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Rachel Ablow

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TORTURED SYMPATHIES: VICTORIAN LITERATURE AND THE TICKING TIME-BOMB SCENARIO

BY RACHEL ABLOW

Larry is interrogating Tony. Larry: "The people you're taking money from, I thought you might like to see some of their handy-work." He puts photographs of butchered bodies on the table in front of Tony. "Do you know how many people they've killed since they went back into Sangala? Huh? 200,000 and counting. Most of them women and children. Tony. You really want this on your conscience?" Larry holds a picture of a dead child in front of Tony. Tony looks away from the picture then up at the observation booth where Renee is watching. Tony: "My conscience is clear. Nothing you can say or do can change that. So why don't you do the smart thing and tell President Taylor to stand down the strike force? Because unless she does, planes will be falling from the sky, and then you'll have a whole new batch of photos to look at. Only this time they'll be of dead Americans."¹

—24, "Day 7, 10:00 a.m.-11:00 a.m."

Renee is in Tanner's hospital room. Renee: "You're out of time Mr. Tanner. Tell me what you know." Tanner: "Do what you want to me. I'm not going to tell you a damn thing." Renee pulls out her gun and presses it into Tanner's gunshot wound. He screams. Renee: "Who do you work for?" Tanner: "You can't do this." We see blood seeping through the bandage. Renee: "Where is Almeida? Where do I find the CIP device? Tell me, now." Tanner moans. Renee finally pulls away her gun. Tanner laughs. Renee picks up the tube of his ventilator. Tanner: "You can't do this. You're FBI. This is illegal. I have rights." Renee: "I suggest you use your last breath wisely." Tanner: "Go to hell." Renee compresses the tube. Tanner starts choking and gasping for air.

Cut to the hallway. The lawyers and nurses are trying to get into the room, but the door is blocked. Renee emerges and tells them: "He's all yours now." A moment later we see her on her cell phone to her boss, Larry. Renee: "Apparently there's a plot in place against the former Prime Minister of Sengala. Tanner says that Almeida's crew's plan is to abduct him." Larry: "When?" Renee: "Pretty much *now*."²

—24, "Day 7, 11:00 a.m.-12:00 p.m."

The television program *24* has become notorious for its representations of torture as an oftentimes necessary and almost invariably effective interrogation tool. Particularly when dealing with prisoners who are unmoved by others' suffering (Tony is affected neither by the image of 9 dead children, nor by the magnitude of Juma's crimes), and when working under extreme time pressure (Tony's crew plans to abduct Matobo "pretty much *now*"), the only responsible course of action, the program suggests, is to elicit the needed information by inflicting pain. *24* may be the best-known show to describe torture in these terms, but since 9/11, it has become only one of many. According to a study conducted by Human Rights First (HRF), before 9/11, fewer than four acts of torture appeared on prime-time television each year; by 2007 there were more than one hundred. In addition, as HRF program director David Danzig explains, before 9/11, "It used to be almost exclusively the villains who tortured. Now, torture is often perpetrated by the heroes."³ *Lost*, *Battlestar Gallactica*, *Law & Order*, *Alias*: all these programs—along with many others—routinely feature scenes of torture. And almost always those scenes recapitulate the same ticking time-bomb scenario in which a prisoner in custody is known to be profoundly evil; occasionally she, but more often he, is also known to have the information capable of preventing imminent disaster, and to be immune to any appeals to pity or compassion. In such instances, we are led to believe, the hero has no morally responsible choice other than to do "whatever it takes" to save the innocent, even if that entails resorting to means she or he would ordinarily abjure: the deliberate infliction of pain.⁴

However pernicious televisual dramatizations of the ticking time-bomb scenario may be in suggesting the utility and moral acceptability of inflicting pain to elicit information, at least as troubling is the consistency with which this same scenario has appeared in recent popular and scholarly debates regarding torture. "Everyone argues the pros and cons of torture through the ticking time-bomb," law and philosophy professor David Luban complains. "Senator Schumer and Professor Dershowitz, the Israeli Supreme Court, indeed every journalist devoting a think-piece to the unpleasant question of torture begins with the ticking time-bomb and ends there as well."⁵ And this despite the fact that relatively little of the documented physical abuse performed by American troops, contractors, and allies over the past thirteen years has been oriented primarily toward the acquisition of information. Instead, the evidence suggests that the vast majority of the pain that has been inflicted on prisoners has been intended to

manage potentially unruly inmates, to terrorize subject populations, or to facilitate bonding among guards.⁶ Even aside from the problem of the ticking time-bomb scenario's relevance to current conditions, military personnel and interrogation experts have consistently pointed out the improbability of nearly all its basic parameters. So, for example, it is highly unlikely under any circumstances that one will know for certain that a suspect in custody possesses time-sensitive information. The chances of such an occurrence shrink still further in the context of the current "war on terror," where interrogations ordinarily take place far from the battlefield and well after suspects have been apprehended.⁷ Further, apart from the many arguments routinely offered regarding the disutility of torture—the incentive it creates for lying; the risk it runs of inducing confusion, insensitivity, unconsciousness, or death; its proven efficacy in radicalizing its victims—interrogation experts have repeatedly insisted on torture's particular uselessness in the context of a ticking time-bomb.⁸ As Joe Navarro, an FBI interrogator, explained to Jane Mayer of *The New Yorker*, in the unlikely eventuality of a situation in which one did hold a prisoner who was known to have time-sensitive information, torture would be "particularly pointless," for the prisoner "knows that if [she or he] can simply hold out several hours, all the more glory—the ticking time bomb will go off!"⁹ Rather than constituting the single case in which torture might be justified, therefore, the ticking time-bomb scenario represents the paradigmatic example of torture's uselessness. "[T]orture for information works best when one would need it least . . . [in] peacetime, nonemergency conditions," political scientist Darius Rejali explains.¹⁰ As a result, even though it may seem like torture constitutes a viable course of last resort, "[i]n practice, hiring torturers may be as helpful as hiring psychics in an emergency, another expertise police and CIA also use and with occasional success, according to testimonials."¹¹ According to Rejali, inflicting pain on prisoners only seems like a potentially productive activity; in practice, it is little more than an expression of frustration or a form of revenge. This is a recognition that many in the military share: Mayer describes how U.S. Army Brigadier General Patrick Finnegan, Dean of the U.S. Military Academy at West Point, along with "three of the most experienced military and F.B.I. interrogators in the country," flew to Los Angeles to meet with the producers of *24* to "voice their concern that the show's political premise . . . was having a toxic effect. In their view, the show promoted unethical and illegal behavior and had adversely affected the training and performance of real American soldiers."¹² According to these military experts, their

students' faith in the efficacy of torture consistently stood in the way of the instructors' ability to teach them sound interrogation tactics.

Yet, despite the overwhelming evidence that the ticking time-bomb scenario is both extraordinarily unlikely and represents the paradigmatic example of when torture will be useless, it is routinely offered as a way to insist that torture can be legitimate, necessary, and effective. Additionally, it is invoked to demonstrate that those who claim to be against torture are simply hypocritical. As Joel Surnow, the co-creator and executive producer of *24* puts it, "I don't think it's honest to say that if someone you love was being held, and you had five minutes to save them, you wouldn't do it. Tell me, what would you do? If someone had one of my children, or my wife, I would *hope* I'd [torture them]. There is nothing—nothing—I wouldn't do."¹³ Surprisingly, many anti-torture advocates have tacitly or explicitly agreed, offering some version of the compromise articulated by theorist and anti-torture advocate Slavoj Žižek. "[M]ost of us can imagine a singular situation in which we might resort to torture," Žižek admits, "to save a loved one from immediate, unspeakable harm perhaps. I can."¹⁴ According to him, therefore, a legal prohibition on torture is necessary not because the practice can or even should be eradicated but instead because, in a case of the kind that Surnow describes, "it is crucial that I do not elevate this desperate choice into a universal principle."¹⁵ At least some other anti-torture advocates have agreed that, given the right situation, we all would inflict pain to elicit information; the principle question therefore is the institutional framework that should exist for acknowledging that fact. Should such actions be kept strictly extra-legal, as Žižek proposes, or should they be regulated by the issuance of torture warrants or licenses, as Alan Dershowitz and others have argued?¹⁶ In this context, the differences between those who seek to maintain the illegality of torture and those who seek to legalize it under certain circumstances can seem relatively small—a question of legal semantics.¹⁷

