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Torture, Terror, and Affect in Post 9/11 Literature and Culture

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2024**

Abstract

This thesis analyses representations of torture post 9/11 with a focus on the affective climate of the period after the terror strikes to show how it shaped the justifications for torture. The arguments presented are divided into 'Part 1 Torture, Terror and the Ticking Bomb' which explores the post 9/11 political context in relation to affect and the ethics of representing pain and Part II 'Pleasure, Power and the Wounded Body' which examines the role of literary novels in depicting torture. The work creates a dialogue between texts such as the inter-departmental memos on torture exchanged between the United States Department of Justice and the CIA, George W Bush's speeches in the aftermath of the attacks, examples of common pro-torture justifications, popular cultural representations of torture and interrogation tactics, and literary texts. The analysis reveals that the common approach of employing either a utilitarian or deontological framework for debating torture underestimates the significance of emotion. Drawing together Elaine Scarry's influential work, *The Body in Pain* (1985) and Sara Ahmed's analysis of affect in the *Cultural Politics of Emotion* (2004), the thesis argues that the rationale for torture is shaped by emotions. Using this theoretical framework, the study examines representations of torture in Percival Everett's bizarre and experimental novel *The Water Cure* (2007), Salman Rushdie's strange and fanciful *Shalimar the Clown* (2005) and Nadeem Aslam's sombre and poetic *The Wasted Vigil* (2008). In unique and dissimilar ways, all three novels suture the historical erasures that influenced the public sentiment about the War on Terror after 9/11. The novels engage with the revenge plot and political violence showing how pleasure, power and pain are bound up together. These texts challenge the premises of pro-torture justifications. Examining the relationship between narrative mediation and style sheds light on the ethics of portraying pain, bringing the wounded and Othered bodies of the victims of torture into the political discourses about the War on Terror.

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Declaration

No material in this thesis has been previously submitted for a degree at this or any other institution. The work is solely that of the author, Trishla Singh, under the supervision of Dr Samuel Thomas and Dr Jennifer Terry.

Acknowledgements

I am grateful to my supervisors Dr Samuel Thomas and Dr Jenny Terry for providing guidance and support throughout the long and perilous path to submission. Dr Alex Adams enthusiastically and diligently offered insightful feedback on my work and responded to my questions about his research on the torture debate. I want to thank the English Studies Department at Durham University for supporting and funding the opportunity to present my research at Oxford University. My research benefited from the Durham Award, which allowed me the opportunity to share my work with my peers and undergraduates. These events were essential for the development of my argument. I am indebted to the Global Citizenship Programme for funding my living expenses at Ustinov College and supporting me in organising a conference on an issue close to my heart. I want to extend my gratitude to the Institute of Advanced Studies for funding the costs of running the event. It gave me the opportunity to bring together academics and activists to create a dialogue between academic discourse and real-world practices. I am grateful to my partner Martin Moxon for engaging in many imaginative conversations about my research and supporting me emotionally, financially and intellectually throughout the process. I am appreciative of my dear friends Irimi Picolou, Ahmed Shafquat Hassan and Dr Yurie Watanabe-Hunt for delightfully discussing all things PhD and helping me slay many metaphorical monsters. It would have been impossible to cope with the pandemic years without their unconditional and unwavering love and support. Finally, I want to thank my parents Gyanendra and Rashmi Singh for teaching me the value of reading, writing and thinking.

Introduction

Torture has been used in human societies for a wide range of purposes including information gathering, extracting confessions, intimidating populations and quelling dissent. Torture was prevalent in Western countries in the 17th and 18th centuries. The practice declined during the 19th century but re-emerged in the 20th century.¹ After World War II, the International Committee of the Red Cross (ICRC) worked to limit the harm done to civilians and prisoners of war by developing the 1949 Geneva Conventions. Amnesty International was formed in 1961 and started its campaign against torture some years later. Intending to create a norm against the abhorrent practice, Amnesty launched its campaign against torture in 1972.² Their efforts led to the formation of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 1984 onwards the international community could sign the Convention and commit to preventing torture. The US was publicly against torture and signed the Convention in 1988. Before 9/11, the country was perceived as an important actor in establishing the consensus against torture internationally. Alfred McCoy, however, notes that the US policy on torture has been contradictory since the Cold War. He points out that ‘Washington opposed torture and advocated a universal standard for human rights’ but ‘the CIA propagated torture during those same decades’.³ The CIA employed torture methods in an effort to understand mind control and enforce compliance, while the US’s public position was against torture. Post 9/11 the stance against using torture was challenged in public

¹ J H Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Regime* (Chicago: University of Chicago Press, 1977);

E Peters, *Torture: Expanded Edition* (Philadelphia: University of Pennsylvania Press, 1996).

² Jayne Huckerby and Sir Nigel Rodley, ‘Outlawing Torture: The Story of Amnesty International’s Efforts to Shape the UN Convention against Torture’, in *Human Rights Advocacy Stories* (Foundation Press, 2009), p. 17; Nigel Rodley, ‘Torture’, ed. by Carrie Booth Walling and Susan Waltz in *Human Rights: From Practice to Policy*, (University of Michigan Ann Arbor, Michigan 2011).

³ Alfred W McCoy, *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror* (Henry Holt and Company, New York, 2006), p. 7.

debates that discussed whether torture used for the purpose of preventing a terrorist attack could be justified.

Torture does not work more effectively than traditional methods of gathering intelligence; thus, the renewal of the pro-torture arguments post 9/11 is at odds with the documented evidence against the efficiency of torture as a method for interrogation. A historical study on torture conducted by Christopher J Einolf revealed that the increase and decrease in practices of torture follow general patterns. Perception of heightened threat, the gravity of the crime committed and an increase in conflict are strongly correlated with an increase in the use of torture.⁴ Hence, it is crucial to understand the appeal of torture as the last resort in times of crisis. To do so, this thesis will take as its starting point that the debates on torture that appeal to rationality have an affective dimension that draws on the desire to maintain safety and security at all costs. Highlighting the role of emotions in making a pro-torture position thinkable, this study will explore the literary novel's capacity for resistance. Fictional narratives can represent multiple perspectives, explore emotional experiences and imagine alternate scenarios. The flexibility of the novel form enables ways of rethinking the assumptions of the ticking bomb hypothetical which are commonly used to understand the moral basis for torture and holds the potential for undermining the emotional immediacy of pro-torture justifications. In order to create a dialogue between these literary texts and the post 9/11 political and cultural context, the thesis is divided into two parts entitled 'Part 1: Torture, Terror and the Ticking Bomb' and 'Part II: Pleasure, Power and the Wounded Body'; both parts consist of three chapters. The ticking bomb trope present in both popular culture and public rhetoric is used to narrate a moment of crisis that meets the criteria outlined by Einolf, generating the pattern in which the justifications for torture take hold in emotionally compelling

⁴ Christopher J Einolf, 'The Fall and Rise of Torture: A Comparative and Historical Analysis', *Sociological Theory*, 25:2 (2007), pp. 105-06.

ways. This trope guides the shape of the thesis: where Part I has been developed in the shadow of the ticking bomb hypothetical, exploring the post 9/11 cultural and political context by examining pro-torture justifications, the memos exchanged between the CIA and the Department of Justice (DOJ), Bush's speeches and the anti-torture rhetoric in popular culture by critically engaging with *The Dark Knight* (2008) and *Inglourious Basterds* (2009), and Part II deploys literary texts that refuse to dramatise the ticking bomb hypothetical in a straightforward way, enabling a speculative understanding of the motivations for torture, thereby undermining the belief that it works.

Presently, the field of literary scholarship on representations of torture draws on Giorgio Agamben's insightful account of sovereign power explored in the *Homo Sacer* series to develop a critical understanding of how institutional power operates to marginalise communities of people. This study departs from this fairly familiar theoretical frame by drawing together Elaine Scarry's influential work, *The Body in Pain* (1985) and Sara Ahmed's analysis of affect in the *Cultural Politics of Emotion* (2004), arguing that the rationale for torture is shaped by feelings.⁵ The approach goes beyond thinking about power as institutional and diffuse by emphasising the emotional potentials of the wounded and Othered bodies, which will be discussed in detail in Chapter 2. Using this theoretical framework, in Part II the thesis examines representations of torture in Percival Everett's bizarre and experimental novel *The Water Cure* (2007), Salman Rushdie's strange and fanciful *Shalimar the Clown* (2005) and Nadeem Aslam's sombre and poetic *The Wasted Vigil* (2008).⁶ In unique and dissimilar ways, all three novels suture the historical erasures that moulded public sentiment about the Global War on Terror (GWOT)

⁵ Elaine Scarry, *The Body in Pain: The Making and Unmaking of The World* (New York and Oxford: Oxford University Press, 1985). Abbreviated to Scarry, pages used for all future references; Sara Ahmed, *The Cultural Politics of Emotion*, (Routledge, 2015). All future references to the text will be abbreviated to Ahmed, pages used.

⁶ Percival Everett, *The Water Cure* (Minnesota: Graywolf Press, 2007); Salman Rushdie, *Shalimar the Clown*, (London: Jonathan Cape, 2005); Nadeem Aslam, *The Wasted Vigil* (London: Faber and Faber, 2009).

after 9/11. These narratives engage with the revenge plot and political violence showing how pleasure, power and pain are bound up. This provides a rich opportunity for challenging the premises of pro-torture justifications and examining the relationship between narrative mediation and style in order to shed light on the ethics of portraying pain and bringing the wounded and Othered body into political discourses. The academic scholarship on depictions of torture after the terror strikes and the broader field of film and literary criticism on post 9/11 cultural and political rhetoric will be discussed to situate the fictional and non-fictional texts selected for analysis. To this end, the introduction is divided into four sub-sections: the first part focuses on representations of torture in film and fiction, the second outlines the broader field of post 9/11 literature and film criticism, the third pays attention to the figure of the terrorist in post 9/11 literary criticism and the fourth will delve into a detailed discussion of the relevance of the primary texts chosen for analysis.

Where is torture in post 9/11 literature, film and criticism?

After the torture memos and the Abu Ghraib photographs showing the extent of the abuse of prisoners in black sites were leaked, there was a flurry of research in disciplines such as cultural studies, law, media communication, ethics, philosophy and film studies. Scholarship in these fields includes examinations of states of exceptions, human rights, the complex mechanisms of offsite prisons and modern drone warfare. Likewise, there was a boost in the study of the representation of torture in popular films and TV shows. Compared to the academic attention given to the Abu Ghraib photographs and the torture debate in other disciplines, the examination of the relationship between language and torture in the field of literary studies is scant. While writers like Rushdie have participated in anti-torture protests and spoken against the abhorrent practice, it is uncommon for torture to become the central theme of literary narratives. It is more usual for critical scholarship and literary fiction concerned with 9/11 to examine the capacity of the form, language, genre and style to represent the immediacy of the

terror strikes, the trauma of the event, the representation of Islam, the figure of the terrorist, and American exceptionalism.⁷ For example, novels such as *Saturday* (Ian McEwan, 2005), *Extremely Loud and Incredibly Close* (Jonathan Safran Foer, 2005), Art Spiegelman's *In the Shadow of No Towers* (2004) and *Falling Man* (Don DeLillo, 2007) engage with the typical themes of loss, trauma and the spectacular nature of the terror strikes. The affective spaces of these narratives are dominated by grief, anger, disbelief, fear, anxiety and a sense of impending doom. Georgiana Banita observes that

[t]he formula of the 9/11 novel has by now come into its own: urban and emotional architectures organize an endless loop of marriage, divorce, and other prefabricated plots. At their best, these texts reflect on how personal and historical tragedy collide to create art that gives both a deeper meaning.⁸

Themes like religion, the appeal of terrorist organisations, islamophobia, nationality, identity and racism are explored by writers like H M Naqvi in *Home Boy* (2009) and Mohsin Hamid in *The Reluctant Fundamentalist* (2007). The movement of the genre from a preoccupation with the spectacle of 9/11 and its immediate victims to the narratives of marginalisation and racism captures the varied ways in which writers responded to the attacks. Later novels like *The Man Who Wouldn't Stand up* (Jacob M Appel, 2012) and *United States of Banana* (Giannina Braschi, 2011) offer a nuanced perspective on the strikes and the politics of the GWOT but the critique of representations of torture is minimal. More than two decades after the strikes, the novels most associated with the 9/11 genre are not self-consciously experimenting with form to

⁷ For more see: *Literature after 9/11*, ed. by Ann Keniston and Jeanne Follansbee Quinn (Routledge, 2008); Kristiaan Versluys, *Out of the Blue* (Columbia University Press, 2009); *Trauma at Home: After 9/11*, ed. by Judith Greenberg (Lincoln: University of Nebraska Press, 2003); James Berger, *After the End: Representations of Post-Apocalypse* (Minneapolis: University of Minnesota Press, 1999); Arin Keeble, *The 9/11 Novel: Trauma, Politics and Identity* (McFarland & Company, 2014).

⁸ Georgiana Banita 'Literature after 9/11' in *American Literature in Transition 2000-2010*, ed. by Rachel Greenwald Smith (Cambridge University Press, 2017), pp. 152-164, (p. 154).

represent torture. To cite an example, *Saturday* depicts torture as something that occurs in foreign lands. The episode of torture depicted in the novel is narrated by its protagonist Perowne, a doctor. When Perowne is trying to gauge his own stance with respect to the Iraq war, he remembers his encounter with the Iraqi Professor he had treated. The patient had been handcuffed for sixteen hours and ‘he [Perowne] could think of nothing else but the pain’. We learn more about the routine torture: ‘Miri and his companions heard the screaming from their cells, and waited to be called. Beatings, electrocution, anal rape, near-drowning, thrashing the soles of the feet’.⁹ This representation frames torture as a foreign practice that becomes the subject of the narration only with respect to Perowne’s concerns about the Iraq war. The Iraqi professor’s experience of pain is a commentary on the legitimacy of the American imperial ambitions. He was tortured in the past of the narrative and is being narrated from Perowne’s perspective, so the limited reference to his pain is sufficient and there is no need for experimenting with language to convey the professor’s felt experience of pain. Likewise, popular genre fiction such as spy/thriller novels employ torture either as a plot device or a plot point. For example, *The Midnight House* (Alex Berenson, 2010) is about a spy on the hunt for a murderer who has been targeting former members of a secret interrogation unit in Poland. The narrative suggests that the interrogators had tortured Islamic terrorists who might be targeting them as revenge. Such depictions reflect the anxieties about torture and its consequences, however it is not seen as a problem of representation or ethics. These narratives ignore the impact of torture on the bodies of the prisoners, which results in long-term physical and mental health conditions, and potentially limits the ways in which any anger or revenge plan against the US can be carried out.

Scholars like Alex Adams have touched upon representations of torture in literary fiction, however, a sustained analysis of how and why torture was thought reasonable is not

⁹Ian McEwan, *Saturday*, (London, England: Vintage, 2005), pp. 62-4.

present in the field of cultural studies.¹⁰ More recently, Anjuli Fatima Raza Kolb has investigated *The 9/11 Commission Report* for its literary qualities and critiqued how the report constructs America as a nation and the brown as Other in her analysis.¹¹ Still, torture is left at the margins of this insightful discussion. Jay N Shelat points out that 20 years later literary scholarship on the impact of 9/11 contemporary fiction is frequently preoccupied with analysing fiction by white writers speaking about white experiences, anxieties and fears, neglecting brown and black contributions to the representation of the terror strikes.¹² Speaking to these instances of neglect, this study brings attention to fiction by non-white writers representing the impact of the terror strikes by analysing how characters justify torture and are tortured in the novels selected for analysis.

Compared to literary criticism, the field of film studies has paid more attention to analysing representations of torture. Stephen Prince evaluates the ways in which ‘American film respond to and portray’ the policies of the Bush era, including torture.¹³ Douglas Kellner draws attention to movies like the *Saw* franchise and *The Dark Knight* trilogy, and what they may reveal about torture.¹⁴ Marita Gronnvoll is concerned with how ‘media discourses contributed to the reshaping of masculinity so as to include torture as an acceptable, perhaps even *necessary*, action’.¹⁵ Prince, Kellner and Gronnvoll are conscious of genre, however their concerns do not question the beliefs and values encoded within the conventions of a particular

¹⁰ Alex Adams, *Political Torture in Popular Culture: The role of representations in the post-9/11 torture debate* (Oxford: Routledge, 2016). All future references to the text will be in the format: Adams, pages used.

¹¹ Anjuli Fatima Raza Kolb, ‘The 9/11 Commission Report and the Limits of the Bureaucratic Imagination’, in *Post45* (2021) < <https://post45.org/2021/09/the-9-11-commission-report-and-the-limits-of-the-bureaucratic-imagination/>> [Accessed January 2024]

¹² Jay N Shelat, ‘Legacies — 9/11 and the War On Terror at Twenty’, in *Post45* (2021) < <https://post45.org/sections/contemporaries-essays/legacies-911-and-the-war-on-terror-at-twenty/>> [Accessed January 2024]

¹³ Stephen Prince, *Firestorm: American Film in the Age of Terrorism* (New York: Columbia University Press, 2009), p. 2.

¹⁴ Douglas Kellner, *Cinema Wars: Hollywood Film and Politics in the Bush-Cheney Era* (Wiley-Blackwell, 2010).

¹⁵ Marita Gronnvoll, *Media Representations of Gender and Torture Post-9/11* (New York, Oxon: Routledge Taylor & Francis Group, 2010), p. 3.

genre and its relationship to torture. By reading *The Dark Knight* (2008) and the *Inglourious Basterds* (2009) together, this thesis critiques the values and beliefs encoded within the Western and the Superhero genres, extending the scholarship in the field of film and cultural studies to include how experiments with genre conventions can limit/empower anti-torture rhetoric. Contrasting the anti-torture rhetoric of these films with literary novels provides a reflective account of the manner in which genre informs certain types of critique. The research undertaken here compares camera work with narrative techniques, wherever appropriate, to explore the potential of the visual and textual mediums in shaping anti-torture rhetoric.

Justifications for torture can mask the horror of torture and how it is etched on the bodies of prisoners. This is complicated by the difficulties in ethically representing the experience of torture and its impact on its victims, which became visible when the Abu Ghraib photos were released and circulated. These images have been analysed for how they position the torturer and the interrogator to highlight both the difficulty in expressing pain and the relationship of power at work. In contrast, the mainstream narratives in genre and literary novels often engage with torture in terms of its ethics or effects on the torturer, the tortured or the terrorist but are unlikely to self-consciously view representing torture in language as a crisis of representation. Similarly, scholarship on the 9/11 novel is either likely to overlook torture or address the ethics and the justification for torture without fully engaging with the power relations at work in the act of representing the wounded.

The complexity of representing torture in language has not received the amount of attention given to the crisis of representation of the trauma and the spectacular nature of the 9/11 terror strikes. This study in using torture memos, Bush's speeches, two films, and three novels that depict torture and embed the domestic plot in political contexts relevant to the terror strikes brings together the post 9/11 political contexts and the justifications for torture to explore the difficulties of representing the pain of the Othered. Examining novels with respect

to torture allows a nuanced understanding of the political conditions that result in renegotiating values such that violence against particular sections of the population can be enabled. Reflecting on such processes of exclusion will outline the cultural mechanisms through which gross human rights violations are justified and sanctioned. The novels depict affective motivations for torture that are often not considered in the post 9/11 debates on torture. Drawing attention to the role of emotions in forming the rationale for otherwise harmful actions challenges the assumption that the torturer can be an objective, heroic figure who uses calm and tempered reasoning in applying torture techniques, thereby undercutting justifications for it. Undermining the figure of the torturer, on whom the success of torture techniques depends, is crucial for understanding how human rights protections can result in increased national security. This thesis will investigate the affective dimension present in the rational stance assumed by those justifying torture by incorporating affect theory to argue that the responses to the terror strikes were transformed through narrative into particular emotional states, which formed the field of emotional intelligibility that made the justifications for torture more palatable. At this point, it becomes crucial to clarify the meaning of affect before outlining the themes commonly explored by the 9/11 novel and showing how the films and texts selected for the present analysis relate to the genre.

Affect theorists such as Brian Massumi choose to make a distinction between affect and emotion, where affect is the autonomous physical response to the environment whereas emotion is the point where affect enters language. This transition is mediated by cultural and political discourse, and therefore, is affected by ideologies. Both emotion and affect are intensities that, according to Massumi, 'follow different logics and pertain to different orders'. If '[e]motion is qualified intensity, the conventional, consensual point of insertion of intensity into semantically and semiotically formed progressions, into narrativizable action-reaction

circuits, into function and meaning', then affect is a pre-linguistic experience.¹⁶ Seigworth and Gregg understand affect as embodied prelingual impressions.

Affect arises in the midst of *inbetween-ness*: in the capacities to act and be acted upon. Affect is an impingement or extrusion of a momentary or sometimes more sustained state of relation *as well as* the passage (and the duration of passage) of forces or intensities. That is, affect is found in those intensities that pass body to body (human, nonhuman, part-body, and otherwise), in those resonances that circulate about, between, and sometimes stick to bodies and worlds, *and* in the very passages or variations between these intensities and resonances themselves.¹⁷

Affect, then, is understood as intensities that are felt but precede language and emotions. Emotion does not accurately describe the affective experience, rather it is a label that may be attached to a prelinguistic physiological response. These linguistic markers may refer to our affective experiences, but inevitably the process of narrating and naming our physiological responses changes the initial pre-linguistic reaction. Although affect and emotion are different, this research does not insist on making a clear distinction between these two concepts because novelistic style frequently explores the body, gesture, feeling and emotion through the medium of language. Rather than examining the physiological experience of affect that precedes language, this study analyses the relationship between narration and affect by evaluating the emotions that appear in language. Formal experimentations in novelistic style can create a new vocabulary for understanding how affective states are narrated into identifiable emotions and the capacity of such narratives to change the pre-linguistic physiological response. Creative

¹⁶ Brian Massumi, 'The Autonomy of Affect', *Cultural Critique*, 31 (1995) pp. 83-109, (p. 88).

¹⁷ Melissa Gregg and Gregory J Seigworth, 'An Inventory of Shimmers', in *Affect Theory Reader*, ed. by Melissa Gregg and Gregory J Seigworth (Duke University Press, 2010), p. 1.

narrative strategies and playful language have the potential to challenge deeply held ideological convictions that are shaped through the use of emotive language. Thus, examining the process of affective transformations can reveal how ideology provides the meaning to a particular affective experience which can then be drawn on in order to inspire support for a poorly reasoned course of action. This argument notes that at the point where we begin to recognise an emotion and attach a name to it, an ideologically inflected narrative has already begun to form. Given this understanding of affect and its relationship to literary texts, it is now crucial to explore the dominant affective moods generated by the trauma of the strikes present in fictional narratives, as well as public and political rhetoric.

The preoccupations of post 9/11 literature and criticism

A brief outline of the field of fiction and scholarship concerned with 9/11 and its thematic preoccupations with the GWOT and the figure of the terrorist will help in setting up the backdrop in which the crisis in values that ultimately leads to giving the appearance that torture can be a reasonable choice becomes thinkable. The ticking bomb trope forms something of a bridge between the broader concerns of the 9/11 genre and the works analysed in this project. The hypothetical permeates genre fiction, popular films, TV shows, and much of the public rhetoric, and is frequently constructed in such a way that torture is shown to achieve desirable outcomes. The conflict between broad sweeping, abstract values like freedom and tyranny is present in various 9/11 novels that primarily explore the trauma of the terror strikes through the domestic plot. The ticking bomb trope dramatises this conflict and can be used to generate a favourable opinion regarding torture by reducing complex affects to a singular, definitive emotion supporting a decisive course of action, creating the emotionally compelling dimension of the justification for torture. The analysis of the representations of torture in the selected films and texts will reveal how the ticking bomb trope is narrativised, revealing the fictional tendencies present in the hypothetical. In so doing, the study interrupts the processes through

which torture can be viewed as an effective counter-terrorism measure, generating a nuanced interpretation of the ticking bomb trope and revealing the flaws in the justifications for torture.

Various artists, poets, journalists and writers in the aftermath of the terror strikes responded with works that engaged with the theatricality of 9/11 ‘to commemorate the events within recognizable conventions, relying on notions such as heroism, nationalism, and patriotism’.¹⁸ Some of these responses, however, began to question what it meant to represent the events of the attacks. For example, Zadie Smith reflects that she felt ‘[s]ick of trying to pretend, for sake of agent and family, that idea of putting words on blank page feels important’.¹⁹ Aharon Appelfeld, wondered ‘[...] what can one say when what is happening blunts the few thoughts that one has?’ and this spilled into his struggle to continue writing his novel.²⁰ McInerney expresses a similar inability to carry on with the work on the novel he had been writing at the time of the attacks.²¹ Literary critic James Wood declared that the American social novel and hyperrealism will not be sufficient to reflect the reality of post 9/11 America.²²

Jonathan Franzen felt that

[t]he problem of the new world [...] will be to reassert the ordinary, the trivial, and even the ridiculous in the face of instability and dread: to mourn the dead and then try to awaken to our small humanities and our pleasurable daily nothing-much.²³

18 Véronique Bragard, Christophe Dony and Warren Rosenberg, ‘Introduction’, in *Portraying 9/11: Essays on Representations in Comics, Literature, Film and Theatre* (Jefferson, North Carolina, and London: McFarland & Company, Inc., 2011), p. 3.

¹⁹ Zadie Smith, ‘This is how it feels to me’, *Guardian*, 13 October 2001 < <https://www.theguardian.com/books/2001/oct/13/fiction.afghanistan> > [Accessed 21 June 2023]

²⁰ Aharon Appelfeld's contribution to the multi-authored 'Tuesday, And After' (with John Updike, Jonathan Franzen, Denis Johnson, Roger Angell, Rebecca Mead, Susan Sontag, Amitav Ghosh, and Donald Antrim) in *New Yorker*, September 16 2001 < <https://www.newyorker.com/magazine/2001/09/24/tuesday-and-after-talk-of-the-town> > [Accessed 5 October 2022]

²¹ Jay McInerney, ‘Brightness fall’, *Guardian*, 15 September 2001 < <https://www.theguardian.com/books/2001/sep/15/september11.usa1> > [Accessed 5 October 2022]

²² James Wood, ‘Tell me how does it feel?’, *Guardian*, 6 October 2001 < <https://www.theguardian.com/books/2001/oct/06/fiction> > [Accessed 5 October 2022]

²³ Jonathan Franzen, ‘Tuesday, And After’.

The inability to express the trauma of the experience and an urgent need to understand the purpose of writing itself formulates the crisis in representation felt by writers after the strikes. Keniston and Quinn show that post 9/11 literary novels are concerned with ‘what remains unrepresentable about 9/11’ as much as they are ‘about how we interpret and represent 9/11’ and its relationship to constructing the purpose of the GWOT.²⁴ Such an introspective stance has the potential to resist the ways in which the emotionally compelling nature of the strikes can be used for ideological purposes. The refusal to offer a knee-jerk reaction can become an act of resistance towards the affective power of the event. This is not to suggest that there is a straightforward opposition between popular mass-produced novels and literary ones, rather fiction both resisted and reinforced some problematic aspects of the post 9/11 cultural and political discourses. Later works of fiction that self-consciously engage with the terror strikes by re-evaluating the political context to frame the attacks within a longer history of the USA’s interventionist policies abroad challenged the dominant meanings of 9/11. Such interpretations rely on deconstructing those impacted by the attacks as ideal victims and the terrorists as pure evil who must be destroyed. The analysis undertaken here will examine the novel form with respect to affect and its capacity for resisting and reinforcing the dominant narratives of 9/11 and draw out its relationship to representations of torture.

Catherine Morley in her examination of post 9/11 accounts of loss and trauma in fiction ‘identifies a brooding melancholy over the limits of language as a communicative or affective tool’. She notes that there was a tendency of fiction to ‘emphasise the visual’ because ‘the boundaries of literary realism have [had] been altered’. Writers play with literary techniques to create ‘a heightened version of realism in order to accurately portray the realities of post 9/11

²⁴ *Literature after 9/11*, ed. by Ann Keniston and Jeanne Follansbee Quinn (Routledge, 2008), p. 2.

sociocultural and personal landscapes'.²⁵ 9/11 novels rely on the domestic plot to dramatise the affective mood of the period. Arin Keeble engages with the debate on the use of the domestic plot in the 9/11 novels by critically examining the texts in question. Critics like Pankaj Mishra have argued that the domestic setting depoliticises the terror strikes, whereas scholars such as Robert Marzec and John N. Duvall disagree and point out that the domestic plot was used effectively to critique the postwar politics of the 1920s and 1930s and continues to do so post 9/11.²⁶ It is also noted that writers should not be compelled to comment on political issues.

Issues of representation also seeped into the medium of film with directors questioning the appropriateness of using scenes with the Twin Towers shot before the terror attacks. Terrence McSweeney observes that '9/11 was paradoxically both erased from the cinema screens and returned to in film after film'.²⁷ Many 'films were re-shot, re-edited or had their release dates delayed' due to the anxieties regarding audience reactions to plot lines related to terrorism and grandiose action sequences that included blowing up buildings or hijacking planes.²⁸ The TV series *24*, however, represented a terror threat in every episode and was quite successful.²⁹ By 2005, films began using Iraq and Afghanistan as a setting to either reaffirm or critically explore the various problematic decisions made by the Bush-Cheney era government.³⁰ Many works of scholarship on the post 9/11 American cinema, like literary criticism, 're-evaluate what "9/11" and the "War on Terror" have come to mean both to the

²⁵ Catherine Morley, 'Plotting Against America: 9/11 and the Spectacle of Terror in Contemporary American Fiction', *Gramma Journal of Theory and Criticism*, 16 (2008).

<<https://ejournals.lib.auth.gr/gramma/article/view/6440>> [Accessed 21 July 2023]

²⁶ Pankaj Mishra, 'The end of innocence', *Guardian* 19 May 2007<

<https://www.theguardian.com/books/2007/may/19/fiction.martinamis>> [Accessed 03 July 2023];

Narrating 9/11: Fantasies of State, Security, and Terrorism, ed. by John N. Duvall and Robert P. Marzec (Johns Hopkins University Press, 2015).

²⁷ Terrence McSweeney, *The 'War on Terror' and American film: 9/11 Frames Per Second*, (Edinburgh University Press, 2014), p. 2. This text will be abbreviated to McSweeney, *9/11 Frames Per Second*, pages used from this point onwards.

²⁸ *Ibid.*, p. 3.

²⁹ *24*, created by Joel Surnow and Robert Cochran (Fox Network, 2001-2010).

³⁰ Terrence McSweeney, *American Cinema in the Shadow of 9/11*, (Edinburgh University Press, 2017), p. 6. This text will be abbreviated to McSweeney, *American Cinema in the Shadow*, pages used in future references.

people who lived through those years and what they might mean to the generations to come'.³¹ Mark Lacey reflects that cinema plays an important role in renegotiating value systems and accepted modes of behaviour by individuals and states alike.³² Scholars like Grannvolla, who have examined representations of torture post 9/11, often find that TV series like *24* skilfully made torture more palatable. This study examines how such shifts are frequently driven by the heroic code embedded within a particular genre of film. *The Dark Knight* is representative of the superhero genre which, according to McSweeney, represents the 'heroic ideals' of 'western culture'.³³ In contrast, *Inglourious Basterds* questions the heroic code embodied in the Western and the war films. In *The Dark Knight*, the distinction between Batman's desire for revenge and the social need for a fair justice system is blurred such that the desire for one leads to the other. Revenge in Tarantino's films is bloody, chaotic and pleasurable. The two films then present a range of attitudes and values with respect to revenge and its possible critiques through very different uses of cinematic conventions. Compared to *Inglourious Basterds*, *The Dark Knight* has received a lot of critical attention with respect to the GWOT.³⁴ Films like *300*, which differ in setting and the war from the GWOT, have been read for their representations of the anxieties and fears of the post 9/11 world, but *Inglourious Basterds* is not commonly included in discussions of cinema post 9/11.³⁵ The themes of revenge and justice proliferate Tarantino's

³¹ McSweeney, *American Cinema in the Shadow*, p. 5.

³² Mark J Lacey, 'War, Cinema and Moral Anxiety', *Alternatives: Global, Local, Political*, 28:5 (2003), pp. 611-36, (p. 614).

³³ McSweeney, *American Cinema in the Shadow*, p. 16.

³⁴ Will Brooker, 'Dark Knight Lockdown: Realism and Repression', in *Hunting the Dark Knight: Twenty-First Century Batman*, 9I. B. Tauris & Company, Limited, 2012);

Spencer Ackerman, 'Batman's 'Dark Knight' Reflects Cheney Policy', *Washington Independent*, 31 July 2020, (first publ. in *Washington Independent*, 21 July 2008) < <https://washingtonindependent.com/509/batmans-dark-knight-reflects-cheney-policy/> > [Accessed 4 March 2024];

Andrew Klavan, 'What Bush and Batman Have in Common', *WSJ*, 25 July 2008 < <https://www.wsj.com/articles/SB121694247343482821> > [Accessed 4 March 2024];

John Ip, 'The Dark Knight's War on Terrorism', *Ohio State Journal of Criminal Law*, 9:1 (2011);

Brian Hiatt, 'Q&A: Christopher Nolan: The director on the making of the Dark Knight Rises', *RollingStone*, 2 August 2012 < <https://www.rollingstone.com/tv-movies/tv-movie-news/qa-christopher-nolan-187923/2/> > [Accessed 11 March 2024]

³⁵ For example, see: M. Nelissa Elston, 'Xerxes in Drag: Post-9/11 Marginalisation and (Mis)Identification in *300*', *disclosure: A Journal of Social Theory*, 18 (2009) < <https://doi.org/10.13023/disclosure.18.05> > [Accessed January 2024]

oeuvre, and have been examined in a collection of essays on the film.³⁶ Yet, it is relatively rare to find works of scholarship like Andrew Schopp's investigation into Tarantino's 'moral vision' in films like *Inglourious Basterds*, *Django Unchanged* (2012) and *Hateful Eight* (2015) to show how these films do 'not merely satisfy the desire for a "just" ending, but also calls that desire into question'.³⁷ As an alternative history/Jewish revenge fantasy, the film questions the relationship of truth between historical events and the ways in which they are narrativised through its plot line. In so doing, it unsettles the values espoused by Hollywood's heroic narratives.

Later works of literary fiction question how the Bush era administration responded to the terror strikes and how they were depicted, negotiated and understood in fiction. Twenty years after 9/11, journalist and book critic Dwight Garner and literary critic Jennifer Szalai discuss the trends in post 9/11 fiction: the increased rise in the representation of marginalised voices, parody, autofiction, post-apocalyptic fiction and an avoidance of the grand metanarratives.³⁸ These trends are a continuation of the ways in which the form of the novel has been developing in the 20th and 21st centuries. Morley notes that 'far from marking a break in recent literary development, the terrorist attacks of 9/11 made less of an impact on American fiction than we often think'.³⁹ Post 9/11 fiction plays with language and the domestic plot by reusing some aspects of modernist and postmodernist pyrotechnics to represent the unspeakability of the terror strikes. Playing with the form of the novel to write the experience of trauma is rarely a new strategy on its own, however, the films and novels chosen for analysis

³⁶ *Quentin Tarantino's Inglourious Basterds: A Manipulation of Metacinema*, ed. by Robert Von Dassanowsky (New York, London: Continuum International Publishing Group, 2012).

³⁷ Andrew Schopp, 'Getting' Dirty': Tarantino's Vengeful Justice, the Marked Viewer and Post-9/11 America in American Cinema', in *American Cinema in the Shadow of 9/11*, ed. by Terence McSweeney (Edinburgh University Press, 2017) pp. 169-70.

³⁸ Dwight Garner and Jennifer Szalai, 'Dread, War and Ambivalence: Literature Since the Towers Fell', *New York Times*, 3 September 2021 < <https://www.nytimes.com/2021/09/03/books/911-anniversary-fiction-literature.html> > [Accessed 21 July 2023]

³⁹ Catherine Morley, 'How Do We Write about This?: The Domestic and the Global in the Post-9/11 Novel', *Journal of American Studies*, 45.4 (2011), pp.717-731, (p. 717).

challenge dominant assumptions regarding how and why a character chooses torture. The novels use the domestic plot to explore complex geopolitical issues. In this way, the texts and films shed light on the processes through which we are compelled to renegotiate and transform our values in order to oppress marginalised peoples. Reading Bush's speeches, the torture memos and Sam Harris and Dershowitz's defence in Part I provides a useful frame for understanding the post 9/11 political and cultural context.

Some literary narratives were sceptical of language's affective capacity, but Bush's political speeches used narration to move the public in particular ways. Since the attacks, several competing forms of narratives about the GWOT and torture have emerged, each demonstrating a different emotional disposition towards the strikes. The newspapers and televised media within America mostly used government sources and quoted from Former President Bush's 'State of the Union Address' to establish the who, what, when and why of the strikes, whereas newspapers in the Arab world were not surprised that the attacks happened and pointed at the American foreign policy as the reason behind the attacks.⁴⁰ In the ensuing years, *The 9/11 Commission Report* has detailed how national security efforts failed, whereas conspiracy theory narratives have labelled the strikes as an inside job. Richard Jackson notes that the official government account of the terror strikes was not the only explanation and that the strikes could have been framed as 'the "terrorism as crime" narrative [...], counterhegemonic "oil politics" narrative [...], or the "costs of empire" argument [...].'⁴¹ Each account relies on generating a particular affective mood making a certain course of action more likely than another. For instance, a crime does not necessitate a war to be fought overseas and would not have required the invasion of Iraq and Afghanistan. Bush's rhetoric framed the strikes as an act of war like 'Pearl Harbour' making it possible for Cheney to describe

⁴⁰ Ashley Johnson and Vincent Tas, 'The Competing Narratives of 9/11', *Lehigh Review*, 13 (2005).

⁴¹ *The Impact of 9/11 On The Media, Arts, and Entertainment*, ed. by Matthew J Morgan (Palgrave Macmillan, 2009), p. 28.

abstaining from using extreme methods of ensuring national security such as enhanced interrogation tactics/torture as ‘unethical or immoral’. According to Cheney, it was necessary to ‘do everything we could in order to protect the nation’.⁴² This was part of his one-percent doctrine where a 1% chance of occurrence would be treated as certainty. Responses like these feed on public anxiety, deliberately conflating the risk of a terror strike with the certainty that it will happen. Fictional narratives expressed similar feelings towards the attacks. Kristiaan Versluys observes that in popular fiction post 9/11 ‘there is no shortage of novels which express raw outrage and revanchist feelings’.⁴³ These narratives use the attacks as a turning point that changes the attitudes of their protagonists from ‘worldly’ to ‘a religious and pious one and/or from lukewarm citizenship to flag-waving patriotism’.⁴⁴ This move does not allow for exploring the emotional immediacy of the terror strikes and works to use 9/11 for ideological ends. In this way, the terror strikes were thought of as unspeakable, yet they were heavily narrativised.

The impact of this framing is visible in some forms of the criticism of government action. For example, Journalist Denis Johnson, in recognising the flaws of American foreign policy while empathising with those far away, named the ‘two days’ of the terror strikes as ‘war in the biggest city in America’ and compared it with ‘the people who have already seen years like these turn into decades [...]’.⁴⁵ This framing critiques America’s actions abroad, however, it is complicit with the official narrative by interpreting the strikes as an act of war. In a similar vein, John Updike asks, ‘Can we afford the openness that lets future kamikaze pilots, say, enrol in Florida flying schools?’⁴⁶ Likewise, Salman Rushdie concedes that ‘[i]n making free

⁴² Jon Ward, EXCLUSIVE: Cheney defends war on terror’s morality’, *Washington Post* (December 2008) <<https://www.washingtontimes.com/news/2008/dec/18/cheney-defends-morality-of-war-on-terror/>> [Accessed 29 June 2023]

⁴³ Kristiaan Versluys, *Out of the Blue* (Columbia University Press, 2009), p. 141.

⁴⁴ *Ibid.*, p. 142).

