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**American Exceptionalism and Exemptionalism in Presidential Rhetoric:
George W. Bush and Barack Obama on Guantánamo Bay**

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Abstract

The notion of American exceptionalism has been used for various purposes, yet it is exceedingly difficult to define as it has had multiple meanings. The belief that the United States is exceptional is as old as the country itself and it is one of the few ideas on which every president of the United States agreed even though their interpretations of it varied. The paper argues that the events of 9/11 contributed to the emergence of the main characteristic of 21st-century American exceptionalism: exemptionalism. It means that the United States government created circumstances in which it could exempt itself from applying and complying with international laws in order to accommodate its interests. Although the use of exemptions is not unfamiliar territory for the United States government, it has been amplified after the 9/11 terrorist attacks. This paper investigates how former presidents George W. Bush and Barack Obama interpreted American exceptionalism and analyzes their Guantánamo Bay-related decisions and speeches with the purpose of identifying instances of exemptions that showcase how the new, unprecedented nature of transnational terrorism enabled the United States to manipulate legal terminologies to justify their actions. The use of exemptions creates double standards that ultimately undermine the moral authority of the United States.

Keywords: American exceptionalism, exemptionalism, Guantánamo Bay, presidential rhetoric

Introduction

The present paper aims to provide a thorough yet concise look at the history of American exceptionalism and list the multitude of purposes and changes the term has undergone through the course of U.S. history. The main argument is that one of the major characteristics of 21st-century American exceptionalism is exemptionalism¹, which is heavily present in the Guantánamo Bay-related presidential rhetoric and decisions of George W. Bush and Barack Obama. By analyzing presidential speeches and measures, the purpose of the paper is to examine how exemptionalism appears in them and what role it plays in the way American exceptionalism is understood in our century. The research exclusively focuses on former presidents Bush and Obama because, on the one hand, the former was the sitting

¹ Michael Ignatieff, "Introduction," in *American Exceptionalism and Human Rights*, ed. Michael Ignatieff (Princeton: Princeton University Press, 2005), 4. The term "exemptionalism" was coined by Michael Ignatieff.

president of the United States at the time of the 9/11 terrorist attacks therefore his role is indisputable and consequential; President Obama was rather vocal about his desire to close the Guantánamo Bay detention facilities, which, as we know, has not happened to this day. On the other hand, they both served two presidential terms; hence they do not have the possibility to return as the leaders of the most powerful nation in the world. Consequently, they are the most relevant to the purposes of this particular research paper. I have chosen to exclude President Biden because he chose a reticent approach in his Guantánamo Bay-related communication, and President Trump has had a considerably different perspective on American exceptionalism which should be the subject of a separate research project.²

Guantánamo Bay and American exceptionalism have been popular areas of research among American Studies scholars, and they have been analyzed from various perspectives. This paper—even though it may not provide readers with stunning revelations—intends to contribute to the existing corpus by incorporating the two phenomena in the examination of speeches and legislative measures. Consequently, the paper adds a different approach and perspective to a very narrow and specific space that is Guantánamo Bay and examines its relation to American exceptionalism in the rhetoric of presidents Bush and Obama.

Following a brief exploration of the historical and geographical significance of Guantánamo Bay to provide a basis for the context in which the research operates, the paper continues with the definition of the terms American exceptionalism and exemptionalism; I will provide a concise historical background of American exceptionalism with the purpose of showcasing the versatility of the notion. Then, the paper explores the meaning and intended usage of exemption and exemptionalism and explains how it is adopted in this particular project. The next part of the paper includes a comparative analysis of former U.S. presidents Bush and Obama's rhetoric regarding Guantánamo Bay and the detainees held there, with specific attention to instances of exemptionalism, as I claim it is one of the most significant features of 21st-century American exceptionalism. The analysis of each administration follows the same structure; it begins with an inquiry into how the former presidents interpreted American exceptionalism respectively and then the focus narrows down to instances of exemptions with respect to Guantánamo Bay and the detainees held there. It cannot be accentuated enough that the present paper solely focuses on the Guantánamo-related presidential decisions, and it does not attempt to diminish the otherwise strikingly compelling discrepancies between the Bush and Obama administrations.

