Review of International Studies (2011), 37, 805–823 *© 2010 British International Studies Association*
doi:10.1017/S0260210510000215 *First published online 30 Apr 2010*

Human rights narrative in the George W. Bush Administrations

JAN HANCOCK

Abstract. This article examines the human rights claims made by the George W. Bush Administrations of their post 9/11 foreign and security policy. Two common scholastic explanations of this narrative are evaluated: (i) that human rights constitute, at least in part, independent foreign policy goals and; (ii) that the human rights claims of policymakers can be dismissed as hypocritical rhetoric. The article informs and progresses this debate by revisiting the works of the early twentieth century political culture theorists Gabriel Almond, Graham Wallas and Edward Bernays. The article details the consistent use of a human rights narrative by administration officials as a technique of political discipline. The article identifies five linguistic mechanisms through which this technique of discipline was made manifest in practice. The article thereby explains how a human rights narrative was employed as an instrument to inculcate, rather than describe, reality.

Jan Hancock is a Lecturer in the Department of Political Science, Cape Breton University. He completed his PhD at Southampton University and held lecturing and research posts at Birkbeck College and Manchester University before moving to Cape Breton. His most recent monograph, *Human Rights and US Foreign Policy*, was published by Routledge in 2007.

Introduction

The role of values in US foreign and security policy has generated renewed interest since the events of 9/11 marked a shift in official policy explanations by the George W. Bush Administrations (hereafter referred to simply as the Bush Administrations) towards the forthright promotion of human rights, freedom and democracy.[1] The promotion of normative values became prominent explanations of the wars waged against terror, Afghanistan and Iraq. In December 2001 the president accounted for the 9/11 attacks on the basis that 'enemies of freedom do not respect or value individual human rights. Their brutal attacks were an attack on these very rights. When our essential rights are attacked, they must and will be defended'.[2]

[1] See for example John Shattuck, *Freedom on Fire: Human Rights Wars and America's Response*, (Harvard: Harvard University Press, 2003); Mel Gurtov, *Superpower on Crusade: The Bush Doctrine in US Foreign Policy* (Boulder: Lynne Rienner, 2006); Alexander Moens, *The Foreign Policy of George W. Bush* (Aldershot: Ashgate, 2004); Ivo Daalder and James Lindsay, *America Unbound: The Bush Revolution in Foreign Policy* (Washington D.C.: Brookings Institution Press, 2003) and Robert Kagan and William Kristol, 'Why we went to war', *Weekly Standard* (20 October 2003), p. 5.

[2] George Bush, 'Proclamation on human rights observances' (9 December 2001). See also George Bush, 'Importance of democracy in Middle East' (4 February 2004); Lorne Craner, 'Remarks to the

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

The extension of freedom likewise joined US national security concerns as an explicit goal of the 2001 Afghanistan war,[3] with names 'Infinite Justice' and 'Enduring Freedom' assigned to the military operation. Likewise in the 2003 invasion of Iraq, the president proclaimed that 'we have no ambition in Iraq except the liberation of its people'[4] and administration officials lined up to justify the removal of Saddam Hussein on grounds of human rights and democracy promotion in the Middle East.[5] This article aims to detail the political significance of the human rights narrative provided by the Bush Administrations of their post 9/11 foreign and security policy.

Constructing a methodology for investigating the role of human rights in policymaking is itself a politicised decision.[6] The decision reflects whether the observer perceives human rights as an appropriate, or even possible, function of foreign policy and how human rights are to be defined and assessed since there exists no unproblematic list or measure of rights. Methodological difficulties surrounding rights definition will be resolved in this article by juxtaposing the narrative of policymakers against two necessary, rather than sufficient, conditions of human rights. All conceptually coherent claims to promote human rights, irrespective of the specific rights that are subsequently advanced, must necessarily respect twin principles that: (i) all people possess rights simply by virtue of their common humanity (universal application) and that (ii) rights abuses are seen as equally significant irrespective of where and when they occur (impartial application). The selective integration of human rights into foreign and security policy, for example one that only grants human rights to some people; one that grants more rights to some groups than to others; or a policy recognising that some peoples rights are more urgent than those same rights held by others, demonstrates that a criterion other than simply being 'human' is being used to advance rights claims. Unlike concepts of democracy and freedom that possess no such necessary conditions,[7] the above two prerequisites provide human rights with an analytic base from which to juxtapose the claims of policymakers.

This article identifies and categorises recurrent features in how human rights have been linguistically applied by administration officials. This research is based on analysis of over 230 post 9/11 speeches, policy documents, verbal statements,

Heritage Foundation' (31 October 2001) and Paula Dobriansky, 'Speech at the Heritage Foundation' (21 December 2001).

[3] See especially George Bush, 'Address to the nation' (7 October 2001) and George Bush, 'US humanitarian aid to Afghanistan' (11 October 2002).

[4] George Bush, 'Address at MacDill air base' (26 March 2003). See also George Bush, 'State of the union address' (20 January 2004); George Bush, 'President Bush's message to the Iraqi people' (10 April 2003); George Bush, 'President outlines steps to help Iraq achieve democracy and freedom' (24 May 2004); Colin Powell, 'Speech to the American Israel Public Affairs Committee's annual policy conference' (30 March 2003) and Bush, 'Importance of democracy in Middle East'.

[5] Richard Armitage, 'Allies, friends and partners on every page', *US Foreign Policy Agenda*, 7:4 (2002), pp. 10–13; Powell, 'Speech to the American Israel Public Affairs Committee's annual policy conference'; Paula Dobriansky, 'Democracy promotion', *Foreign Affairs*, 82:3 (2003), pp. 141–5 and Lorne Craner, 'A comprehensive human rights strategy' (29 January 2004).

[6] For a useful discussion on methodological reasoning see Steve Smith, 'US democracy promotion', in Michael Cox, John Ikenberry and Takashi Inoguchi (eds), *American Democracy Promotion* (Oxford: Oxford University Press, 2000), pp. 63–82.

[7] Illustrating the extent to which linguistic appeals to freedom can invert reality, the words 'arbeit macht frei' (freedom through work) greeted victims entering the concentration camps built by the National Socialist government of Germany to implement the final solution to the Jewish question.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

official texts, memos and public reports prepared by Bush Administration officials. Rather than seeking to assume or infer the intent of policymakers, this research examines these texts for internal linguistic consistencies or rules. The ability of these rules to inform the role of human rights in actual foreign policy practice can then be evaluated by relating the rules to the necessary requirements for human rights defined in terms of impartial and universal application. By analysing the resultant patterns, this method can inform whether human rights have been employed as a goal, or as an instrument, of foreign and security policy.

The article subsequently employs human rights as an analytic tool rather than as a normative concept to which foreign policy is urged to conform. Indeed, it has been Bush Administration officials who have stated most adamantly that human rights do, and should, constitute policy goals. In spite of such claims, expecting the foreign policy of any state to respect the necessary conditions of human rights could be argued to be an impractical expectation given that states have characteristically prioritised the pursuit of power and wealth over even the most urgent needs of non-nationals. Two trends can be subsequently identified in scholastic explanations of the human rights claims made by policymakers: (i) that human rights can, at some times and in some circumstances but not in others, constitute a foreign policy goal or that; (ii) human rights claims can be categorised as hypocritical rhetoric since policy practice fails to meet the necessary conditions for human rights. The debate between these two explanations will be reviewed in the first section of this article.