⁴⁵ Dennis Johnson, ‘Tuesday, And After’.

⁴⁶ John Updike, ‘Tuesday, And After’.

societies safe – safer – from terrorism, our civil liberties will inevitably be compromised’.⁴⁷ Updike in recalling the memory of ‘[a] Florida neighbor of one of the suspects’ who ‘remembers him [the suspect] saying he didn’t like the United States: “He said it was too lax. He said, ‘I can go anywhere I want to, and they can’t stop me.’”’ marks it as ‘a weird complaint’ that reflects the need ‘to be stopped’.⁴⁸ This suggests that terrorists view freedoms as a vulnerability to be exploited. It embodies the friction between freedom and national security resulting from anxieties about preventing future attacks. Such responses assume that freedom of movement and the openness of multiculturalism made it difficult to prevent the attacks and in doing so frame freedom and pluralism as the victims of the strikes. The conflict of values is visible in the public rhetoric and the works of fiction concerned with themes like terrorism, and it will be challenged in the chapters to follow. The ticking bomb scenario in narratives depicting an imminent terror strike dramatises this very conflict to show what torture can and cannot achieve in times of crisis. The section below will outline how terrorists have been represented in post 9/11 fiction and received by literary critics. The figure of the terrorist underpins the debates that justify torture; thus it is necessary to understand how dehumanisation shapes our imaginations regarding the terrorist as well as recognising the risks of humanising the figure of the terrorist. The questions of ethics raised in the field of literary criticism regarding this figure are relevant and can shed light on the ethics of representing the torturer and the tortured, which will be discussed later.

The figure of the terrorist in post 9/11 narratives

In fiction, politics and popular culture, the relationship between the geopolitical conditions in the Middle East and American foreign policy is recognised for contributing towards forming the motivation for the attacks, however it is not commonly used to imagine the subjectivity of

⁴⁷ Salman Rushdie, ‘Let’s get back to life’, *Guardian*, 6 October 2001 < <https://www.theguardian.com/books/2001/oct/06/fiction.afghanistan> > [Accessed 5 November 2022]

⁴⁸ Updike, ‘Tuesday, And After’.

the terrorist in surprising ways. For example, Martin Amis recognises how ‘an assiduous geographical incuriosity’ has ‘created a deficit of empathy for the sufferings of people far away [...] Americans are good and right by virtue of being American [...]’ and yet this dissolves in a lack of nuance regarding the terrorist who represents ‘[...]an irrationalist, agonistic, theocratic/ ideocratic system which is essentially and unappeasably opposed to’ the West.⁴⁹ The dual characterisation of the terrorist as intelligent enough to plan and execute the attack but still too irrational for intelligible engagement with the West reveals a degree of dehumanisation and a lack of curiosity towards the Other. Likewise, Amis frames the terrorist in *The Last Days of Muhammad Atta* using the familiar theme of a crisis in masculinity.⁵⁰ Amis’s opinions on Islamists, Muslims and the GWOT post 9/11 expressed in the article ‘Age of Horrorism’ and his interviews led to much controversy and allegations of racism.⁵¹ His fiction critiques some aspects of the GWOT and US foreign policy but the figure of the terrorist in his works continues to reinforce racist stereotypes that regard the terrorist as an irrational being. Even though fiction after the strikes expresses ambiguity with regards to the government’s account of the terror strikes and the figure of the terrorist, it continues to rely on similar binaries to express anxieties about the tensions between values such as freedom and tyranny, the rational West and the irrational East and so on.

⁴⁹Martin Amis, ‘Fear and loathing’, *Guardian*, 11 September 2001 < <https://www.theguardian.com/world/2001/sep/18/september11.politicsphilosophyandsociety>> [Accessed 5 November 2022]

⁵⁰ Martin Amis, ‘The Last Days of Muhammad Atta’, *New Yorker*, 24 April 2006 < <https://www.newyorker.com/magazine/2006/04/24/the-last-days-of-muhammad-atta#:~:text=On%20September%2011%2C%202001%2C%20he,his%20abdominals%20used%20to%20be%20%E2%80%A6>> [Accessed 20 July 2023]

⁵¹ Will Lloyd, ‘The War on Martin Amis’, *Unherd*, 11 September 2021 < <https://unherd.com/2021/09/the-war-on-martin-amis/>> [Accessed 13 October 2021];

Johann Hari, ‘The Two Faces of Amis: An Exclusive Interview With Martin Amis’, *Huffpost*, January 2009 < https://www.huffpost.com/entry/the-two-faces-of-amis-an_b_148018> [Accessed 13 October 2021];

John Sutherland, ‘Eagleton v Amis: an academic storm’, *Guardian*, 4 October 2007 < <https://www.theguardian.com/books/booksblog/2007/oct/04/eagletonvamisacademicst>> [Accessed 13 October 2021]

The continuity between the official narratives and some of their fictional variations ensures that the symbolic victims of 9/11 are established both in the literary and political discourses as the American freedom of expression, progress, and Western liberal democratic values, and the terrorist is identified as someone who hides behind the allowances that come with practising the values inspired by these ideas. The fictional representations of the victims and aggressors both recreate and resist the 'Us versus Them' binary as the imagination turns to the figure of the terrorist. Peter C Herman notes that Updike's novel *Terrorist* has either received negative reviews or simply been ignored, though the narrative is a sympathetic portrayal of a terrorist and aims to problematise the 'Us versus Them' binary. Rushdie in *Shalimar The Clown* consciously provides Shalimar, who starts as a clown, with personal motivations for turning into a terrorist. Aslam in *The Wasted Vigil* dramatises circumstances in which characters consciously choose acts of terrorism or are set up to commit forms of terrorism without prior knowledge. In dealing with the themes of terrorism and espionage set in the backdrop of the 9/11 strikes, both of these novels provide useful historical reference points that act as a frame for the terror strikes, while like some 9/11 novels, imagining the subjectivity of the terrorist. The figure of the terrorist, however, in both of these narratives is more concerned with, and driven by, personal motivations such as poverty, failed romance, and their relationship to God. These novels take the domestic plot and add espionage, security and counterterrorism to the mix, showing how characters use torture to resolve the conflict between tyranny and freedom, and fail. Going beyond the immediacy of the terror strikes, the novels take the reader to other moments of historical violence. This compels the analysis of the novels to go beyond the vocabulary of trauma/traumatic representations frequently used in understanding how the post 9/11 fiction responded to the terror strikes.

The field of literary criticism concerned with the representations of the figure of the terrorist recognises the significance of thinking through the ethics of challenging the binary

such that the depictions of the terrorist while condemning the violence also humanise the terrorist. For example, Samuel Thomas critiques ‘the ethical legitimacy of an empathetic approach’ to depicting suicide bombers arguing that ‘the logic that seeks to affirm or deny the humanity of the suicide bomber presents us with a false and treacherous dichotomy’ in which the violence carried out ‘by occupying forces and the deaths caused by suicide bombing can both be rationalised’.⁵² While the stakes of humanising and creating sympathy for violent actions must be critically examined, other forms of representations like those of torture may also create solidarity with the choice of violence. For example, some popular fictional representations of the figure of the torturer, like Jack Bauer in *24*, resonated with audiences despite his heroic/larger-than-life characterisation. Pro-torture justifications, when debating the morality of torture, assume that the torturer will be rational and efficient at extracting information. In such depictions, torture is justified as a necessary means for saving the lives of people. While literary criticism has rightly shown a scholarly interest in examining the ethics of representing terrorists, a similar concern regarding torture has been limited. Adding to the literary scholars who have paid attention to the stakes of representing the figure of the terrorist, this thesis, in examining the subjectivity of the torturer, will question the framing assumptions of the pro-torture justifications. In so doing, the research furthers Thomas’s argument by analysing the motivations of torturers and terrorists, blurring the distinction between ethical and unethical acts of violence by questioning the boundaries between the irrational terrorist and the rational torturer. The thesis examines the extent to which narrative techniques can both humanise the offender and condemn the violence in representations of torture.

⁵² Samuel Thomas, ‘Outtakes and Outrage: The Means and Ends of Suicide Terror’, *Modern Fiction Studies*, 57:3, pp. 425-449 (pp.441-2).

The logic of torture explored in film and text

‘The desire to give back a wound for a wound received is an emotion almost universally felt.’

Anne Burnett in *Media and the Tragedy of Revenge*⁵³

The 9/11 novel has many geopolitical preoccupations, yet torture seems to remain at the margins of these texts. The novels and films chosen for analysis represent torture in greater detail than many of the other texts commonly associated with the genre. Tracing beliefs and attitudes regarding torture in a combination of fictional and non-fictional texts allows an effective critique of the logic of torture by showing how they surface as a function of the genre. Torture was an unfortunate reality of the GWOT and, with an emphasis on genre wherever necessary, this thesis explores the assumptions behind torture through the logic of revenge in culturally significant ways. The research undertaken here will inevitably expand the borders of the 9/11 genre by making a case for including these texts in the corpus.

Alex Adams has paid attention to representations of torture in film and TV and some literary texts. In his book on the torture debate, he points out that the main failure of anti-torture representations post 9/11 has been the tendency to ignore questions about the treatment of the guilty. This project agrees with Adams in that ‘fiction can imagine justice’ and this points to the productive potential of analysing the treatment of the guilty in narratives about torture.⁵⁴ The revenge plot is an example of one of the oldest forms of cultural imagination of justice about the treatment of the guilty. This is evident by the attention paid to the concept of justice in the well-established field of literary criticism with extensive works of scholarship on the Greek Tragedy, the Jacobean, and the Elizabethan amongst others. More contemporary works of scholarship, for example, Kyle Wiggins's text on the contemporary American revenge plot,

⁵³ Anne Burnett, ‘Medea and the Tragedy of Revenge’, *Classical philology*, 68:1 (1973), pp. 1-24.

⁵⁴ Adams, p. 4.

are relatively rare compared to the amount of scholarship on the classical works. Likewise, scholarly works concerned with post 9/11 fiction, film and TV have sometimes referred to the desire for revenge, but a sustained inquiry centred on how affect informs the need for revenge making the justification for torture compelling is necessary for understanding the function of emotions in changing the values that inform our conceptions of justice and human rights. The research undertaken here is concerned with the complex relationship between narrative, the rule of proportionality and the treatment of the guilty in Bush's speeches, Sam Harris's and Alan Dershowitz's pro-torture justifications, *Torture Papers*, examples of popular cinema and literary texts that draw on some conventions of the revenge plot.

Unlike Thomas and Herman, this thesis does not examine the motivations of the terrorist, rather the figure of the terrorist forms the background for creating the affective urgency in which justifications for extremely violent actions can emerge. Both concepts of the rule of proportionality and how satisfaction is constructed in iterations of the theme of revenge are crucial to understanding how this figure of the terrorist is used to justify taking extreme measures against the enemy in a visceral manner. The texts and films chosen for analysis also imply that this is not only about Muslim terrorists and the 9/11 terror strikes, by drawing attention to writers whose identities are hard to pin down, sometimes intentionally. For example, Percival Everett writes fiction that self-consciously problematises categories like African American fiction. Rushdie moved from India to England and then to the States. His fiction has universalist tendencies and tends to represent culture as a melting pot. Following a similar trajectory, Aslam moved from Pakistan to England and his novel also romanticises comingling, through the metaphor of the perfume.

The victim of the torturer is never given any identity in *The Water Cure*. In *Shalimar the Clown*, Rushdie places the torture that Max Ophuls parents experienced post World War II together with those being targeted in Kashmir after the partition. Likewise, in *The Wasted Vigil*,

connections are made between the US-Soviet conflict and the GWOT. Lara's brother, who is Russian, is tortured by Afganistani warlords for sport, her husband Stepan is tortured by Russians as revenge, and Casa the Jihadist is tortured for information. This frees the subject-object relations that frame torture from the specifics of the white subject and the Muslim terrorist, placing it within a wider historical period. The films *The Dark Knight* and *Inglourious Basterds*, likewise, represent the torture of larger-than-life villains, where non-Muslim characters face persecution and the threat of torture. In so doing, the thesis will highlight the role of power in such processes. The Joker in *The Dark Knight* is motivated by the need to create chaos and test Batman's moral compass, rather than religion. Torture, in the *Inglourious Basterds*, takes place in the backdrop of World War II where both the Nazis and Aldo Raine, who is supporting the allies but recruits his private army, use torture and ruthless violence against those who refuse to comply. The theme of revenge emerges in both of these films emphasising the relationship between torture, revenge and justice. Problematic depictions of torture often rely on the torturer to not only save many lives but also be responsible for correcting an unfair justice system. Both of these films take issue with forms of justice carried out through acts of vigilantism, the capacity of torture to reveal the truth, the treatment of the guilty and the inner moral compass of the avenger. Thus, with an emphasis on genre where necessary, the chapters to follow explore how the novels and films selected use various narrative strategies to complicate the view that torture works.

The visual medium of the films complements the textual worlds of the novels. Michael Flynn and Fabiola F Salek argue that '[f]ilm is experienced in an intuitive, erotic, subjective, embodied manner', which lends the medium an immediacy, making representations of torture that are complicit with state sanctioned violence or justify terror problematic.⁵⁵ This thesis

⁵⁵ Michael Flynn and Fabiola Fernandez Salek, *Screening Torture: Media Representations of State Terror and Political Domination*, (Columbia University Press, 2012), p. 5.

draws attention to the extent to which access to the interiority of the tortured and Othered is possible in both mediums and whether this impacts the justification for torture. Flynn and Salek rightly point out that ‘film is a pluralistic medium, one that contains music, dialogue, sound, and narrative’. By asking questions of interiority and access with respect to genre and narrative, this study will show how the modes of narration work together with the medium to create necessity and invite the audience to support or critique the choice of torture.⁵⁶ Picking apart the ticking bomb trope in *The Dark Knight* and the *Inglourious Basterds* will provide a reflective account of how the trope compresses thought and action to titillate, satisfy or disappoint their audiences. In all, the role of the narrative will be highlighted in showing how the representations of torture are bound up with pleasure and depend on the narrative’s understanding of justice and revenge, and how this impacts the ways in which we think about individual and collective forms of agency in times of crisis.

Torture as a violent excess of state power follows what Timothy Melley calls ‘the central contradiction of the Cold War state— that Western democracy can preserve itself only through the suspension of democracy’ where various fictional genres such as the counterterrorism flick, espionage/spy thriller and the Western work out such contradictions within their narrative converting ‘this troubling proposition into a source of public reassurance and even pleasure’.⁵⁷ The revenge plot frequently dramatises this paradox for justifying, in some cases, egregious forms of violence as necessary for restoring the vision of justice upheld by the narrative. The extent to which the narrative strategies employed by the films and texts work to resolve such contradictions or defer the resolution while offering closure, pleasure and satisfaction to the audiences will be analysed in the following chapters.

⁵⁶ Ibid., p. 5.

⁵⁷ Timothy Melley, *The Covert Sphere: Secrecy, Fiction, and the National Security State*, (Cornell University Press, 2012), p. 6.

Adams's work analyses how 'aesthetic realism' is used to represent 'concrete events and actually existing political violence' by those involved in the debate on torture. In contrast, this project emphasises the fictional aspects of documents that produce the real world like the *Torture Papers* and Bush's speeches.⁵⁸ Melley is concerned with how fiction is employed by and overlaps with the democratic state and the covert sphere disclosing state secrets using fantasy in the fiction genre while withholding covert action through redaction in the political sphere, this project argues that all genres of narrative whether non-fictional such as presidential speeches, legal memoranda or fictional such as Westerns, superhero, revenge, literary novels are representative of the need to bestow excessive power to a person in varying degrees. Non-fictional genres like Bush's speeches reflect this in how the war rhetoric genre has evolved to sanction war at the command of the president rather than through truly democratic processes, whereas the honour code in fictional narratives gives the heroic figure the power to restore justice as they see fit. Non-fictional works use rhetorical devices that appeal to emotions like hope, safety, security, and bravery to create the fantasy of a secure state/society, not dissimilar to its fictional equivalents. In highlighting the fiction employed by documents that ascribe to a factual status, this thesis will blur the boundaries between fact and fiction, showing how both can work together to legitimate or critique processes of excessive violence. The attention paid to revenge as a theme rather than a plot type enables navigating through both fictional and non-fictional texts. The rule of proportionality and conceptions of justice can be used in similar ways for creating the framing situations in both genres.

According to Adams, the interplay between cultural representations, policy and real-world action can be complex.

[C]ultural representations are active participants in the production of the political discourses, many of which have their origins not in lived

⁵⁸ Adams, p. 6.

experience or in any form of verifiable evidence but rather in simplistic cultural archetypes or in ideologically inflected fictional ways of framing situations.⁵⁹

In some instances, however, cultural representations can, in fact, directly influence real-world practices. For example, David Dazig notes that

[i]n more than one case [CIA] interrogators turned to television and the movies for inspiration. Lagouranis said that his unit, based in Iraq in 2003, would watch TV programs together and then discuss using the torture technique they had just viewed in the Iraqis in their custody.⁶⁰

In a similar vein, the frame of the situation of real-world instances like the Abu Ghraib photos revealing the torture and human rights abuses in black site prisons can influence the choice of the theoretical tool-kit used in academic discourses concerned with policy, law and cultural studies amongst other disciplines for understanding how torture was sanctioned. For example, the conditions of the prisons and prisoners expressed in the photograph could have influenced the choice of using Agamben's trilogy, which is concerned with camp conditions, sovereign power and states of exception, providing extremely useful concepts for drawing attention to the workings of modern state power. Steven C Caton and Bernardo Zacka read the Abu Ghraib photographs to understand the prison space as 'a nodal point in a security apparatus', which is further used to shed light on how a population was subjected to 'ever-widening sweeps' of arrests, detention and interrogation.⁶¹ Recognising the role of the state is important, especially in instances where, for example, the Bush administration denied institutional responsibility by repeatedly blaming a few "bad apples" for using torture and

⁵⁹ Ibid., p. 3.

⁶⁰ Ibid., pp. 22-23.

⁶¹ Steven C Caton and Bernardo Zacka, 'Abu Ghraib, the Security Apparatus, and the Performativity of Power', *American Ethnologist*, 37:2 (2010), pp. 203-211, (pp. 206-7). All future references to the journal article will be in the format: 'last name of the authors, pages used'.

Donald Rumsfeld downplayed the scale of prisoner abuse in Abu Ghraib by arguing that torture was used in ‘exceptional, isolated’ instances.⁶²

Abu Ghraib, seen through the lens of Agamben's work, forces a rethinking of the concept of "sovereignty." Here, the sovereign is not so much the one who can declare the state of exception, as Carl Schmitt famously suggested, but the one who can encompass that which is beyond its jurisdiction in the form of an exception.⁶³

Democratic states exclude others by claiming exceptional circumstances, but in reality such instances are permanent features of stable democratic regimes. This theoretical insight, prioritises the analyses of institutional and disciplinary structures, leaving the wounded, dehumanised subjects of the photographs at the margins of the discourse. There is little room for creating a path of entry for the wounded, Othered and marginalised into discourses of power as subjects. In this way, the relations of power involved in dehumanisation and torture can be carried into academic discourses critiquing such violent excesses. The significance of the framing situation in academic discourses and popular culture emerges as it becomes clear that linking torture to saving lives and linking torture to human rights abuses produces vastly different effects. The novels and films selected for analysis draw attention to the individual caught within the processes of institutional networks. The logic of the revenge plot relies on demanding an eye for an eye; thus the affect of pain creates the sticky path of justification that results in exclusionary conditions. Elaine Scarry's *The Body in Pain* provides a useful framework to shift the attention away from the institutional and diffuse to the individual. Likewise, Sara Ahmed's conception of affect helps draw attention to the emotions attached to the ticking bomb hypothetical commonly used to justify torture. These theoretical points of

⁶² ‘Iraqi Prisoner Abuse’, in *PBS News Hour*, (PBS, 2004) <<https://www.pbs.org/newshour/show/iraqi-prisoner-abuse>> [Accessed 21 January 2024]

⁶³ Caton and Zacka, p. 209.

reference situate the individual within the complex workings of the disciplinary state apparatuses. The treatment of the theme of revenge in these novels and films allows the research to build on Scarry's analysis that torture is 'a mime of power' to show how it transforms the victim's pain into state power and use Ahmed's concept of affect to challenge the ways in which torture resolves the crisis present in the ticking bomb hypothetical affectively rather than materially, allowing the project to free representations of torture from the affective power of the ticking bomb hypothetical and reveal it to be a desperate measure, often driven by prejudice or carried out for fun. In so doing, this thesis will build on Alex Adams's analysis of representations of torture in fiction, Flynn and Salek's collected essays on screen representations of torture as well as expanding on the current literary criticism on the relationship between torture, language and fiction.⁶⁴

In the field of literary studies, the critical scholarship with respect to representations of torture post 9/11 shows how popular cultural texts, film and TV inform the debate on torture. Adams analyses the interplay between culture, popular representations of torture and the moral debate on torture. Although his work refers to some literary texts and acknowledges the difficulties in expressing pain, the examination of the role of novels in challenging the dominant positions in this debate has not been explored to fully understand the impact of affect in shaping attitudes towards torture. This study extends Adams's insights to include the effect of narrative mediation on processes of humanisation and dehumanisation at work in representations of torture in literary fiction by analysing novels in-depth. The three novels are written by non-white writers who have chosen to represent violence and conflict in other parts of the world such as Afghanistan and Kashmir while referring to 9/11 indirectly. In so doing, these narratives reframe the terror attacks and the use of enhanced interrogation techniques as

⁶⁴ Isabel Capeloa Gil, 'Fragile Matters: Literature and the Scene of Torture', *New German Critique*, 127 (February 2016), pp. 119-140.

a part of the wider geo-political landscape. The chapters in Part II analyse the anti-torture rhetoric that emerged after the human rights abuses under the Bush-era administration became public with the release of the Abu Ghraib photos in April 2004. The novels do not refer to the photos but depict explicit torture scenes. These have been analysed to understand the extent to which such representations pose a challenge to the pro-torture position that became thinkable during the post 9/11 period.

Adams's work is also concerned with the project of humanising the tortured and the torturer. Drawing on Levinas's use of the metaphor of the face, he highlights that the encounter with the Other must involve the recognition of the human in the Other. This humanised mode of relationality is to challenge the discourses on counterterrorism that view the Other as an object that can be annihilated in the pursuit of 'acquisitive knowledge'. Thus, '[t]he face carries compassionate potential; successful representations of it can stir a recognition of the human in spectators broadening this field of intelligibility' to include a 'different mode of address and engagement'. Following Butler, Adams shows that 'some discourses posit limitations to the definition of the complete, grievable, politically legitimate human subject, and those accused of terrorism [...] fall outside this demarcated zone'. In so doing, he acknowledges 'the chauvinism in [Levinas's] work' and highlights how it is entirely possible to look for 'what we already know' in the face of the Other. Building on Adams's theoretical framework by including Sara Ahmed's notion of 'likeness' to analyse how affects work to align people against Others by constructing similarity that necessarily obscures, erases or ignores differences, the study argues that such suppression of difference is embedded in the liberal politics of inclusivity and shows that relationships of power are at work in otherwise peaceful interactions with Othered populations.

Following Agamben, Adams notes that the metaphor of the face also holds the potential to obscure, reduce and undermine the humanity of the Other because of 'the equivocal and

unstable nature of representations of the face, and their ready availability to appropriation and trivialisation by consumer imagery, political propaganda, and pornography'.⁶⁵ The subject position of the wounded and Othered bodies will impact the degree of dehumanisation they experience in political and cultural discourses. Even if the political position of the wounded and Othered is not considered, Elaine Scarry has argued that the wound on its own can obscure the personhood of the person in pain, thereby excluding their pain from visibility in discourse. Thus, the wound's potential for dehumanisation coupled with the cultural and political processes of objectification underpin the urgency of the need for representations of torture to be sensitive to the ethical implications of depicting the tortured, wounded and Othered bodies. Thus, representational strategies must contend with discourses of counterterrorism that treat the Others as insignificant when compared to the value of the knowledge that can be taken from them.

To this end, the ticking time bomb hypothetical shapes the project and is read with and against the theme of revenge that runs through the entire thesis. Using Scarry and Ahmed, the research undertaken here examines Bush's speeches and torture memos highlighting how oppositions like freedom and tyranny, thought and action work to construct the urgency that is felt affectively, justifying the consideration of extreme options like necessitating the suspension of democracy in order to preserve national security or torture. In fiction, this core ideology is dramatised as the need to break the law in order to uphold it. The films play a central role in understanding the impact of genre and the ticking bomb hypothetical in both questioning and reinforcing the assumptions of the justifications for torture. This broad range of genres shares the key assumption that a person with excessive power, that is, the president, the torturer or the

⁶⁵ Adams, pp. 37-39.

hero, will be able to use it to uphold justice. When read against one another, the assumptions made by the conventions of each genre are undone.

The novels and films selected for analysis, furthermore, represent torture in ways that are not present in the 9/11 genre. The debate on the validity of the domestic plot is possible only because these novels are not discussed as much within the genre, even though they are widely acknowledged for their references to the terror strikes. They use the domestic plot effectively because the home is located outside the United States, and as Nadeem Aslam would put it, more likely to be affected directly by politics. The narratives share much of the formula with the 9/11 novel. In that, they are about marriages, divorce/separation and assault on a family member. *The Water Cure* stands out in this selection because it is about a home in the United States, yet the narrative leads to torture rather than the resolution typical of the 9/11 genre. The use of postmodern narrative strategies and the disconnection between torture and guilt draws attention to the problems with using and justifying torture in a moment of crisis. To effectively critique justifications and representations of torture, the thesis moves from analysing examples of pro-torture justifications to visual and textual depictions.

Chapter 1 questions the premises of the utilitarian argument for torture by analysing examples of torture success stories used by Sam Harris and Alan Dershowitz to advocate torture in exceptional circumstances. Both Harris and Dershowitz explore the ticking bomb hypothetical to make their case for torture by using real-world examples of torture success stories which do not hold up to scrutiny. This move draws on the affective power of the terror strikes to entertain the idea that torture may be beneficial in some instances. Building on Darius Rejali's insights on the negative impact of torture, this chapter argues that torture may be worse than doing nothing.

Chapter 2 recaps Scarry's work on unpicking the opposition between thought and action in the context of nuclear warfare and uses it to explore how affects create the urgency associated both with the ticking bomb hypothetical in torture debates and tropes in fictional scenarios. By linking Ahmed's concept of affect with Scarry's explanation that torture is a 'mime of power', this chapter elaborates on how torture resolves the crisis introduced by the ticking bomb trope emotionally. In a close reading of Bush's speeches and *Torture Papers*, the chapter shows a series of affective transformations that result in reading pain as power in the interrogation room. Drawing on Ahmed allows the thesis to explore pain as intersubjective, and therefore, something that can be communicated. Analysing the affective complexity of pain permits partial sharing of the felt experience of pain. Understanding pain in this manner opens up ways in which we can look for pain in discourses where it may have been disguised as power, creating a path for the entry of the pain, injury and woundedness of those who have been Othered. Using the examples of how prisoners have described torture, the chapter imagines the manner in which an analysis of the available vocabulary about torture, pain and counterterrorism discourses can enable the entry of the wounded, injured and Othered bodies of those who are the invisible subjects of these discourses.

Covering the ethics of representing torture in film, Chapter 3 analyses the politics of 9/11 cultural discourse by exploring the anti-torture rhetoric in *The Dark Knight* (2008) and *Inglourious Basterds* (2009), placing these films with the analysis of scholars like Alex Adams, Michael Flynn and Fabiola F Salek, Stephen Prince and Douglas Kellner who have taken issue with on-screen representations of torture. These studies highlight the rise in on-screen depictions of torture after the terror strikes, the heroism associated with the abhorrent practice and acknowledge the spectacular nature of violence. The chapter, in interrogating the politics of anti-torture rhetoric in popular culture, adds to this field of scholarship by arguing that even when the films overtly go against torture or refuse to use it, some acts of violence that rely on

asymmetrical relations of power are justified. In contrast, depictions of torture can be shown to work and critiqued at the same time. Picking apart the revenge plot, the interplay between genre and anti-torture rhetoric is explored to ascertain whether the rule of proportionality used in the films creates the emotional intelligibility present in the justifications for violent acts broadly and torture specifically. The dramatisations of the ticking-bomb scenarios in *The Dark Knight* and *Inglourious Basterds* are analysed to show how the hypothetical pitches thought against action, justifying excesses of power like surveillance and torture.

Part II explores how literary novels respond to the anxieties and fears of the post 9/11 cultural and political discourses. Chapter 4 on Everett's *The Water Cure* questions the treatment of the guilty by complicating the relationship between guilt and justifications for revenge. The ethical code of the Western genre sustains the opposition between thought and action because the hero knows what constitutes justice affectively and refuses to verbalise it. Everett in mixing high modernist style, indeterminacy and popular revenge genre tropes in the novel makes it difficult to connect Reggie's torture with the crime, that is, the brutal murder of Ishmael's daughter. In this way, the novel exploits the victim-perpetrator position to critique values espoused by the Western hero. This challenges the revitalisation of the values associated with Western mythologies in the post 9/11 political discourses. Subverting the conventions of the Western genre allows the ethical complications of choosing violence to resolve a wrong to come to the surface. The absence of justification is able to interrupt the transformation of shock of the loss/wrong into the desire for revenge. Disrupting this relationship allows the novel to question the values that drive this relationship, ultimately allowing it to critique the renegotiation of values that became possible after the terror strikes.

Chapter 5 examines torture as an instrument of state-sanctioned violence in Rushdie's *Shalimar the Clown*. In the novel, pleasure and pain are bound up in the characters' reasons for resorting to torture. This conflation between the two is undercut by the narrator's satirical take

on the characters' motivations for inflicting pain. Building on this, the figure of the torturer is examined by conducting a detailed analysis of Hammir, an Indian Army Officer in Kashmir, Kashmira, Max and Boonyi's daughter, and Shalimar, Boony's spurned husband. Expanding upon Sara Ahmed, this chapter shows how Hammir's circular reasoning regarding the use of torture was cemented by his affective orientation towards the Othered. Showing the motivations of the torture allows the analysis to question the assumptions made about the figure of the torturer, undermining the emotionally compelling nature of pro-torture arguments. Using real-world examples of how the withdrawal of human rights protections worsens the intelligence gathered, the argument problematises the straightforward relationship between withdrawing protections and increasing national security. Building on this, the narrator satirises Kashmira and Shalimar's pleasure at the Others pain undermining the genre convention of providing justifications for causing pain in the revenge plot. The use of focalisation in the narrative demonstrates the role of narrative in showing both Hammir and Kashmira's pleasure at torture and the narrator's critique of it. This helps make the problematic reality of seeking enjoyment through torture as well as opening up the readers to empathically imagine the pain experienced by the wounded, hurt and tortured victims. Comparing the novel's torture with real-world instances/examples, the chapter demonstrates that human rights protections and national security concerns do not have opposing aims.

Chapter 6 explores the creative possibilities of language to express pain and affect's capacity for reorientation through a detailed analysis of character and plot. In comparing David, Casa and James's decision to choose torture, suicide bombing and other acts of violence, this chapter highlights the ways in which secular and religious forms of violence are similar. In the novel, the figure of the terrorist and the spy/secret agent are both actors who resort to violence, yet in the post 9/11 political and cultural discourse one is viewed as more heroic than the other. In so doing, the reading challenges the attachment of hatred to the figure of the

terrorist. Aslam's starting question about the consequences of Western interventionism in Afghanistan during the US-Soviet conflict in 1989 reframes the terror strikes. In the novel, all of the characters suffer due to the GWOT. The chapter argues that Casa, the Jihadist might be the lost grandson of Marcus, a village doctor in Afghanistan. Reading a jihadist Casa as Bihzad, Marcus's lost grandson, complicates the attachment of hate to the figure of the terrorist. Casa's loss of memory of his mother Zameen reveals how cultural erasures benefit both the American neo-imperialistic ambitions and Islamic fundamentalism. In the novel, the extent to which the addressee of pain is able to draw a relationship of 'likeness' between themselves and the person in pain impacts whether they intervene to stop the pain. Examples of how other characters respond to Casa's pain in the narrative explore this connection. This reading shows the extent to which power relations determine how the Other, who is being aided through liberal acts of charity, is included in discourses of knowledge. The novel proposes knowledge as a solution to Casa's resolution to be a suicide bomber. Still, Marcus and David do not attempt to share this knowledge with Casa when they encounter his beliefs. This representational strategy constructs a false opposition between knowledge and violence/passion, neglecting how political discourses are used to justify secular forms of violence. Analysing the extent to which this reading makes Casa's life grievable sheds light on the extent to which grievability and justice are interlinked and dependent on the subject position of the person.

Chapter 1: The Tortured Debate

The debate on torture sparked after 9/11 is interdisciplinary and spans a wide range of fields such as law and cultural studies.¹ The pro-torture positions often acknowledge the unreliability of torture as a method for gathering information, however, they seem to weigh this against the belief that taking some inefficient action like torture to save millions of lives in exceptional circumstances such as a ticking bomb scenario is better than doing nothing. The anti-torture arguments tend to counter this by addressing the inefficiency of the method, the negative impact on the prisoner and the interrogator and the degeneration and corruption of governmental institutions. Evaluating Sam Harris's and Alan Dershowitz's pro-torture arguments, the limitations of using the ticking bomb hypothetical for justifying torture will be outlined later in the chapter.

When the morality of using torture was being discussed in public discourses with respect to al Qaeda detainees, torture was also becoming a popular plot device in film and TV. The collection of essays edited by Michael Flynn and Fabiola Salek examines the shift in how torture was represented on screens after the 9/11 terror strikes by analysing film representations until 2010. Their work argues that post 9/11 cultural representations reflect a shift in attitude towards torture from a mostly unfavourable option to a mostly favourable one.

¹ For more see: David Hope, 'Torture', *The International and Comparative Law Quarterly*, 53:4 (2004), pp. 807–32;

Paul D Kenny, 'The Meaning of Torture', *Polity*, 42:2 (2010), pp. 131–55; Einolf, pp. 101–21;

Alex J Bellamy, 'No Pain, No Gain? Torture and Ethics in the War on Terror', *International Affairs (Royal Institute of International Affairs 1944-)*, 82:1 (2006), pp. 121–48;

Jan De Vos, 'Depsychoologizing Torture', *Critical Inquiry*, 37:2 (2011), pp. 286–314;

Adil Ahmad Haque, 'Torture, Terror, and the Inversion of Moral Principle', *New Criminal Law Review: An International and Interdisciplinary Journal*, 10:4, (2007), pp. 613–57;

Jason Middleton, 'The Subject of Torture: Regarding the Pain of Americans in Hostel', *Cinema Journal*, 49:4, (2010), pp. 1–24;

Michael Aaron Kerner, *Torture Porn in the Wake of 9/11: Horror, Exploitation, and the Cinema of Sensation*, (Rutgers University Press, 2015).'

The torturer is represented as a messianic figure, or at least a serious man, whose administration of “world-destroying” pain is righteous and even necessary [...] The torture victim’s bodily pain is presented as an essential and beneficial quality, intrinsic to the restoration of social and political order, the saving of “innocent” lives. In many of these films torture is a spectacle in which the film goer empathizes with the torturer, not the victim. The torturer is transformed from the war criminal into a benevolent “outlaw”, one willing to transcend the law to save civilisation.²

This representational strategy offers a persuasive justification for torture by highlighting the exceptionality of circumstances while overlooking the pain of the victim. As the larger debate on torture challenged the previously taboo status of torture, torturers in on-screen representations transitioned from being the villains to the heroes marking a shift in the idealised values of the time. These narratives often dramatise the conflict between human rights values or American values and the safety of the population where torture could alleviate the threat posed by the enemy. Often choosing to respect the human rights of the prisoner is associated with increasing the risk of the loss of millions of lives, whereas violating the prisoner would have decreased such a risk. Such a representational strategy portrays the laws that protect human rights as an obstacle that needs to be overcome in order to ensure the safety of the community. Dramatising torture as an acceptable option under emergency conditions without entertaining questions of ethics serves to undermine the taboo associated with the choice. Portraying torture as a realistic and unproblematic option involves renegotiating the values of American society such that it becomes possible for a heroic individual to undermine protecting human rights and still be portrayed as a likeable character.

² Flynn and Salek, p. 11.

Since the publication of the aforementioned scholarship, there has been a deliberate attempt at including anti-torture positions in some popular films such as *Prisoners* (2013), which revolves around the torture of a man responsible for kidnapping, and *The Report* (2019), which serves as a critique of the torture that happened in black sites.³ These representations often depend on arguing that torture does not work. This position challenges the notion that torture is a defunct method of gathering evidence, but it does not fully address the ticking bomb scenario commonly used to justify torture as the last resort. In contrast, films like *Zero Dark Thirty* (2013) continue to perpetuate the myth that torture works.⁴ The anti-torture rhetoric most commonly circulated in popular culture fails to critique the power relations that legitimise the practice of torture in the first place. Denouncing torture on grounds of inefficiency is not sufficient to address issues like racism and dehumanisation. Dehumanisation is a consequence of the asymmetric power relations that separate those who are likely to be tortured from those who will not be violated. To challenge this asymmetry, it is important to undo the work of objectification. For example, Alex Adams points out how representations of torture need to address the abhorrent treatment of individuals:

Narratives can create empathy with perpetrators and victims of torture, which have the potential to undo the dual dehumanisation of the parties involved in torture and to allow audiences to approach a thorough rejection of torture at once affective and intellectual, at once deontological and utilitarian. Torturers should not be understood as charismatic, neither heroic nor demonic, and victims should be humanised and the useless and unjustifiable nature of their physical suffering should be foregrounded.

³ *Prisoners*, dr. by Denis Villeneuve (Warner Bros. Pictures, 2013);
The Report, dr. by Scott Z. Burns (Amazon Studios, 2019).

⁴ *Zero Dark Thirty*, dr. by Kathryn Bigelow (Sony Pictures, 2012).

Thus, a critique that continues to undermine torture on grounds of efficacy, institutional corruption and legality without considering the ethics of representation can fail to sufficiently humanise the torturer and the tortured, which is necessary for challenging the relations of power at work.

Flynn and Salek observe that audiences find pleasure and fascination in torture scenes in films whereas Adams argues against the moral principles that account for the pro-torture position while acknowledging that the torture scene is powerful because it is ‘emotionally bold’.⁵ In the world of policing, detention and counterterrorism, measures that depend on racial profiling to legitimise domination over a racial Other might produce pleasure for those who detain, question and violate them.⁶ The ways in which race, pleasure and islamophobia intersect to produce neo-colonial hierarchies are beyond the scope of the thesis. However, this study creates a dialogue between the present scholarship on representations of torture by showing how the indefensible nature of torture works only affectively to legitimate violence against entire populations, making it necessary to analyse how emotions shape our thinking about torture. Drawing out the paradoxical relationship between the emotional intelligibility of torture as a last measure and its failure as a method of gathering information by analysing the political contexts in which this dynamic unfolds will undercut pro-torture justifications. The anti-torture stance of the texts chosen for analysis in the chapters to follow shows how power relations that produced torture might continue to seep into anti-torture rhetoric both in popular cultural and literary representations of interrogation scenes.

⁵ Adams, p. 32.

⁶ The vast and complex dynamics of racism, islamophobia and unfair detention is an adjacent field of investigation. Works in this field range from cultural representations to studying police bias. For more see: Emily Dubosh, Mixalis Poulakis, and Nour Abdelghani, ‘Islamophobia and Law Enforcement in a Post 9/11 World’, *Islamophobia Studies Journal*, 3:1 (Fall 2015), pp. 138-157; Brian J Phillips, ‘Was what happened in Charleston terrorism?’, *Washington Post*, 18 June 2015 <<https://www.washingtonpost.com/news/monkey-cage/wp/2015/06/18/was-what-happened-in-charleston-terrorism/>> [Accessed 24 January 2023]; Caroline Mala Corbin, ‘Terrorists Are Always Muslim but Never White: At the Intersection of Critical Race Theory and Propaganda’, *Fordham Law Review*, 86:2 (2017), pp.454-485.

