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Fractured borders and politics of resistance: Post-9/11 through *Rabiye Kurnaz vs. George W. Bush* (2022)

Pęknięte granice i polityka oporu: świat po 11 września w filmie *Rabiye Kurnaz kontra George W. Bush* (2022)

Abstract

The attacks of September 11 stand among the most rhetorically charged events that have shaped the collective imagination and political discourse of the twenty-first century. The global aftermath redefined national security, identity, and, crucially, the rhetorical function of borders. In the post-9/11 landscape, borders became discursive constructs, rhetorically framed to delineate justice from injustice, inclusion from exclusion, and served as rhetorical tools of exclusion and control rather than protection and unity. These shifting borders disproportionately targeted marginalised communities, particularly migrants from third-world countries and those of Muslim descent deemed as a threat. Sites like Guantánamo Bay came to embody this ambiguous rhetoric of confinement, where language and law were manipulated to evade accountability. This study analyses how the film *Rabiye Kurnaz vs. George W. Bush* (2022) displays the formation and enforcement of both physical and ideological boundaries in the post-9/11 context. Through the lens of American exceptionalism as a rhetorical strategy, the film exposes how national security discourse redefines borders to justify exclusionary practices and extraordinary legal measures. Drawing on Giorgio Agamben's theoretical framework of the 'state of exception,' the study examines how sovereign powers suspend legal norms while strengthening systemic control. Crucially, the analysis investigates how the film enacts rhetorics of resistance through its portrayal of the agency of migrants such as Rabiye Kurnaz, and the demand for visibility, dignity, and voice. By focusing on the rhetorical dimensions of national security, legality, and citizenship, this article contributes to an understanding of how borders are not simply lines on a map but powerful rhetorical devices that shape lived realities.

Zamachy z 11 września stanowią jedno z przełomowych wydarzeń XXI wieku, które wywarło znaczący wpływ na wyobraźnię zbiorową oraz dyskurs medialny i polityczny, redefiniując sposoby publicznego argumentowania. W ich następstwie doszło do istotnego przekształcenia pojęć bezpieczeństwa narodowego, tożsamości oraz, co szczególnie istotne, funkcji granic, które zyskały status konstrukcji dyskursywnych. W nowym paradygmacie bezpieczeństwa granice przestały być rozumiane wyłącznie w kategoriach terytorialnych, a zaczęły pełnić funkcję narzędzi retorycznych, służących rozróżnieniu między sprawiedliwością a jej brakiem, włączeniem a wykluczeniem. W tym ujęciu stawały się raczej mechanizmami kontroli niż ochrony, szczególnie uderzającymi w społeczności marginalizowane, zwłaszcza migrantów z krajów Globalnego Południa oraz osoby pochodzenia muzułmańskiego, postrzegane jako potencjalne zagrożenie. Symbolicznym uosobieniem tej ambiwalencji stała się baza Guantánamo, gdzie język i prawo zostały podporządkowane strategiom unikania odpowiedzialności i normalizacji wyjątkowych form ograniczania wolności. W artykule przeanalizowano, w jaki sposób film *Rabiye Kurnaz kontra George W. Bush* (2022) ukazuje proces konstruowania i egzekwowania zarówno fizycznych, jak i ideologicznych granic w rzeczywistości globalnej po 2001 roku. W perspektywie retoryki amerykańskiej wyjątkowości (*American exceptionalism*) film obrazuje, jak dyskurs bezpieczeństwa narodowego redefiniuje granice, by uzasadniać praktyki wykluczenia i stosowanie nadzwyczajnych środków prawnych. W oparciu o koncepcję „stanu wyjątkowego" Giorgio Agambena, w artykule ukazano, jak władza suwerenna zawiesza obowiązywanie norm prawnych przy jednoczesnym umacnianiu instytucjonalnej kontroli. Równocześnie tekst podejmuje analizę strategii oporu, ukazując sprawczość migrantki Rabiye Kurnaz i jej walkę o widzialność, godność i prawo do głosu w warunkach systemowego wykluczenia. Podkreślając retoryczne aspekty związane z bezpieczeństwem, legalnością i obywatelstwem, autorka dowodzi, że granice nie są jedynie liniami na mapie, lecz stanowią potężne narzędzia dyskursywne, które realnie kształtują społeczne hierarchie i doświadczenia jednostek.