In this essay, I suggest that one of the reasons for the continuing appeal of the ticking time-bomb scenario has to do with the way it exploits deeply held beliefs regarding the relation between pain, sympathy, and the definition of the human that originated in the nineteenth century. These beliefs include the notion that sympathy precludes the infliction of pain; that sympathy is constitutive of humanity; and, perhaps most surprisingly because least intuitively plausible, that in relation to certain kinds of subjects, pain does, in fact, elicit truth. Excavating these assumptions will not bring a conclusion to the torture debate, but it may help offer some account of its persistence.¹⁸

As numerous commentators have pointed out, in the context of wars that necessarily inflict large numbers of civilian casualties, the question of whether or when the U.S. employs torture can seem irrelevant. As David Luban explains, “Realistically, the abuses of detainees at Abu Ghraib, Baghram, and Guantánamo pale by comparison with the death, maiming, and suffering in collateral damage during the Afghan and Iraq wars. Bombs crush limbs and burn people’s faces off; nothing even remotely as horrifying has been reported in American prisoner abuse.”¹⁹ My aim in this essay is to suggest that the popular fascination with torture in general, and with the ticking time-bomb scenario in particular, has to do with a collective investment in a set of assumptions about what exactly makes certain people available or susceptible to torture and what makes others immune: in other words, what separates the recognizably human person from the recognizably inhuman person. Inhumanity, I argue, does not simply involve a lack or an absence, as has sometimes been assumed: the inhumane are not characterized just by their lack of a soul, for instance, or by their inability to reason, or to love. They are also characterized by their manifestation of a particular relationship between pain and truth—a relationship that is categorically different from that manifested by properly human individuals. This is a relationship that first came to be fully articulated in recognizably modern terms in the nineteenth century and that continues to wield an enormous amount of influence today.

I. SYMPATHY

According to most historians of political and social philosophy, sympathy first became a key term in the seventeenth and eighteenth centuries as part of an attempt to counter Thomas Hobbes’s vision of human nature as fundamentally selfish and of society as merely a way to limit otherwise-violent competition between individuals.²⁰ Lord Shaftesbury, David Hume, Adam Smith, and other so-called sentimental philosophers pointed to sympathy as evidence of a natural bond between persons that is not solely explicable in terms of self-interest. We are inherently social beings, they claimed, because of our universal tendency to enter into or imagine other people’s thoughts and feelings. Sympathy’s importance for these philosophers thus lay in its ability to guarantee a social stability grounded in similarity and interdependence. So, for example, Hume used sympathy to explain national and regional characteristics. Because of “that propensity we have to sympathize with others, and to receive by communication their

inclinations and sentiments,” he argued, we tend to feel an affinity for and with other members of our community.²¹ For Smith, by contrast, sympathy’s social significance lies in its power to modify individuals’ behavior in socially productive ways. So strong is our desire for other people’s sympathy, he argued, that we often make decisions on the basis of whether “when we place ourselves in the situation of another man, and view [our actions], as it were, with his eyes and from his station, we . . . can or cannot entirely enter into and sympathize with the sentiments and motives which influenced [them].”²²

While eighteenth-century philosophers were primarily concerned with sympathy as a kind of social adhesive, nineteenth-century writers often saw it as a potentially useful way to motivate acts of generosity and care. In this, they are much closer to recent accounts of sympathy. The connection between feeling and action finds perhaps its fullest expression in what Thomas Laqueur terms the “humanitarian narrative,” a nineteenth-century form that “relies on the personal body . . . as the common bond between those who suffer and those who would help.”²³ According to Laqueur, the humanitarian narrative seeks to harness our power to imagine the pain of others to the will to act on others’ behalf. Using detail about the body as “the sign of truth,” but also as a way to expose “the lineaments of causality and of human agency,” the humanitarian narrative represents “ameliorative action . . . as possible, effective, and therefore morally imperative. . . . [It] describes particular suffering and offers a model for precise social action.”²⁴ The development of the humanitarian narrative can be traced to a number of different historical causes: concerns regarding the bureaucratization of charity in the wake of the Poor Law Amendment Act of 1834; a growing sense of the potential consequences of the gulf between rich and poor; anxieties arising from the way in which the marketplace newly valorized competitiveness and selfishness; and, perhaps most importantly, the increasing prominence of women, commonly regarded as naturally sympathetic, in efforts for social and political reform.²⁵ To take one especially obvious example, the abolitionist cause in America was funded in small part by the medallions manufactured by Josiah Wedgwood, which were imprinted with the image of a slave in chains above the motto “Am I not a man and a brother?” or “Am I not a woman and a sister?”²⁶ These images of bodies in pain sought to connect action, even if only the action of purchasing a medallion, to the recognition of and compassion for humanity’s vulnerability, a condition shared by abolitionist and slave. The movement for labor law reform—particularly as related to the employment of children

and women—for women’s political and property rights, and for the humane treatment of animals, all used analogous strategies, relying on the notion that once we understand the feelings of those victimized, we will necessarily seek to prevent their suffering and to promote their happiness and well-being.

Although it was by no means the only genre used for this end, the novel’s power to elicit emotion made it an ideal vehicle for the production of a kind of sympathy that might translate into ameliorative intervention. As George Eliot famously explains, for example, while

appeals founded on generalizations and statistics require a sympathy ready-made, a moral sentiment already in activity, a picture of human life such as a great artist can give, surprises even the trivial and the selfish into that attention to what is apart from themselves, which may be called the raw material of moral sentiment. When Scott takes us into Luckie Mucklebackit’s cottage, or tells the story of “The Two Drovers”; —when Wordsworth sings to us the reverie of “Poor Susan”; —when Kingsley shows us Alton Locke gazing yearningly over the gate which leads from the highway into the first wood he ever saw . . . —more is done towards linking the higher classes with the lower, towards obliterating the vulgarity of exclusiveness, than by hundreds of sermons and philosophical dissertations.²⁷

Eliot’s claim here—that by enabling us to understand the feelings of persons different from ourselves, the artist encourages us to sympathize with them, and hence possibly to act differently toward them—was very common in the nineteenth century. Once we understand others’ feelings, many writers insisted, fellow-feeling is likely to take the place of hostility, suspicion, judgment, or simple unconcern.

In her own novels, Eliot tended to interpret this project relatively narrowly, focusing primarily on the importance of kindness toward those with whom we are already intimate: our husbands, wives, children, and neighbors. But other novelists sought not simply to alter feelings but also to use those feelings to create new economic, social, and political realities. The most famous example of a socially ambitious novelist of this kind is Harriet Beecher Stowe, whose *Uncle Tom’s Cabin* (1852) has oftentimes been credited with helping to mobilize both American and British sentiment on behalf of American slaves. In so doing, Stowe elaborated a wide variety of sentimental tropes that proved invaluable to her British colleagues. Her insistence on the importance of the recognizability of the enslaved as family members and as Christians proved especially useful to both novelists and activists, for example,

as was the attention she called to the ease with which large groups of people could be reduced to abstractions. So, for example, early in the novel, Senator Bird's arguments regarding states' rights bear the clear imprint of a masculinized impartiality and dispassionateness: "[W]e mustn't suffer our feelings to run away with our judgment," he tells his wife when she objects to his support of legislation mandating the return of escaped slaves. "Your feelings are all quite right, dear, and interesting, and I love you for them; but . . . there are great public interests involved" in the questions being debated.²⁸ When such claims are brought up against the material reality of the newly-escaped Eliza, however, we are provided with an object lesson in the dangers of abstraction. "A young and slender woman, with garments torn and frozen, with one shoe gone, and the stocking torn away from the cut and bleeding foot, was laid back in a deadly swoon upon two chairs. There was the impress of the despised race on her face, yet none could help feeling its mournful and pathetic beauty, while its stony sharpness, its cold, fixed, deathly aspect, struck a solemn chill over [Senator Bird]."²⁹ It comes as no surprise when, despite all his previous arguments, Senator Bird takes a central role in aiding Eliza's escape.