Adams's work outlines 'the field of intelligibility' that 'makes the post-9/11 torture debate possible'.⁷ He argues that within this discourse torture cannot be justified on either deontological or utilitarian grounds. Following Adams, this thesis shows that any justification for torture on deontological or utilitarian grounds is based on the premise that torture has some utility as a last resort for gathering information. Any debate on the morality of torture in the context of information gathering must accept the idea that torture can help save lives before discussing the moral consequences of legitimising torture. Since the body of evidence on torture and interrogation tactics suggests that torture is worse than normal interview practices, the redundant debate on the morality of torture will not be touched upon.⁸ However, Adams's work continues to be relevant because he marks out the discourse in which torture becomes thinkable. The present research will contribute to the scholarship in the field by showing the limits of this discourse by outlining inconsistencies in torture success stories reported in the media and quoted by those advocating for torture. Torture does not work as expected by the proponents of torture, thus there is no need to justify the abhorrent practice on moral grounds. Building on Darius Rejali's reflective account of torture, this project will reiterate the negative effects of torture not only on the prisoner but also on the interrogators. Given that countries share intelligence, it has become necessary to stop torture globally.

In the moral debate, the ticking bomb hypothetical which also functions as a popular cultural trope is used to construct a dilemma requiring torture. In so doing, the thought experiment seems to reduce the complex task of interrogation to a few factors that become the subject of the fictional scenario, thereby reducing the complexity of the problem at hand. The ticking bomb hypothetical, as observed by Adams, became real grounds for the justification of

⁷ Adams, p. 5.

⁸ Darius Rejali, *Torture and Democracy*, (Princeton and Oxford: Princeton University Press, 2007). All future references to this text will be abbreviated to the author's last name followed by the pages used.

torture, thus it is pertinent to reflect on how the hypothetical impacts reasoning about torture.⁹ Pro-torture commentators overlook negative outcomes possible in the scenario while highlighting the potential for a positive result. Hence, a choice that might seem compelling in the hypothetical becomes exactly the wrong choice when real-world factors are included. In the debate on torture, the hypothetical dilemma performs similar functions to the trope in fiction: it increases the stakes and creates the illusion of urgency demanding immediate action. Given the circumstances, the interrogator has no choice but to torture or risk catastrophe, however in fiction, catastrophe is not always prevented. Regardless, the use of the hypothetical for thinking about torture as a political or moral dilemma overlooks the scenarios where some losses occur, but it is common in fiction for the catastrophe to be averted. Most importantly, the stakes represented by the scenario are articulated incorrectly as the choice between torturing one (or a small number of) prisoners and allowing the loss of millions of lives.

As mentioned earlier, this range of choice was frequently dramatised in popular film and TV representations of torture post 9/11. For example, in the popular TV show *24*, in nearly every episode, Jack Bauer tortures one or more guilty prisoners to save millions of lives. In such representations, pitching the suffering of a few certainly guilty prisoners against the suffering of millions of definitively innocent people seems to offer the justification for torture on utilitarian grounds. Viewers often feel more averse towards torture when it happens to innocent people, thus the prisoner's guilt is as significant as the threat to millions of lives for undermining any resistance towards the torture used. While this decision makes sense in the hypothetical and aligns with our innate sense of justice, it does not translate into real-world situations where torture usually does not produce information quickly and leads to indiscriminate abuse of people. According to research on interrogation tactics, the preference for violence when guilt has been determined does not change when the prisoners' level of

⁹ Adams, p. 23.

cooperation increases.¹⁰ Thus, once torture has started, it is likely not going to stop due to compliance.

The ticking bomb hypothetical assumes that the torturer will inflict pain accurately and the prisoner will readily provide information to avoid pain. Sara Ahmed theorises that affects in general are best understood as unruly objects. For example, we cannot measure pain effectively using scientific tools. In reducing the reality of the tortured prisoner to that of unimaginable pain, the interrogators not only risk the prisoners' lives but also increase the likelihood that the prisoner would become unconscious, and their potential knowledge could slip beyond the torturer's reach. The torturer can only apply pain and control the prisoners' bodies, but they cannot dictate the prisoners' responses completely, thereby potentially, losing the prisoners to unconsciousness, causing lapses in memory and loss of language. The affective experience of the pain of the prisoner always exceeds the torturers' absolute control. Thus, the power dynamic between the torturer and the tortured or the subject and the object from whom knowledge has to be abstracted is disrupted by the affective experience of pain.

Darius Rejali explains how infliction of pain is a complex and unpredictable task. He quotes instructions for torture from various interrogation manuals such as KUBARK to show the contradictory nature of the recommendations. The manuals inform the interrogators that torturing the prisoner immediately 'enhances pain tolerance', however '[i]f an interrogatee is caused to suffer pain rather late in the interrogation process and after other tactics have failed, he is almost certain to conclude that the interrogator is becoming desperate'. Rejali uses prisoner interviews to demonstrate that if torture is used as the first technique, the prisoners

¹⁰ Laurence J Alison, Emily Alison, Geraldine Noone, Stamatis Elntib, and Paul Christiansen, 'Why Tough Tactics Fail and Rapport Gets Results: Observing Rapport-Based Interpersonal Techniques (ORBIT) to Generate Useful Information From Terrorists', *American Psychological Association* (2013); Aldert Vrij, Christian A Meissner, Ronald P Fisher, Saul M. Kassin, Charles A Morgan III, and Steven M Kleinman, 'Psychological Perspectives on Interrogation', *Perspectives on Psychological Science*, 12:6 (2017), pp. 927-955.

would simply get accustomed to the pain and if it is used as a last resort the prisoners' motivation to hold onto the information would increase. Thus, neither of these options would yield the results torture is expected to in a ticking bomb scenario. Torture requires the interrogator to test the prisoners' subjective responses to pain.¹¹ In contrast, the representations of torture often assume that torture is fast, and therefore, can be used during the ticking bomb scenario when the torturer does not have sufficient time to employ due process. The assumption that this time limit leaves no room for thinking about humane treatment or due process necessitating torture is dubious since torture also entails a lot of thought and planning. In contrast, TV writers Jacob Epstein and Jeff Pinkner in an exchange with David Dazing revealed that in fiction torture functions as 'a convenient dramatic device' meant to move the story forward swiftly. Many writers 'simply don't have the time to write complex scenes where an interrogator and a prisoner build rapport'.¹² The ticking bomb hypothetical conflates this problem of writing a complex interrogation scene involving rapport building in a forty-two-minute episode without losing the interest of the audience with the difficulties of real-world interrogation practices.

The pro-torture arguments are willing to take the chance that the victim may give actionable information, thereby preventing the attack. To entertain this scenario, let us consider that the prisoner is the terrorist who has worked hard to ensure that a bomb goes off killing a large number of people. The terrorist knows when the bomb will go off and they have been caught hours or a few days before the planned attack. Would they be motivated to abandon their commitment to these goals because of torture when they are so close to meeting their objectives? It is also well known that pain has a subjective dimension that cannot be measured in a standardised manner, thus there would be no guarantee that when the torturer inflicts pain

¹¹ Rejali, p. 452.

¹² David Dazing, 'Countering the Jack Bauer Effect' in *Screening Torture*, ed. by Flynn and Salek, p. 27.

the prisoner will not lose consciousness or die. The reality of torture differs starkly from the ticking bomb scenario. For example, Adams shows that

[...] most torture takes place in prisons or other carceral spaces, and is performed by police agencies – operated by state forces or by private contractors on their behalf – in conditions of routine disciplinary extremity. This, I posit, is the reality of most political torture perpetrated by democracies, rather than the emergency, limit, or exceptional situations seen in many cultural interventions in the torture debate. In particular, GWOT torture takes place in a constellation of black sites – secret prisons – and never in situations that can be described as ticking bomb scenarios.¹³

If torture occurs in black sites for months and years, then the ticking bomb hypothetical is irrelevant for discussions regarding torture. For example, Khalid Sheikh Muhammad (KSM) was in CIA custody for approximately three and a half years.¹⁴ This period is certainly not associated with torture in a time-sensitive situation. The ticking bomb scenario often pitches humane treatment against torture; one – bureaucratic, unnecessary, long-drawn-out, laborious and simply unachievable in a short period, and the other – expedient, efficient, necessary and advantageous. The ticking bomb scenario grossly misrepresents the slow process of torture, the reality of interrogations and everyday life. For example, arranging the flight schedule and the logistics of taking prisoners from one black site to another during the GWOT would have taken scheduling, coordinating and transportation. The collaboration with outside contractors, security at prison bases and concerns regarding torture methods would have all required a great number of hours to plan and execute. If a bomb is about to go off and the interrogator is the last one to find out, then the state has already failed in its duty to protect its citizens. Thus, in

¹³ Adams, p. 48.

¹⁴ ‘KSM’, *The Rendition Project* <https://www.therenditionproject.org.uk/prisoners/khaled-sheikh-mohammed.html> [Accessed 24 July 2023].

the real world the hypothetical is simply outlining this failure. While the fictional use of the trope is not obligated to reflect this truth, works of non-fiction debating the morality of torture should be questioning its premise and thinking about interrogation practices, our capacity to tell the difference between truth and lies, the challenges involved in interviewing a radicalised prisoner amongst other issues faced by intelligence officials daily. Torture stops being the only expedient option for finding time-sensitive information when all the drawbacks of using it are accounted for. Yet, facts regarding torture are completely ignored by pro-torture commentators.

Alan Dershowitz crafts the compelling hypothetical:

Several weeks before September 11, 2001, the Immigration and Naturalization Service detained Zacarias Moussaoui after flight instructors reported suspicious statements he had made while taking flying lessons and paying for them with large amounts of cash. The government decided not to seek a warrant to search his computer. Now imagine that they had, and that they discovered he was part of a plan to destroy large occupied buildings, but without any further details. They interrogated him, gave him immunity from prosecution, and offered him large cash rewards and a new identity. He refused to talk. They then threatened him, tried to trick him, and employed every lawful technique available. He still refused. [...] The simple cost-benefit analysis for employing such nonlethal torture seems overwhelming: it is surely better to inflict nonlethal pain on one guilty terrorist who is illegally withholding information needed to prevent an act of terrorism than to permit a large number of innocent victims to die. Pain is a lesser and more

remediable harm than death; and the lives of a thousand innocent people should be valued more than the bodily integrity of one guilty person.¹⁵

Here, Dershowitz describes a real-life scenario that shares the time constraint of the ticking bomb trope in fiction and the structure of the time-bomb dilemma in ethics. When torture is used with the ticking bomb trope, it works to produce actionable information in most films and TV shows and continues to carry this fiction into Dershowitz's construction of the hypothetical. Torture breaks the pressure imposed by the ticking bomb trope transforming negative affects such as fear and anxiety into positive ones of safety, security and closure. Whether or not our exposure to genres of fiction where torture diffuses the bomb sets us up to expect that torture will work, genre constrains the range of possible outcomes for the prisoner, the interrogator and the victims in fiction. When the pro-torture debate draws on the hypothetical, it often repeats this straightforward use of the trope to justify torture using utilitarian principles. Dershowitz's use of the hypothetical also leaves out the possible ways in which the trope could have been subverted in fiction. This is not to suggest a straightforward relationship between fictional uses of the trope and non-fictional uses of the hypothetical, but rather that the purpose of the argument can potentially determine the aspects of the ticking bomb scenarios recounted in the pro-torture commentary, leading to the negligence of other possible outcomes. Chapter 3 will show how in fiction the overall purpose of the narrative and its vision of justice determines what happens in the interrogational setting. Dershowitz also relies on the guilt of the suspect to justify torture. In the book, he refuses to scrutinise the quality of information provided under torture and pays more attention to torture success stories, which will be addressed later in the chapter.

¹⁵ Alan M Dershowitz, *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* (New Haven: Yale University Press, 2002).

Dershowitz completely ignores the realities of effective interrogation methods by reminding his readers that Moussaoui was caught in August 2001 and if he refused to cooperate then torture could have led to some information regarding the 9/11 attacks thereby preventing them. Dershowitz is correct in stating that if Moussaoui had revealed the planned terror plot, it is likely that the strikes could have been prevented. However, he is mistaken in assuming that usual interrogation tactics would have failed where torture would have succeeded. Moussaoui was never tortured but findings from Rejali's study on torture, along with research on harsh interrogation tactics and *The Senate Committee Intelligence Report on Torture*, reveal that prisoners are likely to cooperate when interrogation practices use rapport-building, whereas they tend to either refuse information or say what they think the interrogator wants to hear during torture.¹⁶ Thus, it is possible that Moussaoui would have decided against providing information when normal interrogation methods were used, however it is more likely that he would have either refused to cooperate or provided bad intelligence if torture had been employed. The poor information would have produced more leads for the intelligence operatives, making it harder to stop the attacks.

The court transcripts of Moussaoui's trial reflect the extent to which he believed that the US was his enemy. For example, he rejects representation by his attorneys because they are American and declares that he is 'a sworn enemy of you. You, you, you, you, for me you are enemy. And your own commander in chief says he want to launch a revenge against terrorists'.¹⁷ Hence, Moussaoui is the recalcitrant prisoner the torture debate wants to break in the interrogation room. Even if Moussaoui's extremist tendencies resulted in cooperation due to torture, it is reasonable to speculate that he would not have known all the details of the

¹⁶ This thesis acknowledges that the Senate Select Committee Report was released in 2007 and would not have been available to Dershowitz when he wrote the book. However, the research on interrogation tactics similar to that mentioned in footnote 10 would have been available to him.

¹⁷ United States of America vs Zacarias Moussaoui, 'Transcript of Hearing Before The Honorable Leonie M Brinkema United States District Judge', *Court Docket Item no 1564*, (paragraph 6, lines 2-22) <<https://cryptome.org/usa-v-zm-021406-01.htm>> [Accessed 25 May 2023]

attacks because the extent of his involvement in the 9/11 terror plot remains unclear.¹⁸ The torturer would assume that Moussaoui has all the information and use all the resources towards breaking him. Moussaoui was guilty of planning a terrorist attack, being part of al Qaeda but did he have all the details about al Qaeda's plans necessary to prevent the 9/11 attack? For example, the terror strikes could still have happened if the investigators upon discovery that he was indeed a terrorist and after gaining the limited information he had had continued to torture him rather than generating new leads. Torturing the guilty to reveal information might seem like a no-brainer, but it does not guarantee information and can be wasteful, derailing the investigation. Using examples of torture under Chilean secret police (1970's), Rejali notes that most torturers 'interrogate with background assumptions and harvest self-fulfilling results'.¹⁹ The risks of using torture include confirmation bias, a large amount of unreliable information, non-cooperation from the prisoner and the likelihood of the prisoner's death/mental instability. Rejali's exhaustive account considers the quality of information obtained under torture of a large number of prisoners, out of whom, one accidentally revealed information. This demonstrates how complex information gathering can be and requires collaboration, effective communication, planning and flawless execution in order to prevent a terror strike. After 9/11, torture, rather than best interrogation practices, received a lot of attention diverting the discussions about stopping terrorist attacks away from good methods of gathering information. Given, all the data on torture, it is more likely to result in random, unpredictable outcomes. Since what happens under torture is arbitrary, it is also possible that the prisoner could give useful information.²⁰ The likelihood of this outcome is too low to be considered in debates on

¹⁸ The Senate Select Committee Report reveals conflicting information about Moussaoui's involvement in the 9/11 plot. He would likely have been involved in a second wave of terror strikes rather than the Twin Tower attacks. For more see: 'Joint Inquiry Into Intelligence Community Activities Before And After The Terrorist Attacks Of September 11, 2001', *Report Of The U.S. Senate Select Committee On Intelligence And U.S. House Permanent Select Committee On Intelligence, 107th Congress, 2ND Session* (9 December 2002), p. 248.

¹⁹ Rejali, p. 456.

²⁰ For example, the phone calls from Flight 93 gave information about the hijacking at 9:28, yet the flight crashed at 10:03. For a time-stamped list of the phone calls see: 'Phone Calls from Flight 93', *National Park Service* < <https://rb.gy/8r7ke0> > [Accessed November 2022]

torture. Therefore, the premise of Dershowitz's hypothetical is divorced from the reality of torture and overlooks the complexities of real-world scenarios.

The Senate Committee Intelligence Report describes how the failure to raise pertinent questions, analyse critical information and collaborate with other intelligence agencies resulted in overlooking avenues of new information. For example, Moussaoui's connection to al-Qaeda would have been revealed if the intelligence agency had effectively collaborated with either the Canadian or German intelligence services.²¹ These circumstances offer a real-world scenario where intelligence work rather than torture would have yielded results. Dershowitz's scenario is not based on facts about torture, and it uses real terrorists and real threats to national security to make an emotionally intelligible argument for limiting the practice of torture through a warrant. This overlooks the deeply damaging consequences of torture and facts about pain infliction, interrogation techniques and how prisoners respond to torture.

Similarly, when Sam Harris employs the ticking bomb scenario, he ignores the complex task of interrogating a radicalised individual and assumes that torture is better than usual interrogation practices. He believes that

[i]f there is even one chance in a million that he [Khalid Sheikh Mohammad] will tell us something under torture that will lead to the further dismantling of Al Qaeda, it seems that we should use every means at our disposal to get him talking.²²

Sam Harris uses this reasoning in his response to the public disapproval of resorting to torture in order to extract information from KSM. Harris points to a moral hypocrisy involved in

²¹ *The 9/11 Commission Report*, p. 276.

²² Sam Harris, *The End of Faith: Religion, Terror, and the Future of Reason* (Great Britain: The Free Press, 2005) EPUB.

viewing dropping bombs on Afghanistan and potentially killing innocents as strategic, yet the use of torture as abhorrent. This, once again, undermines the low chance of success when torture is used and ignores the wider costs of relying on the technique such as the loss of valuable skills required for carrying out fruitful investigations.

The cables released regarding KSM's torture tell a neat story: one of resistance broken down by the use of torture. Such a narrative ignores that KSM 'provided fabricated information under torture which led to further capture, detention and torture of two innocent individuals, Sayed Habib and Shaistah Khan'.²³ For example, the CIA cables exchanged between the head of the agency and KSM's interrogator show that '[p]ushing too hard, too fast, might cause KSM to shut down again, while allowing him to provide bits of the information will more likely get the complete story'.²⁴ From the information publicly available, it is evident that KSM was more cooperative when treated humanely. This is clear from the use of the word 'again' which indicates that the interrogators might have alternated between torture and offering some comforts, and then concluded that torture was ineffective. In order to justify torture, the cables interpret that humane treatment only worked because the prisoner had been made compliant through torture. One of the cables describing KSM's response to torture revealed how he told his torturers that he was 'only a man, and men break: KSM added words to the effect, "[i]f I don't break tomorrow, it will be the next day".²⁵ It is hard to believe that KSM would himself imply that his torturers should continue inflicting pain because he is nearing his breaking point. Additionally, anything claimed to have been said by KSM during torture or interrogation is available via memos written by his interrogators, and as such it should not be mistaken for

²³ 'Khalid Sheikh Mohammed', *The Rendition Project*

<<https://www.therenditionproject.org.uk/prisoners/khaled-sheikh-mohammed.html>>

²⁴ Daniel DeFraia, 'cable CIACO6718741', in 'Harrowing Cables Detail how the CIA Tortured Accused 9/11 Mastermind Khalid Sheikh Mohammed, Jeopardizing the Case Against him', *Intercept*, 11 September 2019 <<https://theintercept.com/2019/09/11/khalid-sheikh-mohammed-torture-cia/>> [Accessed 24 July 2023]

²⁵ 'Eyes Only – 23 March 2003 Interrogation of Khalid Shaykh Muhammad'

<<https://www.documentcloud.org/documents/6396239-C06669362>> [Accessed 24 July 2023]

proof. Torturers, according to Rejali, believe that torture works but fail to back it up with concrete examples of success that hold up to scrutiny.²⁶ Since the interrogators were engaged in the rendition program, it is highly unlikely that they would be objectively assessing self-incriminating actions. While many independent human rights projects and organisations have pointed out the corrosive impact of torture on prisoners as well as the devastating scale of torture, it is, ultimately, only the perpetrators of torture who believe in their methods and the supporters of torture who cite the torturers' opinions to bolster their position.²⁷ The cables detailing the reports of KSM's interrogation show that even during sessions without torture, the interrogators relied on factors such as whether he was giving information voluntarily and if he was being completely open and honest about what he knew. The interrogators appeared to equate providing information willingly with honesty. The lack of objectivity seems problematic as data on interrogation tactics suggests that most interrogators are not better than the average person when it comes to determining whether a prisoner is lying or deceiving. Nonetheless, some groups fare better such as 'interrogators for the U.S. Secret Service (64 percent), the CIA (73 percent)'.²⁸ This implies that current interrogation techniques might not be able to generate accurate information even when torture is not employed. In the following chapter, the analysis of torture memos documents a similar lack of an analytically neutral outlook in identifying whether enhanced interrogation tactics constitute torture. These memos played a crucial role in sanctioning torture techniques that KSM was subjected to. The faith placed in the effectiveness of interrogation techniques might also be misplaced, thus in instances where a prisoner is deemed uncooperative, the interrogator's tactics are likely flawed. This is exacerbated further by the gap in our knowledge about handling suspects in general and extremists in particular. Rejali iterates that the best sources of information are often the

²⁶ Rejali, pp.480-518.

²⁷ For more see: 'Torture', *Amnesty International* <<https://www.amnesty.org/en/what-we-do/torture/>> [Accessed 24 July 2023]

²⁸ The accuracy rate for ordinary people from 'all available scientific literature' is '57 percent'. Rejali, p. 463-4.

community, such as paid informants and defectors. His analysis implies that torture would negatively impact community relations, thereby destroying an effective source of gathering intelligence.

The torture debate masks the real question: How to Interrogate a potentially guilty recalcitrant prisoner? This is true of both the CIA interrogators mentioned in the case of KSM and the ‘FBI and the Justice Department investigators’ who were ‘frustrated by the silence of jailed suspected associates of Osama bin Laden’s al Qaeda network’ and did not wish to be confined by ‘traditional civil liberties’ in order ‘to extract information about the Sept. 11 attacks and terrorists plans’.²⁹ Any claims regarding the success of torture as a method of gathering information or the urgent need for introducing torture to break a logjam in an investigation need to be scrutinised. For example, the FBI interrogators wanted to use torture for extracting information regarding the details of 9/11 which had already happened. The investigators themselves are not necessarily only thinking about the ticking bomb scenario. Furthermore, according to Rejali torture results in institutional corruption, thus the claims of success may be a result of corruption rather than the effectiveness of torture itself.³⁰ The need for torture expressed in the article quoted above reveals the frustration felt by government officials regarding the means of interrogation at their disposal. This is a valid emotional response to the urgent need to re-evaluate policing and interrogation practices in a country reeling from the consequences of serious national security failures. Their inability to obtain new information also highlights the possibility that inefficient methods may have been used during the interrogation or could indicate a gap in the skills of the officials, implying the need for re-

²⁹ Walter Pincus, ‘Silence of 4 Terror Probe Suspects Poses Dilemma for FBI’, *Washington Post*, 21 October 2001 < <https://www.washingtonpost.com/archive/politics/2001/10/21/silence-of-4-terror-probe-suspects-poses-dilemma-for-fbi/951c04bc-d51b-4574-ba34-3735f0570719/> > [Accessed 26 Jan 2023]

³⁰ Rejali, pp. 455-58.

evaluating the current methods of handling a non-cooperative prisoner. This issue will be addressed later in the chapter.

Let us now turn to torture success stories because many of them come straight from the interrogators/torturers themselves. Dershowitz uses the example of the successful use of torture in stopping the Bojinka plot. Stephanie Athey's in-depth analysis of this story reveals that torture was not needed in this instance to find relevant information and using such violent means may have worsened the quality of the information obtained from the prisoner and made it difficult to evaluate the evidence found at the crime scene.³¹ The torturers claim that Abdul Hakim Murad's torture foiled the Bojinka terror plot. Murad was caught in the Philippines when he made a mistake in mixing chemicals resulting in a fire which attracted police attention. The contents of the flat suggested that he was involved in terrorist activities, including the details of the planned attacks.³² If the evidence found in his flat was sufficient to indicate that he was planning a terror attack, then why was he tortured? Athey shows how Murad was abused for two more months even though all the plotters of the immediate threat had been neutralised.³³ She argues that 'puzzling contradictions of fact' surrounding 'the number and kind of targets under attack' were reported without analysing 'the discrepancies'.³⁴ Her analysis of the glaring inconsistencies shows that the success of all the terror plots uncovered by the police through the use of torture would have required Murad to commit suicide twice.³⁵ The interrogators relied on torture rather than objectively evaluating the information at hand, thus arriving at such absurd conclusions. Choosing torture over police work led to more confusion than new

³¹ Alan Dershowitz, Note 11 to the chapter 'Should the Ticking Bomb Terrorist be Tortured?', in *Why Terrorism Works*.

The other example of Abu Nidal being broken under torture is refuted here: Bob Brecher, 'Justifying Too Much: Utilitarianism as a Moral Theory' in *Interrogation and Torture: Integrating Efficacy with Law and Morality*, ed. by Steven J. Barela, Mark Fallon, Gloria Gaggioli, and Jens David Ohlin (Oxford University Press, 2020).

³² Stephanie Athey, 'The Terrorist We Torture: The Tale of Abdul Hakim Murad', *South Central Review*, 24:1 (2007), pp. 73-90, (p. 81).

³³ *Ibid.*, p. 81.

³⁴ *Ibid.*, pp. 76-7.

³⁵ *Ibid.*, pp. 87.

information. The investigators' role in handling the evidence throughout the probe was scrutinised during the 1996 trial in the Philippines. Christopher S Wren questions

the veracity of evidence collected by the Philippine police after one bomb disposal expert testified that his superior told him to add false material to his report about what was found in Mr. Yousef's apartment. Also, some evidence in the custody of the Philippine police bears unexplained fingerprints or, in the case of the laptop computer, unexplained entries.³⁶

It is not far-fetched to conclude that widespread corruption led to the falsification of the torture success story and the inconsistency in Murad's confessions can be explained by the fact that prisoners under torture say whatever the torturers want to hear. In this case, even if Murad had any actionable evidence about the 9/11 plots, the wild stories he had told under torture would have created a lot of contradiction and sifting fact from fiction would have required additional resources. This type of information gathering makes it difficult for intelligence analysts to spot valid patterns indicating a potential threat. The mainstream media and even the *Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001* continue to include all the terror plots confessed by Murad. Given this example, it is reasonable to speculate whether torture used by other regimes with CIA collaboration or awareness could have led to obfuscation of crucial information regarding the 9/11 attacks.³⁷ For instance, the 'FBI and CIA were also aware that convicted terrorist Abdul Hakim Murad and several others had discussed the possibility of crashing an aeroplane into the CIA

³⁶ Christopher S Wren, 'Government Ends Its Case In Scheme to Bomb Planes,' *New York Times*, 21 August 1996 < <https://www.nytimes.com/1996/08/21/nyregion/government-ends-its-case-in-scheme-to-bomb-planes.html> > [Accessed 24 July 2023]

³⁷ See Athey, p. 82 for evidence on the CIA's awareness of the use of torture by other regimes pre 9/11.

Headquarters as part of “the Bojinka Plot” in the Philippines’.³⁸ However, the information they obtained was too vague to be actionable.

The intelligence community undermined the terrorist threat to security within the States even though they had ‘received a modest but relatively steady stream of information reporting that indicated the possibility of terrorist attacks within the United States’.³⁹ According to the report, the intelligence officials failed to join the dots between the points of evidence they had.⁴⁰ The ticking bomb scenario assumes that a lack of information makes it difficult to stop a terror strike, yet too much information can make it equally difficult to prevent attacks. Moreover, due to a lack of transparency necessitated by intelligence work, we will not be able to analyse concrete evidence to understand the impact that the quality of information coming from agencies abroad that do torture had on the intelligence community’s capacity to analyse the information they possessed. This highlights the problematic nature of inter-agency information sharing where the intelligence service in one country can be dependent on information from other agencies and policing communities that torture. Rejali further points out that any information obtained through torture needs to be verified by other sources, thus torture as the last resort violates fundamental principles of intelligence work. This is also true for the intelligence received from other agencies. When an intelligence agency relies on information received from another country’s government that uses torture, the intelligence agency would have a lot of unreliable information requiring corroboration leading to a waste of resources. Rejali finds that

[c]oercive interrogation undermines other professional policing skills: Why do fingerprinting when you’ve got a bat? It is simply easier to turn to torture

³⁸ *Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001*, 107th Congress, 2D Session, S Rept No 107-351, H Rept No 107-792 (December 2002), p. 9.

³⁹ *Ibid.*, p. Xi.

⁴⁰ *Ibid.*, p. XV.

than to do the hard, time-consuming work of surveillance, interviewing, verification, and intelligence analysis.⁴¹

Building on Rejali's study on torture and its detrimental effects, it is reasonable to argue that torture might not only corrupt the institutions that practice it but transitively impact those that rely on information from such sources. Hence, the deskilling of a regime elsewhere can impact the quality of intelligence in countries that do not engage in torture. For example, in the Bojinka plot case, the deskilling that goes hand in hand with regimes that torture would have impacted the intelligence gathering effort, resulting in unusable information regarding future plots being communicated back to the CIA. In addition to this, the US intelligence agencies have been relying on torture

[b]eginning in the early 1990s and continuing to this day, the Central Intelligence Agency, together with other U.S. government agencies, has utilized an intelligence-gathering program involving the transfer of foreign nationals suspected of involvement in terrorism to detention and interrogation in countries where — in the CIA's view — federal and international legal safeguards do not apply. Suspects are detained and interrogated either by U.S. personnel at U.S.-run detention facilities outside U.S. sovereign territory or, alternatively, are handed over to the custody of foreign agents for interrogation. In both instances, interrogation methods are employed that do not comport with federal and internationally recognized standards. This program is commonly known as "extraordinary rendition."⁴²

⁴¹ Rejali, p. 456.

⁴² 'Fact Sheet: Extraordinary Rendition', *ACLU*, 6 December 2005 <https://www.aclu.org/other/fact-sheet-extraordinary-rendition> [Accessed 24 July 2023]

Given this, it is plausible that to some extent the intelligence agencies were not able to connect the dots because they were relying heavily on sordid interrogation tactics when confronted by a recalcitrant foreign prisoner, resulting in a deterioration of professional skills required for gathering and analysing information. At this point, it is necessary to restate the stakes of the pro-torture argument. Contrary to what the likes of Dershowitz and Harris claim, the pro-torture argument is not a simple choice between sacrificing one person for the sake of many in the rare occasion that torture leads to saving lives in one instance out of a million. Instead, we risk deskilling the intelligence community, introducing competitive brutality amongst the policing community, and promoting ‘bureaucratic fragmentation and devolution’ for a one-in-a-million chance of saving the lives of innocents.⁴³

Reframing the choice in this manner serves to challenge the opposition between the protection offered by human rights and national security. Often the West’s decision to uphold human rights is portrayed as a morally superior position forever exploitable by its enemies. However, human rights protections ensure that policing practices are rigorous, reliable and accountable to high standards. These high standards have a more reliable chance of protecting innocents rather than torture. Additionally, interrogators who believe that torture results in accurate information are less likely to engage in an objective analysis of the intelligence gathered. This lends a false sense of agency to the interrogator and to those who believe in the power of torture above all the evidence against it. In a high-stakes situation, like the ticking bomb scenario, should we not rely on consistent methods that are held to a high standard of scrutiny and have resulted in success rather than torture? The torture debate mistakenly understands that violence is only being directed at the body of the tortured. As outlined in this

⁴³ Rejali, pp.454-460. Rejali also argues that the torture of the innocent results in a lot of misinformation that is not verifiable and when reliable information cannot be separated from unreliable material, it becomes unusable. This applies to the policing communities tasked with gathering intelligence on groups operating out of close-knit communities. For more see Rejali, pp. 460-63.

chapter, the tortured body is where the violence becomes most visible, permeating the system as a whole. Chapter 2 will show how the affective nature of fear, pain and power reveals what torture achieves in a moment of crisis.

The ticking bomb scenario is not representative of the situations in which torture is preferred over effective interrogation practices. Whether it is used as a thought experiment about debating the morality of torture or employed to dramatise the pressures faced by a protagonist who needs to decide the course of action within a narrative, the conclusions drawn from these hypotheticals are not directly transferrable to real-world situations. The way in which Dershowitz and Harris overplay the anecdotal success stories of torture when constructing the philosophical dilemma is reason enough to argue that there is no need to debate the use of torture, yet some fictional representations of interrogation scenes as well as the ticking bomb trope in popular culture point to the problems with harsh interrogation tactics. The asymmetric nature of power between the interrogator and interrogatee necessitates humane interrogation methods. It is crucial for policing activities to be rooted within communities because most crimes are solved by ‘public cooperation’ rather than ‘surveillance, fingerprinting, DNA sampling, forensic tests, house-to-house inquiries, and offender profiling’.⁴⁴ This might seem impractical in the age of global terrorism where a plane boarded from one country can be hijacked and crashed into the buildings of another, but the terrorists who planned the 9/11 attacks had to visit the States, train in gyms in neighbourhoods, and develop contacts in the country. Additionally, after 9/11, the ties between the local policing community and people of Islamic, Arab, and Sikh origin became strained. In order to mitigate these issues, populations vulnerable to discrimination need support from their communities, the police and the country.

⁴⁴ Rejali, pp. 458-9.

In short, the torture debate sidelines discussions about good practices of intelligence gathering and the prisoner is seen as the main source of collecting new information, thus objectifying the suspect. The belief in torture is far more powerful than the truth of it. The affective space of the time-bomb scenario and the rendition project formulate the national, racial and ethnic lines that divide those who have the power to extract information from those subjugated, both guilty and innocent. This is reflected in the American, white, male point of view of Dershowitz and Harris who comfortably state that if the torture of a guilty suspect will save the lives of millions, then we should support it. Inevitably, the torture debate is about race and racism.⁴⁵ A detailed analysis of the racial politics of this debate is beyond the scope of this chapter but the processes of Othering, dehumanisation and historical erasure will be addressed in the chapters to follow.

This chapter has outlined how facts alone fail to persuade because of the affective promise of safety to those who argue for torture in exceptional circumstances. This is evident in the ‘one in a million chance’ of success in the case of Sam Harris and the use of torture by some countries as proof of its value in the case of Dershowitz. The affective reality of torture is masked by the confidence the interrogator feels, because of the control he has over the prisoner’s body. Chapter 2 will address how this gives a false sense of performative agency to the torturer and reveal the function of torture. Addressing the complex relationship between affect and representation strengthens the arguments against torture. In the following chapters, this thesis seeks to examine whether the affective charge of the anti-torture scenes in popular and literary fiction undermines the pro-torture rhetoric. Chapters 2-4 will trace the core ideology that governs and sustains beliefs regarding granting excessive power, like torture or declaring war, to individuals in order to preserve cherished values. The willingness to believe

⁴⁵ For more see Caroline Mala Corbin, ‘Terrorists Are Always Muslim but Never White: At the Intersection of Critical Race Theory and Propaganda’, *Fordham Law Review*, 86:2 (2017).

in the power of one person to protect an entire society is frequently dramatised in various genres, but analysing how this ideology takes root through the conventions of different fictional and non-fictional genres will provide insights into how excesses of power like torture become thinkable. The interrogation scene is common to most representations of torture; thus, Chapter 3 will examine the power relationship between the interrogator and interrogatee in some examples of torture and interrogation scenes from popular films, arguing that the tendency to support torture is culturally rooted in conceptions of justice and violence articulated in genres like the Superhero and the Western. In contrast, literary novels usually seek to reexamine prevalent beliefs. Thus, creating a dialogue between the capacity of popular cultural texts to question the desire to torture and the literary novel's capacity for resisting pro-torture discourses allows this project to expand the boundaries of the torture debate.

Chapter 2: What is Urgent about the Ticking Bomb Scenario?

Torture is not effective, yet it is practised under the guise of intelligence gathering. The previous chapter showed how torture success stories, the ticking bomb trope and incorrect beliefs regarding torture lead to justifications for torture. To decode the appeal of torture, this chapter will offer a reflective account of Elaine Scarry's structure of war and torture (*The Body in Pain*) and link it with Sara Ahmed's notion of affect (*The Cultural Politics of Emotion*). Torture, according to Scarry, functions as a theatrical demonstration of sovereign power with the sole purpose of inflicting pain. Building on this, the following chapter will explore the affective structure of torture showing how pain and power are central to the technique, but often excluded from discussions about the efficacy of torture in cultural and political discourses.

The shape of this chapter is like the unruly and circular form of this pain-power continuum. Beginning with a discussion of power, section 1 highlights how pain is excluded and yet always present in justifications for excesses of power like torture. Section 2 explores particular difficulties in representing pain in language and shows how including pain in debates on torture can undercut the appeal of the ghastly technique. Section 3 argues that understanding pain in an intersubjective manner can lead to a more fruitful discussion of the role of narrative in revealing underexplored features of torture. To analyse the stakes of representing pain ethically, Section 4 offers a close reading of Bush's speeches to demonstrate how pain is excluded in particular constructions of the Others employed for justifying the GWOT. Section 5 shows how urgency and immediacy in the form of the ticking bomb trope are deployed in such discourses to discourage thinking and privilege action. Constructing certain choices like thinking and acting as opposites enables the reading of these values as contrary to a greater degree than necessary. In some instances, as evidenced by the torture memos, the choice to

torture can be inextricably linked with saving lives, making it possible to view a morally spurious choice as preferable. Tying these themes together, Section 6 offers a detailed analysis of the torture memos to show how torture was justified in the wake of the 9/11 terror strikes.

Scarry and the Structure of War and Torture

Scarry's insights have influenced the study of the body with respect to pain, language and violence in the humanities and the social sciences and continue to generate a range of dialogue. Despite more recent advancements in technology, which have led to asymmetric warfare, her exploration of the relationship between pain and language continues to inform the understanding of the role of the body in the context of modern conflict. This thesis will introduce key aspects of Scarry's arguments about the structure of torture and outline some of the limitations of her observations to shed light on the role of torture in modern combat.

Scarry, in an interview with Brad Evans, asserts that her analysis of torture is 'transcultural' and relevant to the post 9/11 cultural politics of the GWOT. She argues that a 'crisis of self-belief' usually underpins the justification for excesses of power like torture. The 9/11 terror strikes resulted in such a 'crisis of self-belief', which formed the basis of the justification for the GWOT. This is reflected in how the United States chose to respond to the attacks.

Instead of examining our defense and changing it, we quickly rebuilt the same Pentagon and switched to a shorthand form of demonstrating our prowess, namely torturing people at Abu Ghraib and alternative dark sites.