The article turns in its second part to apply the works of early twentieth century political culture theorists and identifies the consistent application of human rights claims as a technique of governance. A technique of governance denotes the linguistic use of human rights not to describe corresponding foreign policy practice, but to instead discipline the audience into believing one particular worldview as the only valid account of reality. By detailing the production of an ethical narrative as an aspect of social power, the second section demonstrates how the language of human rights has been consistently employed by Bush Administration officials to inculcate, rather than reflect, reality. The section details how the official human rights narrative defines the intents and identities of political actors. The broad capacity of the administrations to unilaterally delineate motives and identities creates an officially sanctioned reality that is internalised not only by large sections of the general population but also by many human rights scholars.

Human rights as policy goal or political hypocrisy?

The seemingly self-evident explanation of the human rights claims made by policymakers interprets the narrative literally. According to this perspective, the official narrative describes a corresponding reality by defining goals, outlining strategies, articulating purpose and expressing the intentions underlying foreign policymaking. Human rights are consequently seen as providing a constitutive policy basis independent from power concerns.

The prominence assigned to values in the *2002 National Security Strategy* has been regularly cited in support of the claim that human rights are component

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

foreign policy goals.[8] Freedman joined others in asserting that the value-based rhetoric of policymakers reflected corresponding policy goals and could not be dismissed as 'surface froth'.[9] The human rights claims made by officials have been widely taken literally alongside the threat posed by Weapons of Mass Destruction (WMD) as reflecting a corresponding basis for the 2003 Iraq War, an assumption that has become increasingly pervasive in the absence of WMD being located in Iraq.[10] Dombrowski and Payne concluded that the Bush Administration respected international human rights norms in the lead up to the war.[11] Drumbl concurred by asserting that freeing Iraqis was the rationale for, as well as the name given to, the 2003 military operation.[12] Others questioned the Bush Administration's motives but nonetheless argued that the repression inflicted by Hussein on the Iraqi people legitimised the human rights based rationale underlying the invasion.[13] Many scholars from the realist camp concurred that the promotion of human rights constituted a genuine basis of the war. Thirty-four realist scholars consequently signed an advertisement in the *New York Times* opposing the Iraq War on grounds of the US national interest.[14]

Much debate has subsequently ensued as to the wisdom of promoting democracy and human rights in US foreign and security policy, typically on the basis of the definition of the national interest advanced. One group coalescing around liberal and neo-conservative positions contend that the national interest is best served through the forthright promotion of human rights in US foreign policy whilst those in the realist camp take the opposing position.[15] To the extent that a disparity between the rhetoric and practice of foreign policy is acknowledged in this debate, it is characteristically accommodated as the inevitable outcome of competing security goals; a function of limited resources; isolated exceptions to

[8] Institute for American Values, 'What we're fighting for', {http://www.americanvalues.org/html/wwff.html} accessed 12 January 2003. See also William Burke-White, 'Human rights and national security: The strategic correlation', *Harvard Human Rights Journal*, 17:1 (2004), pp. 249–80 at 249 and Jennifer Windsor, 'Promoting Democratization Can Combat Terrorism', *Washington Quarterly*, 26:3 (2003), pp. 43–58 at 52.

[9] Lawrence Freedman, 'The age of liberal wars', *Review of International Studies*, 31:sp. iss. (2005), pp. 92–107 at 94; Michael Mazarr, 'George W. Bush, idealist', *International Affairs*, 79:3 (2003), pp. 503–22 at 506; Colin Dueck, 'Ideas and alternatives in American grand strategy, 2000–2004', *Review of International Studies*, 30:3 (2004), pp. 511–35 at 534–5 and G. John Ikenberry, 'Liberalism and empire: Logics of order in the American unipolar age', *Review of International Studies*, 30:4 (2004), pp. 609–30 at 630.

[10] For details of the absence of Iraqi WMD see Charles Duelfer, *Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD* (30 September 2004), {http://news.findlaw.com/nytimes/docs/iraq/cia93004wmdrpt.html}.

[11] Peter Dombrowski and Rodger Payne, 'Global debate and the limits of the Bush doctrine', *International Studies Perspectives*, 4:4 (2003), pp. 395–408 at 395. See also Mohammed Nuruzzaman, 'Beyond the realist theories: Neo-conservative realism and the American invasion of Iraq', *International Studies Perspectives*, 7:3 (2006), pp. 239–53 at 252.

[12] Mark Drumbl, 'Self-defense and the use of force: Breaking the rules, making the rules or both?', *International Studies Perspectives*, 4:4 (2003), pp. 409–31 at 424.

[13] For articulate expositions of this argument see Michael Ignatieff, 'The Burden', *New York Times Magazine* (5 January 2003) and Judith Lichtenberg, 'Pre-emption and exceptionalism in US foreign policy', in Thomas Weiss, Margaret Crahan and John Goering (eds), *Wars on Terrorism and Iraq: Human Rights, Unilateralism and US Foreign Policy* (London: Routledge, 2004), pp. 61–73.

[14] 26 September 2002, noted in Mary Kaldor, 'American Power', *International Affairs*, 79:1 (2003), pp. 1–22 at 15.

[15] For an informed review of this debate see Bruce Russett, 'Bushwhacking the democratic peace', *International Studies Perspectives*, 6:4 (2005), pp. 395–408.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

political, bureaucratic and legislative commitments to human rights, or simply depoliticised as an unfortunate gap between ideals and conduct.[16]

Since the motives of policymakers can be neither proved nor disproved, further investigation of stated intents is discounted by this perspective as calumny, undue cynicism or even as conspiracy theory. Such reasoning is unsatisfactory for two reasons. First, it assumes that which is disputable, namely that human rights play a constitutive role in foreign policy because policymakers say that they do, rather than demonstrating that this is actually the case. Secondly, the argument that human rights can enter the policymaking process on a selective and partial basis is incompatible with the necessary preconditions for human rights defined in terms of impartiality and universality and is in this sense an internally contradictory claim.

Notable double standards in the application of human rights to the foreign policy of the Bush Administrations have led a second group of observers to categorise the professed role of human rights as political hypocrisy. This position was concisely articulated by Daryl Glaser in a recent contribution to the *Review of International Studies*.[17] Glaser argued that US officials exhibit two hypocrisy subtypes since US foreign policy possesses some of the faults that officials criticise in others and fails to live up to the principles proclaimed by officials on its behalf.[18] Glaser based this conclusion upon a historical review of: (i) US support for authoritarian regimes against democratic opposition forces, (ii) US opposition to undemocratic governments but on behalf of undemocratic opposition movements, (iii) plutocratic and racist governance within US history, (iv) US colonial history and (v) US support for state terrorism.[19]

In the specific case of the Bush Administrations, this list could be extended to incorporate (i) that rhetorical support for human rights in foreign policy arrived only after 9/11, (ii) the treatment of prisoners held in US detention and (iii) hostility to international human rights legislation. Firstly, a literal interpretation of the professed role of human rights in foreign policy cannot explain why such rights only became a pressing issue after 9/11. In the 2000 presidential debates, George W. Bush criticised Vice President Al Gore for focusing too much on nation building oversees and explicitly reserved the use of US force to advance the national interest.[20] Likewise prior to 9/11, Condoleezza Rice opposed deploying coercive US power in instances where the only potential gain would be the protection of human rights. Writing in *Foreign Affairs*, Rice explained that foreign policy in the Bush Administration 'will proceed from the firm ground of the national interest, not from the interests of an illusionary international community'.[21] This professed scepticism is hostile to the claim that human rights constitute independent policy goals.