² Olga Kajtár-Pinjung, "From Bush to Biden: Presidential Attitudes towards Guantánamo," in *New Horizons in English and American Studies: Papers from the Doctoral Program* ed. Lívía Szélpál and Anna Kérchy (Szeged: IEAS e-books); manuscript under publication

Guantánamo Bay

The Guantánamo Bay naval base is a set of facilities located on the island of Cuba operated by the United States which has been leasing the territory from Cuba since 1903, following the Spanish-American War.³ In the twentieth century, it was used as a center for naval operations, a training facility for military personnel, and a detention facility for Cuban and Haitian refugees.⁴ Its latest role as a detention center for the prisoners of the War on Terror began in January 2002, when the first detainees were taken to the island.⁵ Since then, it has become a symbol of the violation of basic human rights, indefinite detention, the application of so-called enhanced interrogation techniques, and the abuse of prisoners. It was chosen to host the individuals who were allegedly responsible for or associated with the attacks that occurred on September 11, 2001, specifically due to its favorable and ambiguous location.⁶ Since it is outside the territory of the continental United States, the Bush administration argued that it was outside its control and jurisdiction, therefore they could circumvent the application of U.S. constitutional rights and international human rights obligations. This argument is problematic because, on the one hand, the lease agreement unequivocally declares that the United States has jurisdiction and control over Guantánamo Bay.⁷ On the other hand, the location of the detention facility should not have justified the denial and ignorance of basic human rights laws to which the U.S. had been a party, such as the relevant sections of the Geneva Conventions. Since its opening, it has held around 780 detainees from all over the world, most of whom have never been charged with a crime. Today, there remain 30 detainees at Guantánamo Bay.

American exceptionalism and exemptionalism

American exceptionalism is very challenging to define as it is a “cumulative set of beliefs” that has been used for various, often strikingly different, purposes throughout history.⁸ According to the Merriam-Webster dictionary, exceptionalism is “the condition of being

³Jonathan M. Hansen, *Guantánamo: An American History* (New York: Hill and Wang, 2011) 153.

⁴Amy Kaplan, “Where Is Guantánamo?,” *American Quarterly* 57 no. 3 (September 2005): 839.

⁵Kaplan, “Where is Guantánamo?,” 831.

⁶Hansen, *Guantánamo*, 310.

⁷*Agreement between the United States and Cuba*

⁸Ian Tyrrell, *American Exceptionalism: A New History of an Old Idea* (Chicago: The University of Chicago Press, 2021), 198.

different from the norm.”⁹ Donald E. Pease claims that American exceptionalism is a “fantasy” that allows U.S. citizens to “define, support, and defend the US national identity.”¹⁰ It has often been used to express the superiority of the United States over other nations.

American exceptionalism emerged on the American continent with the arrival of the first settlers from Britain. Although the term was born much later, the understanding and belief in America, the new world, being different from the rest of the world and carrying a special role already existed in early settlement. It has been used for various social, political, and cultural purposes, however, providing a definition for it seems quite challenging. The simplest and yet the most accurate explanation was suggested by Ian Tyrrell, who states that “the United States is exceptional because a large majority of Americans have believed it to be so.”¹¹ However overly simplified his definition might seem, it contains the core meaning of the expression and it is free from any traces of politics, society, and culture. Nevertheless, it should be noted that merely the fact that Americans believe the United States to be exceptional would not necessarily make it so; the rest of the world would need to share this belief for the United States to be put in the category of being exceptional and hence endow it with the meanings and roles associated with it.

The following paragraphs discuss the history of American exceptionalism in a quite concise and simplified manner because it is not the primary focus of the present paper and it has been studied by academics around the world resulting in a massive corpus on the subject.¹² As mentioned above, in the seventeenth century, without consciously realizing it, English settlers expressed their high hopes for America as the land of opportunity to create a distinct life from that of Europeans, holding hopes and promises for a new beginning. The term manifested in the self-reliance of settlers, the ability of the colonies not only to survive but prosper in this new, undiscovered land of America at their disposal.¹³ Besides the growing material prosperity, American exceptionalism became ideologically charged and associated with the desire to fight for independence from Britain in the eighteenth century. The success of the Revolutionary War and the subsequent separation from the mother country further reinforced the exceptionality of the nation which culminated in the creation of the—to this day—most important documents: the Declaration of Independence and

⁹ “Exceptionalism,” In Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/exceptionalism>. Accessed 24 Oct. 2024.

