendum in California organized by anti-gay political forces to overturn a previous ruling that had legalized same-sex marriage in the state. The narrow success of the ballot was widely blamed on the so-called African American vote (cf. Carbado, 2013; Stone & Ward 2011). For critiques on casting LGBT equality as “the last great civil rights struggle, see Agathangelou (2013a), Bassichis & Spade (2014), Carbado (1999, 2013), Eng (2010), Farrow (2004), Kandaswamy (2008), Puar (2007), Scheper (2013), Spade and Willse (2004, 2014) and Stone and Ward (2011).

<sup>14</sup> Queer pro-equality organizing commonly conflated the repeal of DOMA with the end of anti-miscegenation laws culminating in *Loving vs. Virginia* (1967). For more in-depth critiques, see Eng (2010), Puar (2007), Reddy (2008) and Somerville (2005).

chattel slavery. This narrative consigns racism - specifically anti-Black racism (see Bassichis & Spade, 2014; Kandaswamy, 2008; Sexton, 2006, 2007, 2010a) - “to the dustbin of history” (Eng, 2010, p. x) shoring up fantasies of “racial harmony” (Puar, 2007) and thereby erases racism/s as a central axis within QTIBPOC’s “matrix of domination” (Collins, 1990, p. 18), including racism by White queer and trans\* people. As writes Jared Sexton (2007, p. 210), “Black suffering ... is utilized as a convenient point of reference, the putative bottom line, in such a way that the specificity of antiblackness – which is to say, its inexorableness and fundamentality to racial formation in the United States - is almost entirely obscured.” The civil rights analogy thus erases the racialized and gendered distribution of wealth and “vulnerability to premature death” (Gilmore, 2007, p. 247) re/produced by the institutions of military (DADT) and marriage (DOMA). By evoking a post-racial world order of freedom of opportunity, this homonationalist imaginary helps shore up geopolitical lines of conflict along the Core/Gap-model (Barnett, 2003) and its underpinning racial-sexual grammars of modernity and backwardness, and thereby helps support not only the U.S. settler empire’s racialized security logics and practices abroad, but also shores up the racialized security practices of the domestic prison-industrial complex.

Wilderson’s (2010) critique of what he calls the “ruse of analogy” goes a step further, locating Black suffering not in the realm of the experiential but at the level of ontology (see chapter two). According to Wilderson, “[the] imaginary of the state and civil society is parasitic of the Middle Passage. Put another way, No slave no world” (2010, p. 11; as cited in Dillon, 2013, p. 34). He argues that the “very attempt to empathetically identify” (Dillon, 2013, p. 41) with Black suffering results in the latter’s erasure. Agathangelou’s (2013a) analysis of Hillary Clinton’s historical speech on “gay rights” on the occasion of Human

Rights day 2011 demonstrates how the (supposed) abolition of chattel slavery serves as a central anchor in the liberal narrative of LGBT equality. In her speech Clinton analogizes the violation of gay and lesbian human rights in Africa - and other “dark” spaces of the Global South - with Black suffering under slavery (“Likewise with slavery”; as cited in Agathangelou, 2013a, p. 458). Speaking in the wake of the Ugandan “kill-the-gays” bill (funded by U.S. Evangelical Christians), Clinton’s speech articulates “the ‘need’ of ‘the West’ to save ‘the queer’ from ‘the black’” (Agathangelou, 2013a, p. 463). Once again, liberal freedom – in this case queer liberal freedom – is anchored in “grammars of suffering” (Wilderson, 2010, p. 6) structured by and enabled through “the social, civil and living death” (Dillon, 2013, p. 56) of subjects marked as Black.

Entwined with the conflation of Jim Crowe segregation with the full and equal inclusion of queers into military and marriage is the frequent evocation of this struggle as the “new frontier” or “final frontier” in the fight for civil rights. *OutServe* magazine in its August 2011 issue for instance speaks of DOMA as “equality’s final frontier” (Sweeney, 2011), and a few days following the repeal of DADT in both chambers of Congress, *The Grio* commentator Edward Wyckoff Williams (2010) asks “Don’t Ask Don’t Tell: Final frontier of the civil rights movement?”<sup>15</sup> Steeped in the hegemonic national imaginary of the (Western) frontier as the mythical space and vehicle for (settler) freedom, the frontier analogy rests on the erasure of the (ongoing) attempt of the settler society at eliminating the Native.

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<sup>15</sup> For critiques of the frontier metaphor, see also Bassichis & Spade (2014), Snorton (2013) and Stone & Ward (2011).

In the months following the repeal of the DADT policy, three photos associated with sexual equality in the U.S. military have gone viral in queer cyberspaces and via national mass media. The first photo to have elicited this kind of response is the public kiss between two female sailors from California, Petty Officer 2nd Class Marissa Gaeta and her partner Petty Officer 3rd Class Citlalic Snell. “The kiss” hailed by pro-repeal activists as “the kiss heard 'round the world” (L.A Times, 2012) was the “first kiss” upon landing “back home,” a Navy tradition for ships returning to port. As the *L.A. Times* reports, “Gaeta was chosen to have the honor of the 'first kiss' as part of a raffle in which sailors bought \$1 tickets to raise



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funds for a Christmas party for military children. Gaeta said she bought \$50 worth of tickets. Navy officials said it was the first time a same-sex couple was chosen to have the first kiss” (L.A Times, 2012). Widely considered “the first gay kiss” among active duty soldiers, the

photo of the two women elicited much excitement by queer and mainstream media, and even the Navy posted the photo on the official Navy website (cf. Maddow, 2012). President Obama shared the photo on his re-election blog [barackobama.tumblr.com](http://barackobama.tumblr.com) on the first anniversary of the repeal.