[...] The deeper the crisis of doubt and the higher the danger is that a country

will rely on a grotesque mimesis of power such as torture or nuclear weapons.¹

Scarry calls this aggressive demonstration ‘mime of power’ which functions to mask the ‘crisis of doubt’ about the state’s capacity to keep its citizens safe in this context. This is reflected in the post 9/11 cultural rhetoric of the Bush era administration that sanctioned torture to compensate for the lack of information gathered/analysed by the intelligence agencies as well as an absence of undercover agents within Al Qaeda. The ‘mime of power’ mentioned by Scarry is reflected in the interrogation scene in *The Dark Knight* (2008), where Batman wants information from the Joker. For Batman, the Joker challenges his deeply held belief that his extensive training, money, technology and power will enable him to save the citizens of Gotham. He has devoted his life to this cause because he had lost his parents to criminals in the city. Thus, a well-formed belief is shaken in the interrogation room when he feels incapable of saving the woman he loves from the Joker. Batman’s ‘crisis of self-belief’ is masked with each punch he throws at the Joker. His mask, cape, and superior technology work to display the fiction of his power while he is truly powerless. This will be explored in depth in the next chapter. In a similar manner, Scarry observes that

[w]hen Nixon boasted, “I can go into my office and pick up the telephone, and in 25 minutes 70 million people will be dead,” it is not coincidental that he was in the midst of an impeachment proceeding — that is, he was in the midst of being divested of legitimate forms of authority.²

¹ Brad Evans, ‘The Intimate Life of Violence’, *Los Angeles Review of Books* (LARB), 4 December 2017 <<https://lareviewofbooks.org/article/histories-of-violence-the-intimate-life-of-violence/>> [Accessed 6 March 2023]

² Richard Rhodes, ‘Absolute Power’, *New York Times*, 21 March 2014 <<https://www.nytimes.com/2014/03/23/books/review/thermonuclear-monarchy-by-elaine-scarry.html>> [Accessed 25 July 2023]

The ‘crisis of self-belief’ occurs when a state or a person’s authority is threatened and in order to regain legitimacy it has to be aggressively and theatrically imposed. In this instance, the state or the state representative has lost faith in their power leading to an imagined or real loss of control. Bush’s speeches will be analysed later in the chapter to demonstrate this concept. The violent and aggressive campaign is meant to restore this faith by affectively resolving the ‘crisis of self-belief’ when such a resolution is not possible materially. This also forms the basis of the theatricality involved in torture. According to Scarry, this is evident in the naming of the torture rooms such as “the cinema room” in Vietnam in the 1970s, “the production room” in the Philippines, and “the Blue-lit stage” in Chile. She further points out that the photographs of the torture of the prisoners in Abu Ghraib and the hours of video-taped enhanced interrogations are technological extensions of this aspect of torture. In this way, she shows that torture is used to exert power over individuals through theatrical elements which forms the structure of torture. The torturers’ questions and the prisoners’ answers are the formal features through which the performance of power is displayed, justified and recognised as torture. The last section of this chapter will examine the affective shape of this relationship through a close reading of the justifications for torture in the torture memos. Hence, torture is an arbitrary exercise of absolute power intended to demonstrate its prowess. In this process, the prisoners are stripped of their humanity and are reduced to what Steven Brown calls ‘pure body’. To explain this concept, it is important to highlight Scarry’s analysis of how human beings shape their world. For her, human beings engage in creative extensions of the self by moulding their material world such that it mirrors the human body, or through acts of imagination, we create material objects that represent abstract ideas. These self-extensions become symbols of humanity. For example, material objects like cups reflect the shape of the human hands cupped together and thus can be considered an extension of the human body. Other objects like wheels are abstract and come from creative acts of imagination rather than simply being an extension of the human body.

Torture uses these acts of creativity, turning a person's material world and body against them. The breaking wheel was used as a method of execution in Europe throughout antiquity until the early modern period. The wheel was invented to make transportation easier, but it is turned against the human body in this act of torture to slowly put people to death. This is the reduction of a human being to 'pure body', that is, where the body has not only been stripped of the objects of the material world that can be considered as self-extensions of the human body, but these objects are also turned against the individual in order to deprive the person of material possessions, voice or agency. In this way, subtracting what we recognise as human from the individual and turning it against them is an essential characteristic of torture and results in the reduction of the human being to 'pure body'. Thus, the 'mime of power' intends to achieve the absolute destruction of the prisoner carried out by the torturer at the behest of the state.

Through torture, the state shows that it has the power to allow the prisoner to be human and the deprivation of humanity suffered by the prisoner becomes a reminder to the prisoner in particular and the population in general of this function of state power. State power, therefore, permits the people to be human on the condition of compliance with the will of the state. Later in the chapter, instances where such compliance during peacetime also results in the loss of humanity and dignity will be analysed. In most instances, complying with the will of the state is linked to the increase in a person's ability to be human. Understanding torture in this way reveals that it does not simply occur when an individual has been dehumanised and Othered, although this is an important aspect of legitimising the practice of torture in the eyes of the public. Rather, in the intelligence-gathering context, the torturer knows the significance of depriving the prisoners of their material possessions. The torture memo regarding KSM's interrogation quoted in Chapter 1 calls this 'creature comforts', which are withheld until information is given. Hence, torture is not simply enabled by dehumanisation, but the promise of humanisation is contingent on the compliance of the prisoner measured by the amount and

significance of the information provided. The torturer and the state are keenly aware of the significance that preserving their humanity has for the prisoner. In this manner, the concept of 'pure body' allows us to understand that the dehumanisation that happens in torture is not simply an inability to see the human or the pain of the prisoner, but it takes place because the torturer has the power to hold someone's humanity hostage. It is an active process rather than an outcome of the cultural constructions of the Other. This thesis extends the concept of 'pure body', to explore how dehumanisation works affectively by subtracting the recognisably human and plays a role in the processes of justifications for torture.

Power and Pain

It is important to acknowledge that critical scholarship on torture has often effectively employed Giorgio Agamben's insightful contributions to understanding the nature of sovereign power in modern political conditions. His trilogy has been influential for shedding light on the processes that result in the exclusion of people from the legal protections of the state resulting in the creation of camp conditions. Agamben's analysis shows how democracies establish the state of exception by invoking the conditions of emergency. Ticking bomb scenarios embody the affective environment of a crisis, an instance of emergency. Drawing on Scarry will show how thinking can be an effective mode of resistance in the face of this type of political power. Agamben further argues that modern states have normalised such cases of exception.³ According to him, the modern western political power is predicated on excluding some populations from legal protections, thereby reducing them to bare life. While Foucault holds that modern political power is essentially biopolitical, in that it regulates processes of life, Agamben argues that the Western political power has always had this structure as its organising principle. Agamben explores the way in which the ancient Greeks separated the Greek terms

³ Giorgio Agamben, *State of Exception* (University of Chicago Press, 2005) EPUB.

zoe from bios and how these might relate to the obscure figure of homo sacer in ancient Roman law to support his analysis. In ancient Greece, zoe is the life that is tied to the household; bios is the life that participates in the polis, therefore it is termed bios politikos, and ancient Roman law describes the figure of homo sacer as someone who can be killed by anyone without consequence but cannot be sacrificed. The figure is, thus, ostracised from the legal system or simply put, this figure is opened to violence with impunity. Bare life is the term for this legal subject position.

Agamben observes that under modern political conditions, it has become difficult to draw the line between zoe and bios, creating a state of indistinction, and this has opened up a space where anyone can be excluded from the state protections. This is because the nature of ‘[t]he sovereign is the point of indistinction between violence and the law, the threshold on which violence passes over into law and law passes over into violence’.⁴ According to Steven C Caton, it is ‘this ambiguity that makes the alleged abuse of sovereign power difficult to pin down, except perhaps in the most egregious cases’.⁵ Paul A Passavant argues that Agamben’s analysis of Bartleby, the Carnavalesque and ‘the example of the apostle Paul’ do not offer a clear path for resisting such an exercise of sovereign power.⁶ Thus, Agamben’s insights regarding sovereign power are useful for exploring the nature of modern state power, though his work provides only a limited framework for imagining political resistance. Because the term homo sacer is intimately tied to the analysis of the nature of state power, this thesis prefers the notion of ‘pure body’. The concept has the potential to delineate the material conditions that separate zoe from bios. Adopting this approach allows the inclusion of the effects of excesses of power from the perspective of the excluded subject resolving the difficulty in

⁴ — ‘The Logic of Sovereignty in *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press, 1998), pp.31-2.

⁵ Steven C Caton, ‘Coetzee, Agamben, and the Passion of Abu Ghraib’, *American Anthropologist*, 108:1 (2006), pp. 114-123, (p.118).

⁶ Paul A Passavant, ‘The Contradictory of Giorgio Agamben’, *Political Theory*, 35:2 (2007), pp. 147-174, (p.169).

recognising instances of exorbitant use of power mentioned by Caton. This will become clear later in the chapter when the role of affect is examined in a brief discussion of how the people eligible for disability support in the UK were re-evaluated due to the adoption of a new method of assessment. In this example, the excess of power bleeds into normative routine operations of the state and becomes visible through the effects it has on those being re-evaluated or barred from receiving benefits. For instances like this, building on Scarry's emphasis on pain and including affect theory offers a framework for identifying the effects of sovereign power in peacetime. Linking Scarry with Sarah Ahmed's insights on affect will show how varying representational strategies can offer a path of resistance or/and inclusion of such bodies.

Steven Brown has noted that affect has become a crucial issue for modern warfare and there is a growing body of work concerned with this.⁷ This field is interdisciplinary and ranges from cultural studies and human geography to sociology and warfare. Affect, the wounded body and their representations are intimately tied together, shaping our responses towards Othered bodies. The evolving nature of warfare impacts how such bodies are brought into political and cultural discourses. According to Scarry, the dead and wounded bodies were mobilised in the political discourse post-war into narratives of 'victory' and 'loss', which would resolve the conflict on a 'semiotic' level. However, Brown notes that the indefinite nature of modern warfare makes it impossible for the dead and injured bodies to enter political discourse post-war. Such bodies are now recruited amidst ongoing conflict through media representations, museum exhibits, and other forms of depiction in the cultural and political

⁷ Steven Brown, 'Violence and Creation: The recovery of the body in the work of Elaine Scarry', *Subjectivity*, 9:4 (2016), pp. 439-458.

For more see Elizabeth Dauphinée, 'The Politics of the Body in Pain: Reading the Ethics of Imagery.', *Security Dialogue*, 38:2 (2007), pp. 139-55;

Geoffrey Galt Harpham, 'Elaine Scarry and the Dream of Pain.', *Salmagundi*, 130/131 (2001), pp. 202-34; Smadar Bustan, 'Voicing pain and suffering through linguistic agents: Nuancing Elaine Scarry's view on the inability to express pain', *Subjectivity*, 9:4 (2016) <[10.1057/s41286-016-0007-5](https://doi.org/10.1057/s41286-016-0007-5)> [Accessed 11 November 2022];

Steve Larocco, 'Pain as semiosomatic force: The disarticulation and rearticulation of subjectivity', *Subjectivity*, 9, (2016), pp. 343-362.

discourses. These complexities have renewed Scarry's concerns regarding the 'referential instability' of the suffering body and instigated the need for a reassessment of her analysis of the meanings attributed to the dead and tortured bodies in the discourses of war and torture. Kevin McSorely notes that Scarry does not offer a methodology for analysing the affective life of the injured or the wounded body.⁸

McSorely, Leila Dawney and Timothy J Huzar explore Scarry's concept of 'crisis of substantiation' and how its affective character works to mobilise wounded bodies in the context of modern warfare.⁹ McSorely is mainly concerned with predatory war and highlights how the bodies of soldiers function as 'affective technologies in the production of supportive publics in war', whereas, Dawney and Huzar show how the wounded body serves to transform 'immaterial beliefs and values' into 'material' objects.¹⁰ She uses the examples of 'recent wars in Iraq and Afghanistan' to shed light on the specific processes of substantiation. Brown offers a survey of the shifts in the nature of warfare as well as reveals how the logic of torture can appear in normative activities like a disability assessment. Building on Brown's analysis of the disability assessment to explore the potential of the concept of 'pure body' will add nuance to the understanding of excesses of state power and sketch a somewhat unruly path from pain to power. This thesis will expand on both Brown and McSorely's analyses by showing how the affective life of such bodies is described in Bush's speeches and torture memos to exclude the felt experience of pain and justify war and torture.

⁸ Kevin McSorley, 'Predatory War, Drones and Torture: Remapping the Body in Pain', *Body & Society*, 25:3 (2019), pp. 73-99.

⁹ In her analysis of war, Scarry argues that a crisis of belief on the part of both warring sides leads to war, which further leads to the questioning of the beliefs behind the war. The bodies of the dead and the wounded are then used to substantiate the beliefs that resulted in the war during the post-war political discourse. The process through which the wounded and injured bodies can be attached to abstract ideas and beliefs post-war is called substantiation.

¹⁰ Leila Dawney and Timothy J Huzar, 'Introduction: The Legacies and Limits of The Body in Pain', *Body & Society*, 25:3, pp. 3-21.

Critics engaging with Scarry have noted that her conceptualisation of war and torture needs to be reassessed in order to reflect the shifts in modern warfare in the last three decades. Modern conflict does not usually resemble Scarry's conceptualisation of war with clear enemies fighting across a battle line. Using the example of the Iraq war, Brown notes that this shift is visible in the growing lack of separation between civilians and combatants which is further 'complicated by "insurgents", "security forces" and "non-hostile fire"' as well as 'contractors [...] who are not easily counted as "representatives of the state" but rather commercial agents to whom the world of conflict is out-sourced'. The involvement of state and non-state actors results in the asymmetric nature of the war reflected in the ratio of the dead between Iraq and the United States, which is 40:1 as compared to the 'roughly 60 million deaths' during World War II in which 'over half this figure' is 'attributable to the Soviet Union alone'.¹¹ The power dynamic that produces this difference is most clearly visible in drone warfare. McSorely argues that victims who are continuously under surveillance by drones and impacted by precision strikes experience the world-destroying nature of the invasion in a noticeably similar way to torture victims. Such surveillance impacts key aspects of the lives of the affected people. For example, a trip to the bazaar can be anxiety-inducing. Striking a conversation with someone in the market square can increase the felt risk of a drone strike. McSorely notices that

[t]he atmosphere was thus one of ubiquitous threat and torturous uncertainty, where everyday social interactions were felt to be newly precarious as they might potentially attract the drones, and where there was an absence of any clear idea of what to do and how to act in order to be safe. Rather predatory war has been experienced in terms of widespread feelings of ubiquitous surveillance, of enclosure and being held hostage, and the increasing

¹¹ Brown, p. 9.

penetration, desecration and inversion of a sense of hospitality and safety everywhere and at all times.¹²

The inversion of a person's material comforts such as turning places of shelter and safety into a threatening experience marks the methodology of torture for Scarry. Along with the lack of consent, the inequality of the contest, the uncertainty created by the presence of the drone and the helplessness related to not knowing the cause of the surveillance, the inability to stop a strike forms the asymmetrical relationship of power between those who can deprive others of life over those who have no choice but to submit. This relationship resembles the power inequality involved in torture where the torturer has the ability to exert absolute force and the prisoner is unable to fight back.

The logic of torture can be found in other forms of normal routine activities of the state outside of war.¹³ Brown uses the example of work capability assessment which was initiated in the UK (2008) to provide 'a statutory evaluation' of individuals applying for 'employment and support allowance'. The purpose of such an assessment should be to attend to the ways in which the individual applicant's disability prevents them from seeking employment and offer them adequate support. However, these assessments were outsourced to private contractors 'whose profitability is dependent on the number of applicants who fail the evaluations' which 'has led to widespread concern that the system is deliberately seeking to disqualify applicants'.

The new checklist has been used to reassess existing benefits recipients. According to Brown, this is not like 'waterboarding'. Rather, it shares with torture the structure as well as the form of power.¹⁴ Similar to torture techniques, it relies on using an inefficient method to impose the will of the state and of the private contractors, guided by the logic of the free market

¹² McSorley, p. 87.

¹³ This should be a part of the justification for understanding the power dynamic of torture because it is present in other forms of governance.

¹⁴ Brown, p. 14.

and legitimated by the government to act in its place. Moreover, the vulnerable are not given equitable power during their evaluation process which benefits from ‘disqualifying applicants’. Brown highlights that the evaluator merely notes the range of painful motion without understanding how this impacts ‘the broader conditions of the person’s life’ reducing the individual to ‘pure body’. The ‘referential instability’ of the vulnerable body makes it possible to ‘lift the signs of this body into the discourse of the voice of the interrogator/evaluator’.¹⁵ Reducing the applicant to ‘pure body’ has made it possible to abstract the experience of the pain away from the felt experience of the applicant. The asymmetry of power is an essential form of removing the agency of the person such that they are not able to attach their voice to their felt experience. The genre of torture memos discussed in the last section of this chapter shows how generic conventions can enable the interrogator to redescribe the pain experienced by the prisoner as resistance to justify causing more pain. In contrast, the individuals being reevaluated for disability benefits may seem to have more agency because they can challenge the decision, whereas many suspected of terrorist activities faced indefinite incarceration in off-site prisons during the GWOT. Although ‘[n]early 40% of those who have appealed against the initial [disability] assessment decision have had this decision overturned’, a study on the effect of the new checklist on applicants has revealed that

[t]he programme of reassessing people on disability benefits using the Work Capability Assessment was independently associated with an increase in suicides, self-reported mental health problems and antidepressant prescribing. This policy may have had serious adverse consequences for

¹⁵ Ibid., p.14

mental health in England, which could outweigh any benefits that arise from moving people off disability benefits.¹⁶

Thus, the checklist has resulted in an increase in the felt experience of pain for those trying to access support. This affective experience of the individual can be read as the effect of the violent power of the state. In this instance, the asymmetric relationship of power between the state and the vulnerable is not absolute, because the system allows the individual to challenge the outcome. Ultimately, affect and the concept of ‘pure body’ make it possible to identify excesses of power before the violence becomes absolute. The occurrence of these conditions in peacetime shows that this type of power is not just a feature of emergencies or wars. Therefore, a careful analysis of relations between a state and people where an asymmetry is visible in relations of power is necessary because this form of power can develop into violent forms of domination including torture. States are more likely to use excesses of power in instances where there is an imbalance in power. In such cases, it is necessary to make provisions for safeguarding the rights of the people. The inclusion of pain in political and cultural discourses, according to Scarry, is essential for ensuring the support of people for enforcing such safeguards. Before addressing the potential ethical and representational pitfalls involved in depicting the felt experience of pain, we will explore how the pain of Others is routinely excluded in such discourses.

Is pain a problem of representation in language?

Scarry argues that the language of war makes it possible to exclude the Others’ pain while focusing on the power to injure. She has shown that understanding torture and war as acts that produce bodily harm and pain to others rather than thinking about them only in terms of

¹⁶B Barr, D Taylor-Robinson, D Stuckler, R Loopstra, A Reeves, and M Whitehead, ‘‘First, do no harm’’: are disability assessments associated with adverse trends in mental health? A longitudinal ecological study’, *Journal of Epidemiology and Community Health*, 70:4 (2016) < <https://jech.bmj.com/content/70/4/339#xref-ref-11-1> > [Accessed 5 March 2023]

activities that bring victory, safety, or glory to those who participate in war has the potential for bringing the pain of those we regard as our heroes and our enemies to the surface of the language we use to rally for war and torture. She contends that the humanity of the wounded should be highlighted at the same time to avoid dehumanising those we represent. This strategy will enable people to recognise and respond to the human in pain and holds the potential for dissuading people from injuring others.

Pain, for Scarry, resists expression in language and the metaphors used to represent it can also be inverted to focus on the ability or capacity to injure, reducing the body in pain to the margins of the discourse. These metaphors can be used in two ways: '[t]he first specifies an external agent of the pain, a weapon that is pictured producing the pain; and the second specifies bodily damage that is pictured as accompanying the pain'.¹⁷ The first usage would be describe the pain, 'as if there's a nail sticking into the bottom of my foot'.¹⁸ Those 'who wish to express their own pain [...], to express someone else's pain [...] or to imagine other people's pain [...]' use such metaphors.¹⁹ The second use of the same metaphor is to rally against Others. For example, 'George Wallace once spoke of wanting to give his political enemy a "barbed-wire enema". This instability of the metaphor results in the 'conflation of pain with power'.²⁰ Interrogation scenes in fiction dramatise this transformation of pain into the power to extract information.

The post 9/11 political culture relies on similar uses of these types of metaphors for expressing pain and injury. A detailed analysis of Bush's speeches and the torture memos later in the chapter will explore how pain was transformed into anger and included/excluded through 'invisibility—omission and redescription'.²¹ Whether pain is visible as pain or as material

¹⁷ Scarry, p. 15.

¹⁸ *Ibid.*, p. 15.

¹⁹ *Ibid.*, p. 17.

²⁰ *Ibid.*, p. 18.

²¹ *Ibid.*, p. 69.

safety depends on the frame of the representations of war and torture. The narrative frequently functions as this frame, and has the potential to exclude the felt experience of pain through affective transformations of the visible wounds of the tortured into the guarantee of material safety for the people the torturer is hoping to protect. In the previous chapter, we examined how Harris and Dershowitz used the frame of the ticking bomb scenario to exclude the pain of the victims in order to justify torture. The following chapters will show how experimentations with narrative form can explode the boundaries of the ticking bomb trope, highlight the ‘crisis of self-belief’, and trace the inclusion/exclusion of those who occupy the subject position of ‘pure body’.

Scarry’s work has been critiqued for understanding pain only in terms of its aversive and deeply subjective nature. Drawing on Sara Ahmed, this thesis reexamines pain by emphasising the imaginative potential of language for exploring the intersubjective nature of pain. Challenging the perception of intense pain as a purely subjective experience shifts the exploration of pain as a difficulty of language to something that can be expressed through the gestural capacity of the body and its representation in language. Scarry uses the example of ‘the visual arts’ where the gesture of a scream or a mouth open as if to scream is depicted without the ‘auditory experience’ to show pain. She argues that ‘[t]he very failure to convey the sound makes these representations arresting and accurate’ because the experience of pain ‘remains unsensed by anyone else’.²² Yet, if the feeling of pain has been abstracted away from the person in pain and attached to some ideology or belief, the scream has no bearing on the hearer. Assuming that pain is intensely subjective can undermine the potential of narrative and language in revealing pain. The gesture of the scream conveys the meaning of pain because of the visual narration present in such depictions. The image of the gaping mouth creates the expectation that an assaulting noise will follow, bringing forth the sensations of undesirability

²² Ibid., pp. 51-52.

for the onlooker, thereby attaching the felt experience of the person's pain to the unpleasantness of a piercing sound. The lack of closure leaves the onlooker with the anticipation of the unpleasant sound, which is made more evident by its absence. This experience may not be analogous to the pain of the person, however the unwanted experience of the person's pain attaches to the unpleasant experience of being subjected to an unwanted loud noise, forming a bridge between the onlooker and the person in pain to convey an aspect of the felt experience of pain. Through narrative features like a lack of closure, this depiction makes the undesirable characteristics of the person's experience of pain visible. Creating a shared experience through communicating the multiple nature of affects evokes the response of empathy for the person in pain. Of course, elements of a narrative can transform this unwanted character of pain into a deserved and justified experience of pain. This is a common convention of the revenge plot where a wrong is transformed into righteous anger, and it will be examined in Chapters 4 and 5 to explore how the medium of narrative distances the pain of the person from the person in pain and attaches it to a belief or an ideology. In this way, the relationship between affect, language and narrative mediation can become an avenue to explore innovative ways of communicating pain and critiquing power.

The task of humanising the Other when drawing attention to their pain needs to account for the potential of pleasure, sadism, and indifference present in the onlookers' gaze. In so doing, this thesis expands Scarry's argument by showing that the onlooker has the potential for empathy but complicates this by outlining the significance of understanding affects as multiple; for instance, the onlooker could be empathic, aroused and disgusted at the same time. Likewise, the relationship between the torturer and the tortured is an affectively complex intersubjective exchange. In a similar vein, the ethics of including the body in pain in political discourse needs to be analysed to account for similarly affectively complicated motivations to torture. Understanding affect as manifold and composite can shed light on representational strategies

that hold the potential for resulting in stopping those intent on causing pain. This thesis does not understand the relationship between a representation and its audience or readership as one-directional, rather considers it as a bi-directional exchange. Including considerations regarding the onlooker, who is in a position of power over the meanings that can be inferred from the wounded and vulnerable bodies, enhances Scarry's position on the difficulty inherent in expressing pain in language. If representations often work to objectify those in pain through their reduction to a singular function, namely, that of extraction of information or producing an affective state, that is, of pain, then the onlooker can work to recover this pain by being attentive towards it.

Understanding the experiences of those who have been tortured in terms of affective complexity also humanises them, for example showing how victims who have experienced 'world-destroying pain' can live reasonably normal lives afterwards can result in processes built to help ex-prisoners live a fulfilling life after being released. The significance of this point emerges when we examine Darius Rejali's account of the torturers' treatment of the tortured prisoners during the battle of Algiers. Some torturers saw the pain of the prisoners who had been abused and decided to put them out of their misery.²³ In this instance, the aversiveness of pain, empathy and compassion towards the Other worked to do more injustice to those who were grossly mistreated. Their distress became a justification for another wrong: in this instance the decision to murder them. In the post 9/11 context, the pain of the prisoners who have likely experienced torture and remain incarcerated in the Guantanamo Bay detention camp must be brought into political discourse ethically such that they are not subjected to further injustices. Abuse and wrongful incarceration have resulted in the fear of retaliation in the form of terror strikes, even though before incarceration many of these prisoners had not been a threat to national security. The fact of a wrong, such as, torture, should not be followed by another

²³ Rejali, p. 493.

wrong, that is, unnecessary incarceration for fear of retribution. The detainees are monitored upon release and have travel bans imposed on them. Such fears also limit an objective discussion of the potential risk posed by the detainees to the US. Journalist Sacha Pfeffer points out that there is no standard method or criteria for understanding what counts as turning against the US. According to her, something as simple as being critical of the States can be enough to deem a former detainee hostile.²⁴ Moreover, a former prisoner of Guantanamo Mansoor Adyafi has documented how security measures impede the life of detainees who have already suffered hardship and grave injustices. To illustrate, two former prisoners released to Kazakhstan and Mauritania respectively died because they could not get timely approval for travel needed to undergo life-saving medical procedures.²⁵ Highlighting such injustices makes the task of understanding how the pain of Othered people enters political discourse a necessary prelude to exploring the ethics of representing marginalised, neglected and wronged communities of people. To this end, the following section will show how certain forms of cultural discourses discuss distant Others like school children in Afghanistan as those who need help and ex-prisoners of Guantanamo as threats to national security.

How is pain excluded from the political discourse in the post 9/11 context?

The wounded bodies of Othered people enter the cultural and political discourse as already dehumanised, in that the body is reduced to the generation of particular affects. Their dehumanisation and erasure extend to their culture and history, that is, the destruction of their material world begins before such a prisoner or suspect enters the interrogation room. Nivi Manchanda and Mahmood Mamdani reveal how selective historical erasures justify Western

²⁴ Sacha Pfeffer, 'The future of Guantanamo Bay detention camp — and the 39 prisoners still there', *NPR* (11 January 2022) <https://www.npr.org/2022/01/11/1072183473/the-future-of-guantanamo-bay-detention-camp-and-the-39-prisoners-still-there> [Accessed 26 July 2023]

²⁵ Jeremy Scahill, 'Life After Guantánamo: "It Doesn't Leave You"', *Intercept* (8 December 2021) <<https://theintercept.com/2021/12/08/intercepted-podcast-guantanamo-prison-mansoor-adyafi/>> [Accessed 26 July 2023]

intervention. Manchanda highlights how ‘practices of knowledge production about the other’ are disguised in the narrative accompanying an Afghan school textbook in a previous museum exhibit at the National War Museum in London. Mamdani goes on to show how the schoolbook was produced as a propaganda tool by the United States to train Mujahideen during the US-Soviet conflict in Afghanistan.

Manchanda addresses the manner in which the museum display draws attention to the book’s ‘references’ to ‘mujahid and jihad’ alongside ‘apples and oranges’ and ‘rifles along with pencils as numerical aids’ to show the ‘warlike content’ of the book. This narrative places the instruments of war together with other recognisable everyday objects to establish the war’s normative nature. The display anticipates that the visitors of the museum may feel shocked, but reorients this initial affective response to an empathic stance by reminding the visitors of ‘the lasting legacy of conflict in modern Afghan society’. By overlooking the involvement of the US or the UK in the conflict, this exhibit enables reading the West’s participation in the Afghan war ‘as a laudable attempt to bring military intervention then underway in Afghanistan into the popular consciousness of the citizens of a country whose army has been embroiled in a long and protracted war’ after the 9/11 strikes.²⁶ The empathic stance opened up for the Othered, instead of highlighting their pain and suffering, justifies the West’s participation in the conflict.

In Sara Ahmed’s analysis, hate groups rename themselves love groups by excluding Others and labelling their critics with the charge of hatred in a similar manner. Such affective transformations depend on the conversion of a negative affective orientation like the pain of the Other into a positive affect like national pride, solidifying a strong alignment with a group of people, that is, the citizens of a nation in this instance. Ahmed notes that

²⁶ Nivi Manchanda, ‘Introduction’ in *Imagining Afghanistan: The History and Politics of Imperial Knowledge*, (Cambridge University Press, 2020), pp. 1-2.

[t]he conversion of hate into love allows the groups to associate themselves with ‘good feeling’ and ‘positive value’. Indeed, such groups become the ones concerned with the well-being of others; their project becomes redemptive or about saving loved others. These groups come to be defined as positive in the sense of fighting for others, and in the name of others. The narrative suggests that it is only the ‘for-ness’ that makes ‘against-ness’ necessary.²⁷

Political or military interventionism on humanitarian grounds aligns people in a similar manner. The pain of the Other is not simply excluded from the political discourse, but the interventionists’ good feelings depend on its very exclusion. Positive feelings are generated due to the alignment of the people in support of some value against another value, rather than in response to someone else’s distress. Thus, the nature of this alignment prevents the pain of the wounded from entering the political discourse. This form of exclusion is necessary for garnering support for wars because the affectively complex experience of the Other can challenge the notion of the war as just or good.

Exclusion of this kind also features in the processes through which the violations of the Othered body are justified in acts such as indefinite incarceration and/or torture. When the public gaze is positioned away from the pain of the Othered through affective transformations, it becomes possible to see the participation in the GWOT as an effort to stop ongoing violence. This deflects attention away from the modes that either produced or resulted in the continuation of such violence, allowing the nation to distance itself from its direct or indirect involvement in causing pain. It becomes possible to associate the value of charity with the act of intervention while downplaying the strategic significance of the choice for the West. For example, the UK

²⁷ Sara Ahmed, ‘In The Name of Love’ in *The Cultural Politics of Emotion*, p. 123.

was not involved in the production of the school textbook mentioned earlier, but it provided covert support, including funding, training and/or equipment, to the mujahideen during the Soviet Union's invasion of Afghanistan in 1989.²⁸ In this instance, the Afghan school textbook's lack of connection to this particular choice makes it possible to overlook that it was also important for the UK to act against the Soviet Union's imperialistic goals of expansion due to the geo-political importance of Afghanistan. The long-term consequences of aiding the mujahideen were simply not considered at the time.²⁹ However, the mobilisation of affects both for the support to the mujahideen in 1989 and the support for the GWOT post 9/11 worked in similar ways to exclude the pain of the Other through a show of solidarity. At the time support for the mujahideen was seen as morally right because, from the British point of view, they were showing solidarity with the mujahideen and helping them protect their freedom from Soviet aggression. Likewise, during the GWOT the oppressed position of women in Afghanistan was highlighted not to show their pain but to appeal to American citizens to justify a war fought for the freedom of these women from patriarchal oppression (amongst other things). In this way, the affective appeal of the value of freedom is mobilised to transform an act of war that is meant to cause injury into an act of supporting people in need or showing solidarity with others. The discourse is invested in feeling good about the actions of the nation rather than legitimately committed to helping the Othered. For instance, after the US-Soviet conflict, both the States and England largely left the people of Afghanistan alone; this also happened after the 2021 US

²⁸ Geraint Hughes, 'The Second 'Great Game': Britain and the Soviet Intervention in Afghanistan, 1979-1980', *King's College London* (2021) < <https://www.kcl.ac.uk/the-second-great-game-britain-and-the-soviet-intervention-in-afghanistan-1979-1980> > [Accessed 26 July 2023]

²⁹ Scholarship on the subject of England's involvement in the conflict ranges from those who claim that the Thatcher government had decided that covert support to the mujahideen was necessary in order to stop the Russians from taking over Afghanistan and could not have foreseen the events of 9/11 to those who argue that the government did not know enough about the political context of Afghanistan. The American support to the mujahideen critiques the decision to ignore the impact of American choices on the people of Afghanistan as well as the long-term consequences for the rest of the world. For more see Steve Galster, 'Volume II: Afghanistan: Lessons from the Last War', *The National Security Archive*, 9 October 2001 < <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB57/essay.html> > [Accessed 26 July 2023]; Mark Curtis, *Britain's Collusion with Radical Islam* (Serpent's Tail, 2018).

withdrawal from Afghanistan. This type of alignment with what we love, in the case of both wars, is with a value, namely, freedom from oppression, and what we hate is the oppressive regime, Soviet Union or al Qaeda. The defence of the value forms the basis for a common alignment between people in support of Others, however these very Others are not represented. As a result, the space meant to signify the Other ends up occupying the feelings towards the nation while erasing the felt emotional experiences of the Other.

Consequently, the museum exhibit, in turning away from such problematic histories that link the US and the UK to the mujahideen, closes off the potential for interrupting the straightforward association of good feelings with the justification for the GWOT. This turning away is crucial to how the museum exhibit is able to generate empathy by effacing Others in the narrative chosen for the display. The display of the nation's power comes in the form of the capacity to deliver the much-needed support for war which now has a charitable character instead of having the power to annihilate. The exhibit positions the nation as a moral and good entity by highlighting its willingness to attend to this vulnerable Other. The nation can only be seen as benevolent when along with the historical connections, the vulnerable Other it signifies is also silenced. In this way, the exhibit continues to exclude the felt experience of the people represented by the school textbook. This effaced nature of the Other allows for multiple justifications for the GWOT because this same object can be recruited to paint the Other as the threat, the Jihadi, the terrorist and the war will still be justified.

The school textbook conveys the normative status of war in a distant nation by referring to the real body of a child who, in occupying the potential for both readings, that is, of someone in need and someone who is a threat, is erased and objectified as it enters political and cultural discourse. Thus, dehumanisation depends on emptying the Others' affective states to enable the 'referential instability' of the wounded, vulnerable, and injured body so that they can be read in multiple ways, but the dominant readings are always in the service of the goals of the

imperium. In Chapter 6, Casa, the Jihadist in Aslam's *The Wasted Vigil*, occupies this subject position. The novel places multiple readings together by showing how other characters' reading of Casa frames their responses to his experiences of pain and marginalisation. Fictional representations can tackle the complex task of representing such pain as it is visible as pain that must be stopped and challenge the ways in the figure of the terrorist and the Other are usually circulated in political discourses like Bush's speeches.

The genre of literary texts can interrupt affective transformations in terms of love for some values and hatred of other values, which usually results in the division between allies and enemies. This opposition between love and hate can be used to pitch compatible values against one another introducing a false contradiction. For instance, love for national security can instil a hatred for human rights. Likewise, the ticking bomb trope constructs the opposition between thinking and acting to a greater extent than necessary. This often results in viewing human rights and justice as contrary values, where such opposition cannot be resolved. The temporal compression achieved by the trope makes it appear that choosing to preserve human rights will result in a loss of lives. The terror strikes and how the figure of the terrorist was evoked by public officials in the aftermath of the attacks framed these options, increasing the stakes of making such a choice. Before turning to the affective structure of the ticking bomb scenario, the next section closely reads Bush's speeches to expose the complex relationships between narrative, affect and policy that worked to solidify the enemy lines leading to gross human rights violations and torture.

Bush's Speeches

In the years following 9/11, Bush's speeches have been analysed in the field of communication studies, rhetoric and foreign policy.³⁰ Themes of good versus evil, religious symbolism,

³⁰ See: Gregg Hoffmann, 'Rhetoric of Bush Speeches: Purr Words and Snarl Words', *Institute of General Semantics*, 62:2, (2005);

freedom, the myths of the American West and Civilisation versus Barbarism have been evaluated for their framing of the justification of the GWOT. The concept of freedom, according to Kevin Coe, has been evoked to justify policy by American presidents from 1933 to 2006. Coe notes that freedom is espoused as a cause worthy of defence, then America's friends (those willing to stand up for freedom) and foes (those who are unwilling or do not view freedom as an important value) are determined, and finally, a policy decision or action is proposed and justified. Joanne Esch shows how myths of the American West and Barbarism versus Civilisation in the American Presidential speeches (including Bush's speeches) work to distinguish those who are good (friends) and those who are evil (enemies), leading to illegitimate justifications for war. In this discourse, affects like courage are associated with the US and cowardice with the enemies.

The manner in which the conventions of the war rhetoric genre enable these themes will be analysed in this section. John M Murphy demonstrates that Bush's speeches often drew on the epideictic genre to reveal rather than justify the decision to go to war. The deliberative genre discusses 'the harm we faced, the choices available, the time and resources his choice would take, the advantages and disadvantages of his policy and various alternatives, or the long-term effects of the policy on the world community'.³¹ In contrast, the epideictic genre is often used for ceremonial speeches like obituaries and is associated with the intention to praise or blame a particular course of action, person or institution. The type of leadership demanded by the crisis could very well have influenced Bush's speech writers to make some of the generic choices. Michelle C Bligh et al conducted a quantitative and qualitative analysis of Bush's speeches to determine the extent to which his leadership was consistent with characteristics

Lauren Frances Turek, 'Religious Rhetoric and the Evolution of George W Bush's Political Philosophy', *Journal of American Studies*, 48.4 (2014);

Anna Lazuka, 'Communicative Intention in George W Bush's presidential speeches and statements from 11 September 2001 to 11 September 2003', *Discourse & Society*, 17.3 (2006).

³¹ John M Murphy, "Our mission Our Moment": George W Bush and September 11th, *Rhetoric & Public Affairs*, 6:4 (2003), p. 612.

like ‘bold and directive leadership’ commonly observed in effective post-crisis leadership. The study found that ‘the President’s postcrisis speeches were more aggressive and less ambivalent when compared with those given in the first 9 months of his administration’.³²

Scarry’s concept of ‘crisis of self-belief’, as discussed earlier in the chapter, describes a situation where the president or the leader of a country has lost faith in their power and is imposing it through theatrical means. The features of war rhetoric disguise such loss of faith as the power to cause injury. In order to understand how these concepts work together with genre to exclude pain in discourses of war, it is necessary to outline the conventions of war rhetoric in US presidential speeches and public addresses. The genre of war rhetoric usually shares five characteristics: 1) the choice to go to war is ‘deliberate, the product of thoughtful consideration’, 2) a narrative is developed regarding the events leading up to this decision from which ‘argumentative claims are drawn’, 3) the public is urged ‘to unanimity of purpose and total commitment’, 4) violence is justified leading to the ‘presidential assumption of the extraordinary powers of the commander in chief’, 5) to achieve these goals or to fulfil these purposes ‘strategic misrepresentations’ can be employed.³³

In the *Address to the Nation* speech on September 11, the immediacy of the terror strikes was used as self-evident justification for war undercutting the need for adhering to the first feature of the war rhetoric, that is, thoughtful consideration of the reasons. The speech begins by outlining the meaning of the attacks. The first six lines determine that freedom is under attack and paint a picture of who the victims are, and a visual description of ‘airplanes flying into buildings, fires burning huge structures’ is evoked as evidence for the need to ‘defend a great nation’. The first mention of war comes towards the end of the speech where ‘we stand

³² Michelle C Bligh, Jeffery C Kohles and James R Meindl, ‘Charting the Language of Leadership: A Methodological Investigation of President Bush and the Crisis of 9/11’, *Journal of Applied Psychology*, 89:3 (2004), p. 565.

³³ Karlyn Kohrs Campbell and Kathleen Hall Jamieson, ‘War Rhetoric’, in *Deeds Done in Words: Presidential Rhetoric and the genres of Governance* (The University of Chicago Press, 1990) EPUB.

together to win the war against terrorism'.³⁴ The phrasing assumes that the war is already underway. Where the first feature of war rhetoric is meant to ensure that war is a rational action and not a hasty response, this speech, by establishing the war as an ongoing event and devoting attention to the victims alone, forgoes the need to deliberate. Karlyn Kohrs Campbell and Kathleen Hall Jamieson, however, demonstrate that 'what began as a genre based on reciprocity and cooperation' between the president requesting 'the authorization for acting as commander in chief' from the congress 'has become a genre crafted to compel congressional approval'.³⁵ Adhering to the genre conventions as practised marked the frames in which the decision to launch the GWOT came to be debated in popular political and cultural discourses. Johnson and Tas observe that the American media also framed these strikes in terms of the language used by the government, resulting in ignoring the opportunity for a critical examination of the political reasons behind the attack.³⁶ According to Richard Jackson, when people were struggling to speak about the terror strikes, Bush's interpretation of the events 'explained what had occurred, who the perpetrators were, why they had done it, what would happen in the future, and how the government would respond' and 'this narrative came to dominate American politics and society'.³⁷ The inability to prevent the terror strikes had demonstrated that the American security apparatus is vulnerable, creating a 'crisis of self-belief', necessitating the adoption of a 'strong' stance. The 'argumentative claims' set by this choice establish that the attacks were on the cherished value of freedom.