¹⁰ Donald E. Pease, *The New American Exceptionalism* (Minneapolis: University of Minnesota Press, 2009), 11.

¹¹ Ian Tyrrell, *American Exceptionalism*, 198.

¹² Some examples: Deborah L. Madsen, *American Exceptionalism* (Jackson, University Press of Mississippi, 1998), Godfrey Hodgson, *The Myth of American Exceptionalism* (New York: Yale University Press, 2010), Charles Lockhart, *The Roots of American Exceptionalism: Institutions, Culture, Politics* (Palgrave MacMillan, 2003), among others.

¹³ Ian Tyrrell, *American Exceptionalism*, 4.

the Constitution of the United States. With the birth of these founding and unparalleled documents, the extraordinary nature of the country became even more emphatic.¹⁴ According to Seymour Martin Lipset, the Revolutionary War was essential for the birth of American national identity and the notion of American exceptionalism.¹⁵ By the nineteenth century, American Exceptionalism somewhat departed from its ideological denotation and once more became synonymous with the abundance of natural resources, rapid population growth, and territorial (Westward) expansion. In the “American Century”¹⁶ or, in other words, the twentieth century, however, the term regained its ideological meaning as it was coterminous with political freedom and “economic and military strength projected abroad.”¹⁷

The twenty-first century began with the horrific and tragic events of the terrorist attacks that occurred on September 11, 2001, that shocked the entire world. One of the main reasons for the public outrage and dismay was the fact that the United States had not been attacked on its own soil since the War of 1812, with the exception of Pearl Harbor in Honolulu, Hawaii, outside the territorial United States.¹⁸ Moreover, the main targets of the attacks were innocent civilians which increased the severity of the situation and the government’s reaction to the events. I argue that exemptionalism is one if not the most significant characteristics of twenty-first-century American exceptionalism.

Exemptionalism as a term was used by Michael Ignatieff, who said: “America supports multilateral agreements, but only if they permit exemptions for American citizens or US practices.”¹⁹ It means that the United States has supported the establishment of international laws, agreements, and cooperations, but, in some cases, it refused to sign and become a party to the very agreements in the birth of which it had participated. One example of this act of non-ratification of an agreement is the International Criminal Court (ICC), which is the only international court with jurisdiction to prosecute individuals for the crimes of genocide, crimes against humanity, and war crimes, and it “was established as a court of last resort to prosecute the most heinous offenses in cases where national courts fail to act.”²⁰ The United States advocated for the foundation of the ICC and yet it refused to implement it into its own legislation. Another striking example is the Genocide Convention (Convention on the

¹⁴ Ian Tyrrell, *American Exceptionalism*, 32.

¹⁵ Seymour Martin Lipset, *American Exceptionalism: A Double-Edged Sword* (New York: W.W. Norton & Company, 1996), 39.

¹⁶ Henry Luce, “The American Century,” Reprinted in *Diplomatic History* 23, no. 2 (1999): 159–171. <http://www.jstor.org/stable/24913736>.

¹⁷ Tyrrell, *American Exceptionalism*, 177.

¹⁸ Clive Stafford Smith, *Bad Men: Guantanamo Bay and the Secret Prisons* (New York: W&N, 2008), 39.

¹⁹ Michael Ignatieff, “Introduction,” 4.

²⁰ Britannica, T. Editors of Encyclopaedia, “International Criminal Court,” *Encyclopedia Britannica*, October 23, 2024. <https://www.britannica.com/topic/International-Criminal-Court>, accessed August 30, 2024.

Prevention and Punishment of the Crime of Genocide) which was created at the end of the Second World War and it took the United States forty years to ratify.²¹ It is important to note, however, that non-ratification does not equal non-compliance, meaning that the fact the U.S. did not sign an agreement does not mean that it did not act according to the rules of said agreement.²² In these cases, the United States refused to implement international agreements in its own legislation because it argued that such contracts may jeopardize the sovereignty of the U.S. if other nations are allowed to interfere in their domestic proceedings. At the same time, the citizens and leaders of the United States have a perennial and unbreakable faith in their own justice system and refuse to allow an outside party to intervene in their honorable processes. Exemptionalism, in the context of the present paper, means and is used as a state of special circumstances in which the United States purposefully refuses to be a party to or respect international laws in order to create a privileged situation for itself in which it is immune to the application of and compliance with transnational agreements.