Key words

border rhetoric, exceptionalism, detention, resistance, post-9/11
retoryka granic, teoria amerykańskiej wyjątkowości, pozbawienie wolności, opór, rzeczywistość po 11 września

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Fractured borders and politics of resistance: Post-9/11 through *Rabiye Kurnaz vs. George W. Bush* (2022)[1]

1. Introduction

A new period of increased security and discriminatory policies was brought about globally in the early aftermath of 9/11 by changing the meanings of boundaries, both geographical and symbolic. A binary "us vs. them" mentality served as the foundation for these shifts and swiftly entered media representation and political discourse. Muslims, whether citizens or not, were frequently portrayed as possible dangers, which resulted in disproportionate monitoring in public life, particularly when travelling abroad. One of the most obvious effects of this attitude was seen in settings where extensive autonomy led to an expansion of security procedures. For many, "secondary screening", which involves intrusive interrogation and prolonged detentions primarily based on racial, religious, or ethnic profiling, became a standard practice. In the same manner, thousands of people were denied access to the air owing to the secretive and opaque no-fly list, which prevented them from defending against being added or even comprehending the logic behind their inclusion. When combined, these strategies turned border crossings and airports into suspicious areas where the presumption of risk subtly replaced the presumption of innocence.

It was reported that over 800 incidents of violence, threats, and discrimination against Arab-Americans, Muslims, Sikhs, South-Asian Americans, and others perceived to be of Middle Eastern origin occurred in the immediate post-9/11 years. These acts, amplified by political rhetoric, created a discursive environment where exclusion became normalized and physical violence was rhetorically sanctioned.

1. This article was developed within the framework of the EU co-funded project MigraMedia: *Migration Narratives in European Media: Teaching, Learning, and Reflecting* (Reference: 2023-1-DE01-KA220-HED-000154375). For more information, see https://www.uni-hildesheim.de/migramedia/

According to the U.S. Department of Justice (2015),

> The Civil Rights Division, the Federal Bureau of Investigation, and United States Attorney's offices have investigated over 800 incidents since 9/11 involving violence, threats, vandalism, and arson against Arab-Americans, Muslims, Sikhs, South-Asian Americans, and other individuals perceived to be of Middle Eastern origin. The incidents have consisted of telephone, internet, mail, and face-to-face threats; minor assaults as well as assaults with dangerous weapons and assaults resulting in serious injury and death; and vandalism, shootings, arson and bombings directed at homes, businesses, and places of worship.

With comparable instances happening all over the world, a new framework of this polarised world has emerged since 9/11, based on a persistent and strong sense of urgency for democracy and peace articulated through particular rhetoric. On the ninth day of the attacks, in his address to the nation, George Bush stated, "Tonight, we are a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice or bring justice to our enemies, justice will be done" (U.S. White House 2001). He further claimed that the attacks are religious in nature, as he stated, "The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military and civilians, including women and children" (U.S. White House 2001). Such language makes divisions seem normal and builds a foundation for violence and hatred in the country. Among the official documents that increased the degree of polarisation were the Patriot Act in October 2001 and the US Patriot Improvement and Reauthorization Act of 2005 by the Department of Justice, to maintain and tighten security, especially in the U.S. The intention behind the first act mentioned is to "protect innocent Americans from the deadly plans of terrorists dedicated to destroying America and our (their) way of life" (U.S. Department of Justice n.d.), and the second act's motivation was stated as:

> Since its enactment in October 2001, the Patriot Act has been vital to winning the War on Terror and protecting the American people. […] While safeguarding Americans' civil liberties, this legislation also strengthens the U.S. Department of Justice (DOJ) so that it can better detect and disrupt terrorist threats, and it also gives law enforcement new tools to combat threats. (U.S. White House 2006)

Despite the highly protective plan and extensive security protocols, what stands out is the additional surveillance applied to individuals who are not American. To examine the broader implications of this differing treatment, this essay uses a number of linked theoretical frameworks to analyse the lasting effects of these post--9/11 events. Giorgio Agamben's idea of the state of exception, which explains how regulations are suspended under the pretence of a national emergency and permits the indefinite detention of people deprived of legal rights, lies at the heart of the analysis. Although Agamben expands on this idea in relation to European political

history of the 20th century, its reasoning has a profound and long-lasting resonance in the American setting. In the wake of 9/11, this reasoning disproportionately targeted people across the globe based on racialised perceptions of threat rather than actual evidence. This view is further refined by Inderpal Grewal's analysis of securitization and risk, which demonstrates how security regimes following 9/11 reinterpreted risk as an impending threat and dealt with it by imprisoning people who were perceived as foreign, racial, or religious. I contend that these processes come together to form what might be thought of as a border regime, one that functions through visual, legal, and administrative means of exclusion and transcends national boundaries. At this point, Guantánamo Bay becomes a physical and symbolic zone of exception, where racialised risk is institutionalised and the law is suspended. In later sections, the film *Rabiye Kurnaz vs. George W. Bush* is analysed as a cultural text that dramatises these overlapping logics of power and shows the human cost of securitisation and exceptionalism, particularly as it affects Muslim migrants who are devalued by the language of security.