The features of the war rhetoric have developed to support the purpose of justifying war and giving the president the commander-in-chief powers. Relying on an 'Us' versus 'Them' rhetoric is a common approach for accomplishing this because it demonstrates 'the unanimity

³⁴ *Selected Speeches George W. Bush (2001-2008)*, p. 58.

³⁵ Campbell and Jamieson, 'War Rhetoric', EPUB.

³⁶ Ashley Johnson and Vincent Tas, 'The Competing Narratives of 9/11', *Leigh Review*, 13 (2005).

³⁷ Richard Jackson, 'The battle of narratives: the real central front against Al Qaeda', in *The impact of 9/11 on the media, arts, and entertainment*, ed. by Matthew J Morgan (Palgrave Macmillan, 2009), p. 28.

of purpose' useful in garnering support for war.³⁸ For example, research on presidential rhetoric has noted that 'presidents can be thought to inherently promote crises when they present a claim or issue to the public and link it to a political necessity' by framing cherished values like freedom as 'threatened' to gather public support for a bold course of action.³⁹ The recommended action or policy is then argued as necessary for preserving these values giving it the appearance of justification. Thus, such rhetoric reduces debate and wins the support of Congress, the people, the military and the international community. Campbell and Jamieson have noted that the genre of war rhetoric has developed to accommodate this need and allows a degree of misrepresentation.⁴⁰ Edward J Lordan reveals that this genre has not changed much since its inception, and post 9/11, it continued to discourage debate along with distorting and fabricating reasons for invading Iraq.⁴¹

The Bush administration has been widely criticised for misrepresenting the uncertainty expressed in the intelligence reports on the likelihood that Saddam possessed weapons of mass destruction (WMD), and exaggerating the conviction with which the knowledge that WMD existed in Iraq was presented to the public.⁴² The 'crisis of self-belief' was transformed into an imposition of power over Iraq. Rhetorical choices facilitated the conversion of the affective experience – described by many as unspeakable – into anger, impacting the original affective

³⁸ John Oddo, 'War legitimization discourse: Representing 'Us' and 'Them' in four US presidential addresses', *Discourse & Society*, 3 (May 2011), pp. 287-314.

³⁹ Jeanine E Kraybill and Raul Madrid Jr., 'The Rhetoric of Crisis: George W. Bush during the Afghanistan and Iraq Wars', *American Communication Journal*, 21:1 (Spring 2019), pp.1-10, (p.2).

⁴⁰ Campbell and Jamieson, EPUB.

⁴¹ Edward J Lordan, *The Case for Combat: How Presidents Persuade Americans to Go to War*, (Praeger, 2010) p.15.

⁴² For more see Carroll Doherty and Jocelyn Kiley, 'A Look Back at How Fear and False Beliefs Bolstered U.S. Public Support for War in Iraq', *Pew Research Center*, 14 March 2023 <<https://www.pewresearch.org/politics/2023/03/14/a-look-back-at-how-fear-and-false-beliefs-bolstered-u-s-public-support-for-war-in-iraq/>> [Accessed 15 April 2023]; David Smock, 'Would an Invasion of Iraq Be a "Just War"?'', *US Institute of Peace*, Special Report 98 (2003), pp. 1-16; 'Legality of U.S.-Led Invasion of Iraq', *The American Journal of International Law*, 99:1, (2005), pp. 269–70; Douglas Kellner, 'Bushspeak and the Politics of Lying: Presidential Rhetoric in the "War on Terror"', *Presidential Studies Quarterly*, 37:4 (2007), pp. 622-645.

experience and mobilising the public to support the GWOT. The invasion of both Afghanistan and Iraq was possible because the administration played on the fear generated by the terror strikes and consistently assured the public by recommending war. The terror strikes were repeatedly brought into public memory to maintain fear so that the support for military action could be preserved years after the strikes. The wounded bodies of the victims of 9/11, enabled by the genre of war rhetoric, are reduced to the production of particular emotions that work to simplify complex issues in order to minimise challenges to the proposed course of action, and frame the justification for the GWOT as a necessary choice.

Todd H Hall and Andrew A G Ross argue that the 9/11 attacks ‘triggered a range of high-intensity affective responses’ from the general public and ‘[p]olicy-makers’. Drawing on the statements of Bush, Rumsfeld and Rice; Hall and Ross, show how the desire for vengeance was driving the thinking of the politicians.⁴³ They describe the war on Iraq as an ‘affective spillover’ underlining the means by which the immediacy of the terror strikes covered up the absence of rational thinking because people and politicians began reasoning in terms of ‘possibility’ rather than ‘probability’.⁴⁴ However, there is evidence to suggest that the plans for the war on Iraq were drawn up before the terror strikes.⁴⁵ This shows that the feelings of fear and anxiety evoked by the attacks are likely to have been manipulated to get public support for already existing plans of war in the Middle East. As noted by Lordan, Bush reframed the war between America and al Qaeda as the battle between good and evil and ‘[f]rom this perspective, the president was able to apply his new conceptualization to broader and broader areas’.⁴⁶ The

⁴³ Todd H Hall and Andrew A G Ross, ‘Affective Politics after 9/11’, *International Organization*, 69:4 (2015), pp.847-879, (p. 863).

⁴⁴ *Ibid.*, pp. 866-868.

⁴⁵ Entry, ‘Targeting Iraq, Part I: Planning, Invasion, and Occupation, 1997-2004’, *ProQuest LibGuides* for accessing *Digital National Security Archive (DNSA)* < <https://proquest.libguides.com/dnsa/iraq97>> [Accessed 5 January 2023];

‘O’Neill: Bush Planned Iraq Invasion before 9/11’, *CNN*, 14 January 2004 < <https://edition.cnn.com/2004/ALLPOLITICS/01/10/oneill.bush/>> [Accessed 25 March 2023]

⁴⁶ Lordan, p. 268.

invasion of Iraq had no connection to the 9/11 strikes, but Lordan confirms that the rhetorical strategy was intended to create the perception of a connection between the disparate issues of the 9/11 strikes, Afghanistan, Iraq, Saddam and Osama.⁴⁷ Rather than providing a rationale, the government drew on the mood of panic and worry shared by the public after the strikes to imply a connection by simply referring to these together. The disorienting effect of the terror strikes was tempered by

[t]he public deployment of national symbols [...] to direct affective reactions toward certain forms of solidarity. By saturating the social environment with symbols linked to pre-existing and long-cultivated affective dispositions, such expressive acts further intensified, channelled, and disciplined emotional experience.⁴⁸

The presidential rhetoric reoriented the emotionally bewildering experience of the citizens, however it is re-established as anger and vengeance. Schubert, Stewart, and Curran identify how the early speeches of former President Bush worked to comfort and direct the anger of the public.⁴⁹ Thus, the codification of grief, sadness, and anxiety into anger worked to transform negative affective states into positive ones. This made it possible for an otherwise negative affect like anger to be felt as a positive and desirable emotional state, which is able to take root as such, especially when the language of vindication is employed while justifying and framing the actions taken by the government as retaliation. The pattern of affective transformation where emotive language is used for dehumanising the enemy shapes the political conditions in which those labelled as terrorists are opened to indiscriminate forms of violence such as torture, which can be carried out with impunity.

⁴⁷ Ibid, p. 274.

⁴⁸ Hall and Ross, p. 864.

⁴⁹ James N Schubert, Patrick A Stewart, and Margaret Ann Curran, 'A defining Presidential Moment: 9/11 and the Rally Effect', *Political Psychology*, 23:3 (2002), pp. 559-583, (p. 578).

The first speech after the terror strikes begins attributing meaning to the chaotic and disorienting effect of ‘airplanes flying into buildings, fires burning, huge structures collapsing’ and these enter into the language as ‘disbelief, terrible sadness, and a quiet, unyielding anger’.⁵⁰ A narrative begins to form as the emotions themselves find names. The experience of shock and cultural trauma resulting from the terror strikes is recognised as incredulity and grief. Incredulity at the broken belief that America was secure from terror attacks, grief at the loss of lives. The attachment of these descriptors to the experience of shock begins to construct a secure America newly threatened by terrorists. This is not merely about naming, but also suggests a trajectory of the movement of emotion from sadness to anger. The process of yoking together affects and ideology is evident in the official meaning of the terror strikes visible in the speeches. For instance, the objective of the attacks was ‘to frighten our nation’ and threaten our freedom. This allows the attachment of fear to the loss of freedom, establishing the threatened status of an abstract value. The exclusion of the reasons behind the attacks given by Bin Laden in a short video released after the terror strikes and a 2002 letter enables this attachment.⁵¹ Including the fact would have broken the genre convention of war rhetoric aimed at reducing debate, and consequently, undermining the need for the GWOT. Literary fiction encourages subverting genre conventions in unique ways, thus exploring narrative strategies for representing the GWOT and torture can undercut the power of presidential rhetoric and the official narrative, opening up the frames of discussion.

According to bin Laden, the terror strikes were meant to frighten the American public and draw attention to the US’s support of the oppressive Saudi regime as well as bin Laden’s

⁵⁰ George W Bush ‘Address to the Nation on the September 11 Attacks’, in *Selected Speeches George W Bush (2001-2008)*, p. 57.

⁵¹ Audrey Gillian, ‘Bin Laden appears on video to threaten US’, *Guardian*, 8 October 2001 <<https://www.theguardian.com/world/2001/oct/08/afghanistan.terrorism>>
‘Transcript of Usama Bin Laden Video Tape’, 13 December 2001 <<https://image.guardian.co.uk/sys-files/Guardian/documents/2001/12/13/transcript.pdf>>
‘Full text: bin Laden’s ‘letter to America’, *Guardian*, 24 November 2002
<<https://www.theguardian.com/world/2002/nov/24/theobserver>>

perception of the way in which US's actions impact Muslims in places and countries such as Kashmir, Chechnya, Somalia and Saudi Arabia. Scholarly debate on bin Laden's intent attributes it to religious dogma, globalisation and provoking the US to war.⁵² However, rather than engaging with this diverse range of opinions and analyses, the official and media responses to the terror strikes has been that the attacks were planned because

[t]hey hate what we see right here in this chamber—a democratically elected government. Their leaders are self-appointed. They hate our freedoms—our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.⁵³

This answer aligns the totalitarian, oppressive terrorists against the free and democratic America. Reducing the complexity of the terror strikes to such a binary works to affectively orient good against evil and excludes the analysis of other perspectives regarding the objective behind the terror strikes. The response is phrased in terms of the question 'why do they hate us', which is posed to direct public attention to the emotional cause behind the attacks. The Americans become the object of hatred and the question avoids being asked as a neutral inquiry regarding the purpose of the attack. The latter line of thinking might have provoked a discussion regarding possible motivations perhaps allowing for a more nuanced and tempered response. Chapter 6 of the thesis will examine Nadeem Aslam's attempt at answering this question. The argument will show how Aslam plays with associating 'hate' to the figure of the terrorist. The novel, in showing the dire conditions in which Casa and Bihzad came to flirt with terrorism, holds the potential for including an ethical discussion of how terrorism becomes a choice. In so doing, the narrative offers a fruitful discussion of underutilised academic views regarding the causes and goals of the strikes. Michael Scott Doran argues that

⁵² Ibid.

⁵³ *Selected Speeches*, p. 68.

[w]hen a terrorist kills, the goal is not murder itself but something else—for example, a police crackdown that will create a rift between government and society that the terrorist can then exploit for revolutionary purposes. Osama bin Laden sought—and has received—an international military crackdown, one he wants to exploit for his particular brand of revolution.⁵⁴

Doran explains that the attacks were meant to polarise the Muslim world into believers and infidels, and that America's increased military response to the terror strikes could be used to recruit people to bin Laden's cause. This is based on analysing his statement regarding the US and the way in which the Salafiyya movement has shaped the thinking of various extremist groups around the globe. Doran uses the growing appeal of this ideology in the Middle East after the strikes as an example to support his theory regarding bin Laden's intentions.⁵⁵ The absence of debate about bin Laden's objectives and America's response to the terror attacks worked to exclude multiple perspectives which enabled the public to support the GWOT. The focus on purely religious motivations also served to keep the public attention away from the possibility of Saudi Arabia's involvement in the attacks. Since fourteen of the attackers were Saudi citizens and Osama bin Laden was a Saudi national, this strategy worked to avoid conflict with Saudi Arabia. Thus, the affective charge of the speeches served to reduce the emotional and discursive complexity of the attacks, and the narrative constructed by the president's speeches also worked to create the figure of the terrorist. Furthermore, the affective attachment of good to broad sweeping values and evil to the irrational enemy offers a degree of abstraction. This makes it possible to omit details making analytical engagement with the specifics of the proposed course of action difficult.

⁵⁴ Michael Scott Doran, 'Somebody Else's Civil War', *Foreign Affairs*, 81:1 (2002), pp. 22-42, (p. 23).

⁵⁵ *Ibid.*, pp.28-9.

The first speech after the attacks separates the ‘shattered steel’ of the Twin Towers from ‘American resolve’, differentiating between the decimation of the towers and the symbolic wound caused by the terror strikes to the nation.⁵⁶ The rhetoric strategy begins to reorient the people from the mayhem caused by the attacks to the ‘daring’ of the firefighters and the ‘caring’ response of the citizens who donated blood to help the survivors and emergency workers. The appeal to ‘American resolve’ pivots the people towards actionable responses giving a purpose to the disoriented and traumatised nation. The ‘resolve’ outside of the US is expressed in terms of military might and defined in symbolic terms such as ‘our resolve for peace and justice’.⁵⁷ In so doing, the affective transformation of grief into the pursuit of abstract values usually accepted as universally good, such as peace and justice, did the work of defending the GWOT. This pattern is also mirrored in the second speech after the attacks where the mood of the public is recognised as ‘grief’. The speech goes on to frame how ‘we express our nation’s sorrow’. Now, the ‘images of fire and ashes, and bent steel’ are attached to the ‘deliberate and massive cruelty’ of the Other. Since the attacks targeted civilians, the space of the domestic that was described as ‘shattered’ in the previous speech is fleshed out as the site of the invasion by the monstrous Others.

The ‘men and women’ who perished are described as ‘busy with life’, emphasising that their lives were cut short. These victims of the strikes are recruited in the political discourse to rebuild the shock felt by the people as bravery and courage. Bush’s speech refers to the victims as ‘people who faced death, and in their last moments called home to say, be brave, and I love you’.⁵⁸ This manner of memorialisation of the victims is still visible in Western media depictions of the casualties where those who perished continue to be described as ‘without

⁵⁶ *Selected Speeches*, p. 57.

⁵⁷ *Ibid.*, p. 58.

⁵⁸ *Ibid.*, p.59.

fear'.⁵⁹ The victims were recruited to stand in for abstract values such as bravery, courage and selflessness. The bodies of the dead and the wounded are used to shift the public mood of being 'shattered' to the 'resolve' imagined by the president's speech. Individual instances of bravery are highlighted such as the passengers 'who defied their murderers, and prevented the murder of those on ground'. The then president stated that '[w]e will linger over them, and learn their stories, and many Americans will weep'. The process of memorialisation allowed by the epideictic genre when combined with the 'Us versus Them' division permitted by the war rhetoric further aligns the brave, courageous and selfless victims of the strikes as 'us' against the deceitful, cruel and evil 'them'. In so doing, grief is transformed into anger, and the entry of the victims into official memory functions to bolster the 'resolve' mustered for answering 'these attacks' and ridding 'the world of evil'.⁶⁰

In this way, universal values of good and evil serve to form the opposing sides. The 'quiet anger' of the first speech now gives way to a 'fierce' character and the strikes are interpreted as having 'stirred' the nation 'to anger'. The strategy of listing the sacrifice of average citizens works to create the heroic character of the ordinary American. The pattern of transforming negative affective states produced by the terror strikes to positive emotions is repeated throughout the speeches.⁶¹ Thus, at the beginning of the GWOT, the role of the wounded and the dead was to symbolise the national character and establish it as universally good, reducing the myriad complex lives of the victims to a singular affective function, which inspired the public to support the GWOT. Throughout the speeches, the purpose of the bodies is not only to stand in for positive emotional states but also to mark the terror strikes as a permanent event. The victims are used to remind the public that American campaigns in the

⁵⁹ Bevan Hurley, 'I'm so thankful for that message': The final calls made by 9/11 victims that still comfort the grieving relatives', *Independent*, 9 September 2022 < <https://www.independent.co.uk/news/world/americas/9-11-final-calls-twin-towers-b2163982.html> > [Accessed 20 July 2023]

⁶⁰ *Selected Speeches*, p. 59.

⁶¹ For more examples see *Selected Speeches*, pp.60-1.

Middle East are to bring freedom everywhere, and thus, those who perished during the strikes are memorialised to establish a permanent state of emergency.⁶² This objectification of the victims is reflected in the then president's decision to display '[...] the police shield of a man named George Howard, who died at the World Trade Center trying to save others'.⁶³ On the ground, however, the military action resulted in indefinite detention and torture. Ultimately, the bravery, courage and selflessness of the victims were mobilised, not for creating democracy and freedom, but to oppress those labelled as terrorists.

Bruce Lincoln finds that Bush 'made very little use of language that was unambiguously religious', however, he was noticed for his 'cowboy style directness' which 'goes down well with many Americans'.⁶⁴ This is in keeping with the convention of handling the minority US population's sentiments towards war as well as relying on the vocabulary of the Old West to bolster the populace. A similar approach was used to address German Americans during World War II. While Bush maintains the distinction between Islamists and Muslims, the tradition of using the Western mythologies betrays the politics of white supremacy. This deployment assumes what Ahmed calls a white subject as the citizen of the nation while painfully paying lip service to include the country's Muslim population as good citizens. The early films belonging to the Western genre construct good and evil in a similarly reductive manner to the war rhetoric genre. Chapter 4 of Part II of the thesis analyses Percival Everett's experiments with some of the codes of the Western narrative to disclose the extent to which this strategy subverts the affective and ideological pull of the official account of the GWOT. The novel's bizarre form allows references to the CIA's torture programme and the critique of Bush's employment of the cultural vocabulary of the Old West. The narrative's commentary on the

⁶² For example, see *Ibid.*, pp.79, 83, 84, 101, 201, 211.

⁶³ *Ibid.*, p. 72.

⁶⁴ Bruce Lincoln, 'Symmetric Dualisms: Bush and bin Laden on Oct. 7, 2001', in *Holy Terrors: Thinking about Religion after September 11*, (Chicago: University of Chicago Press, 2003); 'George W Bush: Wartime president', *BBC News*, 2 October 2001 < <http://news.bbc.co.uk/1/hi/world/americas/1574277.stm> > [Accessed 10 April 2023]

wider cultural and political climate in the aftermath of the strikes and its depiction of the tortured and the wounded body will reveal the relationship between revenge, justification and torture.

The Western and the revenge genre habitually portray the justice system as ineffective, thereby granting the hero the right to do what is necessary for restoring law and order. The core ideology of the genre frames the opposition between human rights and justice. While war rhetoric and other forms of public discourses do not resemble these fictional genres in terms of their conventions, they tend to borrow this core ideology in their articulation for certain policy actions after the terror strikes. Dick Cheney, the Vice President at the time, did not view the strikes as a failure of intelligence efforts or the US foreign policy, but saw the American justice system and the human rights framework as inadequate for dealing with a new kind of threat. By attributing supervillain-like powers to the enemy, Cheney reasons that the US should be prepared to use any means necessary, including torture to save the lives of millions of Americans. This sentiment is also visible in the memos exchanged between the DOJ and the CIA interrogators and it will be explored in the last section of this chapter.

A heightened mood of fear and anxiety fuelled the debate on torture in public when John Yoo and other lawyers in the DOJ were also making decisions assuming that America was facing unprecedented threats from terrorists. In this way, the justifications for war and torture were expressed as part of the willingness to take extreme measures in response to an extraordinary threat. This ignores real-world examples like Zacharias Moussaoui whose suspicious behaviour was reported, he was apprehended, and investigative work was carried out to determine whether he posed a threat. Chapter 1 discussed how these facts were narrated in terms of the ticking-bomb scenario to justify torture by weakening the human rights framework and creating a false opposition between preserving human rights and national security. In so doing, the emotional frames used to describe the attacks were called upon to

justify the use of torture and indefinite detention behind closed doors. The pro-war and torture justifications share the tendency to undermine the significance of human rights in times of crisis as common sense and necessary for preventing terror strikes. These premises often work to legitimate violence against minorities, and it is unclear how they lead to the prevention of future terror strikes. The following section will analyse the affective structure of the ticking bomb trope before delving into a detailed analysis of the torture memos, which reveal that detainees were tortured for months on end.

Thought versus Action: Do we need to pick one over the other?

To undercut the emotional appeal of the ticking bomb hypothetical, it is important to show the significance of safeguarding human rights, especially during times of crisis. Elaine Scarry argues that people can put into motion well-thought-out procedures in response to calamities and emergencies. These procedures are weighed for their effectiveness and practised well before the calamity happens. She shows that during a crisis people act in three different ways

[...] the first is immobilization; the second is incoherent action; the third is coherent action. The first alternative is one in which a population is incapable of initiating its own actions and highly susceptible to following orders imposed by someone else, as illustrated in [...] Hannah Arendt's account of the obedience of Eichmann in Germany, or in the notorious Milgram experiments in the United States where subjects willingly inflicted electric shock on other people if instructed by a scientist to do so. The other two alternatives entail the performance of an action in which some level of self-authorizing agency remains. [...] the extraordinary role played by habit in shaping these two alternative forms of self-authorization. In an emergency,

the habits of ordinary life may fall away, but other habits come into play, and determine whether the action performed is fatal or benign.

Scarry does not highlight the role of affect in peoples' responses to a catastrophe, however, the 'immobilization' and 'incoherence' she refers to in the quote above describe the affective reaction of a community to an emergency. Her arguments reveal the importance of habit formation in a communities' ability to manage the affective distress experienced as a result of a disaster. She also shows that individuals in a community become vulnerable to following orders unthinkingly when habits that safeguard some degree of 'self-agency' are not in place. This confirms that 'emergency bringing about the end of thinking' is a learnt response and demonstrates that 'thinking [...] bring[ing] about the end of emergency' can also be learnt. In order to achieve this, she argues that we need to challenge '[t]he basic assumption' of 'peacetime' where '[t]he stability of the world acts as the background for the display of our changes, our circuitous thoughts, our contemplative digressions' and invert the notion that 'in an emergency [...] the world is changing more quickly than we can change'. She uses the example of '[a] Canadian quarterly publication called the Emergency Preparedness Digest' that analyses the readiness of 'existing civil defense procedures, hypothetical rescue strategies, communications problems' with respect to 'a constant stream of actual and hypothetical emergencies' such as 'grain elevator fires, laboratory disease outbreaks, tornadoes, chemical spills, ice breaks in spring, tsunamis in all seasons' to support her argument.⁶⁵ This example highlights that a crisis that places a time constraint on the community does not mean that the community needs to come up with a plan within that time limit. It simply shows that the community has a fixed amount of time to respond to the event. For instance, an earthquake gives people a matter of seconds to run out of the building or take shelter under sturdy furniture.

⁶⁵ Elaine Scarry, *Thinking in an Emergency* (W. W. Norton & Company, 2011) EPUB.

Nevertheless, people practice these behaviours during earthquake drills for months and years forming a habit that can come into place in the seconds during which an earthquake unfolds.

People execute plans when a disaster happens, whether these are recognised as schemes or as automatic responses depends on our ability to identify them as common-sense, normative reactions or procedures. Torture might seem immediate and effective; however, it is a habitual response to the failure of interrogation tactics. Hence, torture in response to the 9/11 terror strikes was not a knee-jerk reaction. The torture memos demonstrate that the use of torture in secret prisons was a well-thought-out plan executed with the intent of denying culpability. In contrast, the plans stated by Scarry are examples of reflective thinking for collaboration between communities to achieve a common good. Taking this as an example, in an emergency such as an imminent terrorist attack, should we not have a deliberate, evidence-based and well-researched plan of action rather than one interrogator with the freedom to torture? The ticking bomb scenario convinces us that we do not have time to think of a better way to prevent the disaster. This thesis argues that the opposition between thought and action present in a ticking bomb trope effectively creates dramatic tension that drives the fictional narrative, however borrowing this opposition when describing real-world instances leads us to exclude a whole range of actions that may have the potential to decrease the threat posed. It not only fails to reflect methods and practices crucial to a well-executed interrogation but also prevents us from seeing such procedures and processes as corrective and necessary for generating good results. The usefulness of these techniques needs to be tied to the generation of actionable data. The critical scholarship on torture argues that paid informants are more reliable than torture. However, once thinking is abandoned, a reliable means of gathering information can also be corrupted. This was observed in the deployment of the Rewards Program during the GWOT where ‘civilians in Afghanistan and Pakistan’ were ‘offered financial rewards’ for providing information on terrorists or those suspected of having ties with terrorists. As noted by Ute Ritz-

Deutch, '[t]housands of people were caught in the dragnet and subsequently imprisoned' because

[...] the United States military did not have effective screening processes to separate innocent suspects from actual terrorists. When the military belatedly instituted such measures, these were found to be in flagrant violation of the United States Constitution. Consequently many innocent suspects were arrested on mere hearsay and detained in several facilities including Bagram in Afghanistan and Abu Ghraib in Iraq, and later at the United States military base at Guantanamo Bay in Cuba. These prisoners had no access to lawyers nor could they bring their case before a judge; they had no way to prove that they were innocent and unjustly imprisoned.⁶⁶

This lack of accountability turned an otherwise reliable means of gathering information into an unreliable method. Instead of increasing efficiency, the lack of due process resulted in wasted resources and increased risk.

Once the opposition between thought and action has been undermined to highlight the importance of thinking, we can begin weighing options for the best processes to interrogate prisoners. Holding the police and government officials to a high standard of conduct is often linked to setting a high bar for proof. This results in the likelihood that better techniques of investigation are employed, leading to the apprehension of the guilty. Considerations regarding how pain affects prisoners should also be included here. As mentioned in the previous chapter, pain, stress, fear, and coercion negatively impact the suspect's capacity to recall, tarring the information provided. Mistreatment of prisoners in film and TV, however, is normalised in the

⁶⁶ Ute Ritz-Deutch, 'Imprisoning Foreign Nationals' in *The End of Prisons*, (Brill, 2013), p. 61.

context of time-sensitive information gathering. Often human rights protections are portrayed as if they benefit the prisoner or suspect at the expense of those in power, but it is rarely acknowledged that such protections can compel police officials to use robust methods of investigation. The *Torture Papers* show how this attitude influenced the reasoning for seeking permission to use enhanced interrogation tactics that resulted in bad quality of information and negatively impacted many lives. Yet, concerns regarding the treatment of suspects and prisoners are often about how much power law enforcement officials should have, including the power to coerce, threaten or inflict pain. These are often debated for their moral and ethical implications, which do not address the efficiency of such practices, diverting attention away from analysing such processes for their investigative value. Particular evocations of the Othered, for instance in Bush's speeches and the torture memos, serve as the backdrop in which this narrative regarding urgency unfolds. The following section will analyse the memos exchanged between the and the interrogators of high-value detainees to show how the affective power of the ticking bomb scenario was used to transform the pain of detainees into the 'mime of power'.

Torture Memos

The *Torture Papers* chronicle the publicly available torture memos, where each interrogation technique was explored by the DOJ to understand whether it would meet the criteria outlined by the Geneva Convention on Torture.⁶⁷ The nature of pain is unruly and subjective and without a reliable technique for measuring pain, the task of determining whether someone else's experience of pain is severe enough to count as torture becomes difficult and prone to errors. Various definitions of torture use 'severe pain' to distinguish torture from other harmful actions.

⁶⁷ Karen J Greenberg and Joshua L Dratel, *The Torture Papers: The Road to Abu Ghraib*, (Cambridge University Press, 2005). The work collates reports and memoranda on the US detention and torture program set up after the attacks.

For example, Section 2340A of USC where ‘acts specifically intended to inflict severe physical or mental pain or suffering’ amount to torture, the Torture Victim Prevention Act (TVPA) which includes ‘any act, directed against an individual in the offender’s custody or physical control, by which severe pain or suffering [...] is inflicted’ or the definition offered by the Geneva Convention where acts that produce ‘severe pain or suffering’ constitute torture.⁶⁸ Thus, whether a particular action amounts to torture relies on determining if the intensity of pain was ‘severe’. The misinterpretation of the term ‘severe pain’ played a central role in the justifications of torture post 9/11 as documented in the *Torture Papers*. Pain, however, accounts for only one aspect of the felt experience of torture.

Darius Rejali observes that ‘[a]s the body is damaged, its ability to sense pain declines’, thus the felt experience of pain comes in crests and troughs. For instance, a prisoner explains that

[a]fter about 10 or 15 minutes in this position, tied up so tightly, your nerves in your arms are pinched off, and then your whole upper torso becomes numb. It’s a relief. You feel no more pain. [...] However when they release the ropes, the procedure works completely in reverse. It’s almost like double jeopardy—you go through the same pain coming out of the ropes as you did going in.⁶⁹

While the overwhelming nature of pain is evident in the documented experiences of the prisoners who have been tortured, the prisoner quoted above felt numbness and relief from pain during the torture. Likewise, prisoner interviews documented by Amnesty International’s report

⁶⁸ ‘Torture (18 U.S.C. 2340A)’, CRM-499, in *Archives: U.S. Department of Justice* <<https://www.justice.gov/archives/jm/criminal-resource-manual-20-torture-18-usc-2340a>> [Accessed November 2023];

Public Law 102-256—MAR. 12, 1992, 102d Congress, *Statute 106*, p. 73 <<https://www.congress.gov/bill/102nd-congress/house-bill/2092/text>> [Accessed November 2023]

⁶⁹ Stewart M Powell, ‘Honor Bound’, *Air & Space Forces Magazine* (1 August 1999) <<https://www.airandspaceforces.com/article/0899honor/>> [Accessed 29 May 2023]

on torture under the Assad regime in Syrian prisons reflect this range of experience. This is evidenced by statements such as, '[f]or the first 10 strikes I felt the pain. Then all the feeling left my body.' Another prisoner echoes this, '[y]ou feel pain for the first 10 hits, and then you can't feel pain anywhere'.⁷⁰ A prisoner who was made to watch the torture of other prisoners adds, '[...] I could tell the men had become numb. It usually takes about 15 minutes for the soul to leave the bodies [...]'.⁷¹ A political detainee from the Russian purge explains, 'I lost all power of feeling'.⁷² These examples describe the prisoners' experience of physiological shock and dissociation. The torturers are aware of the affectively complex experience of prisoners and force them to move their bodies to restore the circulation of blood so that the feelings of pain can be felt again. Not only are the torturers conscious of the prisoners' pain but they also use the momentary relief and numbness felt by the prisoners to increase the intensity of pain they feel during torture. This demonstrates the severity of pain is one of many features of torture. Relying on one, hard to pin-down, feature like severe pain for defining torture does not adequately capture how the prisoners respond to torture.

The prisoner interviews also reveal a wide range of descriptors that show the experience of torture but do not mention pain. For instance, a Syrian prisoner describes a torture method along with electric shock that felt like '[i]t lasted about 10 hours in my mind' when in fact the technique was employed for about ten minutes. Delineating this experience further, the prisoner adds '[i]t makes you feel like you have run for a million metres and you get bigger and bigger until you are about to explode'.⁷³ When the torture technique was being employed, the prisoner felt their heart rate increase with such intensity that they could feel their body expanding so much that they felt as if they would shatter. Another prisoner describing the effects of sleep

⁷⁰ Amnesty International, 'It Breaks the Human: Torture, Disease and Death in Syria's Prisons (2016), p. 27

⁷¹ Ibid., p. 33.

⁷² F Beck and W Godin, *Russian Purge and The Extraction of Confession* (New York: Viking Press, 1951), p. 159.

⁷³ Amnesty International, 'Death in Syria's Prisons', p. 29.

deprivation adds that ‘[t]he need for sleep ultimately displaces every other sensation, even hunger and thirst [...]’.⁷⁴ A different prisoner expresses that ‘I told them I had no energy’.⁷⁵ The prisoners are describing an overwhelming lack of control over their own bodies reflected in their inability to control usual functions such as sleep and a lack of cohesive sense of self. These experiences demonstrate that the prisoners become dependent on the torturers for regulating the normal functions of their bodies. The relationship of power becomes visible on the mutilated bodies of the prisoners and consists of affective features other than pain like exhaustion, numbness, overwhelming need for sleep, feelings of helplessness and loss of control over their own bodies. It is easier to draw out a relationship between these affective features and the lack of power the prisoners have over their bodies rather than trying to determine what severity of pain would lead to the feelings of being shattered.⁷⁶ It is crucial to note that a lack of agency is a normal feature of present systems and practices of incarceration. Nevertheless, the absence of control during incarceration is more or less limited to mobility in space, time and choice of activity rather than an inability to walk, sleep or eat.

Interpreting the intensity of pain to determine torture is not adequate for capturing the non-linear experience of pain felt during torture. Rejali has noticed the phenomenon of ‘counter-pain’ where something ‘as simple as the irritating bites of many mosquitoes’ can work as a distraction from another technique of torture being employed at the same time.

[A]n American POW “was grateful for the mosquitoes” while he was in torture cuffs. As he rushed about the room brushing his body against the walls, “he almost forgot the agony of the torture cuffs in his constant effort to keep them [the mosquitoes] off him.”⁷⁷

⁷⁴ *Russian Purge*, p. 53.

⁷⁵ Amnesty International, ‘Death in Syria’s Prisons’, p. 32.

⁷⁶ Solitary confinement is perhaps the borderline case with respect to acceptable limitations on agency, however a discussion on this issue is beyond the scope of this thesis.

⁷⁷ Rejali, p. 448.

This suggests that not all pain experienced by the prisoners is of the same degree and that using more than one torture technique can surprisingly offer relief to the prisoner in pain. Of course, at no point does this thesis support the use of any torture technique. Rather, the aim is to question whether definitions of torture should include the severity of pain as a determining feature of torture. Due to the absence of apparent bodily damage, techniques like sleep deprivation do not seem to fit as obviously into the current definition of torture. The immeasurable aspect of severe pain and suffering poses difficulties in understanding exactly what interrogation methods constitute torture, especially in the absence of bodily scars and wounds. Thus, it is important to consider the extent to which including other affective features of torture such as exhaustion, numbness, and overwhelming need for sleep in the definition of torture will result in preventing the use of torture and other coercive techniques of interrogation.

The *Torture Papers* show that a legal analysis of the current text of the Geneva Convention can require lawyers to answer questions such as: Does an overwhelming need for sleep such that a person is unable to stay awake constitute severe pain and suffering?⁷⁸ Lack of sleep does not lead to pain and suffering in the same way as being physically violated does. In the prisoner interview quoted earlier, exhaustion and a deep yearning for sleep led to severe pain and suffering. Thus, relying on more than one affective feature to understand how they result in severe pain or suffering may be more useful. At no point does this thesis support coercive methods of interrogation, but it is important to ask questions like these to understand whether the definition offered by the Geneva Convention allows for too wide a range of interpretations. Enhanced interrogation techniques employed after 9/11 exploited the inexpressibility of pain and the flexibility of interpretation allowed by the legal genre to

⁷⁸ 'Office of Professional Responsibility Report: Investigation into the OLC's Memoranda Concerning Issues Relating to the CIA's Use of "Enhanced Interrogation Techniques" on Suspected Terrorists', in *The Torture Database*, pp.1-289 (p.165) <<https://www.thetorturedatabase.org/node/9447>> [Accessed 26 July 2023]. There are two page numbers on every page of this document. The page numbers mentioned here are at the bottom left side of each page and run as follows: 'ACLU-RDI 5022 p'.

sanction the use of torture. The pressure on the DOJ to frame their opinions in favour of such techniques contributed towards the legitimisation of the enhanced interrogation techniques. Such instances demonstrate that it is important to consider whether the text of the Convention should be framed so that the difficulties in the representation of pain in language are taken into account.⁷⁹

Serious flaws in the legal reasoning of the torture memos also contributed to the sanctioning of torture post 9/11. For instance, the report on the professional conduct of John Yoo and Jay Bybee released by the Office of Professional Responsibility (OPR) criticised their legal opinion for using a narrow definition of torture, lack of objectivity and confirmation bias. The report found evidence of professional misconduct with respect to unfair interpretations of the commander-in-chief powers of the president, the criteria for establishing intent in torture, and common law defences. Concerning the definition or interpretation of severe pain, the report notes that the use of the emergency medical services for tying the meaning of severe pain to bodily damage was ‘illogical’, weak and flawed.⁸⁰ The terror strikes resulted in an atmosphere of urgency leading to a lack of objectivity, evidenced by the report, which notes that there was significant pressure on the DOJ to interpret the text of the Convention such that the CIA were free to interrogate suspects as they saw fit. The DOJ’s inability to counter this pressure and offer an objective opinion regarding the interrogation techniques proposed by the CIA was a grave failure. Thus, affect played a crucial role in legitimising torture.

The subjective nature of pain, difficulties in representing pain in the medium of language, the conventions of the legal genre and the method of examining the torture technique vis-à-vis the definition resulted in sanctioning techniques of torture like sleep deprivation,

⁷⁹ Katharine E Tate, ‘Torture: Does the Convention Against Torture Work to Actually Prevent Torture in Practice by the States Party to The Convention?’, *Willamette Journal of International Law and Dispute Resolution*, 21:2 Law (2013), pp. 194-221.

⁸⁰ ‘Office of Professional Responsibility Report’, p.165. The report’s view of the opinion that amounts to professional misconduct is on p. 260.

where pain is inflicted in unusual ways leading to gross misinterpretation of the term ‘severe pain or suffering’. The inexpressibility of pain in language, however, was outright exploited by both Bybee and Yoo for sanctioning torture. When overtly non-violent techniques are employed, the absence of visible wounds makes it difficult to recognise the ‘pain or suffering’ of the victim.⁸¹ Therefore, the text of the Convention should be framed such that it shifts the focus away from the conduct of the interrogator to the effects on the prisoner, thereby creating a path of entry for the wounded body in discourses that usually exclude them. It is also necessary to ensure that the definition of torture is not so wide that it becomes impossible to distinguish between a violent act and torture. It may be compelling to argue that whatever the technique, however imperceptible the violence of the said technique, if the effects on the prisoner include any symptom that could result from torture, it should count as torture. This claim essentially equates all forms of punishment to torture, because almost any state of mind or body produced by a lesser punishment can also be achieved through torture. Restricting the definition of torture to the amount of pain only in the most extreme acts of violence also does not work, as evidenced by the use of enhanced interrogation techniques. Thus, it is crucial to have a carefully thought-out definition that accounts for the difficulty of expressing pain, enables the voice of the prisoner and steers the focus away from the torture technique as much as possible.