Comparative analysis of presidential rhetoric and decisions of George W. Bush and Barack Obama on exceptionalism and exemptionalism

The following section of the paper deals with the comparative analysis of presidential speeches in order to identify how American exceptionalism appears in their rhetoric. First, the focus is on American exceptionalism, and after identifying the former presidents' approach to it, the focus will be narrowed down to exemptionalism and how it relates to Guantánamo Bay in presidential rhetoric and decisions by including specific instances of it. The analysis follows a chronological timeline, starting with President Bush and continuing with President Obama, who, similarly to their predecessors, "have always subscribed to and trumpeted, to various degree, the tenet of their country being exceptional."²³

President George W. Bush had the immense and incomprehensible responsibility to react to and handle the chaos that was brought about by the events of 9/11. As one of the most powerful nations in the world, the rest of the developed countries looked to the United States and entrusted it with the responsibility to do whatever was necessary to prevent further acts of terrorism. This serious duty was proudly undertaken by the United

²¹ Samantha Power, *"A Problem from Hell": America and the Age of Genocide* (New York: Perennial/Harper Collins, 2002): 161-169.

²² Michael Ignatieff, "Introduction," 7.

²³ Zoltán Peterecz, "American Exceptionalism in Presidential Rhetoric," *Eger Journal of American Studies* 14 (2014): 89.

States, as the president affirmed: “We did not ask for this mission, but we will fulfill it.”²⁴ Due to the shock and loss of innocent lives, the Bush administration assumed a so-called reactionary politics, the point of which was that the government made its subsequent decisions based on fear of possible future attacks.²⁵ This sense of duty and responsibility was evident in the first presidential address after the tragedy:

These acts of mass murder were intended to frighten our nation into chaos and retreat. But they have failed; *our country is strong*. A great people has been moved to defend *a great nation*. Terrorist attacks can shake the foundations of our biggest buildings, but they *cannot touch the foundation of America*. These acts shattered steel, but they *cannot dent the steel of American resolve*. America was targeted for attack because *we’re the brightest beacon for freedom and opportunity in the world*. *And no one will keep that light from shining.*²⁶ (emphasis added by the author)

As we can see from the highlighted parts, the president predominantly emphasized the strength and resolve of the nation. “Yet, we go forward to defend freedom and all that is good and just in our world.”²⁷ This strong sense of leadership and responsibility is President Bush’s most emphatic and weighty message, which endured the test of time and lasted well into his second term: “The only way to protect our people, the only way to secure peace, the only way to control our destiny is by our leadership. So the United States of America will continue to lead.”²⁸ Besides the leading role of the United States, another explicit theme that reappeared in the speeches of Bush is the assumption of the role of the savior for the entire world by stating that they were called to “defend the safety of our people, and the hopes of all mankind,”²⁹ and claiming that they will “lead the 21st century into a shining age of human liberty”³⁰ by “defending liberty and justice because they are right and true

²⁴ George W. Bush, “Presidential Address to the Nation,” October 7, 2001, <https://georgewbush-whitehouse.archives.gov/news/releases/2001/10/20011007-8.html>, accessed August 30, 2024.

²⁵ Lisa Hajjar, “The Afterlives of Torture: The Global Implications of Reactionary US Politics” in *State Crime Journal* 8 no. 2 (2009): 164, DOI: 10.13169/statecrime.8.2.0164.

²⁶ George W. Bush, “Statement by the President in His Address to the Nation,” September 11, 2001, <https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010911-16.html>, accessed August 16, 2024.

²⁷ George W. Bush, “Statement by the President in His Address to the Nation,” September 11, 2001, <https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010911-16.html>, accessed August 16, 2024.

²⁸ George W. Bush, “State of the Union Address by the President,” January 31, 2006, <https://georgewbush-whitehouse.archives.gov/stateoftheunion/2006/>, accessed August 16, 2024.

²⁹ George W. Bush, “President Delivers State of the Union,” January 28, 2003, <https://georgewbush-whitehouse.archives.gov/news/releases/2003/01/20030128-19.html>, accessed August 16, 2024.