[16] See for example Rosemary Foot, 'Bush, China and human rights', *Survival*, 45:2 (2003), pp. 167–86 at 173.; Richard Lebow, 'Ethics and interests', *Georgetown Journal of International Affairs*, 3:2 (2002), pp. 25–33; Mary Kaldor, 'American power: From compellance to cosmopolitanism?', *International Affairs*, 79:1 (2003), pp. 1–22 and Institute for American Values, 'What we're fighting for'.

[17] Daryl Glaser, 'Does hypocrisy matter? The case of US foreign policy', *Review of International Studies*, 32:2 (2006), pp. 251–68.

[18] Glaser, 'Does hypocrisy matter? p. 259.

[19] Ibid., p. 259.

[20] George Bush, 'Bush-Gore presidential debate', (3 October 2000) and George Bush, 'Bush-Gore presidential debate' (11 October 2000).

[21] Condoleezza Rice, 'Promoting the national interest', *Foreign Affairs*, 79:1 (2000), p. 63.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

Secondly, the treatment of prisoners held in US custody is inconsistent with an independent commitment to human rights. The *2002 Country Report* authored by the State Department condemned other states for hooding prisoners, tying inmates in painful positions, forcing prisoners to stand for prolonged periods, depriving prisoners of sleep and for suspending prisoners in contorted positions.[22] These practices, amongst others, had been authorised by Secretary of Defense Donald Rumsfeld as acceptable interrogation techniques in the Guantanamo Bay Detention Facility.[23]

The systematic, rather than isolated, abuse of detained individuals was also a feature of US custodial detentions in Iraq following the 2003 war. The Pentagon responded to a scandal caused by the publication of images portraying US military personnel physically and sexually abusing inmates in Abu Ghraib prison, Baghdad, by commissioning Major General Antonio Taguba to prepare an internal report. When this report was subsequently leaked it revealed the 'systematic and illegal abuses' of detainees.[24] A leaked February 2004 report by the International Committee of the Red Cross likewise concluded that the mistreatment of prisoners, including physical and psychological coercion and the disproportionate use of force, went 'beyond exceptional cases and might be considered as a practice tolerated by the coalition forces'.[25] By 2005 the systematic abuse of prisoners had spread to Iraqi security units who were torturing suspected insurgents through the use of strangulation, sexual abuse, hanging prisoners by the arms, breaking limbs and using an electric drill for kneecappings.[26]

One possible method of promoting human rights norms is to codify standards in international laws and enforce these in practice. Hostility to international human rights legislation constitutes the third example of hypocrisy in the foreign policy of the Bush Administrations. As Forsythe observes, the Bush Administrations rhetorically defended international human rights law via 'affectionate generalities' whilst in practice blocking the implementation of legislation.[27] The 2001–2004 administration saw fit to 'unsign' the US from the remit of the International Criminal Court (ICC) on grounds that inclusion would circumscribe its freedom to act in world affairs.[28] Both administrations conducted a prolonged campaign to weaken the ICC, threatening to veto UN peacekeeping operations unless US

[22] For details see Lawyers Committee for Human Rights, *Holding the Line: A Critique of the Department of State's Annual Country Reports on Human Rights Practices* (Washington D.C.: Human Rights First, 2003), p. 19 and Human Rights Watch, *US State Department Criticism of Stress and Duress Interrogation Around the World* (16 April 2003), {http://www.hrw.org}.

[23] In December 2002. See Leila Zerrougui et al., *Report of the Chairperson of the Working Group on Arbitrary Detention*, UN Commission on Human Rights, E/CN.4/2006/120 (15 February 2006), p. 25 and Human Rights First, *The Case Against Rumsfeld*, {http://www.humanrightsfirst.org/us_law/etn/lawsuit/PDF/rums-timeline-022805.pdf}, accessed 30 March 2005.

[24] Antonio Taguba, *Hearing Article 15-6 Investigation of the 800th Military Police Brigade* (March 2004), {http://www.agonist.org/annex/taguba.htm}.

[25] International Committee of the Red Cross, *Report on the Treatment by Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation* (February 2004), p. 3.

[26] Editorial, 'New charges of abuse surface', *Washington Times* (3 July 2005), p. A7.

[27] David Forsythe, 'The US and international criminal justice', *Human Rights Quarterly*, 24:4 (2002), pp. 974–91 at 980. See also Kenneth Roth, 'The fight against terrorism', in Weiss et al., (eds), *Wars on Terrorism and Iraq*, pp. 113–31 at 122.

[28] See National Security Council, *National Security Strategy*, Washington D.C. (2002), p. 31. The purpose of the ICC is to prosecute people accused of war crimes, crimes against humanity or crimes of genocide in cases where the domestic state is unwilling or unable to prosecute.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

soldiers were exempted from ICC jurisdiction and even sponsoring domestic legislation authorising the use of military force to free US nationals should any be held by the ICC at some future date.[29]

There is therefore an evident disjuncture between the human rights narrative of policymakers and foreign policy practice. Glaser concludes that the proper response is to demand that the hypocritical power cease being hypocritical.[30] The second section details why this response falls into the same trap as the former account in assuming that which is contestable. Namely, both approaches reviewed thus far assume an unduly narrow function of language that restricts its possible use to describing reality. The second section details why this assumption is problematic since it overlooks the capacity of language to produce, rather than describe, reality. The productive function of language operates as an effective technique of governance by determining how the audience inculcates political realities. Unlike the previous explanations, the explanation reviewed in the following section provides an account of the human rights claims articulated by policymakers that can explain both the inconsistent integration of human rights into foreign policy practice and why this disjuncture is consistently denied in the official foreign policy narrative.

The productive function of a human rights narrative

Instead of limiting analysis to detailing the inconsistent application of human rights, a more informative research project could investigate patterns of how human rights claims have been systematically applied by policymakers. This second section undertakes such an analysis by revisiting the work of political culture theorists of the early twentieth century with specific regard to Gabriel Almond, Graham Wallas and Edward Bernays. These theorists argued that the public audience tended to interpret real world evidence in a superficial rather than deliberative manner to support pre-existent beliefs.[31] Moreover, these theorists suggested that policymakers could use language as an instrument to manipulate the beliefs and emotions of the audience. Policymakers could operate this instrumental use of language by making moralistic associations and suggestive references and by blurring important distinctions. Edward Bernays set out to explain how understanding the process of belief inference in the group mind could allow the political elite 'to control and regiment the masses according to our will without their knowing about it'.[32] Wallas detailed how politicians could inculcate normative associations in the minds of the audience by referring repeatedly to emotional points of reference after which it would be difficult for the audience 'not to confuse