Modernism's rejection of Victorian sentimentality purported to ring the death-knell for the novel's commitment to the humanitarian narrative. Oscar Wilde's famous quip about how "[o]ne must have a heart of stone to read the death of little Nell without laughing" helps sum up the disdain expressed by many turn of the century novelists for the dead children, fallen women, and virtuous but abjected or misunderstood workers that littered the Victorian novel.³⁰ Yet despite the ambitions of many early twentieth-century novelists to leave behind both the social mission of the Victorian novel and the literary strategies most clearly designed to further it, any reader of popular fiction, viewer of mainstream television or film, or recipient of mailings from organizations ranging from Human Rights Watch to the Human Rights Campaign, can attest to the fact that the humanitarian narrative remained alive and well throughout the twentieth century and continues to thrive in the twenty-first. As Elaine Scarry explains, the goal of the kinds of fundraising letters routinely sent out by organizations such as Amnesty International, for example, is "not simply to make the reader a passive recipient of information about torture but to encourage his or her active assistance in eliminating torture."³¹ The assumption of Amnesty International is essentially the same as that of the nineteenth-century activists that Laqueur analyzes: to understand

another's suffering fully, to recognize its similarity to one's own, is also necessarily to seek to alleviate it.

II. THE TICKING TIME-BOMB SCENARIO

In her 1985 work, *The Body in Pain*, Scarry suggests that, rather than just a historically specific genre, the humanitarian narrative reveals something centrally important and true about the nature of pain. “[P]ain is in its essential nature ‘aversiveness,’” Scarry explains. Thus, “if [one] person does not perceive [another’s] distress, neither will he wish it gone; conversely, if he does not wish it gone, he cannot have perceived the pain itself.”³² Scarry’s account merits especial attention because of its enormous influence: no work on pain is more commonly cited in recent discussions of torture. Not just literary critics, philosophers, and historians, but also politicians, journalists, lawyers, and activists continually reference her work. Scarry’s account is of particular interest in the context of my discussion of nineteenth-century understandings of sympathy, however, because of the fact that she was trained and continues to work as a Victorianist. Scarry cites almost no Victorian literature in *The Body in Pain*, yet her insistence that the knowledge of the existence of pain necessarily generates the desire to relieve it is deeply Victorian—as is her conclusion that torture constitutes what she calls a form of “moral stupidity.”³³ This phrase deliberately echoes, without citing, George Eliot: “We are all of us born in moral stupidity,” the novelist writes in *Middlemarch*, “taking the world as an udder to feed our supreme selves.”³⁴ The fact that Scarry’s account of pain has had such massive appeal begins to suggest the powerful persistence of Victorian ways of thinking about the relations between sympathy, pain, and truth throughout the twentieth century.

The historical specificity of this notion of the essentially generative relation between pain and sympathy is not necessarily a problem in and of itself—although as I will describe in a moment, it does help elucidate some of its limitations. What does pose real difficulties for those who rely on Scarry’s work to maintain the illegality of torture and to abolish its practice is that both her valorization of sympathy and her commitment to the elimination of pain are almost always fully shared by torture apologists. As a result the principal difference between the two sides comes to seem as if it has less to do with how they see torture than with how they imagine the context in which it takes place. Scarry tends to focus exclusively on the suffering of the solitary torture victim, to insist on the ultimate unimaginability of torture. It

is impossible to inflict pain, she claims, when one fully understands the experience of the one who suffers. Meanwhile, those who seek to legalize torture in certain circumstances use the ticking time-bomb scenario to redirect our attention to a third party: the innocent who stands to suffer or die if we fail to elicit the information we need to save them. As a result, legalization advocates expose one of the central weaknesses of any ethics of sympathy: its inability to adjudicate in situations in which we are forced to choose among several potential objects of concern. Sympathy only tells us to feel, they remind us; it does not help us decide whose side to take, whose cause to defend, whose suffering to privilege. Sympathy itself may not require that we choose sides, although its early theorists insisted that it does.³⁵ However, if sympathy is going to be harnessed to action, competing claims must be compared. And in this context, it seems, sympathy may or may not dictate the infliction of pain.

According to political and religious commentator Sam Harris, the introduction of a third party into the torture scenario is precisely what is most useful about the ticking time-bomb scenario, for it shows how “the consequences of one person’s uncooperativeness can be made so grave, and his malevolence and culpability so transparent, as to stir even a self-hating moral relativist from his dogmatic slumbers.” To demonstrate this point, he offers the following fairly typical thought experiment:

Imagine that a known terrorist has planted a bomb in the heart of a nearby city. He now sits in your custody. Rather than conceal his guilt, he gloats about the forthcoming explosion and the magnitude of human suffering it will cause. Given this state of affairs—in particular, given that there is still time to prevent an imminent atrocity—it seems that subjecting this unpleasant fellow to torture may be justifiable. . . .

While the most realistic version of the ticking bomb case may not persuade everyone that torture is ethically acceptable, adding further embellishments seems to awaken the Grand Inquisitor in most of us. If a conventional explosion doesn’t move you, consider a nuclear bomb hidden in midtown Manhattan. If bombs seem too impersonal an evil, picture your seven-year-old daughter being slowly asphyxiated in a warehouse just five minutes away, while the man in your custody holds the keys to her release. If your daughter won’t tip the scales, then add the daughters of every couple for a thousand miles—millions of little girls have, by some perverse negligence on the part of our government, come under the control of an evil genius who now sits before you in shackles.³⁶

Despite the ludicrousness of the details, the basic logic of this passage is common to most ticking time-bomb scenarios. Through the gradual accumulation of horrors—the terrorist’s gloating, the specter of midtown Manhattan under attack from a conventional and then a nuclear bomb, the one and then the whole fleet of little girls imperiled—Harris forces us to ask how a sympathetic person could possibly *avoid* endorsing or even inflicting torture. It might be distasteful to contemplate one person’s suffering, he suggests, but how much worse to consider all those little girls dying as a result of our refusal to act? And as conservative commentator Charles Krauthammer observes, once we admit that “[t]orture is not always impermissible, all that’s left to haggle about is the price”: how many victims or how much suffering are necessary for us to act.³⁷

The enormous power of this thought experiment is demonstrated especially clearly in the writings of the anti-torture advocates who have capitulated to its logic. Even Scarry has admitted that torture might be legitimate in certain circumstances: “[T]he fact that you only get false information and that people are using it in the dark is just one of the things that is wrong [with torture],” she explains:

the main problem with the ticking bomb argument is that people imagine someone heroic enough that for the sake of saving 70 million people from a nuclear weapon they’re willing to overcome their moral revulsion to torturing and torture . . . but they can’t imagine someone large-spirited enough to say “If I’m going to do that, I’m willing to die for it, I’m willing to go to jail or be executed or whatever the punishment is for torture. I will do that, happily, I just saved 70 million people, end of story.”³⁸

At such a moment, Scarry effectively accepts legalization advocates’ claim that torture is sometimes necessary—and even that sympathy may ultimately make it impossible for us *not* to inflict pain on another person.³⁹ She, too, accepts that our sympathy for the many might outweigh our sympathy for the one or the few, in other words, and hence that when the many are imperiled, torture constitutes a reasonable and acceptable course of action.

III. THE SPEAKING BODY

The question that remains is why even torture opponents sometimes accept the need to resort to torture, despite the fact that interrogation experts have reiterated so often that, in the catastrophic circumstances

Scarry and Harris imagine, it is nearly guaranteed to fail to produce usable information. Why do we persist in turning to torture as if it will work in precisely the situations in which we can be reasonably certain that it will not? In the previous section of this essay, I argued that a deeply Victorian commitment to sympathy as what precludes the infliction of pain is all too easily disarmed by a calculation of costs and benefits. As Harris's thought experiment begins to indicate, however, in these debates, the decision to torture is rarely justified on purely pragmatic grounds. Instead, utility is combined with an equally fundamental commitment to the different kinds of claims that can be made by what come to seem like different kinds of people. Harris does not simply ask us to pit the one against the many, after all: he asks us to weigh the claims of our seven-year-old daughter against those of a "known terrorist" and "evil genius" who "gloats about the forthcoming explosion and the magnitude of human suffering it will cause." He thus demands that we compare the claims of the prototypical object of sympathy—the innocent and helpless female child—with those of someone who has effectively forfeited his claim to humanity because of his refusal to share her or our pain. *What kind of a monster wants to hurt a little girl?* Harris wants us to ask—the obvious answer being: only one who lacks those feelings for others that make us recognizable members of a human community.