The definition should also consider that the flexibility of interpretation allowed by the legal genre can either be used to empower the government to use coercive techniques that push the definition of torture or to safeguard human rights. The text of the law should consider the affectively complex experience of the prisoner and ensure that those speaking on behalf of the

⁸¹ The definition of prolonged psychological harm is not able to balance the absence of physical wounds in this instance as the memos seeking approval reached the evaluation that prolonged psychological harm did not result from the techniques under discussion.

tortured, such as medical practitioners and victims of torture, are included when analysing the interpretation of the law against the definition of torture. This should extend to finding ways of limiting references to the specific technique of interrogation. Drawing attention away from the conduct of the interrogator and the method of the interrogation should be done such that the difficulty in understanding pain and suffering is compensated for, by making it harder to interpret harmful techniques as benign. It is important to note that medical doctors can speak either on behalf of the prisoners or the interrogators. To provide an example, the Bradbury memos reveal the degree to which he relied on ‘assurances’ from the CIA Office of Medical Services (OMS) to (mis)interpret the severity of pain resulting from enhanced interrogation techniques. Hence, an important distinction emerges between those doctors who manage the pain and bodily harm experienced by prisoners in order to continue the infliction of pain and those who alleviate pain and suffering. Doctors who believe in alleviating pain should be relied on for understanding what should constitute torture.

In the torture memos, the legal style and tone disguise the processes through which the affective nature of pain is transformed into endurance or resistance of the prisoner. An analysis of the torture memos shows that when pain is excluded, other affects take up its place. The memos exchanged between the DOJ and the CIA interrogators are invested in identifying the interrogation techniques that may be allowed under the Geneva Conventions but had not been considered by the US government at the time. Here the metaphors, that according to Scarry work either as demonstrations of the State’s power disguising processes of injury as victory or the metaphors of wounding used in warfare that mask the bodies in pain, are abandoned. Rather, the legal style is used for providing detailed descriptions of the processes of injury that lend an air of objectivity and impartiality to the violence lifting the felt attributes of pain away from the wounded.⁸² For instance, the appendix attached to the Jay Bybee memo provides a list of

⁸² Scarry, p. 119.

US court cases where the defendant was found to have tortured the plaintiff as examples of the types of actions that were understood to be torture.⁸³ These examples describe torture from the perspective of the tortured. For instance, '[p]laintiff were beaten with truncheons, boots, and guns and threatened with death'. However, the plaintiffs' experience of pain is implicitly understood through the fact of their beatings with weapons. Another example reads, '[p]laintiff was imprisoned for 205 days. He was confined in a car park that had been converted into a prison. His cell had no water or toilet and had only a steel cot for a bed'. In this instance, the morbid conditions of the plaintiff's imprisonment stand in for the felt experience of his suffering. Other examples include details about the weapons used to produce the injury. For instance, the '[d]ecendent was attacked by the spear, stick, and stone wielding supporters of defendant'.⁸⁴ This list includes descriptions of the processes of injury, types of weapons and the conditions of confinement in a passive voice to imply the felt experience of severe pain or suffering, however the plaintiff's subjective experience of pain is not described at all.

The details of the processes of injury stand in for the felt experience of pain allowing the objective tone to conflate the two, therefore in these instances torture has been evidenced. The felt experience of pain, when not evidenced by the body, can be lifted away from the wounded and redescribed as power. Although, in the examples mentioned earlier torture has been successfully proven, the passive voice undermines the affective charge of anger, rage and urgency present in torture, disguising the 'mime of power' involved in the act and giving the impression of a dry tone. When actions and processes that reflect the power to produce pain stand in for the felt experience of pain, the distress of the prisoner is erased as it is brought into discourse and replaced by the fact of body damage. Additionally, the OPR report notes that 'the memorandum ignored a relevant body of federal case law' in order to highlight 'more brutal

⁸³ Greenberg and Dratel, pp. 214-217.

⁸⁴ *Ibid.*, p. 216.

examples of conduct courts have found to be torture’.⁸⁵ This allowed the legal analysis to conflate body damage with severe pain and the dry tone of the memo passed it off as fact. The process of excluding pain was used for laying the groundwork for legitimising enhanced interrogation techniques discussed below. The OPR report records that a draft of the August 1, 2002 memo on the conduct of interrogators prepared by Yoo for Bybee was ‘densely written’, and relied on a ‘confident and authoritative tone’ along with ‘citations to many historical sources and legal authorities’. Furthermore, Yoo’s prestige ‘as an expert in presidential war powers’ attached ‘an additional air of authority to the drafts he submitted to Bybee’.⁸⁶ Hence, the guise of authority was communicated affectively to compensate for a lack of impartial legal analysis and worked to justify torture.

The torture memos acknowledge the complex nature of pain but show a refusal to engage with expressing this in language, as they are concerned with legitimising torture techniques either without violating the Convention or US law or hoping to evade accountability for such a violation. This guides the process of disambiguation of the meaning of severe pain which resulted in converting the fact of bodily damage into a point of reference on a linear range for measuring the amount of pain administered. Here, the language admits the reality of suffering even though it is invested in denying the fact of torture. In this way, the visible nature of bodily damage became the standard reference for measuring the amount of pain that may or may not be permissible. Geneva Convention defines ‘the term “torture”’ as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession [...]’.⁸⁷ The ambiguity with respect to the meaning of pain in the definition of torture provided the

⁸⁵ ‘Office of Professional Responsibility Report’, p. 192.

⁸⁶ *Ibid.*, p. 262.

⁸⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *General Assembly resolution 39/46*, 10 December 1984 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>> [Accessed 26 July 2023]

opportunity for the executive branch of the government to ask for an interpretation or understanding of severe pain from the Office of Legal Counsel (OLC). The OLC used the absence of a commonly understood definition of “‘Severe’ pain or suffering’ that could constitute ‘torture’, the lack of a definition provided ‘by either CAT or U.S. statute’, and the flexibility of the genre of legal memoranda as leeway for legitimising techniques previously considered as torture by labelling them as harsh treatment.⁸⁸ A CRS report for Congress discussing the CAT with respect to interrogation techniques records that

[f]or its part, the U.S. State Department reported in 2000 that Israeli security forces “abused, and in some cases, tortured Palestinians suspected of security offenses.” More recently, the State Department has described Israel’s interrogation tactics as “degrading treatment,” but noted that human rights groups claim that torture is being employed.⁸⁹

The shift in attitude towards the classification of interrogation methods happened after 9/11. It is reasonable to argue that the DOJ memo used the difficulty in expressing pain reflected in the definition offered by the Geneva Conventions to justify their interpretation of severe pain in order to increase the amount of power the interrogator has over the prisoner. For instance, the memos contrast the interrogation methods such as ‘severe beatings, sexual assault, and rape’ that are generally understood as techniques that ‘may constitute “torture”’ with other methods such as wall standing, hooding, subjection to noise, sleep deprivation and deprivation of food and drink that were constituted as ‘inhuman and degrading’ treatment by the European Court of Human Rights in *Ireland v. the United Kingdom* (1978) but ‘did not amount to torture’ to show that there was scope for the interrogators to exercise more power than previously thought

⁸⁸ Michael John Garcia, ‘U N Convention Against Torture (CAT): Overview and Application to Interrogation Techniques’, *CRS Report for Congress*, Order Code RL32438, p. 11.

⁸⁹ *Ibid.*, p. 15.

possible.⁹⁰ Moreover, the memo highlighted a lack of ‘U.S. jurisprudence’, concerning ‘whether harsh yet sophisticated interrogation techniques of lesser severity constitute “torture”’ to include other international court decisions such as Public Committee Against Torture in Israel v. The State of Israel (1999). The Israeli Court’s decision to allow the General Security Services (GSS) to ‘assert a necessity defense’ under exceptional circumstances was used to demonstrate a hypothetical defence of a similar kind might work under the US common law. This also allowed the memos to use the Court’s decision to make a distinction between inhuman treatment and torture to legitimate ‘a wide array of acts that constitute cruel, inhuman, or degrading treatment or punishment’ without being labelled as torture. Thus, the discussion about pain in the torture memos uses the difficulty in coming to a common understanding of ‘severe’ through dictionary definitions and employs Court judgments and the language of medicine to come to a narrow definition of torture.

The August 2002 torture memos interpreting Geneva Conventions with regard to enhanced interrogation techniques were leaked in 2004, leading to widespread criticism of the decision to use such methods. *The Senate Committee Report* amongst other evidence has consistently shown that torture does not work. Yet, supporters of torture like Dick Cheney and Liz Cheney continue to defend these decisions by claiming that the ‘enhanced interrogation program was one of the most effective tools’ for gathering ‘intelligence about al Qaeda in the aftermath of the 9/11 attacks’.⁹¹ They use the opinions of other supporters of these techniques such as the former CIA Directors Michael Hayden and Leon Panetta to bolster their claims. Like Harrison and Dershowitz, they rely on anecdotal torture success stories but do not attempt to debunk anti-torture arguments. The ‘emotional intelligibility’ of torture, thus, continues to work as a justification in the face of concrete evidence that torture did not work post 9/11.

⁹⁰ Greenberg and Dratel, p. 197.

⁹¹ Dick Cheney and Liz Cheney, *Exceptional: Why the World Needs a Powerful America* (Threshold Editions, Updated edition 2016), EPUB.

A close analysis of some examples of the memos exchanged between the DOJ and the CIA interrogators will show the significance of affect in justifying torture. The Bybee memo dated August 1, 2002, interprets the meaning of severe pain or suffering mentioned in the text of the Geneva Convention and the USC 2340-2340A as equivalent to ‘serious physical injury’ that will ‘likely result’ in ‘death, organ failure, or permanent damage resulting in loss of significant body function’.⁹² The OLC advised that the definition of “emergency medical condition” as per the United States Code could be used as a guidepost for the interpretation of the meaning of severe pain.⁹³ The USC states that

the term “emergency medical condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in— (i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, (ii) serious impairment to bodily functions, or (iii) serious dysfunction of any bodily organ or part.⁹⁴

This allows for the understanding of “severe pain” as the likely probability of death without medical assistance. Interpreting ‘severe pain’ in this manner assumes that causing some amount of pain is permissible and the impossibility of measuring pain means that the word “severe” fails in limiting the amount of pain that can be caused giving the interrogator absolute power over the prisoners’ body. When pain enters language, it does so with reference to the prisoner’s

⁹² Greenberg and Dratel, p.183.

⁹³ *Ibid.*, p.176.

⁹⁴ ‘Title 42—THE PUBLIC HEALTH AND WELFARE’ in *United States Code*, Supplement 3, (2018), pp. 3486-3494, (p. 3490) < <https://www.govinfo.gov/app/details/USCODE-2021-title42/USCODE-2021-title42-chap7-subchapXVIII-partE-sec1395dd>> [Accessed 26 July 2023]; Greenberg and Dratel, p. 176.

capacity to endure it and is read as a sign of the prisoner's resistance which is used further as an excuse to employ more force. The transformation is evidenced in the memo requesting permission to torture Abu Zubaydah and it will be analysed later. While the OPR report notes that the decision to rely on this definition did not have a sound legal basis, the description arguably evokes the authority associated with the knowledge of medicine affectively and the absence of obvious emotion in the language lends the text a cold and dry tone giving it the air of objectivity. The absence of an impartial analysis is compensated for by enabling the convergence of severe pain with the observable fact of body damage. Such reasoning constructs a linear experience of pain that starts as benign and becomes severe over time mirrored by body damage, that is, benign pain results in no visible damage and severe pain results from observable body damage.

Understanding pain in this manner made it possible to create an artificial distinction between harsh interrogation techniques that rely on inflicting pain, and actions that would result in severe bodily damage or loss of life; only the latter would be constituted as torture. This separation increased the powers of the interrogator by allowing 'certain acts' that 'may be cruel, inhuman, or degrading', however, these acts would 'still not produce pain and suffering of the requisite intensity to fall within Section 2340A's proscription against torture'.⁹⁵ Introducing such an artificial distinction allowed the legal memo to argue that the convention 'prohibits only the worst forms of cruel, inhuman, or degrading treatment or punishment'.⁹⁶ The memo misrepresents the felt experience of pain in order to downplay the severity of the conduct proposed by the CIA.

After highlighting the ambiguity in the meaning of severe pain, the memos refer to the prisoner's pain while discussing possible defences for a hypothetical interrogator faced with

⁹⁵ Greenberg and Dratel, p. 172.

⁹⁶ *Ibid.*, p. 191.

the charges of breaking the Convention and 18 USC 2340-2340A. In the legal counsel's interpretation

[...]under the circumstances of the current war against al Qaeda and its allies, application of Section 2340A to interrogations undertaken pursuant to the President's Commander-in-Chief powers may be unconstitutional. Finally, even if an interrogation method might violate Section 2340A, necessity or self-defense could provide justifications that would eliminate any criminal liability.⁹⁷

The interrogation method becomes the focus of the memo's analysis of 'Standards of Conduct for the Interrogation under 18 U.S.C. 2340-2340A', and the prisoner's body and pain are included only in the torturer's defence. In this way, the structure of the document, namely, the analysis of the codes of conduct and the purpose of presenting a defence for the torturer, effaces and constrains the meaning of the prisoner's pain as it enters the legal discourse. The OPR report mentioned earlier noted a dispute over this opinion. The report recorded that this interpretation can serve as a defence to exclude any circumstance where the interrogator has tortured the prisoner.⁹⁸ This misinterpretation would lift any limitation imposed by the definition of severe pain according to 'emergency medical condition' and allow producing injury significant enough to cause irreversible damage to the prisoners' health and well-being or result in death. The memo glosses over this possibility because, according to their understanding, deviating so far in interpreting the meaning of severe pain is unlikely. After the memo was leaked, Alberto Gonzales in a press release continued to refer to the topics under

⁹⁷ Greenberg and Dratel, p. 214.

⁹⁸ 'Office of Professional Responsibility Report', p. 207.

discussion as ‘broad legal theories’ which are ‘irrelevant and unnecessary to support any action taken by the President’.⁹⁹

The report by OPR shows that the Bradbury memos correct the legal misrepresentation of the commander-in-chief powers, the necessity and self-defence in the Bybee memo. However, Bradbury in other memos has allowed for enhanced interrogation techniques including waterboarding, albeit on different grounds. The flexibility allowed by the legal genre has been employed in these cases to sanction torture. Additionally, the best practices for OLC opinions dictate that ‘[t]he legal question presented should be focused and concrete; OLC generally avoids undertaking a general survey of an area of law or a broad, abstract legal opinion.’¹⁰⁰ This shows that the genre rules of the document exclude the analysis and inclusion of best interrogation practices, prisoner interviews or opinions of medical practitioners involved in stopping torture. The genre constraints of the document also make it possible to overlook the prospect that the prisoner may reach severe pain before they provide information, rather it is concerned with the defence of the interrogator. In this way, the paths through which the pain of the injured body of the tortured prisoner could enter this legal discourse are closed off.

This is visible in the memos requesting approval for using such techniques on Abu Zubaydah, a high-value detainee. He was captured in March 2002 and the memo being discussed dates August 2002, so he has likely been interrogated during this time. The approval has been requested on grounds of resistance by Zubaydah, and by evoking a ticking bomb scenario. The purpose of the memo is to understand ‘whether certain proposed conduct would violate the prohibition against torture’, thus the language of the memo is centred around the

⁹⁹ Alberto Gonzales, William Haynes, Daniel Dell 'Orto and General Keith Alexander, ‘Press Briefing by White House Counsel’, *Press Release*, 22 June 2004 < <https://georgewbush-whitehouse.archives.gov/news/releases/2004/06/text/20040622-14.html> > [Accessed 15 March 2023]

¹⁰⁰ ‘Office of Professional Responsibility Report’, p. 275.

conduct of the interrogator and Zubaydah's pain is brought into the discourse as evidence for justifying the use of more pain. The document begins by outlining Zubaydah as a resistant prisoner.

Zubaydah stated during interviews that he thinks of any activity outside of jihad as "silly." He has indicated that his heart and mind are devoted to serving Allah and Islam through jihad and he has stated that he has no doubts or regrets about committing himself to jihad. Zubaydah believes that the global victory of Islam is inevitable. You have informed us that he continues to express his unabated desire to kill Americans and Jews.¹⁰¹

This description of Zubaydah is used to show that rapport-building was not successful because of Zubaydah's personal beliefs, opening the grounds for the use of torture. According to Rejali, useful, difficult and complex methods of investigation are abandoned when investigators come to rely on torture. At the heart of the torture debate lies the lack of knowledge pertaining to the skills required for handling a resistant prisoner. This is compounded by the incapacity of the interrogators to understand the reasons, motivations and life experiences of those living in different countries and belonging to unfamiliar cultures, complicated further by the form of resistance posed by political and religious indoctrination. Moreover, the memo – due to the nature of its genre – would be written by the interrogators or those tasked with the general responsibility of managing this interrogation. Thus, Zubaydah will only ever be represented through the eyes of those who are charged with interrogating him. The memo further describes Zubaydah's resistance and evokes the ticking bomb scenario to justify the need to try different interrogation methods.

¹⁰¹ 'Memorandum for John Rizzo Acting General Counsel of the Central Intelligence Agency: Interrogation of al Qaeda Operative', *Office of Legal Counsel*, in *The Rendition Project*, 1 August 2002, p. 7 <<https://www.therenditionproject.org.uk/documents/torture-docs.html>> [Accessed 26 July 2023]

Zubaydah has become accustomed to a certain level of treatment and displays no signs of willingness to disclose further information. Moreover, your intelligence indicates that there is currently a level of "chatter" equal to that which preceded the September 11 attacks. In light of the information you believe Zubaydah has and the high level of threat you believe now exists, you wish to move the interrogations into what you have described as an "increased pressure phase."¹⁰²

Here, the ticking bomb scenario is evoked. The degree of "chatter" at the time the memo was written appears to be similar to that immediately preceding 9/11, though the first phase of the techniques referred to as Survival, Evasion, Resistance, Escape (SERE) is intended to 'last no more than several days but could last up to thirty days'. In this instance, the duration of the interrogation undermines the urgency highlighted by the ticking bomb scenario. Yet, the ticking bomb scenario indicates that waiting for Zubaydah to cooperate might lead to another terror strike like 9/11. The temporal compression resulting from the ticking bomb trope creates the myth that torture is a fast and effective method of coercing information out of the prisoner. Moreover, both Zubaydah's non-cooperation and the time bomb scenario imply the potential to form the basis of self-defence as per the legal analysis of the Bybee memo.

The Zubaydah memos demonstrate that the torture methods were employed to 'dislocate his expectations regarding the treatment he believes he will receive'. This shows that the interrogators believe that humane methods are ineffective, and the prisoners' expectations of such treatment make resistance easy for them while placing the interrogators in a difficult position. The memo references several times that Zubaydah was in charge of the al Qaeda training camps and that he would have been conditioned to endure pain. Such beliefs indicate

¹⁰² Ibid., p. 1.

that the interrogators were already biased towards perceiving a high degree of resistance. The prisoner's pain enters the discourse in this example as resistance that must be broken. Attention to affective transformation can enable the recovery of the felt experience of the prisoner's pain when it is encountered as endurance or recalcitrance. *The Senate Committee Report* reveals that

[p]articipants in the interrogation of Abu Zubaydah also wrote that Abu Zubaydah "probably reached the point of cooperation even prior to the August institution of 'enhanced' measures - a development missed because of the narrow focus of the questioning.¹⁰³

As mentioned earlier in this chapter, according to Rejali, prisoners become desensitised to a degree of pain when inflicted either too slowly, too frequently or for a long duration of time. This failure of torture is evident in the memos acknowledgement of a past communication mentioning that 'repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions'. Thus, the enhanced interrogation techniques work exactly like torture, exposing the artificial nature of the distinction between the two.

In describing each interrogation method, the memos outline steps taken to reduce injury when the purpose of the approval is to permit more force. This is achieved through affective transformation of pain into a concern for the prisoner's well-being. To illustrate, a torture method called walling, where the interrogator pushes the prisoner against 'a flexible false wall' (which was then used to hurt Zubaydah's shoulder blades) is described as follows: 'It is the individual's shoulder blades that hit the wall' omitting the fact of injury and highlighting that 'the head and neck are supported with a rolled hood or towel' to 'prevent whiplash'. The memo is framed to evade responsibility by calling attention to the manner in which the technique intends to create a loud noise to 'shock or surprise' the prisoner as well as to amplify the

¹⁰³ *Senate Committee Report*, footnote 1203, p. 208.

perception of injury by the prisoner rather than to cause body damage. Once again, this description is in line with the way the Bybee memo interprets the text of the Conventions. The technique is described such that specific intent with respect to causing pain is absent, and therefore, the interrogator has not violated the Conventions. Additionally, the document describes ‘the facial slap’ as a method that is not meant ‘to inflict physical pain that is severe or lasting. Instead, the purpose of the facial slap is to induce shock, surprise, and/or humiliation’.

The descriptions of the techniques through strategic phrasing remove the felt experience of pain. For example, confinement in a large or small box pays attention to the size of the space and the duration. Wall standing and stress positions are simply meant ‘to produce physical discomfort associated with muscle fatigue’ rather than ‘to produce the pain associated with contortions or twisting of the body’ even though the confinement is practised in a small box as well as a larger box, where in the small space the person can only ‘sit down’ whereas in the larger space the person ‘can stand up or sit down’. The fact that if a person is made to sit in a small box for several hours, then the body will begin to ache due to the inability to move is downplayed by using medical terms like ‘muscle fatigue’ that do not carry the same affective charge as describing the same technique as forcefully twisting the prisoner’s body for long durations would.¹⁰⁴ Moreover, the prisoner is dependent on the interrogator for their ability to stand up. The prisoner will not have access to a toilet during the hours of confinement. Thus, the lack of control over normal bodily movements and functions here represents the asymmetry of power present in torture rather than the visible wounds. Throughout, Zubaydah is simply referred to as the prisoner when the methods are described in the memo. The refusal to use the name of the prisoner evokes an impersonal tone and serves to create a distance between the interrogator, the person writing the memo, the person authorising the techniques and any other

¹⁰⁴ ‘Memoranda for John Rizzo’, pp. 1-18.

persons reading the memo. The carceral nature of the system also allows for dehumanisation reflected in the tone of the language of official communication. The tone, however, is not affectively neutral; rather the absence of humanising elements permitted by the genre style reinforces the disengagement with the prisoner. The style of communication in memos is fluid and warmth – or a lack thereof – is a choice. The interrogator in a memo mentioned in Chapter 1 regarding KSM includes a moment in which the interrogator describes his request to keep a frog that jumped into his cell as ‘poignant’.¹⁰⁵ The same memo also communicates that there is no need to use enhanced interrogation techniques. Thus, the choice of depersonalisation when requesting the approval of torture techniques performs the necessary function of dehumanisation. The perfunctory tone of the language gives the air of official business and masks the gross violation of human rights taking place. Like Bush’s speeches, the torture memos extensively rely on redescribing the processes of inflicting pain and causing injury as acts of power to gain information and defeat terrorism.

Covering a broad range of critical and theoretical frameworks like Scarry’s analysis of pain and Ahmed’s concept of affect, and employing it for analysing official documents like Bush’s speeches and the torture memos has allowed this work to question the framework of the torture debate. Each text has been reread to show how pain has been disguised as power, revealing that torture is not about information-gathering. Unpacking concepts like ‘crisis of self-belief’ and showing how they appear in Bush’s speeches has been done to challenge the justifications for the GWOT. The discussion of torture memos has shown how referential instability of the wounded body can be deployed to distance the pain from the pained and how it enables further pain. The extent to which genre conventions, tone and style can be complicit in this endeavour has been touched upon wherever relevant. The question of genre and form

¹⁰⁵ C06718741 < <https://theintercept.com/2019/09/11/khalid-sheikh-mohammed-torture-cia/> > [Accessed April 2023]

with respect to the official documents has much more to add to this field of scholarship. However, for this project it is sufficient to draw attention to the iteration of a core ideology in both the fictional and the non-fictional genres. The narratives in the revenge and Western genres and the particular ways in which the repertoire of genre conventions have been utilised for writing war rhetoric and the torture memos share the assumption that human rights and justice are oppositional goals. In the following chapter visual texts belonging to the Western and the Superhero genres will be analysed with respect to how this core ideology is reworked in their dramatisations of revenge and justice. Building on this, the last three chapters will examine the extent to which literary fiction, which is expected to playfully subvert (even sometimes to the readerships' chagrin) is able to dismantle this opposition. The fictional iterations of the ticking bomb scenario, in shaping the perception of the range of choices available to the prisoner and the interrogator, will reveal how the logic of the trope resolves the crisis emotionally rather than offering insights regarding the contradictions between upholding human rights and justice. The opposition between these two values frames the conditions in which torture becomes thinkable.

Chapter 3: Vengeance, Interrogation and the Guilty Suspect

‘Payback. There was no end to it’.

Farley in *The Human Stain*, Philip Roth (2001)

In the previous chapter, the analysis of the memos exchanged between the DOJ and the interrogators showed how the interrogators' personal beliefs about interrogation methods and their assessment of the threat posed by guilty prisoners led them to justify torture. Given that this form of reaction is far from a knee-jerk response and involves a great deal of thinking and planning, this chapter will assess the extent to which popular representations of torture that evoke the ticking bomb scenario can undo the opposition between thought and action which underpins such justifications of torture. Torture and harsh interrogations share a power dynamic based on dehumanisation and this asymmetry of power is not unique to the period after the terror strikes. Rather, the opposition between human rights and upholding law and order is embedded in the superhero and the Western genres. Human rights are repeatedly pitched against national security to create a dramatic effect; however this effect is only possible because these genres assume that human rights in balancing out the asymmetry of power make it harder to get justice. The torture memos and Bush's speeches analysed in the last chapter show how this belief guided the decisions to support policy actions that led to human rights violations. In the Western genre, law and institutionalised systems of justice do not work, thereby justifying retributive forms of violence. The superhero genre also tends to use the dysfunctional/absent justice system as a way of creating sympathy for vengeance and the hero's decision to act extrajudicially.

This chapter will draw attention to how genres like the superhero, the Western and the war film participate in the conventions of the revenge genre to legitimate acts of violent domination. The degree of the punishment/violence used is proportional to the abhorrence of the criminal act in both genres, particularly the revenge variation of the Western genre. The logic of torture draws on what Kyle Wiggins notes as the code of classic revenge fiction, which usually clearly defines ‘revenge’s protocol (what he must take from the enemy), justification (why he must take it), and methodology (how he must take it)’.¹ For example, in TV shows like *24*, Jack Bauer must extract information to save millions of lives by using torture. The emotionally intelligible nature of the justifications for using excessive force functions by dramatising the conflict between national security and human rights, often justifying torture in a ticking-bomb scenario. Wiggins shows how ‘revenge has evolved from violent satisfaction into inexhaustible desire’.² The films selected for analysis represent both the inexhaustible desire for revenge and play with the rule of proportionality in their depictions of coercion and torture.

Christopher Nolan’s use of aesthetic realism in *The Dark Knight* (2008) will be compared with Quentin Tarantino’s use of postmodern techniques in *Inglourious Basterds* (2009) to explore the extent to which narrative, style and genre conventions work together to question the affective logic of torture.³ The superhero genre has been recognised as a direct descendent of the Western genre, whereas *Inglourious Basterds* self-consciously parodies elements of both the Western and the war film.⁴ Both of these films will be analysed to show how genre conventions pose questions of justice and revenge. In Part II Chapter 4,

¹ Kyle Wiggins, ‘Introduction’ in *American Revenge Narratives*, ed. by Kyle Wiggins (Palgrave Macmillan, 2018), p. 5

² *Ibid.*, p. 2.

³ *The Dark Knight*, dir. by Christopher Nolan (Warner Bros. Pictures, 2008).

The Inglourious Basterds, dir. by Quentin Tarantino (The Weinstein Company, 2009).

⁴ Terence McSweeney, ‘The Mythologies of the Contemporary Superhero Film’, in *The Contemporary Superhero Film: Projections of Power and Identity*, (Columbia University Press, 2020), p. 43. All future references to the text will be abbreviated to ‘McSweeney, *Superhero Film*, pages used’.

representations of torture in *The Water Cure* will be examined with respect to popular conceptions of justice, its relationship to the Western genre and the ways in which Bush's post 9/11 speeches drew on the cultural vocabulary of the Old West to justify the GWOT.

The superhero and the revenge genres frequently rely on the triumph of good over evil through justifying violent means. These narratives, much like Bush's speeches, can be invested in removing the felt experience of pain in order to move the audience to empathise with the decision to act violently. The analysis of these two films will show how torture works as a 'mime of power' and reveal the extent to which the revenge theme undoes the justification of torture. The logic of revenge is often seen as a balancing of accounts, whereas justice occupies a higher moral status. The analysis of these two films will question the difference between vengeance and justice, a distinction the heroic figure or the superhero is capable of upholding. Understanding the desire for revenge as analogous to torture will make the relationship between pleasure, power, justice and torture clear. Reading the portrayal of the theme of revenge and the triumph of good over evil depicted in *The Dark Knight* with and against *Inglourious Basterds* provides an avenue for exploring how realistic aesthetics when used in the superhero genre lends immediacy to forms of vigilantism, whereas *Inglourious Basterds*'s inversion of victim-perpetrator and use of anti-war and the Western genres complicates the problems with vigilantism as expressed in *The Dark Knight*. Where the latter is praised for its realistic aesthetic and the former is frequently critiqued for aestheticizing and fetishizing on-screen violence, this reading will show how the narratives' moral ambiguity in both instances makes both of these assessments problematic. The two films are invested in constructing evil in widely different ways. Nolan has time and again highlighted the significance of associating the affective quality of menace to Joker for creating the immediacy of the threat posed by him. In contrast, Tarantino's take on Nazis problematises their status as Hollywood's accepted 'baddies'. The construction of the evil is essential to the

justifications for excesses of power in both films, which is akin to how the figure of the terrorist was constructed in Bush's speeches. Batman makes a particular fantasy real, whereas the *Inglourious Basterds* takes a historical event and turns it into a revenge fantasy. *The Dark Knight* tends to look away from the relationship between pleasure and violence, whereas the *Inglourious Basterds* celebrates it. The interrogation scenes in these films play with torture tropes such as torture works when the heroes use it and fails when the villains adopt it. Pleasure, violence, torture tropes and interrogation scene formulae work together with the cinematic medium, narrative structure and genre conventions to represent anti-torture rhetoric.

Christopher Nolan often employs complex non-linear narrative structures or multiple storylines while mostly relying on conventional cinematography in films like *Memento* (2000) and *Inception* (2010). In *The Dark Knight*, however, he chose a linear narrative style and a realistic aesthetic for the characterisation of both Batman and Joker. The trilogy has been acknowledged to revivify the superhero genre. Quentin Tarantino, also acknowledged for non-linear storytelling, is recognised for using postmodern techniques to highlight the constructed nature of the cinematic medium. Nolan was invested in the process of creating the illusion of reality that stretched to the extensive marketing campaign designed for the film, which included an augmented reality game. Gotham City was created in the digital world and superimposed onto real streets where thousands of fans engaged in scavenger hunts and solved puzzles, and some even received a physical copy of Gotham's newspaper detailing the crimes and other news stories of the city. Coupled with the immersive and interactive nature of the ad campaigns, Nolan used the scale of a city and the large scale of IMAX cameras for filming six action scenes and Gotham cityscapes. The city was grounded in reality adding to the urgency of the crimes, the Joker's terror threats and the need for Batman to intervene. This extends to performing live stunts rather than relying on computer-

generated imagery (CGI) which resulted in the images of billowing smoke and the crumbling buildings evoking what has been noted as the 9/11 aesthetic. This form of imposing the fictional world onto the real is deliberate. Although, the extent to which Batman's characterisation as flawed, vulnerable and morally grey fails in making him relatable, going against Nolan's vision that the events depicted in the trilogy have 'to be real', will be analysed in this chapter.⁵ In contrast, Tarantino used the industry standard 35mm film and Arriflex and Panavision cameras for *Inglourious Basterds* and relied on using camera angles, mise-en-scène, subject matter and the narrative structure of the film to aestheticise on-screen violence. While Nolan shoots a film as quickly as possible often relying on loose mise-en-scène which can add to the sense of realism, Tarantino prefers spending as much time as needed to perfect each frame, resulting in a highly stylised aesthetic.

In both films, the interrogator in the interrogation scenes wants to gather information and corroborate their hypothesis, but this results in very different outcomes. The narratives respond to the idea of controlling crime/threat through acts of vigilantism. They either view mechanisms like due process as constraining to the extent that it results in injustices or simply disregard it. When citizens have access to due process, they can rely on other mechanisms of upholding the law and ensuring that lawmakers are held accountable, thereby effecting change through social agency. When these mechanisms are portrayed as impediments to law enforcement, these procedures become obstacles that hinder the police force and aid criminals. Criminals are not viewed as worthy of due process. *Inglourious Basterds* and *The Dark Knight* dramatise retributive forms of justice, but the genres they belong to leave solutions to the problems posed by vigilantism out of the reach of the narrative arc. For instance, the vigilantism of the superhero genre solves the problem of crime extra-judicially leaving questions about accountability and concentration of power open.

⁵ [Anon.], 'Production Notes Batman Begins' (2005) <https://madeinatlantis.com/movies_central/2005/batman.htm> [Accessed 11 March 2024]

These concerns are raised in the character arc of the superhero to meet audience expectations, but they are ultimately left unresolved. According to Terence McSweeney, leaving these questions open allows only a superficial engagement with these issues.⁶ The acknowledgement of concerns without solutions leaves the ending indefinite enough to produce more content deferring resolutions. Meanwhile, the postmodern intertextuality of *Inglourious Basterds* allows the film to engage with a wider historical frame of the Western expansion. This enables the narrative to question the motivations for revenge and its justified status but fails to elicit empathy for its victims and perpetrators. The relationship between absolute power and its legitimate applications shapes the modes of justice that are deemed acceptable. The film also stands out because vigilantism becomes the mode of justice mobilised against a community of people. It imagines a world where the only form of justice available to people is revenge. The films violate the rule of proportionality between crime and punishment in one way or another. This impacts the ways in which we question the justification of violence and the resulting punishment in the films. The rule of proportionality can be contrary to upholding human rights and creates a conflict between human rights and law/justice. The ticking bomb hypothetical increases the stakes of the terror attacks, and thus the more horrendous the scale of the planned strikes the more likely torture appears as a valid solution. It is not only important to critique the premises of the hypothetical, but also to understand whether the rule of proportionality creates the emotional appeal of the justification for torture in these scenarios. These broader narrative dynamics will also be explored in the way power takes shape in the interrogation scenes in each film.

⁶ McSweeney, *Superhero Film*, p. 43.

The Dark Knight (2008)

But they never talked about the mean one. The cruel one. The one who couldn't fly or bend steel in his bare hands. The one who scared the crap out of everybody and laughed at all of the rest of us for being envious cowards we were.

James Olsen, 'Truth to Power' in *Batman: The Dark Knight Returns*

The characterisation and narrative structure in Nolan's film suggests an ambiguous stance towards the fears and anxieties of the post 9/11 world, evading definitive solutions and readings. According to Christine Muller, *The Dark Knight* can be read in support of Bush's GWOT and against it.⁷ To offer an example, Spencer Ackerman notes that "'The Dark Knight' weighs in strongly on the side of the Bush administration."⁸ In a more provocative article, Andrew Klavan compares George W Bush with Batman.⁹ John Ip, however, problematises such direct analogies by showing how, ultimately, the nature of the NSA's surveillance programme post 9/11 was significantly different from the one used in the film, where Batman chooses to destroy the system and torture does not work.¹⁰ What may appear to be ambiguity with respect to the politics of the GWOT is a result of the mish-mash use of aesthetic realism, Batman's characterisation, and genre conventions of the superhero film. Nolan, in refusing political sides, has added to these ambiguous readings.¹¹

⁷ Christine Muller, 'Power, Choice, and September 11 in The Dark Knight', in *The 21st Century Superhero: Essays on Gender, Genre and Globalization in Film*, ed. by Richard J Gray II and Betty Kaklamanidou (McFarland & Company, Inc., 2011).

⁸ Spencer Ackerman, 'Batman's 'Dark Knight' Reflects Cheney Policy', *Washington Independent*, 31 July 2020 (first published 21 July 2008). < <https://washingtonindependent.com/509/batmans-dark-knight-reflects-cheney-policy/>> [Accessed 4 March 2024]

⁹ Andrew Klavan, 'What Bush and Batman Have in Common', *WSJ*, 25 July 2008 < <https://www.wsj.com/articles/SB121694247343482821>> [Accessed 4 March 2024]

¹⁰ John Ip, 'The Dark Knight's War on Terrorism', *Ohio State Journal of Criminal Law*, 9:1 (2020).

¹¹ Brian Hiatt, 'Q&A: Christopher Nolan: The director on the making of the Dark Knight Rises', *RollingStone* (2 August 2012) < <https://www.rollingstone.com/tv-movies/tv-movie-news/qa-christopher-nolan-187923/2/>> [Accessed 11 March 2024]

The film's politics lends itself to some ambiguity because each iteration of Batman tends to be an interpretation of prevalent modes of characterisation. Each director can reimagine their version of Batman by drawing on the existing compendium of comic book story arcs, selecting a villain to suit their needs and reiterating the origin story as they see fit. This range of choice creates widely different versions of Batman as evidenced by Joel Schumacher and Tim Burton's iterations. McSweeney notes that modern superhero films like *Spiderman* (2002) and Nolan's trilogy tend to ground themselves in reality far more than their predecessors.¹² Using the production notes for Nolan's trilogy, Will Brooker observes the extent to which this grounding is based on heteronormative forms of masculinity, where Nolan's darker and grittier Batman is taken more seriously than the versions considered as camp, cartoonish and childish, betraying a resistance to homoerotic readings.¹³ The influence of Frank Miller's *Dark Knight Returns* and *Year One* on Nolan's version of Batman has been widely noted. Miller's Batman is morally darker and grittier, but Nolan's Batman draws on a dark and gritty aesthetic while betraying the moral code practised by the Western hero, such that the film's anti-torture rhetoric fails.¹⁴

The Dark Knight opens with the mobsters of Gotham having a hard time running their criminal enterprises since Batman turned up a year before the events of the movie. The District Attorney (DA), Harvey Dent, is close to prosecuting the gangsters in the film and the criminal businessman, Mr Lau, is willing to testify, opening up the possibility of crime-free streets in Gotham for the first time. Given the dire circumstances, the Joker offers to kill

¹² McSweeney, *Superhero Film*, p. 26.

¹³ Will Brooker, 'Dark Knight Lockdown: Realism and Repression', in *Hunting the Dark Knight: Twenty-First Century Batman*, (I. B. Tauris & Company, Limited 2012).

¹⁴ Frank Miller was embroiled in a controversy about his comic book *Holy Terror* (2011), and some distasteful remarks he had made regarding Muslims and other minority groups. Since the current work does not discuss the comic book and he is not the focus of the present chapter, the arguments presented here have not addressed this. For more see: Spencer Ackerman, 'Frank Miller's Holy Terror Is Fodder for Anti-Islam Set', *Wired* (2011) <<https://www.wired.com/2011/09/holy-terror-frank-miller/>> [Accessed 4 January 2024]; Sam Thielman, 'Interview: Frank Miller: "I wasn't thinking clearly when I said those things"', *Guardian* (2018) <<https://www.theguardian.com/books/2018/apr/27/frank-miller-xerxes-cursed-sin-city-the-dark-knight-returns>> [Accessed 4 January 2024]

Batman, without whom the criminals would once again be able to dominate the streets of Gotham. Nolan's films appear to have drawn more on the moral characterisation of Batman from *The Long Halloween* by Jeph Loeb and Tim Sale than from Miller's work. In Miller's *Dark Knight Returns*, we are introduced to an older and morally darker Batman, who has decided to come out of retirement due to the growing crime in the city. Returning to the city as the masked vigilante, he feels 'a man of thirty [...] of twenty again.' He feels 'born again'. The panel depicting his pursuit of criminals is narrow and vertical, closing in on Batman's face with scrunched-up eyes, arched eyebrows and a wide mouth with bare teeth, almost verging on an ugly smile, showing a mixture of rage, joy and anticipation. The dialogue bubble is bold, lettering in black and blue, 'These men are mine!'.¹⁵ In Book 1, as he is closing in on Harvey Dent/Two-Face, he calculates 'It takes nearly a minute to fall from this height. And despite what you may have heard, you're likely to stay conscious all the way down. Thoughts like that keep me warm at night'.¹⁶ While Miller emphasises the joy and pleasure that Batman feels as he strikes the criminals, Nolan's Batman is invested in his righteousness. Nolan uses the film medium's ability to show movement and sound by choosing the camera arc to film the dinner scene where Bruce Wayne wants to know if Harvey Dent supports Batman's acts of vigilantism.¹⁷ This choice evokes the possibility of a conflict but quickly resolves it rather than fully engaging with the different points of view. When Batman tracks Harvey Dent down and crashes his dinner date with Rachel Dawes, the prima ballerina Natascha remarks 'how could you want to raise children in a city like this?', referring to a city that supports a masked vigilante rather than the high crime rate. She is asking: should a person have the power to be above the law in order to restore it? The paradox sits at the core of films within the Western and the Superhero genre and will also be

¹⁵ Frank Miller, 'Book I' in *The Dark Knight Returns*, illustrated by Frank Miller and Klaus Janson (DC Comics, 2002).