Public displays of intimacy in the form of kiss-ins have played a significant role in U.S. queer organizing by groups like *Queer Nation* and *ACT UP* at a time when the dominant national imaginary relegated queers to the “discursive realm of the public toilet and the asylum” (Haritaworn, 2008a, p. 7). Kiss-ins performed at malls and straight bars were a form of direct action, “‘in your face’ politics” (Cohen, 1997, p. 439) or “terror tactics” (Halberstam, 1993, p. 190) to “shock” their straight audience and demonstrate that queers exist and demand their political demands be heard. The kiss between the two sailors of course reminds American audiences of the iconic 1945 image of the kiss between a U.S. sailor and a woman in a white dress on New York City's Times Square on V-J Day (Victory over Japan Day). Alfred Eisenstaedt's famous snap shot of this kiss was published in *LIFE* magazine as part of a piece on “Victory Celebration” two weeks later turning into a (trans)national symbol of heterosexual romance which circulates widely still today via posters and post-cards.<sup>16</sup> The same scene from a different angle was captured also by U.S. Navy photo journalist Victor Jorgensen and published the following day in the *New York Times*.<sup>17</sup>

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<sup>16</sup> The narrative of White heterosexual romance against the background of America's self-less and benign use of military force produced by the image of the kiss between the sailor and the nurse was recently shattered when the woman, Greta Zimmer Friedman came forward and reported that George Mendonsa had forcibly kissed her (Leopard, 2012).

<sup>17</sup> Jorgensen was on duty as a government employee when he took the photo and hence the image is available in the public domain.



Photo "Kissing the War Goodbye" taken by Victor Jorgensen on V-J Day.P

Gaeta's and Snell's performance of intimacy challenges not only the heterosexual and patriarchal erotics of hegemonic militarized masculinity represented and produced by the kiss famously captured by Eisenstaedt and Jorgensen, but also the kind of militarized masculinity associated with today's Armed Forces. Simultaneously, the "first kiss" between the seemingly White and gender normative ciswomen reproduces hegemonic racial, gender and kinship (supporting fundraiser for children) norms affecting at least temporarily a redrawing of the lines of sexual respectability. This reconfiguration of the parameters of sexual respectability produces the Navy and by extension U.S. military as feminist, gay-friendly and modern, and hence shores up the dominant War on Terror narrative that casts the U.S. as a selfless and benign force that only hesitantly gets involved in the war-mongering of others, and yet brings liberation from oppression globally, from

Nazi racism to Islamic fundamentalist misogyny and homophobia. Embedded in the racialized dichotomies of “U.S. sexual exceptionalism” (Puar, 2005, p. 122) “the first kiss” brings into existence the sexually free and thus modern queer subject in opposition to the backward brown “monster-terrorist-fag” in Puar and Rai's (2002, p. 139) famous expression.

This *queer* articulation of the dominant national security imaginary obscures the soldiers' and their employer's role in the necropolitical distribution of capture, detention, torture, maiming and destruction of people and land in the War on Terror and the ongoing project of settler colonialism, all of which rest critically on technologies of heteropatriarchal racialized sexuality (see chapters 2-5). Read against the grain of the hegemonic national security fantasy, the Navy sailors' performance of intimacy in fact renders educational or civilizing the use of force against the misogynist and anti-gay Al-Qaeda/Muslim/Arab/Iranian mullahs. In this reading state-administered violence becomes biopolitical, the capture or killing of certain populations is necessary to make grievable lives live. It is within this larger geopolitical context that the two sailors as queer subjects become sights and sites of normalization and the newly state-sanctioned homo/sexuality or settler homonationalism they perform comes to constitute a critical modus of racialized governmentality in the biopolitics of the War on Terror. Finally, as the production of the gay patriot reiterates national racial-sexual norms rooted in anti-Blackness, articulations of gay patriotism contribute also to cultural logics that paint the prison-industrial complex and other anti-Black technologies of liberal security as necessary and legitimate forms of violence.

A few weeks later, another performance of queer intimacy involving a member of the U.S. military went viral via Facebook and was then taken up by mass media (cf. Daily Mail Reporter, 2012). However, the snapshot of U.S. Marine Brandon Morgan kissing his boyfriend Dalan Wells upon arriving in his home state of Hawai'i after his deployment in Iraq was not as well received. The two very butch looking White men share a kiss in front of a large U.S. American flag with another military family welcoming their loved ones home and not paying any attention to the kissing men. While this performance of queer intimacy seems to similarly involve the reiteration of national racial and gender norms, the butch Marine in camouflage uniform having jumped onto his even more butch boyfriend wrapping his legs around him and sharing a kiss gave rise to much anxiety and led to a backlash via letters to the editor, including in the official military magazine *Stars & Stripes* and cyberspace activism.