2. From the settler-colonial foundation to Guantánamo: tracing the logic of exceptionalism

American history began with migration, but it was a settler-colonial effort in which displaced Europeans sought moral and territorial restoration. Motivated by a feeling of divine selection, the Puritans pursued a sanctified order rather than pluralism. They created a national myth based on religion, identity, and the right to dominate by fusing survival with sovereignty. An early and timeless example of American exceptionalism can be found in John Winthrop's 1630 sermon, A Model of Christian Charity. His demand that the colony be transformed into a 'city upon a hill' framed the community's political power and property claims as divinely approved, casting migration as a sacred mandate. According to Winthrop (1630), hierarchy and moral order were portrayed through this language as duties rather than options: "The eyes of all people are upon us."

Nearly two decades later, John O'Sullivan, in his publication "Annexation," asserted that the nation's expansion and exclusionary practices were framed as morally justifiable and divinely sanctioned by his notion of manifest destiny. America's destiny, according to O'Sullivan's famous declaration, was "to overspread the continent allotted by Providence for the free development of our yearly multiplying millions" (1839). Such a vision transforms land from a geographical resource into a spiritual legacy, justifying not only colonisation but also the establishment of moral power structures, the reinterpretation of national identity, and the symbolic elevation of the American identity above all others.

Following this, Frederick Jackson Turner highlights the frontier's function as "the outer edge of the wave—the meeting point between savagery and civilisation" in his famous speech *The Significance of the Frontier in American History* (1893), even as he refers to the United States as a "composite nation." The frontier grew increasingly American as it moved westward. By depicting the frontier as the force that united disparate regions into a single entity, Turner (1893) aimed to mythologise it as the key driver of national development: "If one would understand why we are today one nation, rather than a collection of isolated states, he must study this economic and social consolidation of the country. In this progress from savage conditions lie topics for the evolutionist." By portraying the frontier as a unifying and progressive force and linking white settlers to 'savagery' in relation to Indigenous and non-white people, Turner labels the region and frames westward migration as a means of achieving national identity. His goal of bringing people together via democratic principles has found resonance throughout American history in different eras.

In Reagan's "Farewell Address to the Nation," where he frequently mentioned the 'city upon a hill' notion, the iconic 'shining city upon a hill' links the early Puritan vision to Cold War triumphalism, restoring the fundamental idea of American exceptionalism. In his imagery, he delicately combines regulated access with openness. However, he soon qualifies this by saying that "the walls had doors and the doors were open to anyone with the will and the heart to get here" (Reagan 1989). He acknowledges that the city has 'walls,' indicating protection, containment, and sovereignty. There is also the possibility of being included and/or accepted within this wall, yet in quite a selective manner. Reagan (1989) further adds that the country "is still a beacon, still a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, toward home." And years later, this was repeated in a similar sense by George W. Bush (2001) on the same day of the attacks: "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."

Although American exceptionalism has historically influenced national identity, in the wake of 9/11 it assumed a new operational role—not just as rhetoric, but as a guiding principle. Legal rules were suspended in this new political environment because of the rhetoric of security and the enormity of the threat. This is where the state of exception theory developed by Giorgio Agamben becomes important. Agamben develops an approach for comprehending how sovereign power takes on the power to suspend the law in order to transcend it under the guise of maintaining order. His research sheds light on how exceptionalism develops into a legal system that redraws the lines separating legality from illegality and citizenship

from exclusion, displaying how democratic regimes can modify conventional juridical structures in response to crises. According to Agamben, the real source of sovereign power can be seen in the right to declare exceptions, or situations in which laws can be temporarily discarded. Over time, what begins as an immediate reaction to crisis becomes a normal mode of governance, allowing the legal system to adjust to extraordinary measures. He explains that "the state of exception is the opening of a space in which application and norm reveal their separation and a pure force-of-law realizes (that is, applies by ceasing to apply [dis-applicando]) a norm whose application has been suspended" (2005, 40). The law still operates by suspending legal protections rather than by enforcing them. The suspension does not mean that there is no law; it shows that there is a sovereign power that upholds the law's authority and arbitrarily denies the rights it is meant to defend.

Following the attacks, older myths of divine origin and moral resistance were revived, and they were incorporated into the political and judicial systems that functioned under the pretence of democracy and security. As Bush's speech to Congress and the American People summarised, "Either you are with us, or you are with the terrorists," a powerful binary commitment, became more common than ever. This was accompanied by "the civilized world is rallying to America's side" and that "the advance of human freedom -- the great achievement of our time, and the great hope of every time -- now depends on us" (Bush 2001). Soon, the decision was made to launch a Global War on Terror (GWOT). Bush's signed statement says, "On my orders, a little more than an hour ago, the United States military began strikes against Al Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan" (cited in George W. Bush Presidential Library n.d.). The reason for calling it a Global War on Terror is also "to describe diplomatic, financial, and other actions taken to deny financing or safe harbor to terrorists. Coalition partners from around the world also participated in the GWOT" (cited in George W. Bush Presidential Library n.d.).