³⁰ George W. Bush, “President’s Address to the Nation,” September 11, 2006, <https://georgewbush-whitehouse.archives.gov/news/releases/2006/09/20060911-3.html>, accessed August 16, 2024.

and unchanging for all people everywhere.”³¹ Based on the examples provided, it may be determined that President Bush considered American exceptionalism to be characterized by the leadership of the United States and its role as the guardian angel of the whole world which conclusively resulted in instances of exemptionalism.

I argue that hand in hand with the leadership position and duties of the United States emerged the most significant characteristic of 21st-century American exceptionalism, exemptionalism. In this context, the term is used to represent the instances when and where the United States government intentionally misused legal terminologies in order to exempt itself from, on the one hand, applying international laws with the purpose of using any method at their disposal during interrogations, and, on the other hand, taking responsibility for their actions and the damage they had caused. In the following section of the paper, four cases of exemption are analyzed which illustrate the length to which the United States went after 9/11.

As the first—and most obvious—instance of exemption, one must mention the location of the Guantánamo Bay naval base, where the government chose to hold the suspected terrorists they captured or otherwise acquired in the War on Terror. The Bush administration decided not to hold the prisoners on U.S. soil, instead, they refurbished the detention facilities at Guantánamo Bay to accommodate the suspected terrorists.³² Besides security concerns, the main argument for the decision was that, at the time, they assumed it to be a “rights-free zone,” or a so-called “legal black hole,” where neither constitutional nor international laws were applicable, which could not have been further from the truth.³³ First of all, the United States government argued that the fact that the detention facility is located outside its continental territory and the detainees were non-citizens meant that the United States Constitution and its amendments could not be applied. Even though the justification seems sound, the Bush Administration chose to ignore the specifics of article three of the perpetual lease agreement they signed with Cuba in 1903, which clearly states that “the United States shall exercise complete jurisdiction and control over and within said areas.”³⁴ To put it simply, at the time of the arrival of the first terrorist suspects in January 2002, the United States did have jurisdiction at Guantánamo Bay which they intentionally and comfortably ignored.

³¹ George W. Bush, “President Delivers State of the Union Address,” January 29, 2002, <https://georgew-bush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>, accessed August 16, 2024.

³² Karen Greenberg, *The Least Worst Place: How Guantanamo Became the World's Most Notorious Prison* (New York: Oxford University Press, 2009), 5–6.

³³ Harold Hongju Koh, “America’s Jekyll-and-Hyde Exceptionalism” in *American Exceptionalism and Human Rights*, ed. Michael Ignatieff (Princeton: Princeton University Press, 2005), 128.

³⁴ Agreement Between the United States and Cuba for the Lease of Lands for Coaling and Naval stations; February 23, 1903, https://avalon.law.yale.edu/20th_century/dip_cuba002.asp, accessed August 16, 2024.

Secondly, The U.S. government denied prisoner-of-war status to Guantánamo detainees, and they provided various reasons for doing so. They argued that the Geneva Conventions did not apply to these individuals because they did not belong to any nation-state since they were members of the transnational terrorist organization called al Qaeda; they did not wear a uniform that could have distinguished them from civilians, therefore they did not follow the laws of war.³⁵ Furthermore, the U.S. claimed that at the time of capture, Afghanistan did not have a functioning government so it was not a party to the Geneva Conventions.³⁶ At the same time, while denying POW status to the detainees, the government and the president kept reassuring the public and saying that the prisoners were treated in a “fashion consistent with the Conventions.”³⁷ Consequently, one might rightfully pose the question of why deny them the POW status if they were treated in compliance with the regulations. Although the reasons listed above might seem acceptable in the unprecedented circumstances created by the new transnational nature of terrorism, they should not diminish the fact that the United States chose to exempt itself from applying international laws instead of—after having carefully examined the irregularities—executing the necessary changes that would fit this unprecedented situation.