¹⁶ *Ibid.*

¹⁷ *The Dark Knight*, [19:18-21:84].

picked apart in the next chapter. In this scene, the camera begins a slow arc while Wayne, instead of engaging with the dilemma, points out how he was raised in Gotham and ‘turned out ok’. Dent also side-steps the paradox and questions whether ‘The Palisades’ is within city limits and the camera breaks the arc and cuts to Dent who exchanges a playful glance with Rachel, giving the illusion of narrative control to Dent. The circular movement continues as Dent justifies Batman’s fight against crime. The arc stops again and cuts to Wayne, his face and shoulders are slightly off the centre of the frame creating the impression that he is opening space for Dent’s point of view. Dent supports the suspension of democracy as practised during the Roman Empire as a legitimate response to threat/crisis. Typical of the Superhero and Western genre films, Dent uses the rule of proportionality to justify Batman’s intervention. The extremely high rate of crime and the absence of functional forms of institutional justice like the police force and the court system make Batman’s response proportional to the threat. The slow arc movement gives the impression that Wayne and Dent have narrative control, evoking a conflict between two powerful men who are in charge of the moral vision for Gotham. Yet, there is no discussion of the paradox. Instead, the camera moves back and forth between Wayne and Dent before showing Rachel describe her objection. Dent’s response that ‘you either die a hero or you live long enough to see yourself turn into a villain’ dismisses her concerns. Reminiscent of the quipped dialogue used in Westerns, it also foreshadows his downfall. He then supplants reason for faith in the belief that Batman would want to give up his crusade. It may seem like a critique of giving one person complete power in times of crisis, but the film’s continuous affirmation of Batman’s moral superiority and a refusal to engage with the dilemma in a sustained manner undercuts this reading.

Once trust has been established between Wayne and Dent, the arc movement stops, implying the resolution of conflicting views regarding Batman’s purpose and need. The arc

movement in the dinner scene is slow. It evokes the possibility of conflict while dismissing it through playful dialogue and the mundane sounds of cutlery in a busy restaurant, bringing Wayne and Dent together in a circle of trust. When the camera movement stops at a particular character, it gives the illusion of narrative control to that character. During the dinner scene, the camera zooms on Dent and Wayne more than Rachel, showing how they are the upholders of morality within the narrative. In contrast, Rachel and Natascha merely interject and are disregarded. The arc movement never stops to give room to Natascha's point of view and Rachel's objection is quickly dismissed. Rachel and Natascha believe that no cost is worth acquiescing to a fascist ruler. In brushing off their concerns, the film refuses to employ thinking in emergencies while disclosing the desire for monarchic rule. The narrative repeatedly asks what gives Batman the right to act as the city's protector, and provides an elaborate, yet simple answer: moral superiority. In contrast, Miller expresses this crisis of morality by asking 'Batman: crusader or menace?' in the format of a televised debate, where Batman's tendencies are viewed as fascist, insane or just. Miller's portrayal of a psychologically darker Batman increases the stakes of the moral question. His Batman fights crime obsessively and takes pleasure in it, resulting in a more troubling characterisation. Nolan, in choosing the dinner scene to bring up the question of morality, downplays the seriousness of the ethics behind the acts of vigilantism. In an interview by Charles Brownstein, Will Eisner and Frank Miller comment on the limitations of the comic book medium in depicting sound, time and motion. Yet, the televised debate format used by Miller is able to include multiple points of view. In comparison, the film attempts to complicate this view through Dent's character arc, but his failure only reinforces Batman's moral worth. Sound, camera movement, dialogue and the setting work together to dismiss the need to challenge Batman.

The arc movement is used again to film the dialogue between Dent, Gordon and Batman about Lau's escape to China. In this scene, the movement is faster and represents the failure of institutional justice systems due to corrupt individuals and emphasises the conflict between Gordon and Dent. The arc only stops when Batman says he will bring Lau if Dent is able to get him to talk, indicating that Batman is in control.¹⁸ Here 'bring' refers to kidnapping Lau, effectively downplaying the extent to which Batman is going against legal boundaries. The use of arc emphasises the problem of corruption resulting in a lack of interdepartmental trust between Harvey and Gordon rather than highlighting the tension between institutional justice and outlaw justice, upholding the genre requirement of an absent/barely functioning system of justice. Along with this, the genre requires violent confrontations between the hero and the villain. Given the obligatory nature of these conventions, the narrative pattern closes off possibilities of thinking through non-violent forms of social agency, privileging action over thought. If the film supports excesses of power through its narrative arc and evades portraying the acts of vigilantism as an ethical dilemma, can it genuinely critique torture by showing that it does not work in the film?

Both the comic book and film portrayals refrain from showing Batman breaking his moral code. In making the moral choice hard to select, the narratives give the impression of realism and increase the stakes of the decision all the while affirming the myths of exceptionality and moral superiority. In Zack Snyder's *Batman v/s Superman*, inspired by Miller's *Watchmen*, Batman abandons his moral compass. The film subverts the convention that '[t]he hero possesses a strict and often clearly defined moral code', but, according to McSweeney, fails to do so convincingly.¹⁹ Adam Chitwood observes that

[h]eroes are flawed to be sure, but at a certain point in this kind of deconstruction they cease to be heroes and become villains. Which for a

¹⁸ *The Dark Knight*, [26:16-27:00].

¹⁹ McSweeney, *Superhero Film*, p. 25.

character like Rorschach, fine, whatever. But Batman? That's a different story.²⁰

Fans and scholars alike acknowledge that the line between heroes and villains can be blurry to a degree, but it cannot be dissolved. Rorschach was never written to be heroic, but Batman is a hero figure, so it is crucial for the narrative to maintain the difference between the hero and the villain.

Nickie D Phillips and Staci Strobl, however, emphasise that the rule of proportionality is not as important in the superhero genre as ‘whether it felt true for the character for them to kill’.²¹ The narrative arc plays an important role in maintaining the illusion of the blurry line between the hero and the villain. To illustrate, Ajay Chaudhary identifies that in the Nolan trilogy, Batman does kill. In *Batman Begins*, Ras al-Ghul ‘challenges [Batman] multiple times to “do what is necessary,” i.e. make the decision of life and death outside the bounds of law. But Batman gets away on a technicality “I won’t kill you, but I don’t have to save you”’.²² Where Chaudhary is concerned with the essence of the sovereign power practised by Batman, the present discussion is invested in how the narrative can obscure dark choices made by the heroic figure to maintain a superficial distinction between the hero and the villain. In *The Dark Knight*, Batman does not reveal his identity and lets the Joker kill Gotham’s citizens, however Alfred, on several occasions, explains that he did not have any other choice. Implying that if he did surrender, no force would be able to protect the citizens of Gotham from Joker.

²⁰ Adam Chitwood, ‘Zack Snyder Responds to Fans Angry About Batman Killing: “Wake the F*ck Up!”’, *Collider*, 26 March 2019 < <https://collider.com/zack-snyder-why-batman-kills-in-batman-v-superman/> > [Accessed 10 March 2024]

²¹ Nickie D Phillips and Staci Strobl, ‘When (super)heroes kill: vigilantism and deathworthiness in Justice League, Red Team, and the Christopher Dorner Killing Spree’, in *Graphic Justice: Intersections of Comics and Law*, ed. by Thomas Giddens, (Routledge Taylor & Francis 2015), p. 116.

²² Ajay Chaudhary, ‘The Dark Knight Decides: Sovereignty And The Superhero, Part I’, *3 Quarks Daily: Science, Arts, Philosophy, Politics, Literature*, (2012) < <https://3quarksdaily.com/3quarksdaily/2012/08/the-dark-knight-decides-sovereignty-and-the-superhero-part-i.html> > [Accessed March 11 2024]

Nolan has mentioned that his villains, Bane, Joker, Ras Al Ghul have a coherent ideology ‘about ends justifying means’, and in each film Batman claims the right to apply this logic to commit acts of violence.²³ For example, when Ras al-Ghul ‘want[s] him to chop somebody’s head off because he has stolen something’, Batman retorts ‘You can’t be serious’. Chaudhary affirms that Batman practices sovereign power time and again by deciding when the state of exception applies. For instance, in *The Dark Knight Rises*, ‘Batman finally confronts Bane and returns the line, “then you have my permission to die” [...] the Batman has finally *decided* [...] The Batman may have always participated in fascist acts [...] but it is only at that moment that the Batman becomes a true fascist and simultaneously the true sovereign’.²⁴ The narrative, however, always highlights that Batman does not intend to kill, rather, in some situations, he simply does not have a different choice but to kill. This difference between desire and duty marks Nolan’s Batman as noble and maintains his status as a heroic figure.

The Joker believes that people’s ability to practice moral good is defined by their environment. To prove his point, he designs moral tests constantly provoking Batman to break his moral code, which does not allow him to kill criminals. Batman’s moral superiority is reflected in the confrontation between Joker and Batman, after Harvey Dent lies to Gotham that he is Batman and is being taken into custody. The Joker, with his crew, attacks the police van taking Dent into custody. Batman races towards Joker. Joker urges, ‘Come on, come on, I want you to do it, Come on, hit me. Come on, hit me! Hit me!’.²⁵ Yelling and charging towards the Joker, Batman misses him on purpose, crashing his bike into the wall. The comic book genre dictates that the arch nemesis is often the darker moral double of the superhero.

²³ Scott Foundas, ‘Cinematic Faith: An Interview with Christopher Nolan’, *Film Comment*, 28 November 2012 < <https://www.filmcomment.com/article/cinematic-faith-christopher-nolan-scott-foundas/> > [Accessed March 11 2024]

²⁴ Ajay Chaudhary, ‘The Dark Knight Decides: Sovereignty And The Superhero, Part II’, *3 Quarks Daily: Science, Arts, Philosophy, Politics, Literature* (2012) < <https://3quarksdaily.com/3quarksdaily/2012/08/the-dark-knight-decides-sovereignty-and-the-superhero-part-ii.html> > [Accessed March 11 2024]

²⁵ *The Dark Knight*, [1:22:07]

The Joker is a powerful villain who has abandoned all sense of moral purpose. As the bike zips towards Joker, the narrative implies that Batman might abandon his moral compass, collapsing into him, effectively becoming him. His yell affectively declares that he is struggling to hold on to his moral principles. The arc is abandoned during this confrontation scene for a shot/reverse shot that ends with Batman on the ground. Batman would rather accept defeat than break his code. The intention to not kill surpasses the provocation, adding gravitas to the belief that he will never break his moral code, such that when he does abandon it in *Dark Knight Rises*, it seems probable, and Bane's capacity for destruction makes Batman's response proportional. In this way, Batman's moral superiority in the films is established by creating sympathy for his decision to hurt criminals. The sentiment that moral superiority makes Batman exceptional is part of the core beliefs associated with notions of American exceptionalism. In Jeffrey Brown's view

[a]t the core of America's mythology, and its citizens' perception of the nation's assumed superiority and uniqueness, is the cluster of beliefs typically grouped together under the notion of American Exceptionalism. Core American political and cultural principles, like individualism, democracy, capitalism, egalitarianism, Manifest Destiny, and freedom, that are rooted in the nation's revolutionary origins and remain bedrock ideologies today, contribute to the deep-seated belief that America is nobler than any other nation. Regardless of the everyday realities that challenge the purity or efficacy of these beliefs, America maintains a faith in its own exceptionality.²⁶

The theme of exceptionality with respect to Batman has been noted by scholars. In this reading, moral superiority grants him exceptionality, ultimately justifying his right to excess

²⁶ Jeffrey Brown, 'America, Nostalgia, and Exceptionalism', in *The Modern Superhero in Film and Television: Popular Genre and American Culture*, (Taylor & Francis Group 2016).

power. It also benefits the superhero movie formula to keep the villains alive, as they can be revived for future storylines.

In contrast, Miller's work questions Batman's moral worth. *The Dark Knight Returns* was released before *Year One*. This choice in chronology results in the reader witnessing the more jaded Batman before the more idealistic, unsure one. Aware of the transformation, to the reader, the latter's characterisation would problematise the idealism of the values underpinning Batman's quest for justice. Arguably, Snyder collapses the difference between the hero and the villain too far, whereas for purposes of characterisation, Nolan's films can be seen to draw more on *The Long Halloween*. To illustrate, when Batman is explaining his purpose while saving the city from Joker's terror attack, he says '[t]he new year. One where the promise I made to my parents [...] rid of evil might finally be within reach'.²⁷ In this version, Batman does not struggle with his identity, and he is aware of his purpose. McSweeney observes that '[i]n the modern Batman films, both the Nolan and Snyder versions, Batman is defined by his crisis of identity about who or what he should be'.²⁸ In the Snyder version, while upholding this genre convention, the moral purpose of Batman's quest for justice is unclear. In Nolan's trilogy, Batman's quest for justice is aimed at fighting crime and restoring normative institutions like the police and judiciary. Albeit his character arc arrives at this purpose by testing his moral worth, establishing that he can exercise power without corruption, which ultimately reinforces the myth of American exceptionalism. Aesthetic realism and the character arc give the effect that the moral question is being taken seriously. The film justifies Batman's acts of vigilantism by showing that the police are corrupt, and the court system is ineffectual. Joker's terror threats successfully intimidate the police and court officials. When the Gotham police force gets too close to Mr Lau, he escapes to China because the country does not have an extradition treaty with Gotham. Since Batman

²⁷ Jeph Loeb, *Batman: The Long Halloween*, illustrated by Tim Sale (DC Comics, 2011).

²⁸ McSweeney, *Superhero Film*, p. 23.

has ‘no jurisdiction’, he is able to bypass due process and bureaucracy to bring Mr Lau back to Gotham with the help of Wayne enterprise technology inspired by CIA’s program called Skyhook. The reference to the CIA works to ground the film in reality.

In such imaginaries, vigilantism becomes imaginable and necessary only when social agency has become unimaginable. The conventions of the superhero genre confine possibilities for representing social agency and institutional reform, while promoting militarisation and granting excessive power to an individual. According to Timothy O Lenz, the ‘audience appeal’ for anti-heroes that ‘blame the due process model of justice’ shows ‘diminished confidence in social agency, the loss of faith in the capacity of either crime control model or the due process model to solve the crime problem’.²⁹ In this imagination, the impossible becomes possible through the glorification of individual agency, whereas social agency fails to achieve collective good. The overall narrative of *The Dark Knight* affirms the ends justify means argument, which usually underpins the logic of torture. Given, the overall ethical standpoints taken by the film, showing that torture does not work is not sufficient, because it fails to critique the larger structures of power.

Torture in *The Dark Knight*

There are several interrogation scenes in the film, and each uses a degree of coercion, if not torture. These scenes have an overt anti-torture rhetoric. Whether torture is used, the power dynamic is coercive and violates good interrogation practices, and the dramatisation fails to challenge the power relations of coercion and subjugation that lie beneath the practice of torture. The interrogation scene is commonly driven by conflict, domination and control between two parties. This set-up involves friction, heightened emotions and aggressive dialogue with or without the infliction of pain. These strategies create a compelling and

²⁹ Timothy O Lenz, ‘Ideology in the Crime Genre’, in *The Oxford Encyclopaedia of Crime, Media, and Popular Culture*, ed. By Nicole Rafter and Michelle Brown (Oxford University Press, 2018) EPUB.

suspenseful dramatic effect while increasing the stakes for the interrogator, the interrogatee and the audience. These objectives are contrary to the best interrogation practices recommended by researchers. According to the scholarship on interrogation methods mentioned in Chapter 1, it is necessary to build rapport, ensure a calm and collected tone, slow the speed of communication and give the interrogatee ample breaks between each recall. The role of the interrogator is to help the person being interviewed recollect, answer the questions as they see fit and analyse the information they have received. To carry out the task of interrogation effectively, it is also necessary for the investigator to remain calm and collected throughout the process so that the desire to confirm a hypothesis and other personal motivations do not impact their judgment. This is contrary to the dramatic structure of most interrogation scenes, which rely on building tension, keeping audiences interested and moving the story forward. Thus, fictional interrogation scenes rarely find ways to represent interrogations that are true to real-world practises. An ethical scene would either be structured to allow for the humanisation of the interrogator and the interrogatee and present a dynamic that respects humane treatment or critique its lack of adherence to these principles. This should also do the work of mitigating the conflict between human rights protections and justice. Such a conflict in values dramatised in popular culture is exaggerated and serves to draw attention away from the narrative's inability to imagine effective solutions to problems of crime control and terrorism while undermining social agency.³⁰ The extent to which this should make it necessary to rethink the structure of the interrogation scene is an open

³⁰ The number of unfair and indefinite detentions during the GWOT highlight how law enforcement officials do not err on offering too many human rights protections at the expense of public safety. Other examples would include the disproportionate power that prosecutors have in forcing innocent people into taking plea deals, the increase in the workload of public defenders that does not allow them to spend enough time defending their clients, the use of forceful techniques of interrogations aimed at convincing suspects that they are better off accepting a shorter sentence than risking the uncertainty that comes with a trial. For more on this see: Richard A. Oppel Jr. and Jugal K. Patel, 'One Lawyer, 194 Felony Cases, and No Time', *New York Times*, 31 January 2019 <<https://www.nytimes.com/interactive/2019/01/31/us/public-defender-case-loads.html>> [Accessed 24 July 2023];

Lisa C Wood, Daniel T Goyette and Geoffrey T Burkhart, 'Meet-and-Plead: The Inevitable Consequence of Crushing Defender Workloads', *Litigation*, 42:2 (2016), pp.20-26.

question. Playing with genre tropes and the overall narrative can also be employed effectively for critiquing torture.

The scene where Batman grills the Joker relies on subverting the trope that torture works when the hero uses it and does not when the villain employs it, while using the standard structure of an interrogation scene with stylistic flair. The film uses what David Bordwell calls moving spotlight narration, following James Gordon as he enters the interrogation room. This works similarly to closed third-person narration in novels. The viewers get the impression that they are looking at Joker from Gordon's point of view. The camera zooms on the Joker's face as he sits in 'near darkness'. James Gordon calmly plants himself across from the Joker, who uses an unusual tone deliberately taking longer than necessary to say, '[e]vening, Commissioner', creating an eerie effect and implying that he is in no hurry to get out of the room. Gordon begins asking about the location of the district attorney Harvey Dent, who is missing. During the interrogation, Joker, menacingly, implies that since he has been in custody overnight it must have been someone on the outside – who is perhaps working with the Joker or acting on his instructions. He is established as a powerful threat by making it clear that his capacity to cause harm cannot be contained by confining him to the interrogation room. He also informs him that wherever Harvey Dent is, he is attached to a bomb, thus explicitly evoking the ticking bomb scenario and increasing the stakes of the interrogation. In the scene, the Joker has been revealing information, albeit threateningly, while drawing attention to institutional corruption by asking Gordon if he can trust the people of his department. Once again, this meets the genre obligation of an ineffective police system, justifying the need for Batman. Gordon exits the interrogation room when the Joker asks if he will 'get the good cop/bad cop routine' and Gordon responds, '[n]ot exactly'. A bright light fills the screen and the camera zooms on the Joker's face to show him squinting in the intense glare and reveals that Batman is behind him. The scene

gains momentum as Batman reveals himself to the Joker by hitting him on the head. This evokes the set-up for the good cop/bad cop interrogation trope as Gordon has, so far, been engaging in calm questioning, but it works more like a deception-reveal interrogation. The zooms and close-ups accentuate the Joker's unusual responses to the questioning, drawing attention to his unpredictability, thereby attaching the affect of menace to him. In so doing, the narrative is able to generate a particular affect, that is, threat, which compounds each time Batman lets him live. While zooms and close-ups work well as reaction shots conveying elements of a character, without flashbacks access to interiority is limited, although, it does add to the Joker's characterisation in the film. Without a flashback or an origin story to provide a rationale for his choices, he comes across as chaotic and erratic, thus becoming more intimidating. Similarly, Percival Everett refuses to give Reggie, the torture victim in *The Water Cure*, a back story. Reggie is being violated for no reason at all, thus revealing the unjust and cruel nature of the technique. While employing an unreliable character-narrator, Ishmael, who is deranged and erratic like the Joker, Everett questions any possible justifications for the torture in the narrative. The first-person narration, which usually works to give access to a character's worldview, has been deployed such that the reader is only able to know that Ishmael, like the Joker, is deeply disturbed. The following chapter will delve into questions of form and genre with respect to Everett's experiments with narrative technique.

In the scene, the Joker responds to Batman's blow, '[n]ever start with the head! The victim gets all fuzzy.' This obvious critique of torture comes from the Joker rather than Batman. Batman sits across the Joker and the pace of the scene slows down again. The camera now follows Gordon who has joined other police officials behind the screen, as the dialogue between Joker and Batman continues. The camera cuts back into the interrogation room. The following sequence is shot using close-ups of the Joker and Batman with a slow

hum beginning at 1:27:47 underlining the tension between the Joker and Batman. Batman asks, 'Why do you want to kill me?'. The Joker responds with laughter, showing that Batman has no clue regarding the Joker's motivations. In comparison, the Joker is familiar with Batman's vulnerabilities, shifting the balance of power between the two. The Joker constantly leans towards Batman and in-between dialogue frequently licks his lips, while using unusual cadence to deliver the dialogue. The eeriness adds to his unpredictability. The scene's pace changes suddenly when Batman grabs the Joker by his collar, pulling him closer and forcing him out of his chair. The Joker's feet dangle as he is raised to Batman's height. This establishes Batman's physical power as he asks 'Where is Dent?'. He can grab the Joker by the neck and lift him entirely off the ground, yet Batman's theatrical attempts at domination do not diminish the Joker's power. The volume of the non-diegetic music increases with this motion and a loud boom accompanies each time Batman slams the Joker against the wall. The failure of torture to elicit information in this scene displays that Batman's physical power over the Joker fails, establishing the Joker as a powerful and unpredictable villain. The 'mime of power' mentioned by Scarry is visible in the use of sound, force, the cape, and Batman's modulated voice. In the film, the Joker's power to cause harm is immense, but in the real world this perception often guides torture resulting in a complete domination of the individual, demonstrating the state's desire to impose its will over the individual illegitimately.

The narrative overtly questions Batman's control over the investigation when the camera moves outside the interrogation room and Gordon, referring to Batman, confirms to his colleagues that '[h]e's in control'.³¹ This associates the use of force during an interrogation with desperation rather than intimidation; making it possible to read Batman's seething questions as a manifestation of his own fear, anger and helplessness. After the

³¹ *The Dark Knight*, [1:29:07].

camera cuts back into the investigation room, the Joker reveals that the whole setup was orchestrated to manipulate Batman into breaking his moral code, which prevents him from committing murder. The Joker wanted to be caught so that he could confront Batman and reveal an elaborate moral dilemma designed to test his code. Both Rachel and Dent are attached to a time bomb and Batman needs to choose between the two.

If Rachel is read as what Batman values personally and Dent symbolises justice, then Batman, in choosing to save Rachel rather than Dent, picks personal gain over the greater good. In this manner, Batman fails the Joker's morality test. While this scene draws on the logic of the typical torture scene where the interrogator tortures to extract information and saves lives, it subverts the rule of proportionality that justifies torture because Batman is not able to save Rachel. The purpose of this scene is to pitch Batman against the Joker to establish him as a powerful enemy, and kick-start Harvey Dent's fall from grace. The Joker is in control of the interrogation and responds to each of Batman's blows with ideological attacks. The strategy succeeds in making Batman angry, especially when the Joker divulges that he is aware of Batman's feelings for his childhood friend Rachel Dawes. The more threatened Batman feels the more force he is likely to use. Perhaps Batman believes that the Joker is disclosing information in response to his blows. This demonstrates how an investigator's confidence in their skills can result in the misunderstanding that the use of force contributed to the information gathered during an interrogation.

Even though Batman has been told that '[t]here are just minutes left [...]', he continues to thrash the Joker when he could have been listening carefully. During the interrogation, the Joker effectively used Batman's anger, fear and desperation against him to contribute to the delay necessary for his set-up. The Joker has also increased the stakes for Batman by using Rachel Dawes as bait. Batman's volatile emotional state prevents him from thinking clearly. Thus, Batman fails to see that the Joker needs to give him information about

Dent and Rachel. Hence, the Joker tells Batman, ‘[b]ut don’t worry, I am going to tell you where they are. Both of them and that’s the point - you’ll have to choose’, before revealing their locations.³² Therefore, it should have been obvious to Batman that the Joker intended to give him the answers because this is a game for testing Batman’s moral code, making his use of force against the Joker unnecessary. The Joker’s power comes from his lack of fear. Batman has nothing to threaten him with including physical force, but the Joker can hold the citizens of Gotham or anyone else Batman cares about over his head to intimidate him. Surprisingly, the Joker cares the most about Batman because he enjoys watching him overcome obstacles to save the citizens of Gotham. Rather than Batman’s torture techniques being successful, the Joker has prevailed in using the external threat of destroying both Batman’s love and moral ideal for Gotham, putting him under duress. Torture does not lead to information, but the Joker is able to cause significant pain to Batman. The Joker does not want to kill Batman because his vigilantism makes committing crimes a more challenging and entertaining prospect for him, incentivising him to come up with more creative and damaging ways to create havoc in Gotham City. This scene shows how the power dynamic in a ticking bomb scenario might play out very differently from the one usually used in pro-torture arguments mentioned in Chapter 1, thereby challenging the typical outcomes associated with the scenario.

Even after the Joker gives the locations of Dent and Rachel, Batman head-butts and drops him . At this point, the use of force is completely unnecessary and reflects Batman’s desire to punish the Joker. Action in place of thinking in this case leads to wasting time and probably contributes to Rachel’s death and Dent’s extensive injuries. Of course, Batman is a vigilante figure so he has no qualms with retributive forms of justice.³³ During the

³² *The Dark Knight*, [1:30:25].

³³ The legal system also recognises retributive forms of justice but it is important to make a distinction between justice served through a fair trial and acts of vigilantism.

interrogation, Batman transitions from driven by the duty to preserve Gotham (when he thought Harvey Dent was at risk) to a desire to punish (after he realises Rachel is also tied to a bomb). In the scene, Batman undergoes a less extreme but similar emotional transformation to Harvey Dent. As the district attorney, Dent is the harbinger of justice, rounding up Gotham's criminals at the beginning of the film. Broken by the tragic death of Rachel Dawes, Dent transforms into Two-Face, who is driven by the desire to punish rather than the duty to control crime in Gotham. He seeks out those he holds responsible for her death but lets a coin flip determine whether he will kill them. Unlike Batman's actions, Two-Face's violence is not justified by the narrative. Two-Face, maddened by grief, also holds the corrupt police officers and Commissioner Gordon responsible for Rachel's death. He has the opportunity to kill the Joker, but he leaves it to a chance flip of a coin that saves the Joker. Two-Face/Dent appears to lack a personal moral code for retribution, marking him as a villain rather than a hero. Two-Face becomes a device to establish Batman's moral worth and highlight the line between outlaw justice and the inexhaustible desire for revenge Wiggins mentions. Two-Face/Dent, like the Joker, views chance as a fair arbiter of justice. In this way, the narrative maintains the boundary between the hero and the villain figures.

The overall narrative of the film supports the need for vigilantism because the state is failing to fight corruption and the justice system is not able to prosecute criminals effectively. Nevertheless, vigilantism fails to save Rachel Dawes and turns Harvey Dent into a vengeful madman. McSweeney points out that the film violates the genre code commonly referred to as the false dichotomy choice, where the superhero cannot save all the innocents and has to choose some over others, but he comes up with a plan to save all of them.³⁴ The torture scene contributes to breaking this convention as Batman uses the interrogation to threaten the Joker rather than objectively analysing the information he is revealing. In this way, torture does not

³⁴ McSweeney, *Superhero Film*, p. 27.

always work in the film when the hero uses it, but Joker succeeds in putting Batman and Harvey Dent under duress. When Batman interrogates Maroni by throwing him off a building, he does not gain new information after Maroni is on the ground and in pain. Batman accepts that Maroni has been telling the truth when severe pain does not elicit new information. Once again, as affirmed by Rejali's research that torturers seem to believe in their methods, Batman believes that torture is effective. Arguably torture works here because Batman knows that Maroni has told him everything he knew. Like torture scenes in *Inglourious Basterds*, the Joker/Maroni/suspect is willing to give information without violence. Torture either confirms the truth of this information or dominates the suspect. Batman only tortures the guilty, and this in turn maintains the distinction between the guilty and the innocent, wherein only the innocents deserve humane treatment. The overall narrative resolves the tension between the fascist forms that acts of vigilantism take and important values like freedom and democracy by asserting Batman's capacity for adhering to his moral code when he is under duress, establishing him as morally superior. This overt support of excesses of power undermines the critique of torture offered in the Joker-Batman interrogation scene. The film sustains the opposition between due process and human rights, undermining the overt anti-torture rhetoric present in one scene. The following section will analyse how interrogation scenes without torture portray human rights and justice as opposing ends.

Human Rights versus Justice: *The Dark Knight*

The interrogation scene with Mr. Lau and Rachel Dawes shows Rachel threatening Mr Lau with prison time in county jail, which would make him an open target for the gangsters in the city. This scene establishes the conflict of interest between Rachel and Mr Lau, where Rachel wants Mr Lau to give up his clients' money, but Mr Lau fears that the mobsters will kill him if he complies. Nonetheless, Rachel needs the money as evidence to

prosecute the gangsters and control crime. Her only concern is prosecution, while Lau's primary interest is in saving his own life. Rachel responds to Lau's resistance, 'Oh you mean when they find out you are helping us, they are going to kill you?'. The lawyer interjects at this point, asking 'Are you threatening my client?'. Rachel denies it, claiming that she is 'just assuming your client's cooperation with this investigation. As will everyone. No? Okay. Enjoy your time in County Mr. Lau'. In the film, County Jail has been established as an unsafe place for important witnesses. This is a threat to Mr Lau's life to coerce cooperation. As she gets up to leave, Mr Lau agrees to give incriminating information regarding his clients rather than the money in exchange for personal safety.³⁵ Ultimately, Mr Lau's capitulation to coercive means acts as a justification for utilising them. If threats to a prisoner's safety are acceptable, then where does the coercion stop? If the prisoner does not fear death, they may fear torture. Creating an environment of fear and anxiety may be able to make the prisoner feel at risk of violence but as mentioned earlier, such methods often impact memory and do not work well in obtaining information. Moreover, Mr Lau does not appear to be forthcoming with the information, but there is no reason to assume that he would not have offered to provide evidence against the gangsters with calm questioning. When due process is undermined in the scene mentioned above, Mr Lau's lawyer draws attention to how Rachel Dawes threatened Mr Lau's life, but the narrative does not hold her accountable. This implies that her pious objections to excessive forms of power in the dinner scene mentioned earlier were superficial. In this way, the film's overarching view of due process as an obstacle is established in scenes that do not rely on torture. Thus, the concerns raised with respect to the use of torture are undermined by the film's tacit approval of coercion and disregard for due process.

³⁵ *The Dark Knight*, [38:11-39:02].

After the Batman-Joker interrogation scene, when Batman and Gordon – along with his unit – leave to save Rachel and Dent, the Joker uses his request for a phone call to detonate a hidden explosive inside the police station and escapes. Here, a method for protecting human rights is misused by the Joker. It reinforces the belief that procedures of the justice system built around the humane treatment of prisoners are contrary to the cause of justice. In so doing, the narrative fails to challenge the degree to which human rights and justice are viewed as incompatible. Thus, the anti-torture rhetoric of the film appears superficial and inconsistent. In the previous chapter, the torture memos depict similar belief systems regarding human rights and cooperative versus coercive interrogation methods and torture, which worked to motivate justifications for enhanced interrogation techniques. The memos outlined high-value detainees as figures whose unshakable commitment to Jihad necessitated extreme measures. The figure of the terrorist rests on particular constructions of evil, as mentioned in the analysis of Bush's speeches, and is often achieved through affective reduction and Othering. The Joker's unshakable commitment to chaos indicates that he occupies a similar subject position to the high-value detainees. The following section will show how the Joker is constructed as the ultimate evil, which makes killing him appear as a valid solution, thereby once again reinforcing Batman's moral superiority and justifying his right to intervene in matters of crime control.

Affect & Dehumanisation: Batman versus Joker

Batman's inability to understand the Joker adds to reducing him to the singular affect of menace. The narrative offers only Alfred's view to explain that the Joker is solely motivated by destruction, therefore he cannot be reasoned with. This results in Othering the Joker to a point beyond narrative understanding, and once again, offers a justification for killing him. Crucially, this occurs before Batman has had a chance to interrogate the Joker. In this way, the narrative fails to provoke curiosity regarding the Joker and excuses Batman's violent

actions. Reducing the Joker to menace allows him to be painted as a larger-than-life threat. When the film violates the rule of killing no innocents, it is passed off as a mark of heroic strength. The Joker asks Batman to reveal himself to the citizens of Gotham or he will murder one person each night. Batman's decision to let innocents die in order to keep his identity hidden from the people of Gotham, rather than highlighting the ethical questions raised by the Joker's moral dilemma, simply draws attention to his unwillingness to be intimidated by a terrorist. Batman's need to hold on to his moral code, which distinguishes him from the Joker, and the Joker's view that the environment determines an individual's ability to act morally form the dramatic conflict. Without his code, Batman would not be able to justify breaking the law.

The Joker believes that Batman is 'truly incorruptible', but the people of Gotham will not be able to resist corruption in the same way. Batman is convinced that the people of Gotham still believe in good, while the Joker aims to bring them down. The Joker hypothesises that the people of Gotham would act like him if they gave into their madness and corruption. For the Joker, Harvey Dent's turn to the dark side is proof of this. The Joker creates an ethical dilemma for the people on two boats leaving Gotham City. The people on each boat are asked to blow the other boat up by midnight, and if they refuse, then the Joker will blow up both of the boats at the designated hour. He wants to demonstrate that the people on the boat are able to believe in good until 'their spirit breaks completely' like Dent's. This is based on the Joker's belief that people are only as good as the environment allows them to be. The narrative uses the ticking clock to alternate between the people on the two boats and Batman's pursuit of the Joker to heighten the stakes by drawing attention to the passage of time. This is a classic ticking bomb trope which is resolved through mass surveillance rather than torture. This is raised as an ethical problem when Batman asks Lucius Fox to spy on millions of people in order to find the Joker. Fox raises objections to this by calling it

‘[u]nethical. Dangerous’ and offering his resignation.³⁶ Batman has already decided to destroy the surveillance system as soon as the Joker is found. This plays the function of paying lip service to the moral complexity of the problem of indiscriminate surveillance. Fox’s challenge to this method falls flat. He thinks it is problematic to save the lives of people while sacrificing the value of privacy. Still, he proceeds to convey intelligence to Batman so that he is able to find the Joker before he succeeds in blowing up the two boats leaving the city. As noted by Vincent M Gaine, Batman shares the revenge trope with the Westerns.³⁷ In so doing, he also borrows the paradox faced by the protagonists of the Westerns where the hero has to break the law in order to restore the law and/or save innocents.

The people on each of the boats collectively decide to save the other, hoping that the other group will also be doing the same. On the face of it, this act of good faith is successful and does not discriminate between the guilty and innocent, as both the criminals and the free citizens come to the same decision. When the people on the boats decided to vote, and the votes had been counted, the first person responsible for pressing the button stated that because the others had not blown them up yet, there was a chance they did not need to press the button at all. The second person who takes the controller and initially wants to press it is physically unable to push the button. This can be read as an example of affective resistance in the face of reasoning that dictates the destruction of the other. The felt experience of goodness becomes the rationale where reasoning has led people to conclude that blowing up a boat full of people is necessary. Likewise, the prisoners on the other boat are unable to decide, when one of the prisoners takes the remote control and throws it out of the window. This serves to reinforce Batman’s view of society, where people believe in the good; while people on both of the boats decided to blow up the other, no one wanted to press the button.

³⁶ *The Dark Knight*, [1:43:36].

³⁷ Vincent M Gaine, ‘Genre and Super-heroism: Batman in the New Millennium’ in *The 21st Century Superhero: Essays on Gender, Genre and Globalization in Film*, ed. by Richard J Gray II and Betty Kaklamanidou (McFarland & Company, Inc., 2011).

The people were potentially associating a cost involved in choosing the death of the people on the other boat even if it meant saving some lives rather than sacrificing all. The choice, rather than reinforcing Batman's faith in the goodness of the people, works to set Batman apart because he is willing to bear the costs associated with such decisions when the average person is not capable. Ultimately, however, Batman is only able to stop the Joker in time due to exercising excessive forms of power like mass surveillance.

In this way, the narrative leaves space for questioning Batman's faith in the goodness of people as well as legitimating his acts of vigilantism by reinforcing his moral superiority. The Joker is a larger-than-life villain, who derives his power from insanity and unpredictability. Conversely, Batman is vulnerable, and his aggression masks this truth during the interrogation scenes. Batman is in love with Rachel Dawes and is emotionally invested in saving her at all costs. Yet, this affective investment in fulfilling his need for justice above all else makes Batman vulnerable because he has more to lose, and therefore possesses less leverage against the Joker. This reading of the interrogation scenes shows that the failure lies in the interrogators' inability to assess and manage the threats posed by criminals. The interrogation scenes in *Inglourious Basterds* similarly demonstrate that the interrogators conflate pain with truth or justify causing pain for information. Unlike *The Dark Knight* where the ends justify the means, the *Inglourious Basterds* revels in violent revenge fantasies complicating the use of torture in the film.

***Inglourious Basterds* (2009)**

In contrast with Nolan's aesthetic realism which, as argued in the previous section, fails to question the logic of torture, Tarantino's film depicts that torture works. Playing with genre conventions to reveal the entertaining function of violent acts like torture, weakens

justifications for such acts. Nolan's Batman questions the morality of his actions superficially and his choice of characterisation highlights the noble rather than the visceral pleasures of power, overlooking the potential of joy and satisfaction in having power/vengeance. Such erasures, at the level of ideology, function to reinforce and justify excesses of power on grounds of superior morality/values. This is not to suggest that techniques of representation alone affect the depictions of torture, but rather to show how the techniques are dependent on modes of narration to problematise torture. With this in mind, the following section will examine the structure, narrative and interrogation and torture scenes in *Inglourious Basterds* to explore the extent to which they work together to titillate or question the excesses of power that underpin torture.

Inglourious Basterds is an alternate history about two plots targeting the Nazi leadership during World War II. Divided into five chapters, the film begins in 1941 showing Shosanna, a Jew, escaping Nazi persecution in France. Her family is being sheltered by a neighbour, who reveals their hiding spot when threatened by Colonel Hans Landa, a Nazi official in charge of finding Jews. Chapter 2 opens in 1944 and introduces the Inglourious Basterds and their mission to hunt and scalp the Nazis. Chapter 3 follows Shosanna after her escape. She is safe, living under a false identity and running a Cinema in France. Frederick Zoller, a Nazi war hero, begins to pursue her romantically. To impress her, he wants his film *The Nation's Pride* to be premiered in her cinema. Unable to discourage his romantic advances, Shosanna finds herself in several close encounters with other Nazis, including Hans Landa, and decides to burn the cinema down during the screening of Zoller's film. Chapter 4 depicts the planning of Operation Kino by the Allies and the Basterds, which is a second plot to blow up the cinema during the premiere of *The Nation's Pride*. Chapter 5 shows both the plots being carried out simultaneously. Landa catches Raine and his troops

when they are executing the plot, while Zoller interrupts Shosanna during the final stages of the implementation of her plan.