A few quick measures were taken to prove the decisiveness and dedication of this oath-like mission, among which the Patriot Act was the first, for which "supporters said the law would make America safer" (Ward n.d.). Forty-five days after the attacks, the Patriot Act was passed, advancing security policies democratically and dramatically tightening up monitoring. Agamben opines that this act "allows the attorney general to 'take into custody' any alien suspected of activities that endanger the national security of the United States, but within seven days, the alien had to be either released or charged with the violation of immigration laws or some other criminal offense. What is new about President Bush's order is that it radically erases any legal status of the individual, thus producing a legally unnamable and unclassifiable being" (2005, 3). Additionally, the theorist indicates

that the Patriot Act totally wipes out "any legal status of the POWs (Prisoner of War)" (Agamben 2005, 3) and becomes deprived of "the status of persons charged with a crime according to American laws" (Agamben 2005, 3). Through the use of legal processes, Agamben's approach demonstrates how individual rights were formally suspended under the pretext of national security rather than being strengthened. Under such laws, the non-citizen who is detained becomes a person beyond the realms of criminal and civil law, reduced to a legally unacknowledged and unprotected status.

Drawing from Agamben, Bigo thinks that the frequency and immediacy in forming acts and laws are to "install at the heart of our present time the idea that we are living in a 'permanent state of emergency' or in a permanent state of exception" (2008, 33). This legislation grants the government wide-ranging powers to detain and arrest individuals who display suspicious behaviour or are suspected of terrorism, using extensive surveillance mechanisms. The narratives and legislative actions in the United States shaped a concept of exceptionalism, asserting a country's unique moral standing, allowing it to act independently, suspend rules, and avoid the law. Bigo and Tsoulaka (2008) indicate that 9/11 "has been the testimony of the slow transformation of representative democracy and its erosion in favour of the development of a governmental politics without checks and balances" (2). Thus, the idea of exceptionalism upholds the idea that the United States is an exceptional nation, especially when it comes to defending political and legal deviations in the name of security and sovereignty. And the myths, which had previously served as symbolic accounts of divine mission and national identity, were now being used to build up a language of moral superiority and urgency.

The establishment of exceptional places was an actual indication of the suspension of legal rights, which was just beyond theoretical ... Almost three months after the attacks, the United States set up the Guantánamo Bay detention centre in Cuba as a main location for holding those who are 'suspected' of being a threat to international security, "thus justifying the introduction of tough measures in many realms beyond the management of political violence" (Bigo and Tsoulaka 2008, 3).

Guantánamo Bay has a long history influenced by colonial authority and biopolitical control. Since the early 20th century, the United States has maintained control over this parcel of Cuban territory through an indefinite lease. Because Guantánamo Bay is on Cuban territory and is leased by the United States but not owned, there is legal ambiguity that allows the United States to retain control over people detained there without full constitutional rights. Thus, Guantánamo represents not only current security measures but also the legacy of American

imperialism. Due to this legal and geographical ambiguity, the area becomes a site where sovereignty functions beyond the reach of both national and international law. The captives are kept in a liminal zone, which was technically outside of U.S. authority but completely under its control. Agamben (2008) claims that this extraterritorial area thus became the perfect "no-man's-land" (1) where sovereignty could be exercised freely. Most of the oppositional ideas towards this legislation, emergency measures, and the opening of Guantanamo Bay Detention camp, often mentioned as GITMO, gathered around the idea of the suspension of legal norms and the arbitrary use of power. The legal ambiguities involving torture, monitoring, and indefinite detention at Guantánamo were defined as a "'world beyond law' constituted by the abuse of presidential power" (Hirsch 2010, 122). The confinement of marginalised people, their passage to Guantanamo, and claims of abuse challenge the concepts of justice and freedom. This indicates not only a lack of legal protection but also the emergence of a new political arena where the law is designed. From this perspective, Guantánamo is seen as a deliberate reorganisation of the legal system, a location where sovereign authority reinterprets the law to confine, isolate, and make people invisible for the sake of national security.

It was reported that "since 2002, roughly 780 detainees have been held at the American military prison at Guantánamo Bay, Cuba" (*The New York Times* 2021). Over the past 13 years, the detainee population has been dramatically reduced by about 85 per cent, or 691 inmates, with more than 530 detainees transferred by Bush and 158 transferred by Obama to the custody of an estimated 60 different countries (*U.S. Congress, House Committee on Foreign Affairs* 2016). The camp has panopticonized conditions with its neon lights on 24/7 and checks on the detainees every 3 minutes; the conditions are harsher than a standard prison. In addition, psychological pressure, sexual humiliation, and sleep deprivation, combined with the denial of legal recourse, made Gitmo a space of total domination, a zone that "already feels cut off from the world" (Maqbool 2021). It is claimed that "it is illegal for the government to hold prisoners in such isolation in secret prisons in the United States, which is why the CIA placed them overseas, according to several former and current intelligence officials and other U.S. government officials" (Priest 2005). The physical seclusion of the camp and its illegal operations both mirror and worsen the present state of the regular incarceration system, leaving it in a morally and legally precarious position that goes against accepted standards of justice.