©Facebook/Brandon Morgan's Facebook wall

Chandan Reddy (2011, p. 156) asks in *Freedom through Violence* about the kinds of vulnerabilities and instabilities that are opened when national norms such as the law desire LGBT desire. Having received a flower *lei*, Morgan's jump onto his boyfriend with the legs wrapped around his ueber-butth waist undermines normative masculine gender expression and relations, and raises the spectre of the sexual passivo or faggot. What seems so uncanny for many audiences about the image is that it undermines hegemonic ideas about gender performance and sexual practice. With the hegemonic national imaginary warning "us" that

“the rectum is a grave,” in Leo Bersani’s (1987) famous phrase, the viewer gazes at a butch White Marine potentially receiving and potentially dying when he is supposed to penetrate and dominate feminized spaces to securitize the homeland and save civilization itself. While the public performance of queer intimacies between Morgan and his partner disrupts hegemonic narratives mapping or conflating sexual practices onto gender performances, doing “it” in full camouflage in front of a large U.S. flag simultaneously helps “diversify” and render “sexy” the troops, and thereby helps de-centre any discussion of the mission he is coming back from. Similar to the “first kiss” between the two sailors, Morgan’s display of queer intimacy firmly casts the U.S. military as gay-friendly and modern, and hence civilized in opposition to the imagined Islamic terrorist threat. Once again, the performance of a certain *queerness* enables or makes possible the emergence of the civilizational Other in form of the monster-terrorist-fag and acts to obscure and legitimize the War on Terror’s regime of racialized imperial violence.

The performance mobilizes not only affective and material economies of homonationalism (Puar, 2007) but very explicitly a homonormative settler sexuality or settler homonationalism (Morgensen, 2010). The Kingdom of Hawai’i was overthrown in 1893 by the U.S. Marine Corps in cooperation with settler oligarchs, annexed six years later and continues to be illegally occupied by the U.S. state today.<sup>18</sup> The imposition of heteropatriarchal familial relations through the criminalization of all other sexual relations

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<sup>18</sup> Kanaka Maoli, the indigenous residents of the Hawai’ian islands, were turned into a small minority through state-sponsored mass migration of settlers who then outvoted indigenous islanders in a 1959 referendum on whether to become a U.S. state. Hawai’i has become the “linchpin of U.S. empire in the Asia Pacific region” (Kajihiro, 2009, p. 301) and one of the most militarized places on earth. The Pacific Command is responsible for over half of the earth’s surface, 60 percent of its population and the islands’ largest industrial polluter (Kajihiro, 2009, p. 301). On O’ahu, the most densely populated island, the U.S. military controls nearly a quarter of the land.

and gender expressions has been central to the colonial dispossession of Hawai'ians (Hall, 2008; Isaki, 2011; Kauanui, 2008a, 2008b). Under the pressure of the growing independence movement that increasingly relies on direct action like land occupations, protesting with signs and yelling at tourists and settlers in popular public places (Kajihiro, 2009; Kelly, 2008), President Clinton in 1993 passed the *U.S. Apology Resolution* that recognizes that “the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum” (as cited in Kauanui, 2008b, p. 282). These forms of direct action, in particular shouting at tourists and settlers, disrupt also racialized colonial fantasies of Hawai'ians as happy and devout (sexual) service providers for *Haole* (White settlers/foreigners). The kiss between the *lei*-wearing Marine and his partner on unceded land in front of the American flag constitutes hence another queer articulation of the post-9/11 hegemonic security discourse. Their performance of queer intimacy shores up the settler colonial invasion via the elimination of the (angry) Native and the reproduction of U.S. settler sexuality through settler indigenisation (*lei*).

In the wake of the mass circulation of these two photos, a third image went viral depicting an unknown soldier raising a rainbow flag over Bagram military base following the repeal of DADT. That image juxtaposes three photos documenting in sequence how the soldier raises the well-known symbol of “gay pride.” The images were initially shared on March 24, 2012, on the wall of a Facebook group called “Wipeout Homophobia” by a Facebook user called Nicole Jodice (cf. Daily Mail Reporter, 2012; Maddow, 2012). Jodice wrote that the soldier was her husband. The images were picked up by mainstream media and triggered an investigation by the *International Security Assistance Force* (Starns, 2012).

Wearing grey sand-colour camouflage in front of a grey military tent the rainbow flag brings colour and life to the grey and barren desert land articulated in the hegemonic national security imaginary as Indian country (see chapter three) and or Taliban/Arab land (see chapter five).



©Facebook/"Wipeout Homophobia" on Facebook

Akin to the heteropatriarchal civilizational narratives of modern colonial tales about brave Western men penetrating Virgin land, inseminating and rendering fruitful feminized colonial space and thereby preparing the ground for modernity and civilization (see chapter five), the rainbow flag above Bagram promises to bring Afghanistan and its people into (sexual) modernity. Like the men involved in the early colonial discoveries, good American soldiers – queer and straight, male and female – risk their lives in uninhabitable lands to fight misogynist terrorists and free “their” women and queers. Bagram Air Force Base of course hosts also the most prominent “black site” for the rendition and torture of “enemy combatants” in the War on Terror. The acts of torture

committed by soldiers, private contractors and secret service agents there and other U.S.-run prisons like Abu Ghraib followed an aggressively heteropatriarchal script featuring the calculated humiliation and punishment of Orientalized prisoners through technologies of feminization and homosexualization (see chapters four and five).