The insistence on the unsympathetic inhumanity of those who are then identified as appropriate objects of torture can be traced throughout the apologist literature. John Yoo, Professor of Law at the University of California, Berkeley, and co-author of the Bybee memo that was used to help justify the use of torture for the Bush administration, distinguishes between the kinds of people we used to have as enemies and those who now attack us. "Unlike previous wars," Yoo writes, "our enemy now is a stateless network of religious extremists. They do not obey the laws of war, they hide among peaceful populations and launch surprise attacks on civilians. They have no armed forces per se, no territory or citizens to defend and no fear of dying during their attacks."⁴⁰ Similarly, in her defense of the use of torture on enemy prisoners, Heather MacDonald, John M. Olin fellow at the Manhattan Institute and recipient of 2005 Bradley Prize for Outstanding Intellectual Achievement, explains that

evil regimes, like those we fought in Afghanistan and Iraq, don't follow the Miranda rules or the Convention Against Torture but instead gas children, bury people alive, set wild animals on soccer players who lose, and hang adulterous women by truckloads before stadiums full of

spectators; [they] behead female aid workers, bomb crowded railway stations, and fly planes filled with hundreds of innocent and unsuspecting passengers into buildings filled with thousands of innocent and unsuspecting civilians. By definition, our terrorist enemies and their state supporters have declared themselves enemies of the civilized order and its humanitarian rule.⁴¹

The rhetorical dehumanization that is performed in passages like these is obviously very familiar: enemies in wartime usually tend to be described as less than human. The specific terms in which this dehumanization takes place, however, bear closer examination for, in the context of the debates regarding torture, Yoo and MacDonald's insistence on the enemy's resistance to sympathy comes to seem like it represents only the most recent instance of an ancient distinction between the torturable and the untorturable. According to the purported logic of this distinction, certain kinds of persons are not only acceptable objects of torture, they are necessary objects insofar as pain represents the only way to insure they are telling the truth. It is not just that we are allowed to torture those who fail to sympathize, Yoo and MacDonald suggest; torture comes to seem like effectively the *only* way we can get such people to speak, for pain is the only language they understand.

According to Page du Bois, the fantasy that pain forces certain kinds of bodies to speak can be traced back at least to ancient Greece. Since slaves were conceived exclusively *as* bodies, they were considered capable of telling the truth only when physically compelled to do so: "The slave can only produce truth under coercion, can produce only truth under coercion. The court assumes that he will lie unless compelled by physical force to speak truly and that when compelled he will speak truly."⁴² Because pain supposedly speaks directly to and through the body, not only *could* slaves be tortured, they *had* to be tortured in order for their testimony to be legally admissible. The mind may lie, but the body possesses no such choice: it cannot help but speak the truth. This paradigm only held in relation to slaves, however; torture was prohibited from use on free men. The citizen was understood to "possess *logos*, reason," du Bois explains, and so could be "compelled by oaths," as well as by the knowledge that "he might lose his rights as a citizen if he lied under oath."⁴³ Further, since "[s]ilence under torture . . . [was] coded as an aristocratic virtue" in relation to free men, the concern was that torture might have the opposite of the desired effect: while the slave's pain prompts truth, the free man's pain generates only resistance and silence.⁴⁴

According to many historians, when judicial torture moved into Europe in the twelfth century, the fantasy of the speaking body moved along with it.⁴⁵ According to Lisa Silverman, for example, the notion that pain had the power to elicit truth from certain kinds of bodies remained largely intact in early modern France. Rather than distinguishing between the enslaved and the free, however, torture in France discriminated between the fallen and the unfallen: “The theology of original sin suggests that human will is always tainted, that what is willed by human beings is always already corrupt. In this context, to tell the truth voluntarily is a near impossibility, precisely because it is human will that is suspect.”⁴⁶ “Torture inflicted pain,” Silverman continues, “as a means of achieving the spontaneous truth of the body rather than the composed truth of the mind.”⁴⁷ “The infliction of pain” was thus thought to “draw truth from the body just as a knife draws blood.”⁴⁸ Even though in practice nearly everyone in early modern France was subject to torture, one can still see a distinction being made between those who are mere bodies and so susceptible to pain as a way to access truth, and those who are irreducible to materiality and so impervious: all mortals may be tortured, but angels—as well as the pre-lapsarian Adam and Eve—cannot.

According to most accounts of the history of torture, by the eighteenth century this belief in pain’s power to elicit truth from the body no longer held much sway. “Where the [early modern] jurists sought the spontaneous utterances of people in pain,” Silverman explains, “the [eighteenth-century] philosophes insisted that truth was cultivated in moments of self-control and that people in pain were incapable of the kind of thoughtful reflection necessary to create that truth.”⁴⁹ According to Cesare Beccaria, for example, one of the most prominent anti-torture activists of the period:

A man on the rack, in the convulsions of torture, has it as little in his power to declare the truth, as, in former times, to prevent without fraud the effects of fire or boiling water.

Every act of our will is invariably proportioned to the force of the sensory impression which is its source; and the sensory capacity of every man is limited. Thus the impression of pain may become so great that, filling the entire sensory capacity of the tortured person, it leaves him free to choose only what for the moment is the shortest way of escape from pain.⁵⁰

Rather than truth, then, in the late eighteenth century pain came to seem like a way to elicit lies. Yet despite the consensus regarding the

demise of the fantasy of the speaking body, it clearly has had a vibrant after-life since the eighteenth century.⁵¹ Rather than distinguishing between the free and the enslaved (as in ancient Greece), or between the pre- and post-lapsarian (as in early modern France), since the nineteenth century, as I have already begun to suggest, torture has tended to follow the logic of sympathy: those who sympathize with others and so are available to our sympathy are ordinarily cast as exempt from or impervious to torture; meanwhile, those who are exempt from or impervious to sympathy are ordinarily described as consistently responsive to pain. This is a belief that was first consolidated in the nineteenth century and that has continued to hold sway up to the present day.

Torture was not a particularly live issue in nineteenth-century England. Despite its near-ubiquity in early modern Europe, torture had never been a common practice in England. By the nineteenth century even exceptional uses had largely ended. Nevertheless, the fantasy that, in the absence of sympathy, pain has the power to impel truth remained surprisingly active. To some extent, the persistence of this fantasy can be attributed to what William A. Cohen has described as the notion that the “unique essence of the human . . . was . . . interior to the individual” and hence could be reached through or by means of the body.⁵² Particularly in the latter half of the century, this literalization of interiority was complemented by a fascination with vivisection, a practice that could supposedly reveal truths regarding biological—and, perhaps, psychological—phenomena through the infliction of pain on those below the horizon of the human: the dogs, monkeys, rabbits, and frogs that served as subjects for scientific experimentation. Despite the absence of any ongoing concern with torture, therefore, the fantasy of the speaking body continued throughout the nineteenth century. Victorian novels return to it repeatedly, whether in the form of the scar whose changes enable Rosa Dartle’s observers to read her feelings, or Heathcliff’s vivisectional experiments on his adopted relatives that reveal their true feelings towards himself and each other.⁵³

The work of Eliot provides a particularly interesting test case for examining the fate of the fantasy of the speaking body, at least in part because the novelist is so consistently identified with a form of sympathy compatible with the humanitarian narrative.⁵⁴ Precisely because of her commitment to the value of sympathy, however, Eliot reproduces a logic whereby those who are able to sympathize with others are available as objects of care and concern, while those who are unavailable to sympathy can be forced to speak the truth only through the infliction of pain.⁵⁵ This is a pattern that can be traced from the

novelist's earliest fictions to her last. Repeatedly, characters who fail to feel sympathy themselves—whether Tina in “Mr. Gilfil's Love-Story,” Hetty in *Adam Bede*, or Gwendolyn in *Daniel Deronda*—are forced to confess a crime by means of something closely resembling torture. Two texts recapitulate this logic especially clearly, however; in both *Middlemarch* and “The Lifted Veil,” what elsewhere emerges as a vaguely discernable pattern is made startlingly vivid.