Guantánamo's organisational structure serves as an example of how authority functions not only to punish but also to control, classify, and control life itself. Thus, Guantánamo is a prime example of Foucauldian "biopolitics of the population",

which consists of "an entire series of interventions and regulatory controls" (Foucault 1978, 139). Additionally, in order to sustain the power of the sovereign in an imperialist world, there are "numerous and diverse techniques for achieving the subjugation of bodies and the control of populations, marking the beginning of an era of 'biopower'" (Foucault 1978, 140). Guantánamo can be viewed as a place where the government uses its authority not just to control but also to treat the detainees as populations that need to be controlled, contained, or eradicated rather than as citizens with rights. Hence, the occupation of Cuban territory becomes an example of biopolitical colonialism, in which particular regions and their people are given preferential treatment in the name of international security.

Rabiye Kurnaz vs. George W. Bush: a narrative of bordering and resistance

> **Marc Stocker:** We have to inform you that your son was taken to Guantanamo on January 30 (2001).
> **Rabiye Kurnaz:** What's that?
> **Marc Stocker:** It's a U.S. Army prison camp. On Cuba. In the Caribbean.
> **Rabiye Kurnaz:** On the other side of the world? What for? Why in jail?
> **Lieutenant:** He wanted to join the Taliban.
> **Marc Stocker:** We suspect.
> …..
> **Lieutenant:** The problem is, Murat matches our profile 100%: [Full beard], male, Muslim, likes to travel, single.
> **Rabiye Kurnaz:** But he's married. His wife's in Turkey. She calls every day and cries.
> **Lieutenant:** Mohammed Atta was also married.
> (Dresen 2022, 00:13:47 - 00:13:55)

An interrogation scenario in the opening moments of *Rabiye Kurnaz vs. George W. Bush* presents the audience a setting where private experiences meet with state structures, generating a conflict that drives the story and establishes the multifaceted genre of the film. As a courtroom drama, the film that mixes humorous moments with emotionally dramatic scenes. The film' s tone is defined by this genre combination, which also enhances how it depicts the human costs of political actions. Such blending of tones helps the audience relate to the personal narratives behind world events while also reducing the intensity of its subject matter, which is Guantánamo and legal injustice. Through the use of this genre, the movie highlights both the absurdity and strength of the main character, mother Rabiye Kurnaz, portrayed by Meryem Kaplan, giving the impression that systemic injustice is personal, relatable, and occasionally even humorous in tone, yet serious in meaning.

Released in 2022 as a German-French co-production, the film tells the real story of Rabiye Kurnaz, a Turkish-German woman from Bremen whose son, Murat Kurnaz, is wrongfully incarcerated following the September 11 events.

Despite being a citizen of Turkey and possessing a Turkish passport, Murat was born and brought up in Germany. When he travels to Pakistan in late 2001, U.S. authorities detain him on speculative suspicion of terrorist associations and send him to Guantánamo Bay, where he is detained for almost five years without a trial or due process. Rabiye's growing anxiety at Murat's unexpected absence and the confusing, conflicting information provided by German officials at the start of this section sets the scene for the film's plot. In January 2002, after months of feeling helpless, Murat's mother, Rabiye Kurnaz, gets more desperate when a group of journalists arrives at her door claiming that a Taliban member lives in her house. Having great difficulty coping with all these, as she stops communicating with her son and gets almost no support from German authorities, Rabiye's anxiety worsens. She comes across human rights attorney Bernhard Docke, portrayed by Alexander Scheer, determined to fight for Murat Kurnaz's freedom. The two develop a strong alliance in spite of their very different personalities. Together, they face a complex network of political and legal barriers that extends from Germany to the United States, including petitions filed with the U.S. Supreme Court. Throughout the narrative, the film examines the conflict between the wider concerns of civil freedoms, national security, and international justice, and the personal costs of Murat's imprisonment. It looks closely at how his Turkish citizenship adds to his legal limbo: the U.S. government won't let him go without conditions, and the German government, which he is socially and culturally connected to, refuses to accept his return, making his situation even worse: he has no country to call home. Though the film focuses on a mother's determined efforts to free her son, it also reveals the fundamental systems of power and exclusion that operate across institutional, legal, and national borders. Additionally, the dynamic interaction between the personal and the political in Rabiye's tale is also what attracted director Andreas Dressen to it. In 2008, he considered adapting Kurnaz's experiences into a film but initially struggled with how to depict the challenges involved (cited in Danışman 2022).[2] Upon meeting Rabiye Kurnaz, whose persistence and engagement with legal processes played a crucial role in her son's case, the director decided to center the film around her legal battle and advocacy efforts (cited in Turan 2022).

