

## Comments on “Torture Lite and the Normalisation of Torture”

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In “Torture Lite and the Normalisation of Torture,” Jessica Wolfendale effectively demolishes the distinction between “torture lite” and “full-blown” torture, at least insofar as this distinction is understood, as it often is, in terms of the severity of pain or the permanence of injury inflicted on a subject. Supposedly, full-blown torture causes great physical pain through grievous bodily harm. Torture lite involves no such injury, but instead attacks the victim’s psychological life through such techniques as sleep and sensory deprivation, stress positions, sexual humiliations, forced nakedness and exposure to extreme shifts of temperature.<sup>1</sup> It’s not clear from what Wolfendale says were waterboarding and rape would fall on this divide. While both involve force applied direct to the victim’s bodily, it is arguably the case that neither need inflict physical injury, nor cause distinct sorts of physical pain, to serve as forms of torture. Although force is applied directly to the body, the assault here seems primarily psychological, being largely dependent on the victim’s understanding of what is being done to her by someone else in a particular context.

As Wolfendale argues, much of the way that the distinction between full and lite torture is drawn depends on manifestly false claims about the actual character and effects of the techniques involved. While torture lite does not involve dramatic moments of violence (such as a blow being struck or an electrical charge being applied), many of these techniques nevertheless cause intense physical pain, as well as profound and often irreversible physical as well as psychological injury. Being forced to assume and maintain stress positions can cause pain as unambiguously physical as they resulting from a blow or a burn, sometime resulting in permanent bodily injury. Extreme sleep deprivation is an excruciating experience that can cause death in a few days. Admittedly,

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<sup>1</sup> Wolfendale also includes mock execution among the forms of torture lite, although I believe it is usually taken to be an unambiguous instance of full-blown torture.

torturers do not have to apply force to someone's body to keep them from sleeping; but then, neither do they have to use force to keep someone from eating or drinking. Sleep deprivation seems to be no more a marginal case of torture than is starvation, or allowing someone to die of thirst.

Wolfendale recognize that the suffering involved in torture lite can vary importantly in intensity, but then so too can the pain caused by beatings, electric shock, or mutilation. While degree of harm and intensity of pain are morally relevant distinctions between forms of torture, these distinctions seem largely independent of whether the techniques used are "lite" or not. So it is tempting to conclude with Wolfendale that there is no interesting distinction in kind between full-blown and lite torture: there is simply torture, which may be made more or less objectionable in specific instances by nature of the particular pains and injuries inflicted.

For Wolfendale, the only real distinction between full and lite torture is with respect to the ease with which liberal-minded torturers can deceive themselves about the true nature of their actions. Full-blown torture involves intimate and dramatic acts of force of undeniable violence and cruelty. Torture lite, in contrast, produce injury and suffering that is less obvious and harder to assign to a particular act or a particular moment in time. Unlike full torture, torture lite can seem continuous with familiar parts of our lives. A person undergoing electric shock or a beating presents a spectacle alien to our normal civilized life, while a sleep-deprived or profoundly disoriented person may seem to suffer from a condition that is just an extension of that of the insomniac or the drunk. Full-blown torture typically leaves marks that anyone would recognize as evidence of great violence; the trauma of torture lite is harder to show in a courtroom, and easier to minimize or mock. (Think of the sublime fatuousness of Rudy Giuliani likening sleep deprivation to the fatigue of campaigning, or Rush Limbaugh characterizing Abu Ghraib as just a "frat-house prank", or Dick Cheney dismissing water-boarding as a mere "dunking," as if we might find children enjoying it at a county fair).

I agree with Wolfendale that much of what is called torture lite involves physical pain and injury just as much as do more brutal forms of torture. I also agree while some forms of torture are purely psychological (such a mock execution), there is no interesting moral distinction between such torture in general and that which depends on purely physical trauma.<sup>2</sup> However, I do not think that the category of torture lite is only a dodge that helps torturers with liberal scruples deceive themselves about the true nature of what they are doing, however readily it is so used. We can recognize a morally significant distinction full torture from torture lite if we attend not just to the kind of pain or injury inflicted on a victim, but also to the role that fear and hope are made to play in his experience.