Middlemarch is perhaps the less obvious of the two examples. The novel is almost universally read as embracing a relatively straightforward vision of understanding as the basis of a salvific sympathy able to overcome difference and bring persons together. Despite her appeal at the beginning of the novel as a brilliant woman who seeks more from life than her provincial environment can provide, Dorothea Brooke still needs to learn a crucial ethical lesson about regarding others as independent centers of consciousness rather than simply as means to her own ends. She begins this education in relation to her unprepossessing husband, Mr. Casaubon, whom she marries in the hope that serving as his helpmeet will give her vague desires a meaningful shape and purpose. After Casaubon dies, Dorothea is put to an even harder test when she witnesses what she thinks is a romantic encounter between the man she loves, Will Ladislaw, and the married Rosamond Lydgate. Dorothea spends a sleepless night wrestling with her jealousy and her profound sense of what she thinks she has lost. Proof of her victory over her egoism comes when she manages to place her own desires to the side and concern herself with the welfare of those more immediately involved in the scene. “She force[s] herself to think of [her experiences of the day before] as bound up with another woman's life” and decides that “her own irremediable grief . . . should make her more helpful, instead of driving her back from effort.”⁵⁶ As in any humanitarian narrative, this shift in perspective from her own suffering to that of another impels action, and Dorothea decides to return to Rosamond to see if she can provide her with aid or advice.

By this point in the novel, Rosamond has repeatedly demonstrated her imperviousness to sympathy. Rosamond is a perfect egotist whose sole interest in others involves what they can do for her. Her flirtation with Will is only one of a long list of her crimes, final proof of her inability or unwillingness to imagine the feelings of others. Upon hearing Dorothea's arrival announced, therefore, Rosamond unsurprisingly “wrap[s] her soul in cold reserve” and “prepare[s] herself to meet every word with polite impassibility.”⁵⁷ As Dorothea begins to speak,

however, Rosamond's reserve is gradually broken down, until finally the two women reach the following crisis. The speaker is Dorothea:

“Trouble is so hard to bear, is it not?—How can we live and think that any one has trouble—piercing trouble—and we could help them, and never try?”

Dorothea, completely swayed by the feeling that she was uttering, forgot everything but that she was speaking from out the heart of her own trial to Rosamond's. The emotion had wrought itself more and more into her utterance, till the tones might have gone to one's very marrow, like a low cry from some suffering creature in the darkness. And she had unconsciously laid her hand again on the little hand that she had pressed before.

Rosamond, with an overmastering pang, as if a wound within her had been probed, burst into hysterical crying.⁵⁸

Here a sympathetic person breaks down the defenses of an unsympathetic person first by a touch, and then by communicating some kind of energy from her own body to her object's. Under cover of metaphor, the violence of that communication is made grotesquely explicit: Dorothea's sympathy makes Rosamond feel as if a “wound within her had been probed.” The consequence is that Rosamond is moved to perform her one fully moral act in the novel, confessing that the man she loves, Will Ladislaw, has only ever loved Dorothea.

This scene constitutes a key turning point in the novel, both in terms of the plot and in terms of its ethical agenda. Dorothea's successful act of sympathy requires that she set aside her own interests in order to help remedy the suffering of another. That generosity is fully rewarded by the information she receives as a result, information that paves the way for her to be reunited with Will. From the perspective of Dorothea, therefore, this scene represents a perfectly sympathetic moment, one in which selflessness is met with selflessness, and a concern for another is rewarded in ways that could never have been predicted. From Rosamond's perspective, by contrast, the scene looks quite different: she is *not* altered by the encounter with Dorothea. After the two women part, she undergoes a brief illness and then lapses once more into her original selfishness. At the end of the novel we see her happily married to a fashionable doctor, having worked her first husband into an early grave. Even aside from the consequences of the encounter, the actual content or nature of the scene is quite different for each of the two women: while Dorothea experiences her utterance as simply language, Rosamond experiences it as a kind of violence that forces

her to produce truthful language almost mechanically. As with the slave that du Bois describes, pain produces truth in a way that seems to bypass consciousness almost entirely. Rosamond, therefore, deserves no real credit for her confession; she had no choice but to make it.

In the context of *Middlemarch*, the connection between sympathy and torture may be partially obscured by metaphor. Eliot's short story "The Lifted Veil," by contrast, makes the relationship more explicit. Despite a recent upsurge of interest in this work, it still has not received as much critical attention as most of Eliot's fictions—at least in part because of its systematic contradiction of common assumptions about Victorian sympathy as premised on understanding and oriented toward compassion and ameliorative intervention.⁵⁹ Such notions are clearly countered by Latimer, the main character and narrator of the story, whose supernatural power to perceive others' thoughts and feelings leads only to a too-intense consciousness of their selfishness and egoism. As the character complains, his "superadded consciousness . . . became an intense pain and grief when . . . the rational talk, the graceful attentions, the wittily-turned phrases, and the kindly deeds [of those who were in close relation to him] . . . were seen as if thrust asunder by a microscopic vision, that showed all the intermediate frivolities, all the suppressed egoism, all the struggling chaos of puerilities, meanness, vague capricious memories, and indolent make-shift thoughts."⁶⁰ Knowledge may help Latimer understand those he meets, but, rather than sympathy, his response to that understanding is primarily disgust.

While the story as a whole has a great deal to say about Eliot's ambivalent relationship to even the most positive versions of sympathy, most interesting for thinking about sympathy's relationship to torture is a scene at the end of the story that many critics have had trouble reading in relation to what has come before. In this scene, the narrator, Latimer, has given his friend, the kindly Dr. Meunier, permission to perform an experiment on his wife's recently-deceased maid. Meunier opens the artery "in the long thin neck that lay rigid on the pillow," and as the doctor transfuses his blood into the woman's veins, she slowly awakens.⁶¹ Latimer narrates:

I could see the wondrous slow return of life; the breast began to heave, the inspirations became stronger, the eyelids quivered, and the soul seemed to have returned beneath them. . . .

The dead woman's eyes were wide open, and met [Latimer's wife, Bertha's] in full recognition—the recognition of hate. . . . The gasping eager voice said—

“You mean to poison your husband . . . the poison is in the black cabinet . . . I got it for you . . . you laughed at me, and told lies about me behind my back, to make me disgusting . . . because you were jealous . . . are you sorry . . . now?”

The lips continued to murmur but the sounds were no longer distinct. Soon there was no sound—only a slight movement: the flame had leaped out, and was being extinguished the faster.⁶²

As in the scene from *Middlemarch*, here a sympathetic character (Meunier), communicates something from his body into that of an unsympathetic character (the maid, Mrs. Archer) by means of an opening between them—here, literalized in the incisions Meunier makes to enable the transfusion. That communication wakes up the dead object and causes her to speak the truth. As soon as the animating force is taken away, she lapses back into insensibility.

The similarities between the two passages suggest that the clearly impossible scene from “The Lifted Veil” can be read as a kind of allegory for the more obviously realist scene from *Middlemarch*. The story literalizes what the novel describes metaphorically: that sympathy can be understood as a kind of transfusion of energy or life from one body to another. Yet the grotesqueness of the imagery Eliot uses—Rosamond’s probed wound constituting at least as vivid an image for the point of contact between two subjects as the open artery borne by Mrs. Archer—places the emphasis less on the transfer of energy, the sympathetic exchange, than on the way that transfer requires the painful wounding of the insensible object. When brought to bear on those who are insensible to the pain of others, it seems, sympathy involves not just speculating or projecting onto the screen of the other’s external surface; instead, it requires piercing that screen, probing and entering into that interiority so as to make that interiority speak.

This is a logic that has been recapitulated again and again in a wide variety of different forms from the nineteenth century to the present day. When inflicted on those who are able to feel sympathy, pain produces resistance, stoicism, even generosity. When inflicted on the unsympathetic, the inert, the socially or morally dead, pain generates truthful language. But then, conversely, the sympathetic do not require pain to speak, for when their testimony is necessary they are more than willing to offer it. This is the logic of Eliot’s fiction, but it is also recapitulated throughout the twentieth century and into the twenty-first. To return to *24* for a moment, a brief passage from the seventh season prequel, an episode entitled “Redemption,” describes what happens when those capable of sympathy are tortured.