Around the time of the release of these photos, Dharun Ravi, a first year Rutgers University student was standing trial for cyber bullying his gay roommate Tyler Clementi, who killed himself by jumping off of George Washington Bridge in New York City. Clementi subsequently became the poster child for anti-gay cyber bullying. Ravi had filmed Clementi engaging in queer intimacies with an older man in the assumed privacy of the shared dorm room and then tweeted about it. A jury convicted Ravi of “invasion of privacy, intimidation, tampering with evidence, tampering with a witness and hindering apprehension.” Ravi faced up to ten years in prison and possible deportation “back home to India” - a country he did not grow up in (Keguro, 2012). The harsh judgement followed a nation-wide campaign on the expansion and enforcement of hate-crime legislation and anti-immigrant legislation. While in the previous year several cases seemingly involving anti-gay sentiment were reported, for instance the brutal torture and racist murder of Black gay man James Craig Anderson, these “cases” did not elicit that kind of outrage and compassion.<sup>19</sup>

That the label “homophobic” seems to “stick” (Ahmed, 2004) to Brown bodies at the current juncture of intensified anti-“terrorist-monster-fag” (Puar & Rai, 2002) and anti-

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<sup>19</sup> Ironically, the family of Anderson asked publicly not to apply existing hate-crime legislation against the White racist and homophobic killers of the man referencing the disproportionate incarceration of people of colour and the disproportionate use of hate-crime laws against the populations most vulnerable to hate speech and actual practices of violence.

Brown-immigrant sentiment seems unsurprising. After the jury rendered the verdict on Dharun Ravi, Keguro Macharia shared the following analysis on his blog:

To be presumptuous: I have been Tyler and Dharun.

I have been Tyler and Dharun in a post 9/11 U.S. that accuses white men of exploiting the rest of the world and accuses brown men of destroying it. I have been Tyler and Dharun in a post 9/11 world where white men advocate for homosexual rights and advance homophobia and where brown men are understood as always homophobic. I am being presumptuous, so let me stop. I do not know how to write about this case in a world where brown men are defined as homophobic, in a world where brown men “hate” the U.S., in a world where brown men “hate” homosexuals. This is the world in which this case took place. It is a world in which “immigrant” bodies, which is to say, certain brown bodies, are accused of victimizing white men: software engineers from “India” have taken “white men’s jobs”; outsourced jobs have “gone to India”; the “brown” middle class is undermining the “white” middle class. A world in which “brown men” are “callow” and “cruel.” Unable to assimilate into U.S. norms of feeling and acting (keguro, 2012).

Macharia's analysis of the stickiness of brown bodies in terms of constituting a sexual *and* economic threat to the White middle-class moral order “anchored in conjugality and work” (Wacquant, 2002, p. 60) reveals how this racialized production of Brown bodies as exceptionally homophobic, backwards and sexually repressed simultaneously produces White subjects not only as “innocent, entitled, rational, and legitimate,” as Razack (2002, p. 19) notes in a different context, but as injured and in need of sympathy and protection. Standing in as a sexual and economic threat, monstrous Brown masculinity turns into a threat to the health, wealth and well being of the White middle class. Brown men victimize White manhood and families not only by stealing their jobs in the context of first outsourcing and now the financial crisis, but because of their exceptional homophobia. Macharia's

analysis points to a reconfiguration of White national masculinity based on more egalitarian gender relations and “enlightened” tolerance of homosexuality in relationship to the backward patriarchal and homophobic manhood of Brown men – this progressive masculinity is a hallmark of liberal modernity's civilizational superiority and helps legitimize illiberal acts of military and carceral violence in the War on Terror. Injured and wounded by monstrous Brown masculinity, the White middle class turns to the liberal state for protection whose *defensive* use of force is projected along a *global frontier* (see chapter three).

The final part of my analysis focuses on a video produced by two self-identified civil rights organizations, the *Freedom to Marry* campaign and *OutServe LSDN*, the largest advocacy network for U.S. LGBT soldiers and veterans. The video was released on Veteran's Day 2012 to challenge the discrimination of LGB soldiers and their families resulting from the DOMA, which precludes the U.S. military from providing equal services like housing and other financial benefits to soldiers in same-sex partnerships. According to the press release, it is “the latest video installment in the *Freedom to Serve, Freedom to Marry* campaign launched earlier this year” (Polaski, 2012).

Entitled “Same skin” the 1.37 min video addresses the question “What makes a gay soldier different from a straight soldier?” The video shows two male soldiers. Both men are seated on their beds and are in the process of removing their uniforms. One soldier is racialized as ambiguously brown/Asian and one as White. While the video leaves the viewer uncertain as to which of them is gay, viewers familiar with the hegemonic gay script are led to *suspect* that the White soldier is the gay one. Once both soldiers have stripped down to nothing but their underwear and the military tag around their neck (reminding us of their sacrifice to die for the nation) we see their bodies covered in bruises, scabs and scars.



©Freedom To Marry Inc.

The blurb tells the viewers that the U.S. military must treat the two soldiers differently because one soldier is gay, one straight despite the fact “that both are scarred by war.” A caption appears across the screen stating that “Gay and straight service members scar in the same way.” Then a second caption appears underneath announcing “But the military is forced to treat them, and their families, differently because of the ‘Defense of Marriage Act.’”

According to Evan Wolfson, founder and president of *Freedom to Marry*,

This video viscerally captures the cruelty of treating gay soldiers and their families as second-class citizens under DOMA - the psychological pain of inequality, on top of physical scars born of service to our country. ... With the Supreme Court likely to hear a challenge to the so-called Defense of Marriage Act and Congress considering the Respect for Marriage Act, which would repeal it, decision-makers need to see



up close the very real harms federal marriage discrimination inflicts on the families that our country should most closely protect (Polaski, 2012, para. 8).