My suggestion is that we should understand full torture as treatment that aims to make its victim feel absolutely vulnerable, in a position of utter powerlessness and exposure, to a will that seems to recognize almost no moral, physical, or epistemic limits. This sort of torture often relies on physical violence because such violence and the pain it causes is a very effective way of making a person feel so exposed. On this view, however, it is not just the violent and painful acts that are torture, but the periods between such assaults in which a victim is left to wrestle with his own mounting fears and dwindling hopes. Fear itself involves a certain element of hope, insofar as the practical urgency of fear holds out the suggestion that there must be something the subject can do to improve the situation, even as the torturer creates a world that systematically rules out any such possibilities. Essential to full torture is the experience not just of pain but of desperation; the sense that one must do something, (and that there must be something that one can do), even when it is clear that there can be no hope of fighting, evading, or negotiating with the torturer.

By torture “lite” I understand treatment that is not designed to exploit the agent’s general capacities of hope and fear this way, but rather to undermine their agency in general, and

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<sup>2</sup> Although we do seem to mark such a distinction in our intuitions about punishment. With the possible exception of the death penalty, we seem to consider corporal and mutilative punishment beyond the pale, while allowing people to be imprisoned for decades, even though a reasonable person might well choose the former over the latter. It is not clear how we might redeem this intuition if physical assaults are not as such more morally objectionable than psychological ones.

with this any confidence victims may have that can cope with their world in any way. When this primitive confidence is completely destroyed, there can be neither hope nor fear, but simply acquiescence. Such torture aims at producing in its victims what has been called the “dependence-debility” syndrome. Something like this syndrome has been caused in animals by means of repeated electric shocks on a grid that they cannot escape. Supposedly, the animals first futilely try to evade and fight the shocks. After a while, however, they simply lie on the grid and suffer, offering no resistance of any kind. The human analogue of this state is a complete passivity in which the victim’s will seems to be just absorbed into the torturer’s, without fear, hatred, or shame.

So understood, torture lite does not need to inflict pain, and generally proceeds more effectively if it does not. Torture lite instead depends on forms of profound disorientation that are meant to defeat our normal ways of coping with our world, and our normal sense of being minimally up to the task. On this view, the category of torture lite would include the use of sensory deprivation (including hooding and the use the loud “white noise” of engines and fans), random and extreme variation of temperature (often combined with nakedness), disorientation in terms of time and place (by making it impossible to keep track of time, by moving the victim around unexpectedly and randomly), solitary confinement, and moderate sleep-deprivation (enough to disorient without becoming agonizing).

As I’ve drawn it, the full/lite distinction does not correspond to the distinction between physical and psychological harm. Some forms of purely psychological torment count as full torture on my view, such as mock execution, threats of physical torture to oneself or one’s family, and having to witness the torture of others. Rape and other humiliations would also fall under this heading, as would water-boarding. On the other hand, some more physical forms of torment (such as extreme variation in temperatures, the use of bright lights and loud sounds, and moderate sleep deprivation), while physically painful and capable of causing bodily injury, would still count as torture lite.

It is generally thought that torture that aims to induce a profound sense of dependence and impotence is more effective at securing information than torture that seeks to terrorize. Whether or not this is so, there is an important moral distinction between the two categories that is independent of their relative effectiveness. At the end of her paper, Wolfendale observes that what makes torture especially objectionable is the sort of self-betrayal it forces upon the victim, where the victim is made to have the experience of having his body and emotions colluding with his torturer against himself. If this is so, then there should be a moral difference between full and lite torture as I have distinguished them. In full torture, the victim has the experience of such central emotions of fear and hope turned against herself, as parts of himself that nevertheless come to express the will her tormentor. Aristotle represents such emotions as a part of the soul that, while not itself rational, nevertheless listens to reason as a child listens to his father (*Nicomachean Ethics* 1102a1-5). In torture, it is this inner child that is made to plead with the parent for the sake of the tormentor, as the fundamental experience of self-betrayal that distinguishes torture from other kinds of severe violence or cruelty.

Torture lite, in contrast, does not marshal the victim's emotions against himself in this way. The spirited part of the soul is not set in opposition to the rational as the child against a parent. Instead, the victim is made unable to gain any sort of practical purchase on her world at all. Such profound disorientation and defeat undermine that minimal degree of self-possession needed to be a subject of either emotion or rational volition. This is a condition that does not allow enough self to even qualify as self-betrayal. When full torture is successful, it makes its victim into the tormenter's accomplice and his thrall. When torture lite is successful, it makes its victim into something more like an extension of the torturer's body. Of course, both ways of treating someone are profoundly objectionable. But this difference may be morally significant, at least if we think that there is a morally important distinction between slavery and cannibalism. The first involves a perversion of the basic moral relations between people; the second, only a dissolution of powers that constitutes them as different people in the first place. A consideration that justifies the latter might still fall short of justifying the former, especially in the suffering involved in both is roughly the same.