In her analysis after the attacks, Grewal asserts that the Global War on Terror exceeded military actions and turned into a cultural and intuitive task, using control, suspicion, and fear as instruments of government. She shows how surveillance technology, legal categorisations, and emotional reactions come together to create a global regime of control by looking at how the state frames particular individuals as suspects. In this newly safeguarded environment, individuals are continuously

2. Translations from Turkish to English appear in the text are mine unless otherwise stated.

judged by how they appear, behave, and belong, which is a process that turns external signs such as dress, name, or skin color into indicators of potential threat, and she also adds that this has a historical background: "Within the territorial boundaries of the US, to look 'Muslim' or 'Middle-Eastern' was not a sign of cosmopolitanism, but became instead American nationalism's new racial Other. Being brown, also known as 'looking Middle-Eastern' was a racial formation which included South Asians, Arabs, Iranians and many others. Not that this racialisation was new; it was a recuperation of much older and different colonial legacies brought back to serve new purposes" (Grewal 2010, 547). She further introduces "a special burden of 'looking Muslim'" which is "based on facial characteristics of beards, dark eyes, and turbans" that would facilitate "detentions by the state (…) undertaken without any shred of evidence." Such a tendency exposes how seemingly neutral practices of security and surveillance reproduce racial hierarchies and normalize suspicion as a mode of governance, as is also witnessed in the film.

The previously quoted conversation that mentions '(long) beard, male, Muslim, single' as a short checklist signals how post-9/11 security systems employed social and visual characteristics as identifiers. This approach is shown clearly and frequently in *Rabiye Kurnaz vs. George W. Bush*, in which Murat's personal account as a migrant highlights how this kind of profiling promotes distrust, imprisonment, and marginalisation. Expanding on this cultural and physical profiling, the Aviation and Transportation Security Act of November 2001 was enacted by Congress to centralise and unify aviation security under the control of the government to prevent further threats and rebuild trust in aviation travel. Before the attacks, it was reported that at the airport, the passengers "would keep our shoes and coats on as we [*they*] went through a simple metal detector, and virtually anyone could go right to the gate without a boarding pass or even showing an ID" (Schaper 2021). Additionally it is stated that, "liquids, gels and aerosols in any quantity could be brought through the checkpoint. (….) going through security in an airport was a relatively benign, routine exercise—on and up until September 10, 2001" (Gerace 2021). The Aviation and Transportation Security Act's implementation mirrored patterns of disproportionate inspection, despite its declared objective of improving air transport integrity and international safety.[3] Profiling patterns

3. For how racial profiling, media representation, and hate crimes continue to shape the lived experiences of marginalized communities, even decades after 9/11, please see: Hastings, Dorothy. 2021. "WATCH: 20 Years On, Muslim Journalists Reflect on Reporting in a Post-9/11 World." *PBS NewsHour*, September 3, 2021. Accessed June 30, 2025. https://www.pbs.org/newshour/nation/watch-live-20-years-on-muslim-journalists-reflect-on-reporting-in-a-post-9-11-world; Lenthang, Marlene. 2023. "'We Don't Wear That in This Country': Man Punches Sikh Teen Wearing Turban on NYC Bus in Suspected Hate Crime." *NBC News*, October 17, 2023. Accessed June 30, 2025. https://www.nbcnews.com/news/us-news/-dont-wear-country-man-punches-sikh-teen-turban-nyc-bus-suspected-hate-rcna120571; Sander, Libby. 2006. "6 Imams Removed From Flight for Behavior Deemed Suspicious." *The New York Times*, November 22, 2006. Accessed June 30, 2025. https://www.nytimes.com/2006/11/22/us/22muslim.html; Venkatraman, Sakshi, and Mirna Alsharif. 2023. "For Muslim Americans See Spike in Hate Incidents, Feels Reminiscent of Post-9/11 Islamophobia." *NBC News*, October 31, 2023. Accessed June 30, 2025. https://www.nbcnews.com/news/asian-america/muslim-americans-spike-hate-incidents-feels-reminiscent-post-9-11-islam-rcna122570.

based on perceived risk indicators are often used in security procedures instead of relying on evidence-based assessments. In alignment with Grewal's view, Didier Bigo explains this case in a term called "ban-opticon." His term consists of "combining the term ban of Jean Luc Nancy, as refigured by Agamben, and the term 'opticon' as used by Foucault—a ban-opticon" (Bigo 2008, 32). He states that the term "allows us to understand how a network of heterogeneous and transversal practices functions and makes sense as a form of (in)security at the transnational level" (2008, 32). Bigo (2008) further adds that ban-opticon also enables

> to analyse the collection of heterogeneous bodies of discourses (on threats, immigration, enemy within, [...] exclusion versus integration), of institutions (public agencies, governments, international organizations, NGOs), of architectural structures (detention centres, waiting zones [...] video-surveillance capacities), of laws (on terrorism, organized crime, immigration, [...] to restrict the defendants' rights), and of administrative measures (regulation of the 'sans papiers', negotiated agreements [...] policies of deportation/repatriation). (32)