The third example of exemption is the creation of the legal category of “unlawful enemy combatant.”³⁸ Instead of using the already existing terminologies and calling Guantánamo detainees criminal defendants—which they would have been had they been citizens of the United States entitled to all the rights and protections of the title—or prisoners of war—in accordance with the relevant sections of the Geneva Conventions—the government created a separate name for them in order to be able to circumvent both domestic and international laws that would have required them to treat the detainees humanely and respect their basic human rights. Unlawful enemy combatant as a designation had not existed before, therefore, it lacked any legal description that would have specified the rights to which they would have been entitled. Hence, the category of unlawful enemy combatants did not warrant any legal protection for the detainees. In the words of Donald E. Pease, detainees “were interned on Guantánamo Bay because they lacked the protection of human rights, and

³⁵ George W. Bush, “President Discusses Creation of Military Commissions to Try Suspected Terrorists,” September 6, 2006, <https://georgewbush-whitehouse.archives.gov/news/releases/2006/09/20060906-3.html>, accessed August 16, 2024.

³⁶ Ali A. Jalali, “Afghanistan in 2002: The Struggle to Win the Peace,” in *Asian Survey* 43, no. 1 (2003): 184, <https://doi.org/10.1525/as.2003.43.1.174>

³⁷ “Decision Not to Regard Persons Detained in Afghanistan as POWs,” in *The American Journal of International Law*, 96, no. 2 (2002): 480, <https://doi.org/10.2307/2693945>.

³⁸ “Military Commissions Act of 2006,” October 17, 2006, <https://www.intelligence.senate.gov/sites/default/files/laws/pl109-366.pdf>, accessed August 30, 2024.

they lacked human rights because they were displaced onto Guantánamo.”³⁹ This vicious circle resulted in some individuals spending years of their lives at the Guantánamo Bay detention facility without ever being charged with a crime because they were deprived of the opportunity to advocate for themselves, be represented by an attorney, or have legal protection and rights altogether.

The final instance of exemption manifested in another linguistic fabrication of the term “enhanced interrogation techniques.”⁴⁰ The U.S. government created the term and used it for controversial methods that reached beyond the conventional means of interrogation and were used by the military and intelligence agencies during the interrogation of the detainees. The justification of the government for the application of such methods was that they needed to do whatever it took to extract information that might have led to the prevention of further future attacks.⁴¹ The Bush administration was inspired to come up with the term enhanced interrogation techniques because its purpose was to circumvent international and domestic laws that specifically and unequivocally forbid the use of methods that are tantamount to torture during interrogations. By inventing the term, the U.S. was able to apply the questionable techniques without any legal ramifications and they could reiterate their mantra according to which “the United States does not torture,”⁴² which lasted until the Abu Ghraib scandal in the spring of 2004, when photos portraying American military personnel abusing Iraqi prisoners were leaked to the public.⁴³

The choice of location, manipulation of terminologies, and creation of previously unknown legal categories are clear representations of how the Bush Administration exempted itself from complying with international laws and essentially, being held accountable for human rights violations. These instances of exemption are problematic because they create double standards, ultimately resulting in the United States losing its leadership in moral authority—if it has not already. As Harold Hongju Koh argues,

even while the United States has been holding Taliban detainees in the exceptional legal category of “enemy combatants” without Geneva Convention hearings, it has been

³⁹ Donald E. Pease, *The New American Exceptionalism*, 176.

⁴⁰ “Report of the Special Task Force on Interrogation and Transfer Policies,” United States Department of Justice, https://www.justice.gov/oip/foia-library/2009_report_special_task_force_interrogation_and_transfer_policies/dl, accessed August 30, 2024.

⁴¹ Clive Stafford Smith, *Bad Men*, 34.

⁴² George W. Bush, “Military Commissions,” October 6, 2006.

⁴³ Andrew Moravcsik, “The Paradox of U.S. Human Rights Policy,” in *American Exceptionalism and Human Rights* ed. Michael Ignatieff (Princeton: Princeton University Press, 2005), 195.

ferociously protesting the denial of Geneva Convention rights to American prisoners of war captured during the Iraq War.⁴⁴

The instances of exemption resulted in the occurrence of double standards and hypocrisy that undermined the moral authority and leadership status of the United States which might end up jeopardizing its relationship and cooperation with other powerful nations that recognize its shortcomings.

The reactionary approach of the Bush Administration was replaced by a troubleshooting one when Barack Obama started his first presidential term at the beginning of 2009.⁴⁵ The main purpose of the new administration was to distance itself from its predecessor and try to remedy its mistakes and deficiencies.⁴⁶ In the initial days of his presidency, President Obama signed two executive orders related to Guantánamo Bay in January 2009: *Executive Order 13491: Ensuring Lawful Interrogations*⁴⁷ banned the use of enhanced interrogation techniques, while *Executive Order 13492: Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities*⁴⁸ aimed to close the detention facilities within a year of its signing. The latter, to this day, has not come to fruition. The desire of the new president to do better than Bush appeared in his perspective on American exceptionalism.