Jack is restrained, and punched repeatedly in the stomach by one of Youssou's men. Youssou: "We are running out of ways to ask the question. Where are the children?" Jack is silent. The punching continues. . . . Youssou heats a machete in the fire and holds it to Jack's ear. Cut to the hiding children, who cower in fear as they hear Jack's screams. Cut back to Jack. Youssou: "We'll keep doing this until you beg me to kill you. But I won't kill you even then—not until you tell me what I want to know." Jack sees the signal from his colleague, Benton. He pretends to break down and whimpers that the boys are hiding in the spot where Benton is waiting in ambush.⁶³

Torture one of the good guys, this scene suggests, and you will end up empty-handed or else double-crossed. The good, like the free in ancient Greece and the unfallen in early modern France, are impervious to pain as a means of eliciting truth. Meanwhile, this is what happens when those who resist sympathy are tortured:

The EMT is about to give Harbinson a shot of morphine for his pain, but Jack stops him. . . . Jack: "Where is Almeida?" Harbinson: "Please just give me the morphine." Jack: "I'll give you the morphine. Just talk. Where is Tony Almeida? What's the target?" Harbinson: "I don't know." Jack presses on the wound in his neck. Harbinson: "I don't know. I'm telling you the truth. My job was just to watch the kid and monitor things here. Almeida didn't tell me where he was going or where the target is." Jack: "How do you contact him?" Harbinson: "I can't." Jack presses on his wound again. Harbinson: "Ok, ok. I have a number. But I'm not supposed to use it unless there's a problem." Jack to the EMT: "Give him enough morphine that he can take the pain out of his voice. Nothing more."⁶⁴

As anyone who has watched even a few episodes of *24* can attest, these are scenarios that play out again and again: when heroes are tortured, they steadfastly refuse to speak. When evildoers are tortured, they capitulate more or less immediately. Clearly part of what is at issue here is a reassuring fantasy of knowledge and power at a moment in which we seem to lack both. We are not helpless in the face of an unpredictable or unknowable enemy, these scenes suggest; instead, we have an absolutely reliable way of making them tell us the truth, so long as we are willing to use it. Yet at the same time, something more interesting seems to be taking place—a tacit redefinition of humanity around the willingness to share the thoughts and feelings of others, as well as an updating of the fantasy of the speaking body to correspond to that redefinition.

My goal in this essay is not so much to suggest a solution to the torture debate as to call attention to the continuities between nineteenth-, twentieth-, and twenty-first-century fantasies of torture and sympathy, and to the way those continuities help account for our ongoing fascination with torture as a means of eliciting truth. In an essay in the *New Republic*, however, Michael Ignatieff makes a suggestion relevant to this discussion, arguing that, although we think the problem in the war against terror “is information, and so we need torture to get the truth,” our problem is instead “a problem of belief. It is not what terrorists know that makes them dangerous; it is what they believe. And beliefs cannot be changed by physical duress. Indeed, they may be reinforced.”⁶⁵ By “belief,” Ignatieff does not seem to mean religious belief but instead something like ideology. The twisted logic of the debate over torture suggests that this claim can be taken at least one step further: it is not what terrorists believe that makes them dangerous; it is, at least in part, what *we* believe about them—and hence what we do to them, and what we are perceived as being willing to do. Recognizing and acting on this fact will take something other than sympathy or even understanding; it will take a critical rethinking of our deeply sentimental commitment to precisely those values. It will require a renovated pragmatics in which *all* the consequences of torture are weighed against each other, without recourse to fantasies in which pain can force the reluctant body to speak when sympathy fails. If Scarry and other torture abolitionists tend to see torture in terms of a torturer/torture victim dyad, and Harris and other apologists tend to see torture in terms of a torturer/prisoner/prisoner’s potential victim triad, Ignatieff encourages us to open our field of vision to include all of the witnesses, on all sides of the conflict, whose ideological commitments stand to be shaped by what they see, and all of the soldiers and civilians who stand to be hurt or helped by the consequences of those perceptions.

State University of New York at Buffalo

NOTES

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¹ 24, "Day 7, 10:00 a.m.-11:00 a.m.," Fox, 12 January 2009. The first broadcast of the television series 24 took place on 6 November 2001 (that is, less than two months after 9/11), and it ran for eight seasons. Although torture was a feature of the program nearly from the beginning, it became much more pervasive as both a practice and a problem in later seasons. For example, season 6 opens with the hero of 24, Jack Bauer, being released from a prison in China where he was repeatedly tortured; throughout the season, the show explores the difference it makes—or fails to make—that Jack himself has experienced the kinds of pain he nevertheless feels he has a responsibility to inflict on others. Season 7 largely revolves around Jack's training of a reluctant female FBI agent in the practice and morality of torture. The most complete summaries of 24 are available on the wiki site: http://24.wikia.com/wiki/Main_Page. For the official summaries, see <http://www.fox.com/24/recaps/season-8/episode-24.htm>. The summaries used in this essay are my own.

² 24, Day 7, "11:00 a.m.-12:00 p.m.," Fox, 12 January 2009.

³ Quoted in Jane Mayer, "Whatever It Takes: The Politics of the Man Behind '24,'" *New Yorker*, 19 February 2007, 68. For a synopsis of the Human Rights First study and a useful video on the pervasiveness of torture on television, see http://www.humanrightsfirst.org/us_law/etn/primetime/index.asp#problem. See also the Parents' Television Council website for other studies of the popularity of violence on television: <http://www.parentstv.org>.

I do not have space to dwell on the problem of the torturer in this essay. Nevertheless, two different yet related tropes are worth mentioning here: first, the image of the torturer as himself sympathetic and therefore troubled by the pain he is forced to inflict in the interest of the greater good; second, the torturer as possessing a privileged relation to truth, at least in part because of his intimate connection with the torture victim. These two tropes come together repeatedly, but perhaps nowhere so clearly as in season 2, episode 14 of the ABC program *Lost*, where Sayid, an experienced torturer who has been trained by the U.S. military in Iraq, claims to be able to tell that his prisoner is lying because he feels no guilt while torturing him (*Lost*, "One of Them," ABC, 15 February 2006).

⁴ The tagline "whatever it takes" has come to be identified with Jack Bauer, the hero of 24.

⁵ David Luban, "Liberalism, Torture, and the Ticking Bomb," in *The Torture Debate in America*, ed. Karen J. Greenberg (Cambridge: Cambridge Univ. Press, 2006), 44. The existence of "collateral damage" in the form of civilian casualties counters Elaine Scarry's claim that the reason "why . . . people who oppose torture . . . are absolute about it," even though they might accept the necessity of sometimes going to war, "is that in torture there's zero contest, whereas in war there's a great deal of consent" (Curtis Brown, "Interview with Elaine Scarry," *Bidoun* 8 [Fall 2006], <http://www.bidoun.org/magazine/08-interviews/elaine-scarry-with-curtis-brown/>).

⁶ The documentary *Taxi to the Dark Side* (directed by Alex Gibney, U.S., 2007) provides detailed analysis of the multiple reasons soldiers abuse prisoners. See also Michael Taussig, "Culture of Terror—Space of Death: Roger Casement's Putumayo Report and the Explanation of Torture," in *Violence: A Reader*, ed. Catherine Besteman (New York: New York Univ. Press, 2001), 211-43; Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford Univ. Press, 1985); and Henry Shue, "Torture," *Philosophy and Public Affairs* 7.2 (1978): 124-43.

⁷ On the unlikelihood of a ticking time-bomb scenario, see Joshua Dratel, "The Curious Debate," in *The Torture Debate in America*, 111-17; Michael Ignatieff, "The

Torture Wars,” *The New Republic* (April 22, 2002) 40-43; and Chris Mackey, *The Interrogators: Task Force 500 and America’s Secret War Against Al Qaeda* (New York: Little, Brown, 2004).

⁸ On the multiple ways in which pain can derail interrogations, see Darius Rejali, *Torture and Democracy* (Princeton: Princeton Univ. Press, 2007), 446-79.

⁹ Mayer, 77.

¹⁰ Rejali, 478.

¹¹ Rejali, 534. “Few can deny the power of doing ‘anything’ under hopeless circumstances,” Rejali continues. “But torture is not just anything. . . . [T]he terrorist’s suffering is uniquely satisfying regardless of whether he reveals any information. Beneath the urbane, civilized appeal to torture for information, lurks a deeper impulse, born from fear and satisfied by pain” (534).

¹² Mayer, 76.

¹³ Quoted in Mayer, 82.

¹⁴ Slavoj Žižek, “Knight of the Living Dead,” *New York Times*, 24 May 2007, A13.

¹⁵ Žižek, A13.