In such places, he claims that while monitoring appears to include everyone, the primary focus is actually on a specific group of individuals. Those already marked as potentially risky become the primary focus of surveillance, particularly in public settings. Bigo (2008) also adds that such surveillance measures are "not on the current agenda, but that the surveillance of a small number of people, who are trapped into the imperative of mobility while the majority is normalized, is definitely the main tendency of the policing of the global age" (32). Thus, people with generalised risk profiles or as Bigo explains that are regarded as "predisposed to criminality", (22) were more likely to be monitored, detained, or denied travel. In public settings like airports and transit hubs, people reported being scrutinised for their appearance, country, or religion, as well as at military locations like Guantánamo.

In the film, social profiling also occurs in the law office. One of the lawyer Bernhard Docke's colleagues, whom Bernhard later learns had a nephew who died in the World Trade Center on the day of the attacks, strictly opposes his accepting Murat's case, saying, "Those Taliban want us to bomb back to the Middle Ages. That does not bother you? […] This is about the DNA of our constitutional democracy. Nothing more and nothing less" (Dresen 2022, 00:19:05, 00:19:40). Bernard, who generally considers that the media has a manipulating side, responds to her friend, "You don't normally repeat what it says in the tabloids" (Dresen 2022, 00:19:15). And he adds, "The boy is practically being tortured, held in a cage with no outside contact. Now that's medieval. It could turn into an endless task" (Dresen 2022, 00:19:17). As a human rights lawyer, Bernhard is also in contact with the attorney general in Bremen, Mr. Stocker, who informs Bernhard about the latest developments in Murat's case. In the beginning, he tends to discourage

the lawyer by informing Bernhard about the loose statements about Murat, saying that "he became much more religious, went on that trip in secret, quit school, and told a fellow student he sympathised with the Taliban. He purchased his ticket using the card of an individual who frequently visited the Al-Quds Mosque in Hamburg and that they have reasonable suspicion." (Dresen 2022, 00:20:10) To such statements, Bernard responds, "Maybe the other students are badmouthing him because they don't like him. Prove the opposite. You can't." And he adds, "I think you're suspicious because you're biased" (Dresen 2022, 00:20:33). A few days after this, through the attorney, Bernard learns that "three German secret agents questioned Murat Kurnaz in Guantanamo -a military tribunal-, and he was found harmless, naïve, and immature, and had no contacts with Al-Qaeda or the Taliban anywhere. Leaving aside any doubts about why he went to Pakistan, they say he only travelled from mosque to mosque" (Dresen 2022, 00:33:40). Bernhard finds the government's actions absurd because the same government refused to help Murat due to his Turkish identity, leaving both Murat and his family in a state of limbo. Although the CIA acknowledges his innocence and informs Germany that they can repatriate him, the German authorities remain indifferent, fearing that his return might damage their country's reputation. (Dresen 2022, 01:20:15--01:20:47). Furthermore, the attorney tells him that during his captivity in Pakistan, he was sold to the Americans by the Pakistanis for a bounty of 3000 dollars (Dresen 2022, 01:28:17). Murat's case becomes complicated due to the involvement of three different country-wise perspectives, none of which are willing to assist him.

Bernhard, who is certain that Murat is innocent, files a group action suit at the Supreme Court to make the United States responsible for the Guantánamo detainees. The appeal, which has the support of the Guantánamo Human Rights Commission, contests the legal ambiguities and obstacles related to detentions. The case reveals the random nature of detentions based on suspicion rather than proof, raising issues with due process, legal representation, and the tension between national security and human rights. In the film, Baher Azmy, Murat's legal advisor in America, starring Cornell Adams, claims that "An American judge in Washington recently stated in her judgment that Murat's case was one of the most flagrant examples of military abuse in Guantanamo, because he was being detained solely on the basis of speculation while evidence of his innocence was being ignored. (…) The tribunals at Guantanamo are unjust and unconstitutional" (Dresen 2022, 01:27:50). Upon this, Docke explains to Rabiye that Mr. Bush is denying her son all the rights that a prisoner is normally entitled to.

Such depictions about this detention zone reveal that it is more than a prison site. Caleb Smith (2011) states that Guantánamo "is designed to discipline and punish; it is a 'camp' whose inmates have lost the protections of citizenship and