The role of the savior and the strong sense of leadership that characterized President Bush's rhetoric and perspective on exceptionalism was absent from President Obama's speeches. He focused on and emphasized the importance of American values, the rule of law, and due process.

To overcome extremism, we must also *be vigilant in upholding the values* our troops defend - because there is *no force in the world more powerful than the example of America*. That is why I have ordered the closing of the detention center at Guantánamo Bay, and will seek swift and certain justice for captured terrorists - because living our *values* doesn't make us weaker, it makes us safer and it makes us stronger.⁴⁹ (emphasis added by the author)

⁴⁴ Harold Hongju Koh, "America's Jekyll-and-Hyde Exceptionalism," 138.

⁴⁵ Kajtár-Pinjung Olga, "From Bush to Biden," 15.

⁴⁶ Tung Yin, "Anything But Bush?: The Obama Administration and Guantanamo Bay," *Harvard Journal of Law and Public Policy*, 34 no. 2 (2011): 480. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1855047#paper-citations-widget, accessed August 30, 2024.

⁴⁷ "Executive Order 13491—Ensuring Lawful Interrogations, The White House January 22, 2009, <https://obamawhitehouse.archives.gov/the-press-office/ensuring-lawful-interrogations>, accessed August 16, 2024.

⁴⁸ Executive Order 13492—Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, The White House, January 22, 2009, <https://www.govinfo.gov/content/pkg/DCPD-200900005/pdf/DCPD-200900005.pdf>, accessed August 16, 2024.

⁴⁹ Barack Obama, "Remarks of President Barack Obama – Address to Joint Session of Congress," February

His idea and sense of leadership are rooted in the founding values of the nation rather than its ability to “defend the safety of our people, and the hopes of all mankind.”⁵⁰ According to President Obama, the United States is exceptional because “on every issue, the world turns to us, not simply because of the size of our economy or our military might—but because of the ideals we stand for, and the burdens we bear to advance them.”⁵¹ He, similarly to his predecessor, firmly believes in American exceptionalism, however, contrary to Bush, Obama attributes it to the unmatched values and example the United States has to show to other nations.

Notwithstanding the fact that President Obama customized his interpretation of exceptionalism to fit the aims of his administration, he failed to prevent the emergence of exemptions in his Guantánamo-related decisions thus unintentionally continuing the legacy of his predecessor despite his best efforts to break away from it. One instance of exemption is changing the designation of “unlawful enemy combatants” to “unprivileged enemy belligerents.”⁵² Similarly to its previous variation, it did not exist as a legal category prior to its invention and thus did not contain or indicate any clear rights and protections for the designated individuals. The Bush administration defined unlawful enemy combatants as a person who has,

(1) *engaged in or supported hostilities against the United States or its co-belligerents* who is not a lawful enemy combatant; or (2) been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or other tribunal established under the authority of the President or the Secretary of Defense (Secretary).⁵³ (emphasis added by the author)

An unprivileged enemy belligerent was described by the Obama administration as an individual who,

(A) *has engaged in hostilities against the United States or its coalition partners*; (B) *has purposefully and materially supported hostilities against the United States or its coalition partners*; or (C) was a part of

24, 2009, <https://obamawhitehouse.archives.gov/the-press-office/remarks-president-barack-obama-address-joint-session-congress>, accessed August 16, 2024.

⁵⁰ George W. Bush, “State of the Union,” 2003.

⁵¹ Barack Obama, “President Barack Obama’s State of the Union Address,” January 28, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address>, accessed August 30, 2024.

⁵² “Military Commissions Act of 2009,” October 28, 2009, <https://www.mc.mil/Portals/0/pdfs/MCA%202009%20Chapter%2047A.pdf>, accessed August 30, 2024.