The video and larger campaign link the repeal of DADT (“freedom to serve”) to same-sex couples’ right to marry (“freedom to marry”). The title and the decision to depict skin racialized as White and as Brown once again draws on the civil rights analogy equating racist oppression and exclusion under Jim Crowe with the federal prohibition to engage in same-sex marriage, hence rendering in particular anti-Black racism a matter of the past and racist oppression as simply a matter of exclusion/segregation. In the narrative of the video, the woundedness of the soldiers due to the “physical scars born of service to our country” and the “pain of inequality” displaces any context of the destructive effects of the War on Terror on people and land marked as enemy spaces. In fact, the vulnerability or woundableness of the soldiers displaces the highly asymmetrical capacity to injure - including remotely - between the U.S. forces and those that fight them in the War on Terror. Instead, the narrative casts the newly “integrated” military as (1) a *progressive* actor that is once again at the forefront of extending freedom and equality (after being the first institution to officially desegregate between 1948-1954) and (2) a *victim* of policymakers that refuse to change the DOMA and thereby deny true equality and respect to their/our loyal soldiers.



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At 1.02 minutes, the video shows one of the soldiers' bloody knuckles suggesting he was in a close-up fight beating enemy forces=terrorists in the quest to defend civilization itself. Given the physical remoteness between U.S. forces and terrorists in much of contemporary high-tech warfare the bloody knuckles also evoke the spectres of “enhanced interrogation” and prisoner torture. Suggesting that gay soldiers are “one of the boys” and will do what it takes to defend the homeland, the bloody knuckles challenge dominant narratives of homosexual men as treasonable and disloyal threats to national security. In this queer articulation of the save civilization itself fantasy, it is via the perpetration of imperial violence that the gay soldier is rendered moral and his sexuality (and family) respectable. The video interpellates the pro-equality viewer into an affective community of modern and moral national subjects who defend U.S. sexual exceptionalism not only

against terrorist-monster-fags, but also from homophobic policymakers who rendered the nation insecure by dismissing LGBT soldiers prior to the repeal of DADT.

While the focus of the video is on the loyalty of the gay patriot, the video articulates also the common sense story of the U.S. military as the most racially integrated institution. The national imaginary of a harmonious multicultural military following the post-WW II “racial break” (Omi & Winant, 1986) however has made space for masculinities racialized as non-White in ways that continue to narrate male violence as heroic and acts of national regeneration when performed by White cismen. In this reading, by juxtaposing the White soldier to a hairless soldier racialized ambiguously as Brown/Asian in ways that depict him as an unthreatening military masculinity, the video narrates racial remasculinization through violence against imperial Others, however it does so without challenging the national imaginary's conflation of the heroic use of (military) violence with non-Blackness.

## **CONCLUSION**

With the “colour schemes” (Trask, 2004, p. 9) underpinning U.S. security practices historically produced in relationship to a rigidly heteropatriarchal sex-gender regime, this and the previous chapter trace seemingly dramatic departures from the heteropatriarchal grammars of the usual War Story. Cautioning celebratory readings of the repeal of DADT and DOMA this chapter critically explores “queer investments” (Lamble, 2013) by the U.S. state and gay patriots in “the strange coupling of civil rights and national security” (Reddy, 2011, p. 5) in the post-9/11 era. Challenging readings of recent reconfiguration of queerness and gender as the “latest frontier” in the unstoppable march towards human rights,

freedom and democracy, the chapter explored how in the hegemonic post-9/11 U.S. national security imaginary and associated practices of war and violence, certain figurations of (homo)sexuality have come to constitute a critical modus of racialized settler imperial governmentality. The chapter explored how queers are getting enrolled in the governmental project of liberal security not only in relationship to the figure of the Orientalized monster-terrorist-fag (Puar & Rai, 2002), but how the gay patriot is also produced in relationship to Indigeneity and Blackness. Recognizing the narrative demands and real social pressures on queer subjects, in particular those racialized as feminine, as not only sexually deviant and gender nonconforming, but weak, submissive, emotional and disloyal, my analysis suggests that while the redrawing of sexual respectability and manliness challenges hegemonic understandings of military masculinity and national belonging, these reconfigurations of acceptable variations of national settler sexuality come at a heavy cost.

Human rights discourses on the “pain of inequality” (in terms of access to marriage and military service) and the “wounds” of having to serve “dishonestly” center LGB soldiers as the victims of U.S. national security practices and thereby displace the actual targets and hence victims of warfare. This erasure occurs in the context of the official expansion of the limits of the legitimate and legal use of military and carceral in time (preemptive) and space (global battlefield), including the highly asymmetrical capacity to injure and kill via drones and in the torture cell (see chapters three and four). Embedded in the racialized dichotomies of American (sexual) exceptionalism, the recent coupling of homo/sexual equality and national security positions the U.S. military as gay-friendly and modern in opposition to the misogynist and anti-gay Al-Qaeda/Muslim/Arab/Iranian mullahs. The Orientalist construction of the monster-terrorist-fag renders the preemptive, racialized distribution of

military and carceral violence as feminist, queer-positive and life-affirming security practices, and thereby secures the civilizational Whiteness of the U.S. social formation and of those who feel their lives cared for by these biopolitical acts.