[29] The so-called 'Hague Invasion Act': See Roth, 'The fight against terrorism', p. 123; see also Julie Mertus, 'The new US human rights policy', *International Studies Perspectives*, 4:4 (2003), pp. 371–84 at 380 and Jules Lobel and Michael Ratner, 'International law', in John Feffer (ed.), *Power Trip: US Unilateralism and Global Strategy After September 11* (New York: Seven Stories Press, 2003), pp. 75–85 at 78.
[30] Glaser, 'Does hypocrisy matter?', p. 267.
[31] Gabriel Almond, *The American People and Foreign Policy* (New York: Harcourt Brace, 1950), p. 53 and Graham Wallas, *Human Nature in Politics* (London: Constable and Company, 1908), p. 86.
[32] Edward Bernays, *Propaganda* (New York: Horace Liveright, 1928), p. 71.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

acquired emotional association with the full process of logical inference'.[33] Almond agreed, advising political leaders to provide 'cues for mood responses' rather than overly detailed information about foreign affairs to the public.[34]

Viewed in terms of producing such cues for mood responses, the human rights narrative of policymakers in the Bush Administrations has been applied with remarkable consistency. This consistency is evident in both the formulation and application of the narrative. In terms of formulation, three internal rules reoccur within the post 9/11 human rights narrative articulated by administration officials: (i) that human rights are promoted as independent foreign policy goals; (ii) that human rights are promoted not out of choice alone but instead to realise a pre-existing US identity; and (iii) that the promotion of human rights complements a broader project of extending democracy, justice, freedom and peace throughout the world. These claims were internally consistent in the sense that they were repeated on numerous occasions by various administration officials and were not publicly contradicted by officials. This official account of human rights in foreign policy can be described as a hegemonic narrative since it inculcates its three defining rules as established truth rather than as opinion or political mythology.

The first rule articulated in the hegemonic narrative asserts the promotion of human rights as a policy goal even if lack of resources or competing security concerns prevents this principle from being advanced in all cases. Assistant Secretary for Democracy, Lorne Craner, announced 'human rights is and will remain a pillar of American foreign policy'.[35] The head of the US delegation to the UN Commission on Human Rights stressed that the Bush Administration was 'fully committed' to the cause of human rights.[36] The Undersecretary of State for Global Affairs dismissed as 'incorrect' the criticism that the Bush Administration cooperated with authoritarian regimes.[37] Officials have not explained how conflicts between competing categories of human rights were to be reconciled, or how the universal and impartial preconditions for human rights were to be realised. Instead, the hegemonic narrative has characteristically eviscerated such awkward questions of political significance by instead repeating the defining message that human rights are promoted as policy goals.

The second internally consistent rule in the hegemonic narrative held that human rights are policy goals not out of choice but rather to realise a pre-existing US identity. This rule presupposes that identities can be established as unproblematic matters of fact, rather than as socially constructed variables. The rule then states that the US promotes human rights as an aspect of its identity both as a state and as a nation. Thus, the Undersecretary of State for Global Affairs asserted that 'US commitment to human rights dates from the Declaration of Independence' and 'reflects our nation's values'.[38] Likewise relating US identity to human rights, President Bush highlighted the significance of 2004 Human Rights Week by

[33] Wallas, *Human Nature in Politics*, p. 87.
[34] Almond, *The American People and Foreign Policy*, p. 232.
[35] Craner, 'Remarks to the Heritage Foundation'.
[36] Shirin Tahir-Kheli, 'Remarks to the 57th session of the UN Commission on Human Rights' (21 March 2001).
[37] Dobriansky, 'Democracy promotion', p. 142.
[38] Paula Dobriansky, 'Testimony before the International Operations and Terrorism Subcommittee' (24 May 2001).

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

celebrating 'the founding ideals of our Nation'.[39] Assertions that US identity is founded on democracy, human rights and freedom are, however, equally as politicised as contrasting claims that locate the origins of the US in slavery, capitalism and genocide since each interpretation falsely presents a simplified mythology as an exclusive truth.[40]

The third rule expressed in the hegemonic narrative presents human rights as complementing broader policy goals promoting democracy, justice, freedom and peace. Articulating this rule, the Director of the Office for the Promotion of Human Rights and Democracy closed his declaration before the Congressional Human Rights Caucus 'by stressing that the promotion of democracy and the protection of fundamental human rights is a central, defining element of our foreign policy'.[41] Thus, human rights and democracy were presented as defining foreign policy under the Bush Administrations. President Bush subsequently declared his commitment to those 'who love democracy, justice and individual liberty' and pledged '[w]e are committed to upholding these principles'.[42] Rather than addressing the complexities inherent to political choices such as the competing pressures on US foreign policy; how the rights of foreign nationals could be reconciled with pursuing the national interest; or how human rights could be balanced against contradictory democratic or security imperatives, the hegemonic narrative expunges such issues of political significance by instead insisting on its three defining rules. The internal formulation of the hegemonic narrative thereby obfuscates such obvious contradictions as waging wars in the name of peace, killing in the name of human dignity, mistreating detainees in the name of the law and supporting the human rights of some groups whilst relegating those same rights for others.

As previously detailed, the hegemonic narrative offers an account of human rights that is contradicted by foreign policy actions. Yet the narrative is consistently applied in the sense of inculcating its three defining rules as truths in the minds of the audience. That is to say, the three rules are entirely consistently applied as an instrument of governance that produces cues for emotional and normative responses as identified above by Almond, Wallas and Bernays. It is subsequently proposed in this section that the consistent application of the hegemonic narrative resides in its capacity to discipline rather than describe. As Allen explains, the point of discipline is not to coerce people to do what you would have them do or control behaviour by appealing to their self-interest. Instead, discipline operates by affecting beliefs and by leading people to think within boundaries that validates the desired emotive and normative associations.[43] In particular, the hegemonic narrative acts to discipline through (i) persuasion, (ii) producing intents, (iii) producing an identity of the US, (iv) producing an identity of designated enemies of the US and (v) producing an identity of designated states friendly to the US.

[39] George Bush, 'A proclamation' (10 December 2004).
[40] That slavery was an integral economic institution until the passing of the thirteenth amendment in 1865 was exemplified by the quantifying of slaves as three fifths of a person for the purpose of calculating the representation and taxation of each State in the Union.
[41] Robert Jackson, 'Human rights and democracy' (22 April 2004).
[42] Bush, 'US humanitarian aid to Afghanistan'.
[43] Barry Allen, 'Foucault and modern political philosophy', in Jeremy Moss (ed.), *The Later Foucault* (London: Sage, 1998), pp. 164–98 at 174.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

Demonstrating the first disciplinary function of the hegemonic narrative, chief speechwriter for President Bush, Michael Gerson, thought that in order for the US to become involved in the world, the domestic public 'had to be convinced that both its security interests and its ideals were in jeopardy'.[44] The political function of language identified by Gerson is therefore to persuade an audience, rather than to describe. Likewise, the Defense Department issued a directive in 2001 for the military to establish an Office of Strategic Influence whose explicit rationale was to persuade global public opinion.[45] Similarly acknowledging the productive function of language, a 2004 report written by the Defense Science Board sought to address America's negative image in world opinion following the 2003 invasion of Iraq.[46] The report identified global public opinion as a vital issue for US national security and recommended this be influenced by adapting 'techniques of skilful political campaigning'.[47] The function of language advanced in these examples is thus to persuade the audience to accept a predetermined political agenda, rather than to describe a corresponding reality.