now endure, suspended in an 'indefinite' time and space, beyond the pale" (202). Having created a "zone of indistinction [*where*] the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested, [*contributing to the*] biopolitical body of humanity" (Agamben 2008, 9). The court cases, unjust detention, prejudiced military trials, in-camp torture, Muslim identity, and the hard and long struggle to be able to apply for a legal process of jurisdiction demonstrate limitless aspect of borders. In aligment with Murat's case, Kaplan (2005) states that "stereotypes of the colonized, immigrants, refugees, aliens, criminals, and revolutionaries are intertwined with those of terrorists and identified with racially marked bodies in an imperial system that not only colonizes spaces outside U.S. territories but also regulates the entry of people migrating across the borders of the United States" (840). They serve as movable, imperceptible structures that decide who is entitled to protection, who is not given due process, and who is left without rights. Kaplan (2005) also states that such "blurring of legal boundaries between domestic and foreign, and aliens and citizens, does not weaken executive and military authority" (853). In this structure, justice operates unevenly and is frequently deferred since these shifting boundaries are imprinted onto bodies, identities, and connections, especially those of Muslim heritage. Hence, "borders cease to be purely external realities. They become also …. 'inner borders' … – *invisible borders*, situated everywhere and nowhere" (Balibar 2002, 78). In *Rabiye Kurnaz vs. George W. Bush*, these borders appear in multiple variations through the internalized "indeterminacy about the extraterritorial reach of the Constituion [*that*] has long accompanied the expansion of U.S. rule beyond its national borders" (Kaplan 2005, 841). When Murat is returned to Germany at the end of the film, his body shows that he has been tortured to the point where he can hardly walk, that he has lost weight, developed an expressionless face, and nearly lost the ability to speak clearly, and that he has spent five years in artificial daylight without ever seeing night. The density and harshness of the violent treatment reveal that Murat's body is imprisoned behind the militarised boundaries of Guantánamo, which try to diminish the individuality in him, creating both legal and psychological barriers. Under such circumstances, as just being given 'bare life' back, his release becomes vague, far from freedom, and closer to a vast void where it will take a long time for him to reclaim his existence and agency.

On the other hand, Rabiye faces a different sort of border through bureaucratic ambiguity, diplomatic inactivity, and emotional exhaustion. Her persistent attempts to contact authorities, negotiate international law, and defend her son's identity reveal the invisible structure of modern borders that function through institutional neglect and inaction. In this sense, as exemplified in the film and in a sense that

represents hundreds of the Guantanamo prisoners, borders function as places of confrontation as well as exclusion, where social structures, legal frameworks, and national narratives converge. In addition to illegal arrest, resisting these techniques means opposing the same systems that make some identities seem dangerous. Its goal is to restore moral and legal agency in a system that aims to suppress or eradicate it, despite the absence of an apology from the responsible countries (Oltermann 2022).

3. Conclusion

The recurrent national myths of moral superiority, pioneer spirit, and divine purpose established the ideological groundwork for the eventual development of American exceptionalism. In addition to influencing the nation's history of exclusion and expansionism, these narratives have been repeatedly resurrected during times of crisis. American national identity has long been influenced by the mythologies of the 'frontier' and the 'city upon a hill,' symbolising growth, conquering, and ongoing boundary negotiations as well as moral superiority and divine purpose. These founding myths have historically defended American exceptionalism and interventionist policies, portraying the country as an upholder and defender of liberty in addition to carrying the mission of being a unique model as a decisive body for global power configuration. These myths were resurrected with new drive following 9/11: the frontier was reinterpreted via the enlarging scope of the worldwide war on terror, and the 'city upon a hill' was perceived as a location susceptible to outside dangers. The resulting legal and political framework, which ranges from the USA PATRIOT Act to Guantánamo Bay's beyond-territorial status, reveals how these myths not only adhere to national unity but also create spheres of unrestricted power, permit extraordinary measures, and essentially hinder the regular implementation of legal protections. Beyond geographic boundaries, these actions help to create splintered borders with legal, intellectual, and social components. While invisible lines drawn by policy, distrust, and prejudice determine who is included or excluded from rights and safeguards, physical boundaries become permeable or vague under the pretext of terror. The language of protection is frequently used to defend extreme security measures that, ironically, undermine the very liberties and protections they purport to defend. This conflict between protection and terror reshapes citizenship and sovereignty, creating areas where people are exposed to perpetual legal uncertainty and regular legal guarantees are interrupted. Identity is contested in these shattered areas, and resistance turns into a crucial human statement against oppressive and controlling structures. Moreover, the need for quick action under the pretence of protection

frequently creates a sense of immediacy and anxiety, which in turn validates the widening of governmental power. Physical and intellectual boundaries are rebuilt at these times, not merely to keep out possible threats but also to defend against discrimination, detention, and monitoring. Most prevalent myths that depict security as fundamentally opposed to freedom serve to maintain these walls and foster a culture that is becoming increasingly characterised by mistrust, anxiety, and prejudice.

In these situations, borders that are legal, symbolic, or physical, become dynamic instruments that states use to try to control perceived dangers. These changes frequently mirror larger conflicts between the defence of individual rights and national security requirements. The conflicts manifest not only in the lives of individuals who are directly impacted but also in political and legal structures that find it difficult to strike a balance between caution and principle, as demonstrated by the filmic representation *Rabiye Kurnaz vs. George W. Bush*.

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