¹⁶ Almost no one claims to be pro-torture; the debate has instead revolved around the conditions under which torture should be legalized. Aside from John Yoo’s torture memos (usually referred to as the Bybee memo, after Jay S. Bybee, Assistant Attorney General, U.S. Department of Justice, to whom they were addressed), the most famous legal defense of torture is that offered by Alan Dershowitz in *Why Terrorist Works: Understanding the Threat, Responding to the Challenge* (New Haven: Yale Univ. Press, 2002). Yoo’s memos are reproduced in *The Torture Papers: The Road to Abu Ghraib*, ed. Greenberg and Joshua L. Dratel (Cambridge: Cambridge Univ. Press, 2005). Also see Andrew C. McCarthy, “Torture: Thinking About the Unthinkable,” in *The Torture Debate in America*, 98-110; and Heather MacDonald, “How to Interrogate Terrorists,” in *The Torture Debate in America*, 84-97.

¹⁷ According to Paul W. Kahn, so long as terrorism persists, torture will as well, because “terror and torture are reciprocal forms of creating and sustaining political meaning” (*Sacred Violence: Torture, Terror, and Sovereignty* [Ann Arbor: Univ. of Michigan Press, 2008], 13). Such an account threatens to naturalize the categories of terror and torture in a way that I think oversimplifies the current situation. While terror and torture may seem mutually enabling, that has everything to do with the very limited and historically specific ways in which those terms are currently defined. For a provocative consideration of the problem of definition, see Talal Asad, *On Suicide Bombing* (New York: Columbia Univ. Press, 2007). See also Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins Univ. Press, 1993), esp. 83-124, and *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford Univ. Press, 2003), esp. 67-126.

¹⁸ Luban argues that much of the popularity of this scenario derives from the way it appears to distinguish between instrumental and gratuitous infliction of pain, thus making torture seem compatible with liberalism’s commitment to the elimination of suffering; see 43.

¹⁹ Luban, 38.

²⁰ For a more complete introduction to the history of sympathy, see the introduction to my *The Marriage of Minds: Reading Sympathy in the Victorian Marriage Plot* (Stanford: Stanford Univ. Press, 2007), 1-16. The most authoritative introduction to this history remains Janet Todd’s *Sensibility: An Introduction* (New York: Methuen, 1986). Useful intellectual histories of sensibility include Henry Sidgwick, *Outlines of the History of*

Ethics for English Readers (1886; repr., Boston: Beacon Press, 1960); Basil Willey, *The English Moralists* (New York: W. W. Norton, 1964); and Joel C. Weinsheimer, *Eighteenth-Century Hermeneutics: Philosophy of Interpretation from Locke to Burke* (New Haven: Yale Univ. Press, 1993). Useful literary histories of sensibility include W. J. Bate, *From Classic to Romantic: Premises of Taste in Eighteenth-Century England* (New York: Harper, 1961); Louis I. Bredvold, *The Natural History of Sensibility* (Detroit: Wayne State Univ. Press, 1962); and R. F. Brissenden, *Virtue in Distress: Studies in the Novel of Sentiment from Richardson to Sade* (New York: Barnes & Noble, 1974). For accounts of the relation between the philosophical and literary histories of sympathy and sensibility, see in particular David Marshall, *The Figure of Theater: Shaftesbury, Defoe, Adam Smith, and George Eliot* (New York: Columbia Univ. Press, 1986), and *The Surprising Effects of Sympathy: Marivaux, Diderot, Rousseau, and Mary Shelley* (Chicago: Chicago Univ. Press, 1988); John Mullen, *Sentiment and Sociability: The Language of Feeling in the Eighteenth Century* (Oxford: Oxford Univ. Press, 1988); Claudia Johnson, *Equivocal Beings: Politics, Gender, and Sentimentality in the 1790s: Wollstonecraft, Radcliffe, Burney, Austen* (Chicago: Univ. of Chicago Press, 1995); Adela Pinch, *Strange Fits of Passion: Epistemologies of Emotion, Hume to Austen* (Stanford: Stanford Univ. Press, 1996); and Julie Ellison, *Cato's Tears and the Making of Anglo-American Emotion* (Chicago: Univ. of Chicago Press, 1999).

²¹ David Hume, *A Treatise of Human Nature* (1739-40; repr., London: Penguin Books, 1969), 367.

²² Adam Smith, *The Theory of Moral Sentiments* (1759; repr., Indianapolis: Liberty Fund, 1976), 203.

²³ Thomas W. Laqueur, "Bodies, Details, and the Humanitarian Narrative," in *The New Cultural History*, ed. Lynn Hunt (Berkeley: Univ. of California Press, 1989), 180, 178. Other important attempts to complicate our understanding of how the Victorian novel sought to impel ameliorative intervention on behalf of real people include Amanda Claybaugh, *The Novel of Purpose: Literature and Social Reform in the Anglo-American World* (Ithaca: Cornell Univ. Press, 2007); Raymond Williams, *The English Novel from Dickens to Lawrence* (Oxford: Oxford Univ. Press, 1970); and Daniel Born, *The Birth of Liberal Guilt in the English Novel: Charles Dickens to H. G. Wells* (Chapel Hill: Univ. of North Carolina Press, 1995). For meditations on more recent relations between sympathy and politics, see Susan Sontag, *Regarding the Pain of Others* (New York: Picador, 2003), and "Regarding the Torture of Others," *New York Times Magazine*, 23 May 2004, <http://www.nytimes.com/2004/05/23/magazine/regarding-the-torture-of-others.html?pagewanted=all&src=pm>; and Lauren Berlant, "Introduction: Compassion (and Withholding)," in *Compassion: The Culture and Politics of an Emotion*, ed. Berlant (New York: Routledge, 2004), 1-14.

²⁴ Laqueur, 177, 178.

²⁵ See, in particular, G. J. Barker-Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain* (Chicago: Univ. of Chicago Press, 1992); Claybaugh; and Todd.

²⁶ Julia A. Stern, *The Plight of Feeling: Sympathy and Dissent in the Early American Novel* (Chicago: Univ. of Chicago Press, 1997) 218-19.

²⁷ George Eliot, "The Natural History of German Life" (1856), in *Selected Essays, Poems, and Other Writings*, ed. A. S. Byatt and Nicholas Warren (London: Penguin, 1990), 110.

²⁸ Harriet Beecher Stowe, *Uncle Tom's Cabin* (1852; repr., New York: Penguin, 1981), 144.

²⁹ Stowe, 146.

³⁰ Quoted in Howard W. Fulweiler, “Here a Captive Heart Busted”: *Studies in the Sentimental Journey of Modern Literature* (Bronx, NY: Fordham Univ. Press, 1993) 65.

³¹ Scarry, *The Body in Pain*, 9.

³² Scarry, *The Body in Pain*, 290. For a similar polemical shift, see Andrew Lewis’s contribution to Burt Nurborne, Dana Priest, Anthony Lewis, Joshua Dratel, Major Michael (Dan) Mori, and Stephen Gillers’s panel discussion, “Torture: The Road to Abu Ghraib and Beyond,” in *The Torture Debate in America*, 13-31. At the beginning of the discussion, Lewis insists on his commitment to Jacob Timmerman’s position that torture is abhorrent under all circumstances: “You cannot start down that road!” Timmerman told him in an interview. Lewis continues: “I have never forgotten that moment. *You cannot start down that road*. That is what I believe about torture” (18). A few moments later, however, Lewis does an abrupt about-face: “If I actually believed, if I had credible evidence and if I came to believe that somebody who was a prisoner under my control knew where there were weapons of mass destruction, nuclear weapons (that is what we are talking about) that were going to be used shortly, I might change my view. Yes, I might” (21). Lewis’s apparent change of heart, I argue, is actually built into the sentimental opposition to torture: so long as one believes that torture is bad principally because sympathetic people do not inflict pain on others, one sets oneself up for the counterclaim that the pain of the few is preferable to the pain of the many.

³³ Scarry, *The Body in Pain*, 28.

³⁴ Eliot, *Middlemarch* (1871-72; repr., London: Penguin, 1994), 211.

³⁵ Smith addresses this problem directly. According to him, we will always sympathize with those whose actions and apparent feelings we most approve. According to Jeremy Bentham, by contrast, we will almost always sympathize with those to whom we are physically or historically closest; see, for example, his discussion of sympathy in *Introduction to the Principles of Morals and Legislation* (1781; repr., Amherst: Prometheus, 1988).

³⁶ Sam Harris, “In Defense of Torture,” *Huffington Post*, http://www.huffingtonpost.com/sam-harris/in-defense-of-torture_b_8993.html. See also Harris, *The End of Faith: Religion, Terror, and the Future of Reason* (New York: W. W. Norton, 2004).