Secondly, the hegemonic narrative disciplines by producing, in the sense of designating and articulating, the intents of political actors. Policymakers enjoy a broad remit to allocate intents since motives can be neither proved nor disproved. As we have seen, officials publicly defined US foreign policy intents in those moralistic terms constituting the hegemonic narrative. The intents of designated enemies have been likewise defined to conform to the three hegemonic rules. The president for example inferred intent to the perpetrators of 9/11 by divining that 'America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world'.[48] 'By killing and terrorizing Americans' the president explained, '[terrorists] want to force our country to retreat from the world and abandon the cause of liberty'.[49] Terrorists are thus motivated by a hatred of the freedom made manifest in the US. This allocation of motive contrasts with numerous public tirades in which Osama bin Laden has identified US foreign policy in the Middle East as the cause of his grievances.[50] Consistent with the explanation of intent provided by bin Laden, the 9/11 atrocities targeted not the Statue of Liberty as could be expected from a symbolic attack on freedom, but rather the military, political and economic centres of US power. Thus, the intents and motivations ascribed to the enemy in the War on Terror have been rewritten by the Bush Administrations away from the symbols, logic and rationale asserted by bin Laden to conform instead to the rules of the hegemonic narrative.

The motive of Saddam Hussein was similarly redefined by administration officials to validate the predetermined caricature of a tyrant intent on the destruction of the West.[51] When the Duelfer report concluded that Hussein

[44] Quoted in Bob Woodward, *Plan of Attack* (London: Simon and Schuster, 2004), p. 131.
[45] See Ray Eldon Hiebert, 'Public relations and propaganda in framing the Iraq War', *Public Relations Review*, 29:3 (2003), pp. 243–55 at 246.
[46] Vince Vitto, *Report of the Defense Science Board Task Force on Strategic Communication*, 2004, {http://www.publicdiplomacy.org/37.htm}, p. 1.
[47] Vitto, *Report*, pp. 2–4.
[48] George Bush, 'Address to the nation' (11 September 2001).
[49] George Bush, 'State of the union address' (23 January 2007).
[50] In particular US support for the governments of Egypt, Israel and Saudi Arabia. See for example Osama bin Laden, 'Interview', *Guardian* (8 October 2001), {http://www.guardian.co.uk}.
[51] See especially George Bush, 'President Bush outlines Iraqi threat' (7 October 2002).

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

possessed no WMD the president thus replied that Hussein had 'the intent of restarting his weapons program' at some future date had the US not intervened in 2003.[52] Since intent can be neither proved nor disproved, this selective rewriting can be identified as a constitutive method of disciplining the audience through the rules of the hegemonic narrative.

Thirdly, the hegemonic narrative disciplines by producing, in the sense of allocating and articulating, US identity in terms of its three constitutive rules. The loss of the US seat on the UN Commission on Human Rights in May 2001 was presented by the administration as resulting from principled US support for human rights. President Bush explained the loss as the price paid for US commitment to a previous resolution condemning Cuban human rights abuses. Articulating the hegemonic narrative, the president insisted, 'know this about the United States: We might not sit on some commission, but we will always be the world's leader in support of human rights'.[53] Whereas other delegations explained the reason for the removal of the US seat as resulting from the politicisation of human rights by the Bush Administration,[54] the response from the president inverted the event to reaffirm US identity in terms of unwavering support for human rights. This identity was sustained by administration officials using the hegemonic narrative to criticise other delegations for politicising human rights and for punishing the Bush Administration for its principled stance. Consequently, the Undersecretary of State for Global Affairs asserted in Congressional testimony that 'we did pay a price for taking forthright, principled positions at the Commission this year'.[55]

The hegemonic narrative was similarly reified in assurances provided by the Bush Administrations that no US military personnel would engage in acts of torture, assurances which, as we have seen, run counter to findings of the ICRC and human rights NGOs. One internal report authored by the Department of Justice and subsequently leaked to the public, provides an explanation for this apparent contradiction. The document noted that the US ratification of the Convention Against Torture was conditional on the understanding that 'in order to constitute torture, an act must be specifically intended to inflict severe physical or mental pain or suffering'.[56] The authors argued that an act inflicting even severe pain on a detainee would demonstrate only general rather than specific intent if that act was principally intended to extract information. According to the document's definition of general intent, the pain inflicted on a detainee was simply a by-product of the specific intent of the interrogator, which was to elicit information from a prisoner. Through applying such creative definitions, the president could affirm that, 'any activity we conduct is within the law. We do not torture'.[57] Officials have chosen not to publicly broadcast their highly selective definition of torture, leaving unchallenged in the minds of the audience the impression that the administration has never tolerated US personnel engaging in any of the forms of torture as defined under international law.

[52] George Bush, 'President Bush discusses Iraq report' (7 October 2004).
[53] Quoted in Dobriansky, 'Testimony'.
[54] CNN, 'US loses UN rights seat' (4 May 2001), {http://www.cnn.worldnews}.
[55] Dobriansky, 'Testimony'.
[56] Department of Justice Working Group, *Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations* (6 March 2003), p. 4, leaked to *Wall Street Journal* (June 2004).
[57] George Bush, 'President Bush meets with President Torrijos' (7 November 2005).

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

Senator John McCain responded to the authorisation by the Bush Administrations of the use of unusual interrogation techniques against terrorist suspects with a campaign to amend the 2005 Department of Defense Appropriations Bill and prohibit all US government employees from using inhumane treatments. Vice President Cheney responded to the proposed amendment by leading a counter campaign.[58] The administration even threatened a presidential veto of the McCain proposals and changed its position only after both Houses of Congress defied the threat by passing the McCain measure with veto-proof majorities.[59] Following the Congressional vote, the president publicly announced his strong support for this 'important legislation' by applying rule one of the hegemonic narrative and stating that the legislation 'make[s] it clear to the world that this government does not torture'.[60] The reality that policy decisions respect and promote human rights laws and do not condone torture is thus established not by independent analysis, but rather by administration officials introducing selective definitions, applying politically simplified interpretations and creating legal loopholes to validate those predetermined conclusions publicly expressed in the hegemonic narrative.

The inculcation of the hegemonic narrative was also achieved through recourse to the myth of US exceptionalism. According to this myth the US originated and developed in a manner different to other states. In particular, exceptionalism presents the US as a shining beacon: a polity offering the rest of the world an example of a state based upon worthy ideals.[61] In particular, the mythology attaches an exceptional moral character to domestic civil society and allows human rights to be understood as the specific inheritance of US citizens. President Bush articulated this myth as fact when announcing that the US was 'the single surviving model of human progress'.[62] To the extent that the myth of exceptionalism is internalised by the audience as an established truth, human rights cannot be validated by their necessary conditions, or by international legislation, or by inclusive debate between distinct cultures. Instead, human rights can be inferred in terms of US interests and values as identified by the administration. Making this point explicit in a speech to the Heritage Foundation, Craner explained that the focus for human rights in the Bush Administration was to 'protect the values that underpin civil society at home'.[63] Using this linguistic strategy, the internal rules of the hegemonic narrative are validated by conflating the project of human rights with those domestic civil society values favoured by the administration. Subsequent to this conflation, the forthright pursuit of domestic interests and values will, by definition, simultaneously promote human rights.