Furthermore, queer investments in the affective and material economies of liberal war and security are anchored in the racial-sexual “grammars of suffering” (Wilderson, 2010, p. 6) structured and made possible by ongoing colonial settlement and “the social, civil and living death” (Dillon, 2013, p. 56) of subjects marked as Black. As explored in this chapter, much of the liberal human rights activism around the inclusion of gays and lesbians into the institutions of marriage and the U.S. military has framed these issues as the “new frontier” or “final frontier” in the struggle for civil rights and analogized the full and equal inclusion of queers into marriage and military with the end of Jim Crowe segregation. The frontier analogy (settler colonialism and Indigeneity) and the civil rights analogy (slavery and anti-Blackness) “evoke the racial past to thoroughly efface and erase it in the present” (De Genova, 2012, p. 256), shoring up fantasies of “post-racial triumph” (Ho Sang & LaBennett, 2012, p. 5) at a time when racial-sexual logics of Indianism and anti-Blackness continue to render certain Others - including “domestic” subjects cast as Indigenous and Black - subject to the dark underbelly of liberal security. These technologies of in/security range from spectacular acts, such as territorial displacement and dispossession, neglect, frisking, indefinite detention, torture and pre-mature death to seemingly mundane security practices, such as the normalization of certain sexual/familial relations and the scanning of hair<sup>20</sup> deemed “kinky.” Gay patriots become regulatory in relation to not only the failed masculinities of the queerly racialized Muslim terrorists, but

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<sup>20</sup> See for instance Oliver (2012) and Reese (2012).

in particular in opposition to the figure of the Black (post-)slave.<sup>21</sup> Despite Black women being affected the most under DADT, queer anti-DADT organizing focused nearly exclusively on White cismen while cannibalizing on both the grammars of Black suffering (Wilderson, 2010) and tactics of Black liberation struggles. This parasitic reliance on anti-Blackness in the queer homonationalist imaginary continued also once Dan Choi's public performances challenged the Whiteness and gender normativity of previous Gay Patriot Acts.

To conclude, while the contestations articulated by gay patriots and their supporters have challenged dominant understandings of sexual respectability and military masculinity, they are contingent on and have helped shore up a progressive, egalitarian and compassionate military masculinity that probes up the discourse of global liberal war by narrating aggressive *preemptive* acts of military and carceral violence as *defensive* acts of freedom. Beyond the question of collusion in helping to "man" the U.S. Armed Forces, human rights discourses and performances of gay patriotism around the repeal of DADT and DOMA play a fundamental role in the production of the larger biopolitical order and its underpinning processes of de/valuing populations and the concomitant regulation of differential vulnerability to military and carceral violence as well as unequal access to social resources, including land.

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<sup>21</sup> On May 2, 2013, a month before the Supreme Court overturned DOMA, exiled Black liberation activist and author Assata Shakur was added to the FBI Most Wanted Terrorist List. 30 years earlier to the day, Shakur was involved in a shoot-out with a New Jersey police and was later convicted of murdering him (cf. Goodman, 2013). Shakur managed to escape from jail and was granted political asylum in Cuba. In her writing on the prison-industrial complex, Shakur famously referred to herself as a "20th century escaped slave" (as cited in Goodman, 2013).

## CONCLUSION

*“What’s past is prologue.”*

*(Supreme Court Justice Ruth Bader Ginsburg evoking Shakespeare in her scathing dissents from the 2013 voting rights and affirmative action rulings.)*

In June 2013, three months following Stephen Walt’s plea in *Foreign Policy* for Americans to back gay marriage “on the basis of national security,” the U.S. Supreme Court indeed rolled back the federal prohibition on same-sex marriage. The highest court overturned the *Defense of Marriage Act* (DOMA) and then, within 24 hours, also struck down a key section of the *Voting Rights Act* (VRA), civil rights legislation enacted to prevent racist - in particular anti-Black - voter discrimination. The seemingly paradoxical situation of the very same nine judges rendering a progressive verdict in the case of “the final frontier” in the struggle for civil rights (DOMA) and only a day apart, strike down a major milestone in the struggle against Jim Crowe (VRA), resonates with some of the dramatic shifts and tensions observed by this study in the context of post-9/11 U.S. national security making. The majority opinion in both cases rests on the belief that the colour line and associated ideas around normative sexuality and gender have been transcended in this post-racial and post-sexual era. The findings of this study support the observation that cultural norms and logics around race, sexuality and gender are unstable, however my analysis of post-9/11 U.S. security making in line with Justice Ginsberg’s scathing dissent on the VRA verdict suggests that *“What’s past is prologue.”* Pointing in particular to the persistence of the “parasitical nature of White freedom” (Morrison, 1993, p. 57) in this “age of post-everything” (Crenshaw, 2014), the study connects these shifting figurations of inclusion and exclusion along lines of sexuality,

race and gender to the production of the larger biopolitical order and its underpinning processes of de/valuing populations, and the concomitant differential vulnerability to force and unequal access to social resources.

The post-9/11 era saw the rise of a complex and seemingly contradictory U.S. national security imaginary. Over time, despite at times virulent civilizational rhetoric U.S. security making broke with the Huntington-style clash-of-civilizations model. The hegemonic post-9/11 security imaginary promised to protect *global society* from an *internal* enemy of the *universal* project of liberal capitalist modernity, and not to struggle against a competing order or civilization. With the War on Terror being officially led on behalf of the freedom and security of a global population, there was a complex reworking of the ways in which the enemy is conceived. Both discursively and in terms of actual practices of war and violence, U.S. security making shifted away from a simple reliance on the gendered racial-sexual grammars of the usual “War Story” (Cooke, 1996). These reconfigurations of Whiteness, queerness and belonging complicate and seemingly revise extant sexualized and gendered “colour schemes” (Trask, 2004: 9), meaning that one’s location along the sexed colour line no longer automatically seals one’s fate in terms of one’s vulnerability to capture, or “premature death” (Gilmore, 2007, p. 247).