³⁷ Quoted in Diana Taylor, “Double-Blind: The Torture Case,” *Critical Inquiry* 33 (Summer 2007): 724. On the non-dyadic nature of torture, see Rejali, 177.

³⁸ Scarry, “Thinking in Emergency,” 26 May 2006, lecture transcript, University of Glasgow, http://www.gla.ac.uk/media/media_71739_en.pdf. She makes an almost identical argument in Scarry, “Five Errors in the Reasoning of Alan Dershowitz,” in *Torture: A Collection*, ed. Sanford Levinson (Oxford: Oxford Univ. Press, 2004), 281-290; see esp. 282-83.

³⁹ See Žižek; see also Anthony Lewis, “The Torture Administration,” *The Nation* (26 December 2005): 13-15. See also Dershowitz’s arguments regarding the importance of legalizing torture warrants as a way of regulating such inevitable practices in *Why Terrorism Works*.

⁴⁰ John Yoo, “Editorial: A Crucial Look at Torture Law,” *Los Angeles Times* (6 July 2004), <http://articles.latimes.com/2004/jul/06/opinion/oe-yoo6>.

⁴¹ MacDonald, 96. MacDonald also notes that the “biggest annoyance” prisoners at Guantanamo faced was “boredom” and that “[m]any prisoners disliked the move from Camp X-Ray, the first facility used at the base, to the more commodious Camp Delta, because it curtailed their opportunities for homosexual sex” (89).

⁴² Page du Bois, *Torture and Truth* (New York: Routledge, 1991), 68. Also see Joan Dayan's discussion of the dangers of defining certain "members of the human race as *nonhumans*, as objects to be toyed with and discarded." The ominous leeway of American legal rules—from slave codes, to prison cases, to the Bush administration's torture memos—redefines these persons in law. That redefinition—the creation of a new class of condemned—sustains a metaphysics that goes beyond the mere logic of punishment" ("Cruel and Unusual: The End of the Eighth Amendment," *Boston Review* [October 2004/November 2004]: <http://www.bostonreview.net/dayan-cruel-and-unusual>). The internal quote is from Justice Brennan's decision in *Furman v. Georgia*, the Supreme Court decision that ruled on the importance of consistency in the application of the death penalty, and that led to a temporary moratorium on the use of the death penalty.

⁴³ du Bois, 52, 61.

⁴⁴ du Bois, 26. Interestingly, according to du Bois, the same subjects were imagined to be able to move in and out of the category of the torturable; see 38–47.

⁴⁵ On the history of torture in England, see John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime* (1976; repr., Chicago: Univ. of Chicago Press, 2006); James Heath, *Torture and English Law: An Administrative and Legal History from the Plantagenets to the Stuarts* (Westport: Greenwood, 1982); L. A. Parry, *The History of Torture in England* (1934; repr., Montclair: Patterson Smith, 1975); and Asad, *Formations of the Secular*, 100–126.

⁴⁶ Lisa Silverman, *Tortured Subjects: Pain, Truth, and the Body in Early Modern France* (Chicago: Univ. of Chicago Press, 2001), 9. As Langbein explains, some exceptions were made, either because of the accused person's physical frailty (pregnant women, children, the aged), or because of the status of the accused person (aristocrats, some public officials, members of the clergy, physicians, doctors of law). As he goes on to point out, however, "The status-based exemptions were widely disfavored in the *ancien régime*. Neither in the German Carolina nor in French practice of the sixteenth and later centuries are they recognized" (13). See also Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1975); and Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007).

⁴⁷ Silverman, 9.

⁴⁸ Silverman, 22.

⁴⁹ Silverman, 167. In making this argument, Silverman is disputing the longstanding belief that torture was finally abolished in Europe in the eighteenth century as a consequence of the work Beccaria and Voltaire did to sentimentalize the issue. She is also attempting to complicate Langbein's revisionist claim that changes in the law of proof obviated the need for torture. Although she recognizes the partial legitimacy of the other two accounts, Silverman argues that the abolition of torture was also due to a shift in common understandings of the relationship between the body, pain, and truth.

⁵⁰ Quoted in Silverman, 167.

⁵¹ The first season of the television show *Lie to Me* concludes with a fascinating depiction of torture. Although the hero of the show interrupts a torture scene and dismisses violence as counterproductive in the context of interrogations, the show's commitment to the legibility of the emotions reproduces a similar logic of the speaking body. The principal protagonists have been trained to discern even the most transient flickers of emotion on their subjects' faces and bodies and so do not *need* to penetrate or violate others' bodies to know the truth: it is written on those bodies' surfaces. For a genealogy of the fantasy of intelligibility at issue on the show, see Daniel M. Gross,

“Defending the Humanities with Charles Darwin’s *The Expression of the Emotions in Man and Animals* (1872),” *Critical Inquiry* 37 (2010): 34-59.

⁵² William A. Cohen, *Embodied: Victorian Literature and the Senses* (Minneapolis: Univ. of Minnesota Press, 2009), xi.

⁵³ See Charles Dickens, *David Copperfield* (1849-50; repr., Harmondsworth: Penguin, 2004); and Emily Brontë, *Wuthering Heights* (1847; repr., Harmondsworth: Penguin, 2002).

⁵⁴ For representative versions of this claim, see Steven Marcus, “Literature and Social Theory: Starting in with George Eliot,” in *Representations: Essays on Literature and Society* (New York: Random House, 1975); Zelda Austen, “Why Feminist Critics Are Angry with George Eliot,” *College English* 37.6 (1976): 549-61; and Karen Chase, *Eros and Psyche: The Representation of Personality in Charlotte Brontë, Charles Dickens, and George Eliot* (New York: Methuen, 1984). One notable exception to the critical consensus is Christopher Lane’s claim that “Despite Eliot’s ‘doctrine of sympathy,’ enmity not only haunts her work but also undermines her fictional endings and thrives at the expense of her moral philosophy” (*Hatred and Civility: The Antisocial Life in Victorian England* [New York: Columbia Univ. Press, 2004], 109). The revision I would make to this last assertion is that Eliot’s commitment to and interest in enmity are deeply connected with her moral philosophy, not just opposed to it.

⁵⁵ According to Richard Menke, Eliot self-consciously modeled her literary practice on G. H. Lewes’s vivisectional methods. Hence, for Menke, vivisection serves as a kind of model for the writer’s work more generally. Yet despite the obvious relevance of Lewes’s vivisectional practices to Eliot’s interest in pain, she also did explore the dynamics of human torture at some length in *Romola*. It is also the case that the fantasy of the speaking body is far older and more far-reaching than the vivisectional techniques used by her partner. See Menke, “Fiction as Vivisection: G. H. Lewes and George Eliot,” *ELH* 67.2 (2000): 617-53. Other critics who have discussed “The Lifted Veil” in relation to Eliot’s interest in Lewes’s experiments include Kate Flint, “Blood, Bodies, and ‘The Lifted Veil,’” *Nineteenth-Century Literature* 51.4 (1997): 455-73; and Jane Wood, *Passion and Pathology in Victorian Fiction* (Oxford: Oxford Univ. Press, 2001).

⁵⁶ Eliot, *Middlemarch*, 788.

⁵⁷ Eliot, *Middlemarch*, 792.

⁵⁸ Eliot, *Middlemarch*, 795.

⁵⁹ See, in particular, D. Rae Greiner, “Sympathy Time: Adam Smith, George Eliot, and the Realist Novel,” *Narrative* 17.3 (2009): 291-311; and Jill Galvan, “The Narrator as Medium in George Eliot’s ‘The Lifted Veil,’” *Victorian Studies* 48 (2006): 240-48.

⁶⁰ Eliot, “The Lifted Veil” (1859), in *The Lifted Veil and Brother Jacob* (Oxford: Oxford World’s Classics, 2009), 19-20.

⁶¹ Eliot, “The Lifted Veil,” 41.

⁶² Eliot, “The Lifted Veil,” 42.

⁶³ 24, “Redemption,” Fox, 23 November 2008.

⁶⁴ 24, “Day 7, 5:00 a.m.-6: a.m.,” Fox, 11 May 2009.

⁶⁵ Ignatieff, 41. For the opposite position, see Yoo’s claim, in his editorial in *The Los Angeles Times*, that “[i]nformation is our primary weapon against this enemy, and intelligence gathered from captured operatives is perhaps the most effective means of preventing future attacks.”