Fourthly, the hegemonic narrative disciplines by producing, in the sense of allocating and articulating, the identity of designated US enemies in terms of its

[58] See for example Dana Priest and Robin Wright, 'Cheney fights for detainee policy', *Washington Post* (7 November 2005), p. A01 and Jonathan Weisman, 'Senators agree on detainee rights', *Washington Post* (15 November 2005), p. A01.
[59] Senate: 90–9, House: 308–122.
[60] 15 December 2005, quoted in Eric Schmitt, 'President backs McCain measure on inmate abuse', *New York Times* (16 December 2005), {http://www.nytimes.com}.
[61] Deborah Madsen, *American Exceptionalism* (Edinburgh: Edinburgh University Press, 1998), pp. 1–2 and Benjamin Barber, 'Imperialism or interdependence?', *Security Dialogue*, 35:2 (2004), pp. 237–42 at 239.
[62] George Bush, 'Graduation speech at West Point' (1 June 2002).
[63] Craner, 'Remarks to the Heritage Foundation'.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

three constitutive rules. President Bush and British Prime Minister Blair highlighted the liberation of an oppressed people alongside regional security concerns, regime change and pre-emptive self-defence in support of the decision to go to war against Iraq in 2003.[64] Stories of the human rights abuses committed by the Hussein regime were widely publicised in line with this account.[65] According to the official narrative, the insurgency that followed the overthrow of Hussein was fighting not foreign forces but rather freedom itself. The president for example accounted for the insurgency on the basis that 'enemies of freedom will do all in their power to spread violence and fear'.[66] In line with asserting the liberty of Iraqis as a war goal, billions of dollars were earmarked for reconstruction. Within one year of the overthrow of Hussein, 2,600 schools, 240 hospitals, and 1,200 health clinics had been built through reconstruction financing. The hegemonic narrative was asserted not only through repeated claims that the US was acting to free Iraq and through multiple reconstruction projects but also by excluding from mention US government support for Saddam Hussein during that period when the dictator was committing the worst of his atrocities, such as the Anfal campaign.[67]

According to President Bush, the US acts as a stalwart of liberty in opposition to 'evil doers', 'terrorists' and 'rogue states' that constitute an 'axis of evil, arming to threaten the peace of the world'.[68] Conflating this disparate array of state and non-state enemies, the president utilised the same techniques of making moralistic associations and blurring important distinctions as suggested by Wallas, Almond and Bernays. Administration officials for example, cultivated the politically advantageous identity of Hussein as a dangerous ally of *Al-Qaeda*. Despite comprehensive searches by the US intelligence community and two commissions specifically looking for links between Iraq and 9/11, there remains a dearth of credible evidence connecting Hussein to the events of that day. One Senate Select Committee on Intelligence reported that contacts between Iraq and *Al-Qaeda* 'did not add up to an established formal relationship', and that 'no information has emerged thus far to suggest that Saddam did try to employ *Al-Qaeda* in conducting terrorist attacks'.[69] Indeed, there was more evidence linking Saudi Arabia or even Florida to 9/11 than there was Iraq, given that the hijackers were mostly Saudi nationals and that several of the hijackers had trained at flying schools in the Sunshine State.

In contrast, the Bush Administration repeatedly conflated the Wars on Terror and Iraq. The president unequivocally stated 'there's no question that Saddam

[64] For a discussion on how the proclaimed aims of the Iraq War shifted between security and liberation see Lichtenberg, 'Pre-emption and exceptionalism in US foreign policy', p. 70.

[65] See White House, *Tales of Saddam's Brutality* (29 September 2003), {http://www.whitehouse.gov/news/releases/2003/09/20030929-14.html}; Department of State Office of International Information Programs, *Focus on Human Rights in Saddam's Iraq: The Violent Coercion and Repression of the Iraqi People* (2003), {http:/www.usembassy.it/pdf/other/iraqfocus1.pdf#search=%22The%20Violent%20Coercion%20and%20Repression%20of%20the%20Iraqi%20People%22}; Lorne Craner, 'Country reports on human rights practices for 2003' (10 March 2004); George Bush, 'President Bush thanks military' (14 August 2003) and George Bush, 'Moment of Truth for World on Iraq' (16 March 2003).

[66] Bush, 'State of the union address' (2004).

[67] For details of this support see William Blum, *Rogue State: A Guide to the World's Only Superpower* (London: Zed Books, 2002), pp. 121–2.

[68] George Bush, 'State of the union address' (29 January 2002).

[69] US Senate Select Committee on Intelligence, *Report on the US Intelligence Community's Prewar Intelligence Assessments on Iraq* (9 July 2004), {http://www.fas.org/irp/congress/2004_rpt/ssci_concl.pdf}, p. 93 and 97.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

Hussein had *Al-Qaeda* ties'.[70] Donald Rumsfeld alluded to a similar association, claiming in September 2002 that the Central Intelligence Agency (CIA) had 'bullet-proof' evidence of a connection between *Al-Qaeda* and Saddam Hussein.[71] As National Security Advisor, Condoleezza Rice implied a similar link by stating that 'Saddam was a danger in the region where the 9/11 threat emerged'.[72] Vice President Cheney likewise contended that Hussein had 'an established relationship with *Al-Qaeda*'.[73] In this context of the constant conflation of Hussein and 9/11 by administration officials, the US public came to accept the links alluded to as established facts. Polls demonstrate that the number of American citizens believing Hussein to have been personally involved in the 9/11 attacks rose from 3 per cent in the week following the atrocity to 53 per cent in August 2002, 60 per cent in March 2003 and 69 per cent in September 2003.[74]

Finally, the hegemonic narrative disciplines by producing, in the sense of allocating and articulating, the identity of designated US friends in terms of its three constitutive rules. Criticisms by the Bush Administrations of human rights violations are noticeably absent when such violations occur in Saudi Arabia. The Saudi monarchy tolerates no elections or dissent. Severe restrictions are placed on the rights of women. Subversion, rebellion and heresy are capital offences. The Saudi security forces practice torture, 'disappearances', public beheadings, and have detained individuals without charge or trial.[75] Under a literal understanding of the hegemonic narrative, the Saudi regime could be expected to be subject to serious sanctions from the Bush Administrations. In fact the US has major military garrisons in Saudi Arabia and has consistently supported its monarchical regime.[76] Saudi Arabia has enjoyed a clear exemption from anything other than symbolic criticism on human rights grounds from US Administrations ever since the Second World War when President Roosevelt agreed to protect the Saudi royal family in return for privileged US access to oil.[77] Indeed, the *2006 National Security Strategy* goes so far as to praise Saudi Arabia for having taken preliminary steps to increase the participatory rights of its citizens.[78] This selective disregard for human rights

[70] George Bush, quoted in Philip Shenon and Christopher Marquis, 'Panel finds no Qaeda-Iraq tie', *New York Times* (17 June 2004), {http://www.nytimes.com}.

[71] Quoted in Suzanne Goldenberg, 'Bush allies admit war blunders', *Guardian* (6 October 2004), {http://www.guardian.co.uk}.

[72] Quoted in Andrew Buncombe, 'White House misled world over Saddam', *Independent* (17 June 2004), {http://www.independent.co.uk}.