The U.S. security state and larger post-9/11 security imaginary promised protection and actively enlisted historically marginalized subjects and populations, some of which until then had featured unambiguously as threats to the nation and national security. This national security imaginary not only claims to rescue the *good* Muslim from both *bad* Muslims and vigilante acts of racism by non-Muslims, but desires Muslims and other gendered racial-sexual Others, inviting them into the nation and/or civilization



itself=the free world of free markets and formal equality. Simultaneously, the U.S. security state aggressively pursued the racialized expansion and intensification of the (extrajudicial) use of military and carceral force in time (preemptive) and space (global). Under both Bush and Obama administrations global life is governed through a wide range of security practices with the gendered racial-sexual logics of the clash-of-civilization model continuing to produce and stick to the queerly racialized Muslim, including through the gendered racialized distribution of military and carceral force. So on the one hand, this study identifies progressive reconfigurations of belonging that allow for the inclusion and incorporation of populations whose lives and well-being was formerly not deemed worthy of protection along the gendered and sexed “colour line” (DuBois, 1903), including the figure of the racialized Muslim. On the other hand, the study traces an intensification of sexualized and gendered “colour schemes” (Trask, 2004, p. 9) in the administration of punitive security practices. To make sense of this conundrum, this dissertation engaged with Foucault’s analytics of power, in particular his concepts of government/ality and biopower, and Foucauldian-inspired approaches to International Relations Theory.

Foucault argues that under the liberal project of security, wars are no longer waged in the name of the sovereign who must be defended but on behalf of the existence of everyone – war is waged to make life live and with that shifting referent object of security, massacres become vital (Foucault, 1990, p. 137). Foucault further argues that for the biopolitical state to kill, it must become racist. However, as explored in this dissertation, liberal war and security at the current juncture rest on the promise that the nineteenth-century colour line has been transcended and no longer *per se* marks populations as in/violable. Building on the work of Melamed (2006, 2011b) and others, the study connects

this promise to broader shifts in liberal governance in the post-WWII era, in particular what Omi and Winant (1994) call the “racial break.” This recalibration of the then existing system of open White supremacy and naked imperial power towards liberal hegemony based on liberal, state-led anti-racism cast the global expansion of capitalist modernity and hence incorporation of racially oppressed populations at home and abroad as the path to global liberation. The study identifies such reconfigurations of liberal power also in the area of national security, tracing how U.S. security making in the wake of 9/11 relies not only on military and carceral force, but seeks to govern also affectively through self-rule and the promotion of social difference. I argue that the post-9/11 security regime rests on a broad spectrum of security or pacification tactics, technologies and measures that blur the boundaries between warfare and policing operations, governing through freedom when deemed possible and relying on force when considered necessary, and with the very promise of liberal equality constituting a central pillar of liberal security governance.

The study locates the U.S. War on Terror's ambiguous biopolitical promise of liberal freedom, equal inclusion and self-rule in the desires and disavowals of a White settler society in “the afterlife of slavery” (Hartman, 2007, p. 6). I argue that the liberal promise of security is always already haunted by the violences involved in past and present extractions and management of the raw materials of the liberal ways of life. While much of International Relations scholarship attentive to the critical role of gendered racial-sexual representations and forms of violence in the War on Terror's politics of life and death focuses on the affective and material economies of Orientalism, this dissertation examines how the production and targeting of Muslim/ified populations and spaces is also connected to the pacification of the gendered racial-sexual figures of the (Native) Savage and the Black.

These “chief antagonists of the Anglo-Saxon in American myth” (Slotkin, 1992, p. 486) were crucial to U.S. nation-building not only in terms of their land and labour, but ever since have come to constitute the chief opponents and hence boundary markers of the White American nation, and continue to haunt the national security imaginary. While the racial-sexual logics of Indianism, Blackness and Orientalism emerged in connection with one another, were never monolithic and reconfigured over time, they each give rise to very distinctive imaginaries of legitimate violence and suffering, sovereignty and political community.

At the heart of Indianism is the question of sovereignty as it is tied to land. The Indian wars discourse up until the so-called closing of the Western frontier was about the annexation of territory through a range of pacification measures, which ranged from (attempted) genocide through brute acts of mass murder to elimination qua assimilation. Anglo-Saxon colonial settler society faced fierce resistance from skilled opponents and the colonizers’ eventual victory in this race war is taken as paradigmatic for world history. To secure such civilizational progress, the use of force becomes *vital*. This biopolitical discourse makes some space for the “noble savage” and hence liberal rehabilitation, and yet the narrative of the psychological pressures of facing a different kind of enemy and in a different kind of land (“Indian country”) drives and rationalizes even the most excessive and preemptive forms of violence as *defensive* security practices, no matter how asymmetrical the capacity to terrorize, injure and kill. In line with the Indianist imaginary, the save-civilization-itself fantasy casts U.S. security practices in the War on Terror, including the *preemptive* use of military and carceral force inside and outside of official war zones, as defensive, not offensive. Rearticulating also the historical shift from a geopolitics of settler invasion to a biopolitics of settler colonialism, the hegemonic War on Terror narrative casts

post-9/11 security practices across the global frontier as police operations against an internal Other of civilization itself, thereby suppressing questions of sovereignty and settler empire. While land continues to be indispensable to the workings of the liberal project of security and its underpinning global political economy, contrary to the historical Indian wars however, the U.S. War on Terror is not about territorial conquest but about managing populations with the goal of fostering liberal life at a planetary level by integrating “the Gap” (Barnett, 2003, para. 6) into the circuits of the global capitalist economy. The U.S. settler empire of course relies on a network of overseas military bases and, given that much of the United States and its “domestic” military bases are on unceded land, the continued production of Indian wars serves to secure also the property relations of the settler colonial homeland.