⁵³ “Military Commissions Act of 2006”

Al Qaeda at the time of the alleged offense under [chapter 47A of Title 10, U.S. Code].⁵⁴
(emphasis added by the author)

As the definitions demonstrate, the two designations are almost identical, therefore the invention of a new terminology seems futile. It is evident from the definitions—and the lack of substantial differences between them—that the rebranding to “unprivileged enemy belligerents” was primarily motivated by the administration’s previously mentioned wish to do things differently rather than by its desire to accomplish tangible changes in the lives and rights of Guantánamo detainees.⁵⁵

Moreover, by emphasizing his “abiding confidence in the rule of law and due process; in checks and balances and accountability,”⁵⁶ and that “one of the strengths that makes America exceptional is our willingness to openly confront our past, face our imperfections, make changes and do better,”⁵⁷ Obama contributed to creating another instance of double standards. In his interpretation, accountability applies to those non-U.S. citizens who allegedly committed a crime against the U.S., and it does not include those government employees who, in some capacity, participated in the acceptance and application of enhanced interrogation techniques. Furthermore, in a 2014 speech, President Obama acknowledged the fact that the United States used torture during interrogations after 9/11 by saying “We did a whole lot of things that were right, but we tortured some folks. We did some things that were contrary to our values.”⁵⁸ According to a study published by Amnesty International, President Obama’s acknowledgment regarding the use of torture did not generate any civil or criminal investigations; nobody who was involved in the abuse of detainees was charged with a crime and held accountable for the abuse they committed.⁵⁹ Hence, the administration created a double standard by punishing non-citizens but exempting government employees who abused detainees and used methods of mental and physical torture during interrogations.

⁵⁴ “Military Commissions Act of 2009”

⁵⁵ Tung Yin, “Anything But Bush?” 491–492.

⁵⁶ Barack Obama, “Remarks by the President on National Security,” May 21, 2009, <https://obamawhitehouse.archives.gov/the-press-office/remarks-President-national-security-5-21-09>, accessed September 5, 2024.

⁵⁷ Barack Obama, “Statement by the President Report of the Senate Select Committee on Intelligence,” December 9, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/12/09/statement-president-report-senate-select-committee-intelligence>, accessed September 5, 2024.

⁵⁸ Barack, Obama, “Press Conference by the President,” August 1, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/08/01/press-conference-president>, accessed September 5, 2024.

⁵⁹ Amnesty International, “USA: ‘We tortured some folks’: The wait for truth, remedy and accountability continues as redaction issue delays release of senate report on CIA detentions,” *Amnesty International*, September 2, 2014, <https://www.amnesty.org/en/documents/AMR51/046/2014/en/>, accessed September 5, 2024.

Despite his best efforts to close Guantánamo, President Obama failed to do so and his administration continued to create exemptions with the intention of expressing the extent to which they broke away from the previous leadership of the United States, and providing legal protections to those government officials who took part in enhanced interrogations. Even though President Obama emphasized the importance of American values, accountability, and checks and balances in his rhetoric, he did not succeed in achieving any results in these areas.

Conclusion

American exceptionalism has always been a widely used notion by presidents of the United States through the course of its relatively short yet eventful history. It has been applied to express the unique situation of the nation from the early settlers to this day. At times, it was coterminous with material possessions, abundance of natural resources, growing industrialization, and even the superiority of the United States over other nations of the world. Following the tragic events that took place on September 11, 2001, American exceptionalism gained an obnoxious attribute in the form of exemptionalism. The previously unfamiliar threat of transnational terrorism brought about unprecedented challenges concerning the applicability of international and domestic laws. However, instead of attempting to overcome these challenges by making the necessary modifications based on informed decisions, both presidents George W. Bush and Barack Obama exempted the United States government from complying with international agreements. These instances of exemption meant the invention of thus far non-existent legal categories and terminologies such as “unlawful enemy combatant,” “unprivileged enemy belligerent,” and “enhanced interrogation techniques” in order to be able to interpret laws in a way that best suited their interests. Exemptions created double standards that ultimately undermined the credibility, accountability, moral authority, and tenacity of the United States.

The present paper exclusively focused on American exceptionalism and exemptionalism in the Guantánamo Bay-related rhetoric and decisions of former presidents George W. Bush and Barack Obama. However, further areas of research for the existence and role of exceptionalism and exemptionalism could be previous administrations’ approaches to the topic and even 21st-century U.S. foreign policy. It will certainly be fascinating to see what the future holds for American exceptionalism and exemptionalism in light of the results of the general elections of 2024.

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