[73] Quoted in Glenn Kessler and Jim VandeHei, 'Misleading assertions cover Iraq War and voting records', *Washington Post* (6 October 2004), {http://www.washingtonpost.com}.

[74] Steven Kull, *Misperceptions, the Media and the Iraq War* (Maryland: University of Maryland, 2003); Dana Milbank and Claudia Deana, 'Hussein link to 9/11 lingers in many minds', *Washington Post* (6 September 2003), {http://www.washingtonpost.com} and Glenn Kessler and Jim VandeHei, 'Misleading assertions cover Iraq War and voting records', *Washington Post* (6 October 2004}, p. A15.

[75] Human Rights Watch, *Saudi Arabia: New Evidence of Torture*,{http://www.hrw.org/} accessed 3 April 2002; Amnesty International, *Amnesty International Annual Report* (2004), {http://web.amnesty.org/report2004/index-eng}; Michael Klare, 'Corporations, national security and war profiteering', *Multinational Monitor*, 22:11 (2001), {http://www.multinationalmonitor.org/mm2001/01/nov01interviewklare.html} and Christopher Joyner, 'US foreign policy, democracy and the Islamic world', in David Forsythe (ed.), *The US and Human Rights* (Nebraska: University of Nebraska Press, 2000), pp. 246–70 at 264.

[76] See Chalmers Johnson, *The Sorrows of Empire* (New York: Metropolitan Book, 2003).

[77] Michael Klare, 'Blood for oil', in Leo Panitch and Colin Leys (eds), *Socialist Register 2004: The New Imperial Challenge* (London: Merlin Press, 2003), pp. 166–86 at 171; Roth, 'The fight against terrorism', p. 115 and Stephen Zunes, 'Middle East', in Feffer (ed.), *Power Trip*, pp. 128–38 at 136.

[78] National Security Council, *US of America National Security Strategy*, Washington D.C., 2006, p. 2.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

is only contradictory with a literal interpretation of the hegemonic narrative. As an instrument to inculcate emotive explanations of foreign policies in the minds of the audience, administration officials have applied human rights entirely consistently. Enemies have been consistently identified as enemies not just of the Bush Administrations, but of freedom, human rights and democracy, whilst designated friendly states, including those with notorious human rights records, have been praised as beacons of freedom.[79]

Conclusion

This article has examined the account of human rights in post 9/11 foreign policy explanations provided by Bush Administration officials and has identified three internally consistent rules in the resultant hegemonic narrative: (i) that human rights are promoted as independent foreign policy goals: (ii) that rule one is derived from a pre-existing US identity and (iii) that championing human rights complements the promotion of freedom, justice and democracy in foreign policy. These rules were identified as internally consistent in the sense that they are articulated without contradiction in a broad range of official statements and texts. The article has investigated the political significance of these claims and the results can be categorised in the following four conclusions.

Firstly, the hegemonic narrative does not describe a corresponding reality. It follows that scholastic enquiries seeking to differentiate those conditions under which human rights can be integrated into policy practice, from those when they cannot, are likely to be of limited explanatory value. Assertions that human rights can at some times and in some circumstances constitute policy goals suffers from a fatal internal contradiction since the hypothesised selective integration of human rights fails to meet the necessary requirements for human rights defined in terms of universal and impartial application.

Secondly, this article has argued that the hegemonic narrative cannot be simply dismissed as hypocritical rhetoric. The importance of investigating the hegemonic narrative resides in (i) the prominence ascribed to ethical values by administration officials combined with; (ii) the tendency of realists, liberals and neo-conservative commentators alike to interpret the stated human rights imperatives as constituting genuine policy goals despite the internal contradictions evident in this position. Official statements therefore perform a political role that transcends their literal meaning.

Third, the political significance of the hegemonic narrative resides in coopting human rights as a technique of discipline. The disciplinary function of governance differs from other expressions of social power since it makes no attempt to control individuals through coercion, the threat of coercion or even appeals to the self-interest of individuals. Instead, discipline operates by leading individuals to inculcate a politicised version of reality as normal and self-evident and to thereby remove the ethical basis of policymaking from critical scrutiny. The significance of this disciplinary function of governance resides in the observation made by

[79] See Thomas Carothers, 'Democracy promotion', *Foreign Affairs*, 82:3 (2003), pp. 141–5 at 144.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

Foucault that power is most effectively employed when it remains hidden by virtue of being perceived as natural to those over whom it is exercised.[80] It follows that an important aspect of social power resides in the formulation and application of a dominant narrative that conditions and disciplines the audience into accepting foreign policy initiatives as natural and right.

This article has subsequently identified the human rights claims made by administration officials as important political variables whose significance resides in their capacity to produce meaning and to thereby discipline the audience. This instrumental use of human rights is evident in the highlighting by the Bush Administrations of repressive practices occurring in designated enemy states. Venezuela, Cuba, North Korea, Iran, Syria, Afghanistan under the Taliban and Iraq under Hussein have been prominently criticised for their human rights records. Whereas such criticisms were often entirely appropriate, their political function is revealed when juxtaposed with the sparse commentary levelled by Bush Administration officials at the human rights abuses committed in designated friendly states such as Colombia, Egypt, Israel, Saudi Arabia, post Taliban Afghanistan and post Hussein Iraq. Human rights violations committed by these friendly states have been downplayed or else redefined as acts of counter terrorism, unproven allegations, unfortunate mistakes, unavoidable or isolated incidents, uncharacteristic exceptions to an otherwise improving trend or as necessary responses to security threats.[81] Thus, the language of human rights has been coopted by administration officials to provide a normative basis for a range of policy initiatives external to the project of universal human rights.

The political utility afforded by the cooption of human rights resides in providing the Bush Administrations with the hegemonic narrative: an effective moral code that is politically arbitrary. The hegemonic narrative is an effective moral code in the sense that it makes the domestic audience feel good about their country and its foreign policy and through this process of emotional inference more likely to accept or even support such policies. The hegemonic narrative is also effective in the sense that external criticisms of its constitutive rules can be attacked as calumny, 'Un-American', conspiracy theory, undue cynicism or as terrorist or hateful propaganda. The narrative is politically arbitrary in the sense that it is both internally incoherent, since policy practice fails to meet the two necessary requirements for human rights, and can be formulated and applied at the unique discretion of administration officials. Thus, human rights have been coopted in the formulation of the hegemonic narrative to empower the US administration whilst excluding vulnerable and marginalised individuals around the world from any capacity to enforce actual rights in practice or to hold the Bush Administrations accountable for the foreign policies carried out in their names.[82] The extent to which the audience understands the promotion of human rights as constituting an independent foreign policy goal is itself the measure of the capacity of the hegemonic narrative to inculcate reality.