Under the gendered racial-sexual grammars of anti-Blackness, the question of sovereignty is tied to the body and the question of corporeal self-possession. The racial ontology of Blackness positions the Black subject always already as Slave (Wilderson, 2010, p. 7), and hence open to “gratuitous violence” (Paterson, 1982, p. 13). Blackness’ grammars of suffering cast violence not simply as legitimate but render suffering caused by even the most gruesome practices of security, including indefinite detention, torture, rape and the murder of Black bodies a “structural impossibility” (Agathangelou, 2010b, p. 200). As the Black subject is marked by social death, Black resistance becomes illegible - any sign of will is recognized only as criminal and hence punishable. The conflation of enslaveability with Blackness hence goes beyond the differentiation of different bodies or embodiment and instead distinguishes between body and (Black) *flesh*. With the Black=Slave and hence the anti-Human, assimilation and other forms of liberal rehabilitation are not available to the

Black subject.

Building on the work of Native feminist and Afro-Pessimist theorists, this study suggests that we can only meaningfully interrogate the operations of power and violence in contemporary U.S. security making - including against Orientalized subjects - by accounting for the foundational role of anti-Black racism and the settler colonial character of the U.S. social formation. Produced around the figure of the Savage and the figure of the Black these security discourses and their underpinning grammars of legitimate suffering continue to inform contemporary security practices in the War on Terror and structure the relations of possibility for the larger project of liberal governance in which they are embedded. Indianism and Blackness mobilize not only knowledges of war and violence that facilitate the targeting of the Muslim (pre-)terrorist in an age of neoliberal “post-everything” (Crenshaw, 2014), but these security practices and their underwriting gendered racial-sexual grammars of security risk and il/legitimate violence shore up the settler colonial order in the homeland. Importantly, punitive corporeal security practices, such as torture and signature drone strikes, are not simply inflected by gendered racial-sexual logics but constitute key technologies of gendered and sexualized race-making in this age of *post-everything* triumph.

While the older “colour schemes” (Trask, 2004, p. 9) underpinning these security practices are produced in relationship to a rigidly heteropatriarchal sex-gender regime, global liberal war at the current juncture *rests* on a complex reconfiguration of sexuality and gender that makes (some) space for the overlapping and leaky categories of queers, women and people of colour. Drawing attention to the larger affective and material economies of security and associated processes of de/valuing populations in the

management of life and death in the War on Terror, my analysis in conversation with anti-equality feminist and queer critiques cautions celebratory readings of the recent inclusion of historically marginalized or abject subjects into the security state and nation beyond the question of collusion in helping to “man” the U.S. war machine. I argue that while recent inclusions have in some ways challenged dominant understandings of military masculinity and sexual respectability, they are contingent on and have helped shore up a progressive, egalitarian and compassionate military masculinity that narrates aggressive *preemptive* acts of military and carceral violence as *defensive* acts of freedom, and thereby also shore up the gendered racial-sexual property regime of the homeland.

Finally, these complex and seemingly progressive reconfigurations of racialization and queerness do not displace traditional White privilege. While one’s location along the sexed colour line no longer necessarily excludes one from the biopolitical fold of the nation – however differential, temporary and precarious the incorporation - the dark underbelly of liberal security continues to govern through the racialized distribution of military and carceral force. Under both Bush and Obama administrations global life is governed through a wide range of bio- and necropolitical security practices continuing to produce and stick to a range of gendered racial-sexual subjects and populations differentially de/valued and positioned as threats to civilization itself, including the racialized Muslim, the Black criminal and welfare queen, and the undocumented migrant. The persistence of these racial-sexual logics in structuring the dark underbelly of liberal war and security shores up the claims of sexually non-normative and economically marginalized White subjects to their otherwise threatened “Whiteness as property” (Harris, 1992) and belonging to the settler imperial

nation (see also Arat-Koc, 2010) – all the while Black subjects continue to “magnetiz[e] bullets” (Wilderson, 2007, p. 31).

To conclude, the U.S. War on Terror is conducted as a liberal war, and hence rests on a broad spectrum of security tactics, technologies and measures that blur the boundaries of the conventional inside/outside dichotomy of the international system, and between warfare and policing operations. Post-9/11 security making seeks to defend the homeland and civilization itself not only through acts of exclusion and annihilation but also through the mobilization of affective economies of security that promise “freedom with violence” (Reddy, 2011). While in particular the Homeland Security project seeks to operate through “practices of freedom” mobilizing all of American society in the quest to defend both nation and civilization itself, not *everybody* is considered capable of individual self-rule and those subjects and populations deemed irredeemably outside liberal forms of life are being managed through gradated levels of force. The valorization and value of newly incorporated subjects such as the gay patriot feeds on and becomes part of the production of other Others whose lives in this era of post-everything triumph continue to be managed through punitive and necropolitical modalities of governance, “from the soft deaths of pastoral care to the hard deaths of sovereign killing” (Povinelli, 2011, p. 167).

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