[80] Michel Foucault, *Ethics: Subjectivity and the Truth* (New York: New Press, 1994), p. 167.
[81] For a detailed exposition of this pattern, see Jan Hancock, *Human Rights and US Foreign Policy* (London: Routledge, 2007).
[82] John Laughland, 'Human rights and the rule of law', in David Chandler (ed.), *Rethinking Human Rights* (Basingstoke: Palgrave, 2002), pp. 38–56 at 46.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

The fourth conclusion of this article locates a capacity of the hegemonic narrative to produce reality in its ability to designate intents and identities. Intents and identities can be attached to political actors by differentiating good from evil, threats from normal, friends from enemies, terrorists from freedom fighters, legitimate from the dangerous and the oppressors from the oppressed. Unparalleled access to the popular media provided administration officials with a broad remit to define the intents of both the US and its enemies in terms of the hegemonic narrative. As we have seen, administration officials have likewise enjoyed a broad remit to attach identities to political actors through a process of political simplification that affirms the predetermined conclusions as specified in the hegemonic narrative.

These four conclusions can be illustrated in the High Value Detainee (HVD) and rendition programmes introduced by the US executive branch to abduct and interrogate presumed terrorists following 9/11. Administration officials presented these programmes using the moralistic rules of the hegemonic narrative.[83] The focus on human rights was for example highlighted by the administration as 'an integral part' of its strategic response to 9/11.[84] The president has consistently refused to provide specific details of the interrogation techniques authorised for use against those detained under the HVD and rendition programmes beyond providing assurances that these were 'necessary' and 'lawful'.[85] Consequent to the use of this linguistic strategy, any evidence of interrogation procedures potentially contradicting the hegemonic narrative need not be publicly disclosed.

Illustrating the first conclusion that the claims constituting the hegemonic narrative do not describe a corresponding reality, both the HVD and rendition programmes evaded even the most rudimentary of human rights and legal safeguards, such as habeas corpus.[86] The HVD programme involved abducting individuals to CIA run black sites located outside the US. Rendition involved delivering those abducted to the intelligence services of states where torture is routine.[87] After leading an investigation on behalf of the Council of Europe, Dick Marty concluded that individuals detained under the HVD programme were shackled, kept in solitary confinement for months, exposed to extremes of cold and hot, were regularly forced into contorted positions and were subjected to a program of sleep deprivation.[88] Individuals subjected to rendition and subsequently released without charge have reported being hung by their limbs, attacked with electric cattle prods, doused with cold water whenever they fell asleep, subject to mock drowning and being repeatedly beaten during their incarceration.[89]

The second and third conclusions are made evident in how administration officials coopted the language of human rights and due process to produce a

[83] See in particular George Bush, 'Remarks by the President on the Global War on Terror' (6 September 2006).
[84] Craner, 'Remarks to the Heritage Foundation'.
[85] Bush, 'Remarks by the President on the Global War on Terror'.
[86] The right to challenge the basis of detention in front of a properly constituted court.
[87] Including it is thought, Uzbekistan, Jordan, Syria, Morocco and Egypt. See Human Rights Watch, *2005 World Report*, {http://www.hrw.org/wr2k5}.
[88] In CIA run secret detention facilities in Poland and Romania 2003–2005. See Dick Marty, *Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States: Second Report*, Committee on Legal Affairs and Human Rights (7 June 2007), pp. 4–5 and 52–3.
[89] Dana Priest and Dan Eggen, 'Terror suspect alleges torture', *Washington Post* (6 January 2005), p. A01.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

politically simplified account of the HVD and rendition programmes in the minds of the audience. The description by the president of the HVD programme as necessary was a subjective determination that worked to close down possible criticisms by insisting that the administration had no choice but to implement the programme.[90] Since the administration had no choice, it follows that no further justification of the programme was required.

The description of the HVD programme as lawful was achieved by the Bush Administrations using a combination of secrecy, unilaterally rewriting laws and exploiting legal loopholes to validate this predetermined argument. The specific conditions under which those detained under the rendition and HVD programmes were kept have never been clarified by the administrations.[91] Such public secrecy precluded meaningful legal oversight, and therefore also possible legal criticism, of the interrogation methods subsequently employed.

The president bypassed the US legislature and signed a presidential finding on 15 September 2001, and a military order the following November, which provided the CIA with sufficient legal authority to operate the HVD programme and detain indefinitely any non-US citizen anywhere in the world.[92] The authority under which renditions may be legally performed cannot be independently verified since this is detailed in a memo that the administrations have refused to make public despite Congressional request.[93] Legal memorandums prepared for the Bush Administrations that have been subsequently leaked to the public have, however, advised that officials would not be responsible for violating US statutes prohibiting torture if detainees were interrogated on foreign soil.[94] The configuration of the HVD and rendition programmes therefore evaded domestic statutes on torture through the unilateral introduction of legal changes by the executive branch, by situating interrogation sites abroad and by handing formal custody of detainees over to other states. As detailed above, specific practices adopted by the Bush Administrations facilitated the production of the officially sanctioned reality of the HVD and rendition programmes as compatible with human rights legislation in the minds of the audience.

Illustrating the fourth conclusion, the hegemonic narrative produced a reality of the HVD and rendition programmes through attaching identities to political actors. Administration officials consistently assigned those detained under the HVD programme identities of 'aliens', 'deadly enemies', and 'faceless terrorists', even though none had been formally tried in a court of law to ascertain guilt.[95] Guilt was instead exclusively divined by those responsible for operating the HVD and rendition programmes and was thus an arbitrarily designated identity, which, once assigned, could be used as retrospective legitimisation of those programmes by administration officials.

[90] Bush, 'Remarks by the President on the Global War on Terror'.
[91] See Amnesty International, *An Appeal to President George W. Bush on the Occasion of His Re-Inauguration* (2005), {http://www.amnestyusa.org}.
[92] See Dana Priest, 'CIA holds terror suspects in secret prisons', *Washington Post* (2 November 2005), p. A01.
[93] *The President's Power as Commander in Chief to Transfer Captive Terrorists to the Control and Custody of Foreign Nations*, memo (13 March 2002).
[94] For details see James Risen, David Johnston and Neil Lewis, 'Harsh CIA methods cited in top Qaeda interrogations', *New York Times* (13 May 2004), {http://www.nytimes.com}.
[95] See Marty, *Secret Detentions*, p. 50.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press

The Bush Administrations have appealed to a US identity that advocates human rights in contextualising the HVD and rendition programmes in the proclaimed War on Terror. The president has thus presented the US as 'waging war on terrorism and defending international human rights'.[96] George W. Bush derived the US commitment to 'moral clarity' in fighting this war from the premise that 'we are the heirs of the tradition of liberty, defenders of the freedom, the conscience and the dignity of every person'.[97] Appealing to freedom, dignity and human rights to explain the HVD and rendition programmes is not simply an example of political hypocrisy. Such appeals instead exemplify strategic patterns in the moralistic explanations of foreign policy provided by the Bush Administrations that have been identified and examined in this article as the hegemonic narrative. The conclusions commend the systematic investigation of official narratives because of the identified capacity for policymakers to use language as a disciplining instrument, rather than as a description of policy. Finally, the conclusions support the insight provided by Evans that the dominant narrative on human rights ideologically vindicates power structures and can thereby act as a powerful force of social control rather than for human freedom.[98]

[96] See especially Bush, 'Proclamation on human rights observances'.
[97] Bush, '*President Bush discusses importance of democracy in Middle East*'.
[98] Tony Evans, 'Citizenship and human rights in the age of globalisation', *Alternatives*, 25:3 (2000), pp. 415–38.

https://doi.org/10.1017/S0260210510000215 Published online by Cambridge University Press