Inglourious Basterds has been noted for its genre-blending and bending, but critics and scholars disagree on its ends. The film has been questioned for its attempt at rewriting history and glorifying violence and deemed as morally/ethically vacuous.³⁸ For example, Jonathan Rosenbaum thinks that the film ‘is akin to Holocaust denial’ because ‘anything that makes Nazism unreal is wrong’.³⁹ Peter Bradshaw finds that the film's formal aspects fail ‘as conventional war movie, as genre spoof, as trash and as pulp’.⁴⁰ Thomas Doherty, however, believes it to be ‘QT’s most whacked-out film (*Inglourious Basterds* makes *From Dusk Till Dawn* look like *Schindler’s List*)’. Daniel Mendelsohn observes that ‘the real problem here is the message, not the medium. If you strip away the amusing, self-referential gamesmanship that makes up Tarantino’s style, *Inglourious Basterds*, like many of his other films, is in fact about something real and deeply felt: the visceral pleasure of revenge’.⁴¹ Critical scholarship on the film has similarly touched on its treatment of the Holocaust as Jewish revenge fantasy as well as examining how it embodies elements of the grotesque, post-modern irony and its commentary on American screen appropriation of Holocaust memory.⁴² The trouble with *Inglourious Basterds* is that it explores the pleasure in vengeance while violating the

³⁸ Ben Walters, ‘Debating *Inglourious Basterds*’, *Film Quarterly*, 63:2 (2009), pp. 19-22.

For more on the film’s problematic use of the holocaust please see ‘Do Tarantino’s ‘Basterds’ jibe with Jewish beliefs?’, *L.A. Times Archives*, 28 August 2009 < <https://www.latimes.com/archives/la-xpm-2009-aug-28-et-revenge28-story.html> > [Accessed 24 July 2023]

³⁹ Jonathan Rosenbaum, ‘Some Afterthoughts about Tarantino’, *Jonathan Rosenbaum*, 29 July 2023 < <https://jonathanrosenbaum.net/2023/07/16606/> > [Accessed 12 March 2024]

⁴⁰ Peter Bradshaw, ‘Review: *Inglourious Basterds*’, *Guardian*, 19 August 2009 < <https://www.theguardian.com/film/2009/aug/19/inglourious-basterds-review-brad-pitt-quentin-tarantino> > [Accessed 10 February 2024]

⁴¹ Daniel Mendelsohn, ‘*Inglourious Basterds*: When Jews Attack’, *Newsweek*, 154:9 (2009).

⁴² For more see: Nemanja Protic, ‘Should we Punch Nazis? Or, Grotesque Ethics & Ethical Grotesques: Brutalised Bodies, Evental Sites, and Quentin Tarantino’s *Inglourious Basterds*’, *Cultural Critique*, 107 (2020), pp. 99-120;

Stella Setka, ‘Bastardized History: How *Inglourious Basterds* Breaks through American Screen Memory’, *Jewish Film & New Media*, 3:2 (2015), pp. 141-169.

assumption that when the holocaust is narrated it must be done as an act of memorialising the historical event and it must not be laughed at.

This tradition has been set by survivors, philosophers and filmmakers. It can be traced in the *Dictionary of Holocaust Films*, which draws attention to the voices of survivors like Elie Wiesel who felt that '[a]fter all, think about it: Auschwitz as entertainment, a docudrama. There's something wrong with that'.⁴³ Without narration, however, the Holocaust will be forgotten. Thus, artefacts depicting the horrific experiences of Jews have been displayed in museums as 'powerful reminders of Nazi crimes [...] that force visitors to confront and remember the atrocities'. Cinematic representations have been more problematic in their commitment to this moral goal. Nevertheless, the attitude towards the Holocaust has been defined by a sombre moral purpose: to memorialise the horror and condemn the Nazis. Tarantino inevitably becomes a part of this tradition because he is invested in

making a revisionist history of the war, but [he is] also dealing with characters who deal with revisionist histories of the war. [he is] also looking at the tragedy of genocide. [he is] dealing with the Jewish genocide in Europe, but my Jews are going native and taking the roles of American Indians – another genocide. Then there's a *King Kong* metaphor about the slave trade – that's another genocide.⁴⁴

He draws his inspiration from films made in the 1940s like director Fritz Lang's *Manhunt* (1941), Jean Renoir's *This Land Is Mine* (1943) and Douglas Sirk's *Hitler's Madman* (1943).⁴⁵ Lang was half-Jewish and had to flee Austria after the Nuremberg Laws came into

⁴³ Robert C Reimer and Carol J Reimer, 'Introduction' in *Historical Dictionary of Holocaust Cinema*, (Lanham, Toronto, Plymouth and UK: The Scarecrow Press, Inc., 2012), p. 1.

⁴⁴ Tom Huddleston, 'Quentin Tarantino interview', *TimeOut*, 30 August 2009
<<https://www.timeoutbahrain.com/movies/movies-features/10372-quentin-tarantino-interview>> [Accessed 21 March 2024]

⁴⁵ Ibid.

force. Renoir was in the French Cavalry and fought the Germans, later moving to the States. Sirk ran from Germany due to fears of persecution of his Jewish wife. During 1941, news regarding the mistreatment of the Jews began to surface.⁴⁶ Having fled from persecution and war, aware of at least some of the atrocities being inflicted on the Jews through personal experience and public discourse, these filmmakers had chosen to make ‘thrilling adventure stories’ that had ‘a lot of humour in them’.⁴⁷ Nonetheless, Tarantino made this choice after recognising that perhaps the ‘ponderous, anti-war, violin-music diatribes’ have been used far too many times to depict the subject.⁴⁸ His attempt at alternative history does not return the genre to a new sincerity but rather reveals the relationships between power, pleasure and violence while making the audience’s pleasure in witnessing screen violence visible. This contributes to the source of discomfort felt by those repulsed. In many ways, Tarantino’s work depicts the events of the holocaust such that the viewers are confronted not only with the horrors of the genocide but the pleasures of it. In so doing, it violates the holocaust genre in tone and mood and refuses to fulfil the function of memorialisation. When read with respect to the treatment of human rights and justice in *The Dark Knight*, the context of GWOT and the theme of revenge, the representations of torture in the film make apparent the relationship between pleasure and power.

The order of the five chapters enables the justification of the Basterds' revenge quest in the film, just like the chronology of *The Dark Knight* creates the need for Batman to intervene. To this end, Chapter 1 depicts Hans Landa the Jew Hunter investigating the

⁴⁶ ‘Prime Minister Winston Churchill’s Broadcast to the World’, 24 August 1941, *British Library of Information* <<https://www.ibiblio.org/pha/policy/1941/410824a.html>> [Accessed 24 March 2024];

Deborah E Lipstadt, *Beyond Belief: The American Press and the Coming of the Holocaust, 1933–1945* (New York: Simon & Schuster, 1993), pp. 159–60;

Edward Bliss, Jr., ed., *In Search of Light: The Broadcasts of Edward R. Murrow, 1938–1961* (New York: Alfred A. Knopf, 1967), pp. 56–57;

"Declaration Regarding German Atrocities Against Jews in German Occupied Countries," *The United Nations Review* III, 1 (1943).

⁴⁷ Tom Huddleston, ‘Quentin Tarantino interview’, *TimeOut*.

⁴⁸ *Ibid*.

whereabouts of the Dreyfuses who seem to have all but disappeared during the German occupation of France. Landa visits La Padite, a neighbour of the Dreyfuses, who is coerced into revealing the hidden family. Landa murders Shosanna's entire family; she, however, escapes. This scene implies that the Holocaust is underway. We do not see images of the concentration camps, barbed wires and emaciated bodies, typical of Holocaust movies. The narrative shares more with Jewish resistance films that show Jews actively fighting rather than hiding or surviving the persecution they face.⁴⁹ Showing the brutal murder of Shosanna's family and then introducing Raine's mission to hunt and scalp Nazis suggests a cause-effect relationship. Todd Berliner explains how in Hollywood cinema 'x therefore y' results in causality making 'narrative connections tight and logical'.⁵⁰ This narrative order, thus uses the affective response evoked towards the Nazi's participation in such atrocities as justification for Raine's mission.

Aldo Raine's desire for revenge is inexhaustible, but he only targets Nazis. Using holocaust history in a revenge fantasy about destroying the Nazis poses problems for the law of proportionality of the classic revenge genre, but its modern iteration allows for vengeance without an end. Any proportional response to the unspeakable brutality of the holocaust would seem unsatisfactory and a satisfactory response would need to be disproportionate. Wiggins notes that the limits imposed by the moral code of modern iterations of the revenge narrative often have no endpoint. Aldo's code of conduct takes this convention to its extreme because it also allows for large-scale violence without clearly defending a moral principle, thereby questioning the law of proportionality and collapsing the ethical difference between Nazis and Jews.⁵¹

⁴⁹ Actively fighting, hiding and surviving are different modes of resistance.

⁵⁰ Todd Berliner, *Hollywood Aesthetic: Pleasure in American Cinema*, (Oxford University Press: New York 2017), p. 53.

⁵¹ Wiggins, p. 6.

Tarantino has often cited his love for blaxploitation movies of the 70s, a sub-genre of exploitation films. The exploitation film genre usually requires shocking depictions of a taboo subject. In this film, he draws on the genre by choosing a controversial rewriting of Holocaust history and presenting it as a Jewish revenge fantasy. The shock is generated by the narrative's refusal to distinguish between the violent torture carried out by the American Jews and the Nazis.⁵² This results in giving the film a 'counter-culture style that is deliberately subversive' and like exploitation cinema 'thematically oppositional' to the standard Hollywood take on the Holocaust and World War II.⁵³ For example, *The Dark Knight* sustains the difference between Batman's violent actions and torture and the criminals' use of similar tactics on moral grounds. *Inglourious Basterds* aesthetically draws on the Western genre which upholds the mythologies of the American West and the spaghetti western, a sub-genre, which frequently questions such mythologies. The opening scene is reminiscent of classic Westerns like *Shane* (1953), where an outsider arrives at a family farm. The film is also known for playing with genre conventions of the war film and the dark comedy. The degree to which the interplay of genre successfully deconstructs the Nazis as absolute evil while questioning the violence justified under American exceptionalism will be analysed in this section. The title of the film is a reference to *The Inglorious Bastards*, a 1978 European war film set during World War II. The introduction credits in *Inglourious Basterds* are accompanied by *The Green Leaves of Summer* arranged by Nick Perito. The original music was composed by Dimitri Tiomkin and Paul Francis Webster for the Western *The Alamo* (1960), which depicts the battle of the Alamo in which the Mexicans were victorious against the Texan settlers. Interestingly, during the selection process, Tarantino was not aware that the music was composed for *The Alamo*. Nevertheless, through references to histories of other wars that the audiences might be familiar with, the film expands the confrontation space

⁵² Calum Waddell, 'Emerging From Another Era- Narrative and Style in Modern Exploitation Cinema', in *The Style of Sleaze: The American Exploitation Film, 1959-1977*, (Edinburgh University Press 2018), pp. 32-46.

⁵³ *Ibid.*, p. 33.

of the various interrogation scenes. The play on genre allows the film to point to America's problematic histories, thereby questioning the revenge plot and the ideology of the American exceptionalism present in the traditional Westerns and the superhero genre. This undermines the justification for Aldo Raine's revenge fuelled attack on the Nazis. Here, the visible injustices of the Nazis act as a foil for the central characters' desire for revenge. The Nazis' wrongs are obvious, but the Basterds vengeful guerilla-style attacks and ambushes do not appear to be a fair retaliation. The plot of the film subverts the conventions of the war film by choosing to focus on characters who fight dishonourably on both sides of the enemy lines. If Aldo Raine commits war crimes, Hans Landa carries out execution orders on Jewish women and children. Landa wants to be known as heroic without being honourable. The hero in a traditional Western is typically an outlaw but choosing a war criminal as the protagonist tests the limits of the values propped up as acceptable within both genres. This accentuates the limits of outlaw justice and undermines the celebration of honour in the war genre. The strategy questions both modes of protecting and safeguarding a community's interests. The interplay between the genres blurs the boundaries between right and wrong, which are usually maintained in conventional Western and war films. The proportionality between the criminal act and the method of revenge generally stands in for the justification in the revenge story. Choosing to focus on war criminals satirises the justification paradigm of the traditional revenge narrative.

This is also visible in the film's initial treatment of Shosanna who manages to escape Landa's execution of her family in the scene mentioned before. She is afraid of Landa and does not want to be involved with Zoller, a famed Nazi sniper and the hero of the propaganda film being screened in her theatre. Unable to refuse the screening, she decides to murder the Nazis watching the film. This act transforms her into a mass murderer. From Shosanna's perspective, each time she encounters a Jew she risks her life. In a revenge narrative,

choosing to escape a second time or murdering Landa and/or Zoller can be justified. Still, these motivations are problematised in the film because Shosanna chooses to murder a community of people who have committed wrongs. This pushes the paradigm of revenge stories to its limit because it raises questions about whether revenge against one person who has done wrong is justified if revenge against a community of such people is wrong. A conventional war film will usually justify attacking a group/nation of people, but the film's narrative does not connect Shosanna's desire for revenge, which is about self-preservation, to saving or preventing the death of other Jews by ending the war. While the film has fleeting moments of humanisation, this is not sustained. The narrative also includes some of the trappings of the spaghetti western such as the focus on splatter violence, a Mexican standoff and shootout scenes. The use of dark humour in depicting these elements implicates the audience's pleasure in violent scenes. In this way, the film highlights the relationship between pleasure, violence and retributive justice. It is most clearly reflected during the screening of the Nazi propaganda film in the cinema. Before the explosion, Hitler and the audience are laughing as the hero kills allied soldiers. Shosanna's lover ignites the nitrate film reels as her video recording plays on the screen. She laughs as the Nazis scream and run for their lives. The reversal in the group of people screaming and laughing shows the cyclical nature of revenge.

Torture and Interrogation in *Inglourious Basterds*

Inglourious Basterds opens with a wide shot depicting Perrier La Padite and his daughter Julie working on their farm. He is at the centre and the daughter is on the right side in the mise-en-scène which includes the farm, the house, the woods and cows, depicting a calm, idyllic mood. A low angle shot shows La Padite hard at work, chopping wood. The next shot depicts the daughter hanging sheets. The sounds of birds chirping, the axe rhythmically striking the tree stump and the sheets flapping against the wind establish a calm domestic

tone, which is interrupted by a low hum. *The Verdict* by Ennio Morricone replaces the idyllic soundscape as Julie peeks from behind the sheet she is hanging to reveal a car approaching the farm. The composition uses the familiar trill of Beethoven's *Für Elise* in a loop with complementary music from guitar, ukelele and mandolin nested in between the loops. The soundtrack suggests movement and the combination of music is iconic of the type that usually accompany films of the Western genre. For instance, a version of *The Verdict* was also used for the Western *La Resa Dei Conti (The Big Gundown, 1966)*. The music combined with the setting builds anticipation in this scene. Thus, through music, cinematography and mise-en-scène, the opening aesthetically evokes the Western.

The pending arrival of the car changes the idyllic tone to panic, setting the scene in motion. Julie, visibly frightened, turns back and brings this development to her father's attention. Another low angle shot shows him dropping the axe. The next shot depicts other members running out and La Padite asks them to '[g]o back inside and shut the door'. This sequence shows how the scattered family members abandon their daily duties and come together to formulate something of a plan to stay safe. The tone of panic and the chapter title 'Once upon a time ... in Nazi-Occupied France' sets up the audience to expect hostile intruders, most likely Nazis. The idyllic sequence is approximately 21 seconds in duration [2:07-2:28], whereas the build-up to Hans Landa's arrival is stretched to 1 minute and 77 seconds [2:28-4:05]. The contrast between the calm and the alarm conveys the anxiety felt by the family to the audience. Upon arrival, Landa's demeanour is polite rather than hostile. The sun lights his face as he smiles and shakes La Padite's hand. From the beginning, it is clear that La Padite's politeness is for effect. When he asks, 'I was hoping you could invite me inside your home[...]', La Padite and the audience know that he cannot be refused. When La Padite agrees and turns around, Landa places his hand on his elbow asserting dominance and showing who is in charge. The discrepancy between Landa's charade of politeness and the

extent of his power in the diegesis creates cognitive dissonance. When La Padite introduces his family to Landa, the camera cuts to his wife and daughters and the rhythmic ticking of a clock or a pendulum forms the background against which the sound of a sharp breath conveys the heightened state of anxiety felt by the family to the audience as everyone awaits Landa's response. La Padite is in explicit control of the situation, but Landa is in implicit control. The *mis-en-scène* reinforces this dissonance as Landa and La Padite share the centre of the frame implying that they both hold the same amount of power. Landa breaks this symmetry moving forward, momentarily occupying more of the frame while La Padite recedes briefly to the background. When La Padite asks his daughter to bring wine for Landa, he gently pulls her back and requests a glass of milk instead, once again asserting his power over the family members. After Landa has had the milk, the camera cuts to a haggard La Padite. He is taller than Landa, but he is drenched in sweat and his shoulders are almost stooping, conveying his powerlessness to the audience.

Tarantino spends 2 minutes and 33 seconds building the anticipation regarding the purpose of Landa's visit. The interplay of polite requests by Landa and La Padite's compliance leads up to the beginning of the interrogation at 6:38. Landa introduces himself as the Jew Hunter and explains that he wants information about the Dreyfuses whereabouts. In this film, Hans Landa represents evil, much like the Joker. Joker's power is dependent on the association of the affect of menace to him and his ability to cause chaos, whereas Landa's power is derived from his polite manner, excellent detective skills and ability to enforce order. He is capable of thinking from other people's perspectives and is extremely skilled at observation and deduction. Tarantino explains that he wrote the interrogation scene using mind games, typical of most interrogation scenes, and these become a crucial part of Landa's

interrogation technique.⁵⁴ This extends to his polite demeanour. The superficiality of his nicety is evident when he gives orders for putting someone to death as politely as he asks for cream. This is deeply unsettling to those around him and the audiences of the film. Landa, rather than asking where the Dreyfuses are inquires ‘What have you heard about them?’ to which La Padite informs ‘Only rumours’. Landa exclaims ‘I love rumours! Facts can be so misleading, where rumours, true or false, are often revealing. So, Monsieur La Padite, what rumours have you heard regarding the Dreyfuses?’. The words ‘misleading’ and ‘revealing’ rhyme, almost giving the phrasing a cadence disrupting the expectation of a serious tone that usually accompanies interrogation scenes and shows how Landa is delighted at the prospect of working out where the Dreyfuses are hiding. La Padite appears agitated despite Landa’s jovial and polite manner. To further put La Padite at ease, Landa emphasises he does not need him to reveal ‘who told them[the rumours] to you’. Landa and La Padite establish that the rumours are of escape and La Padite begins giving the names and ages of the Dreyfuses. The camera arc reinforces the anxiety of the interrogation. As La Padite describes Shosanna, the camera uses a pedestal movement to reveal the Jewish family concealed under the floorboards beneath the table, their eyes wide in fear. The juxtaposition between the ordinariness of the paperwork being done by Landa, his cheerful tone and the fear being experienced by the Jewish family and La Padite performs a humanising function because it does not allow access to Landa’s hatred. The close attention paid to the affective experiences of the other characters singles out Landa’s hatred in this scene. This interrogation, like the Batman-Joker interrogation, is structured around deception and reveal.

Landa expresses his dehumanising views on why he, and the Nazis in general, hate the Jews in a polite tone, while completing mundane bureaucratic formalities. The juxtaposition of everyday ordinary tasks with the facilitation of genocide conveys the horrors

⁵⁴ Robert982, ‘Quentin Tarantino Explains the Pipe Scene in *Inglourious Basterds*’, *YouTube*, 16 March 2010 <https://www.youtube.com/watch?v=q_g7O7W-IUg> [Accessed 23 March 2024]

of normalising dehumanisation and violence. This is particularly unsettling because Landa is not driven by revenge or the passion of anger. Rather, the killing of the family is an administrative formality with the sole purpose of closing the file on the Dreyfuses, creating a chilling effect. Landa believes that hatred against the Jews is instinctive and, thus natural; therefore, it does not need a rational justification and is simply the way of things. Central to extracting the confession is also his performance of being a good detective. Tarantino divulged in an interview that Landa uses the Calabash pipe like Sherlock to reveal his prowess as a detective to La Padite. Landa does not smoke a pipe, but uses this pipe to convey to La Padite and the audience his dominance and ability to discover hidden Jews. Landa can imagine the affective experiences of the Other but fails to elicit empathy. Rather, he uses other peoples' affective response of fear to estimate where and in what conditions they may be hiding. Thus, he often arrives in the interrogation room with a hypothesis based on either his experience or his interpretation of the evidence found at a crime scene. Hence, during the interrogation, he is only interested in a confession that corroborates his hypothesis. The scenes where Landa uses fear and intimidation are not aimed at information gathering per se, because Landa does not leave the scene with more knowledge. The use of the camera arc during his interrogation of La Padite underscores this circular reasoning. Similar reasoning is also present when Landa interrogates the actress Bridget von Hammersmark for spying on the Germans. He presents her with the evidence: the shoe she had lost when she was shot in the leg during a shootout. The shoe fits her perfectly, thus confirming Landa's hypothesis yet again. This rate of success in the narrative works to reinforce the power and exceptionality of Landa's skill. Yet, his theatrical performance of politeness and deductive reasoning establish his power rather than evidencing good detective work. In real interrogation scenarios, the urge to confirm a hypothesis usually leads to bad or unusable

information.⁵⁵ Those who are vulnerable to Landa's tactics are often the people who have more to lose and do not have the power to change their circumstances such as La Padite, who, during a nearly fifteen-minute-long interrogation scene, confirms Landa's suspicions about the Jewish family he had been hiding in his house in exchange for the safety of his own family.

Interrogation scenes in fiction are usually less about gathering information and more about moving the story forward in a captivating manner. Torture is used for its entertainment value, and unlike *The Dark Knight*, *Inglourious Basterds* draws attention to this function of torture. While Aldo Raine interrogates using force, violence and intimidation to gain intelligence, not everyone he interrogates is willing to talk – and some die – yet torture has an unsettling effect in the film. The next torture scene is 7 minutes and 97 seconds long in which the *Inglourious Basterds* interrogate a Nazi Sergeant. Compared to the interrogation scene discussed earlier, which involves psychological intimidation and a death threat to La Padite's family, when *Inglourious Basterds* torture there is plenty of splatter and gore. The scene unfolds in enemy territory, where the *Inglourious Basterds* have come across the soldiers of a German platoon and successfully killed most of them. Raine wants information regarding the second platoon in the area, and for this purpose, he has kept three of the Nazis alive. The interrogation occurs in the woods and the *mis-en-scène* includes scalped dead bodies of the other Nazis and birds and other wildlife noises. The dialogue during the interrogation follows the rule of threes, and is a common method of dividing different aspects of the narrative, including dialogue. For example, entire narratives are commonly divided into three acts. Likewise, dialogues can include three parallel sentences, adjectives and so on. This is most often used to appeal to the audience's sense of symmetry. In this scene, Raine asks for three pieces of information and the question-answer formula of the interrogation technique follows

⁵⁵ Saul M Kassin, Christine C Goldstein, and Kenneth Savistky, 'Behavioral Confirmation in the Interrogation Room: On the Dangers of Presuming Guilt', *Law and Human Behavior*, 27: 2 (2003).

the rule of threes as well. For instance, Aldo Raine asks for information three times. This also brings out three different ways of refusal for Sergeant Rachtman and gives a chance to introduce Sergeant Donny Donowitz or ‘The Bear Jew’. After Sergeant Rachtman refuses the second time, we can hear Donowitz hitting rocks with a baseball bat, but he is not visible. Raine asks, ‘Hear that?’, to which Rachtman replies, ‘Yes.’ The camera cuts to another Nazi, Private Butz, who has also been kept alive for interrogation. Raine asks again, ‘[...] you gotta heard about The Bear Jew?’. Like Joker, Raine staggers the enunciation of ‘The Bear Jew’ in a low voice giving the monicker more space and time in the dialogue to intimidate Sergeant Rachtman. In the scene, both the story about how Donowitz got this monicker as well as his batting noises function like the display of weapons usually works in torture scenes, that is, to generate fear. However, this is not effective on Sergeant Rachtman, but intimidates Private Butz. Sergeant Rachtman (Fig. 1), ‘sits, head held high, back straight, chin up, every inch the German hero facing death’.⁵⁶



FIG. 1

The sound of the bat hitting the rocks does not bring any change in his demeanour. Fig. 2 is a reaction shot showing Private Butz startled at the sound of ‘The Bear Jew’ batting rocks.

⁵⁶ ‘Acting directions for Sargeant Werner Rachtman’ in *The Inglourious Basterds Screenplay*, p. 27.



FIG. 2

His eyebrows are raised, and his eyes are focused on the location of the sound. In the next shot, Sergeant Rachtman gives his third and final response, ‘Fuck you and your Jew Dogs’. Usually, in a torture scene aimed at gathering information, at this point, the interrogator appears to lose control – as Bruce Wayne does in the interrogation room with the Joker and increases the intensity of violence or threats. The *Inglourious Basterds* laugh, clap and jeer at this response. Raine also adopts a mirthful demeanour, invites this lack of compliance and, with a smile, reveals excitement at the anticipation of ‘watchin’ Donny beat Nazis to death’ which ‘is the closest we ever get to goin’ to the movies’. The camera cuts back and forth between Rachtman (Fig. 3a) and the dark tunnel (Fig. 3b) where Donny has been waiting four times. The camera is stationary during the first back-and-forth cut for both the tunnel and Rachtman. This establishes the current distance between the two.



FIG. 3(a)

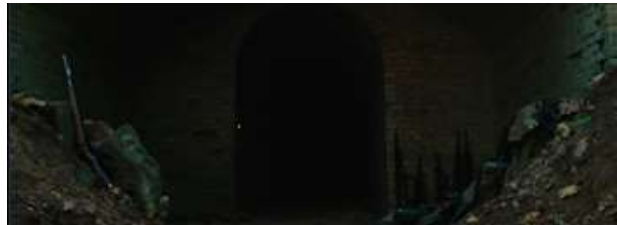


FIG. 3(b)

The stillness amplifies Rachtman's deep breathing and lack of options as he waits. During the second back and forth, the camera is more or less stationary when it cuts to Rachtman but uses a slow push-in when it cuts back to the tunnel, giving the impression of the closing distance between the two. The camera cuts to Private Butz again for a reaction shot. He is welling up with tears. This contrast between Private Butz and Sergeant Rachtman shows two possible responses to torture. Private Butz's tears symbolise his fear rather than pain because he is waiting his turn. The fourth back-and-forth is a faster push-in for both Rachtman and the dark tunnel till the screen goes blank. The next is a tracking shot with the camera moving backwards and Donowitz moving towards it and Rachtman. Like the interrogation scene with Landa, the slow build-up gains pace in this shot. The Inglourious Basterds clap and jeer, and then we see Rachtman from a high angle, that is, Donowitz's perspective, who points at the Nazi badge on his uniform and asks, 'Is that for killing Jews?', to which Rachtman responds, 'Bravery'. In six clear blows, Donny brings an end to Rachtman's bravery, with the rest of the Basterds jeering in the background, enjoying the show. Donowitz ends the sequence with a baseball-style commentary. The frenzy catches on, revealing the infectious joy of violence, and one of the other Basterds kills the second prisoner only leaving the third alive. The scene also draws comparisons between watching cinema, sports and torture. All the Basterds derive pleasure from torture, both those looking and those participating.

The next interrogation is with Butz (Fig. 4). A combination of faster tilt-up/down and pan movement is used to shoot this scene. The camera moves between Raine, the interpreter, Private Butz, the map and back again four times in quick succession. All three are sat in a circular shape with Private Butz at the lowest point, the interpreter on only slightly higher ground and Raine at the highest point, dominating the scene. The movement begins with a tilt-up towards Raine who asks a question, then the camera pans to the Interpreter and again pans to Private Butz and tilts down to the map revealing information. The next round of

questions begins with a tilt-up to Raine. The almost circular movement is broken once for a pan-left and pan-right when the interpreter needs to translate. The tilt-up used for Raine highlights his power and dominance over Private Butz.

The choice adds more discontinuous movement than an arc would achieve, adding speed to



FIG. 4

each exchange. This gives the impression that Private Butz takes no time in pointing out the location of the other platoon generating laughter. The swift movement of the camera stands in for the efficiency of torture, but the laughter, jeering and pleasure in violence have also been made visible. References to sports and cinema work as a commentary on audiences who do not shy from enjoying torture on-screen. This becomes a mode of pointing out the film's artificial status. The use of flashback provides a backstory to *The Bear Jew*, but it does not create an intimacy with the character but rather justifies his choice to turn to violence. Drawing attention to the fictionality of the film serves to distance the audience from the violence but does not perform a humanising function. Artifice can also give the impression of immediacy through creating 'the illusion of more direct knowledge, more intimate and immediate contact' which can undermine the narrative's attempt at humanising characters. According to Adams, successfully humanising representations 'acknowledge their constructedness' but 'maintain this distance, never allowing the audiences the impression of

unmediated access to or knowledge of a personality, event, or situation'.⁵⁷ To illustrate, the audience can view themselves to be in a similar position to the Basterds, who are enjoying carnage, and respond with either discomfort or join in the pleasure the Basterds feel in destroying the Nazis. The camera shows multiple perspectives similar to closed third-person narration in novels. The scene, however, only gives voice to the two warring groups, that is, the nazis and the Basterds, thus it is unable to fully critique the logic of violence.

In Chapter 4: Operation Kino, Aldo interrogates and tortures the German actress Bridget Von Hammersmark (Fig. 5 and Fig. 6), who is working as a spy for the Allies. The rendezvous between the Basterds, the British spy and the actress ended in a Mexican standoff, and she took a bullet in her leg. Aldo suspects that this was a set-up and begins to question Hammersmark. When Hammersmark realises that she is being interrogated, she begins to address Raine's suspicions.



FIG. 5

⁵⁷ Adams, pp. 37-8.

Raine presses his finger into her bullet wound and the camera closes up on this insertion and pulls out to show how Hammersmark twists in response to this.



FIG. 6

The camera in the shot in Fig. 6 is off-kilter. Von Hammersmark is tilted upwards as she is tightly gripping the surgery table. This represents her emotional response to the pain being inflicted. Through camera movement, her disorientation is communicated to the audience. Her speech falters as she continues to address Raine's concerns. On the face of it, the scene reinforces the myth about torture that pain results in compliance and truth. However, Hammersmark has not become compliant as a result of the torture, rather she was on the allies' side from the beginning. Like the Joker, she intended to tell the truth all along. If torture achieves anything other than senseless violence in this scene, then it is delay. Only after time had been wasted in this manner do they hatch a new plan to blow up the cinema to kill Hitler. This scheme was possible because Hammersmark had discovered that Hitler would also be present at the screening and had wanted to convey this information to the Basterds and allies from the beginning. Thus, torture works to inflict pain, rather than generating useful information.

Ticking Bomb Trope: Thought or Action?

Towards the end, the film uses a variation of the ticking bomb trope that incorporates a calm tone and composure which one assumes will conflict with the ticking bomb trope commonly used to increase the stakes in the narrative. When Aldo and his accomplice are caught by Hans Landa, they are handcuffed and expect to be imprisoned and tortured or killed. Instead, Landa begins to negotiate with them. He is willing to allow the plot to blow up the cinema to continue, ensuring that Hitler, Goebbels, Göring and Bormann are all murdered thereby ending the war. Landa wants to be known for single-handedly stopping the war and thus, the negotiations continue in a calm tone between the two parties while the time bomb continues to tick. This method of representation admits the possibility of thought and action even when the characters are constrained by time, although this opposition is not fully resolved, thus the trope has only been subverted partially. For instance, Landa is not particularly invested in saving the Nazi troops in the audience, so he is not interested in intercepting Aldo's men before they succeed in setting off the bomb. The stakes are higher for Aldo Raine, who will not be able to end the war. Here, Landa does not have as much to lose as Aldo, so he is more in control. The time pressure imposed by the ticking bomb is undermined to a degree, leaving Landa free to negotiate terms with the allies in a calm manner. The scene evokes the possibility of thinking under time constraint but by downplaying the significance the explosion has for Landa, it fails to subvert the trope completely. In showing thinking as a possibility only when the stakes are low, the scene sustains the opposition between thought and immediate action, which usually act as affective doubles for sustaining the opposition between human rights and justice.

Both Aldo Raine and Hans Landa do not believe in the humanity of the Other; both believe in destroying the Other. Yet, in the scene discussed above, Landa wants to be known for single-handedly ending the war for the Allies, rather than ending up at the Jewish tribunal.

He is willing to throw anyone under the bus for personal gain because he is motivated by prestige and wonders ‘what will the History books say?’ about him. He not only wants to be known as heroic but also desires to be depicted as such in historical accounts. Thus, the sides do not matter to him. This marks the difference between Landa and Raine. Landa enjoys how much power and control he has over Raine, over the fate of the people involved in the war and exercising absolute control over the outcome of the war. Unlike the Joker, Landa does not choose chaos. Rather, he chooses personal gain. This stands in contrast to Aldo, who, while motivated by personal revenge, is still acting in service of a community no matter how misplaced his desire for justice is. His loyalty to the Basterds and the allies and his commitment to the objectives of both groups at personal expense marks the difference between Raine and Landa, that is, the blurry line between hero and villain. Upholding this distinction undermines the film’s critique of cinematic representations of the Nazis as absolute evil. While the film condemns the actions of the Basterds by drawing parallels between Aldo and Landa, it still portrays Aldo as relatively less evil. Portraying Nazis as absolutely evil can also be used to justify and legitimate horrific crimes against them as Aldo Raine and Shosanna do in the film. Therefore, it is important to highlight the humane aspects of characters like Landa, Raine, and the Joker, but this should not be done at the expense of their victims.

Simply demonstrating that torture does or does not work is insufficient for challenging the appeal of torture. The narrative, like *Inglourious Basterds*, can show that torture works, yet reveal the relationships between pleasure, power and violence. Likewise, in *The Dark Knight* torture sometimes fails but the overall narrative justifies excesses of power. This chapter has shown how the films play with the rule of proportionality to question the efficacy of torture or coercion in interrogation scenes. Representations of torture should be reflective, and self-conscious whether they represent torture as effective. Both films reveal

that torture results in pain and pleasure. The cinematic medium allows limited access to the interiority of characters like the Joker. This adds to the power of the character and adds to his dehumanisation in the narrative. Likewise, Hans Landa has not been given a back story through flashbacks, and thus adds to his power as the villain, and enables his dehumanisation within the narrative. In these films, torture was motivated by the need for information regarding terror plots. The fictional torture scenes, like the torture memos, imagine suspects who resist and manipulate the interrogator without capitulating. The ticking bomb scenarios employed by these films do not always play in a straightforward manner, challenging the use of torture in the interrogation room, and critiquing how the hypothetical is evoked in pro-torture arguments. In the following chapter of this thesis, Ishmael Kidder tortures a man in his basement without reason, abandoning the familiar frames used for representing torture. The first-person narrative does not offer interiority to Ishmael, the torturer, also resulting in dehumanisation and challenging the traditional uses of the narrative device. The literary genre, when compared to popular cinema, has more room to play with readerly expectations. Thwarting traditional narrative paradigms can even be considered a convention of the genre. *The Water Cure* defies all expectations of a traditional narrative, and the following chapter will show how this enables the deconstruction of the frames commonly used for justifications for torture.

Chapter 4: Violence, Torture and Revenge in *The Water Cure*

Percival Everett is an award-winning American novelist, celebrated for writing genre-bending, surreal and unusual fiction. *The Water Cure* is Everett's most unconventional novel.¹ The novel revolves around Ishmael Kidder, a frustrated romance novelist who wants to create art but his literary agent, Sally Lovely, thwarts his efforts to deviate from writing strictly within the constraints of the romance genre due to the pressures of the profit-driven publishing market. This crisis unfolds together with the rape and murder of his 11-year-old daughter. Ishmael's confession about torturing the man who may or may not have killed his daughter, Lane, kickstarts the narrative. He is also locked in a conflict over a water pipeline with the local drug dealers.

The fragmented form of the novel allows the inclusion of seemingly disparate topics such as the references to the invasion of Afghanistan post 9/11, the CIA's internal review of the torture program, high philosophy and Ishmael's visceral response to the tragic loss of his daughter. He uses the government's view of torture as the reason for choosing his method of vengeance. The narrative explores the post 9/11 political context through the personal revenge story by mixing some tropes of the Western genre and the revenge plot. The genre constraints of the Western and the revenge narrative legitimate violence as a form of justice. Drawing on the obligatory conventions of both genres, the narrative in *TWC* raises concerns about the treatment of the guilty. The novel also calls into question the dramatisation of the conflict between law and innate morality as a mode of justice and challenges the values upheld by both forms of fiction. Ishmael's 'zeal' for torture is one of the key focal points of the novel.² The narrative draws deliberate attention to torture and bodily violence to critique the values

¹ It is the main text for this chapter and all subsequent references to the novel will be shortened to *TWC*, pp. All long and short quotations will also be referenced using the aforementioned short form.

² *TWC*, p. 7.

romanticised in the frontier mythologies and their revitalisation in the political rhetoric post 9/11.

The Water Cure has received some scholarly attention in two books that broadly discuss Everett's fiction: Anthony Stewart's *Approximate Gestures* and Derek C Maus's *Jesting in Earnest*.³ The novel's treatment of the tension between language and meaning, the fragmented form of the narrative, the representation of torture and the critique of the political context after 9/11 have been analysed in more detail in journal articles on the novel.⁴ This chapter will add to the field of scholarship by providing a detailed analysis of the cultural politics that frames the representation of torture in the novel and show how it is relevant to the current criticism of the depictions of torture in literary fiction. Examining how the novel uses the domestic plot for political critique by making torture one of its main themes will expand Arin Keeble's study of the 9/11 novel and Alex Adam's critique of the torture debate in popular culture.

Everett's formal experiments with modernist techniques, popular Western genre fiction tropes and the revenge plot disrupt the straightforward relationship between apparent guilt and justified revenge which is frequently romanticised in popular culture. The text includes excerpts from literary fiction such as Herman Melville's *Moby-Dick*, employing one of the many elements of the high modernist style while drawing on some Western genre tropes, thereby connecting the themes of justice and revenge across high and low forms of literature.⁵ His approach towards combining these varying techniques makes it impossible to determine

³ Anthony Stewart, *Approximate Gestures: Infinite Spaces in the Fiction of Percival Everett* (LSU Press, 2020); Derek C Maus, *Jesting in Earnest: Percival Everett and Menippean Satire* (The University of Carolina Press, 2019).

⁴ Michel Feith, 'The Art of Torture in *The Water Cure*, By Percival Everett', *Revue française d'études américaines*, (2012), pp. 90-104. < <https://www.cairn.info/revue-francaise-d-etudes-americaines-2012-2-page-90.htm>> [accessed 22 October 2022];

Anne-Laure Tissut, 'Percival Everett's *The Water Cure*: A Blind Read', *Sillages critiques*(2014).

<http://journals.openedition.org/sillagescritiques/3496> [accessed 22 October 2022];

Sylvie Bauer, "Nouns, Names and Verbs" in *The Water Cure* by Percival Everett, or, "Can a Scream Be Articulate?", *Revue française d'études américaines* (2011), pp.99-108. < <https://www.cairn.info/revue-francaise-d-etudes-americaines-2011-2-page-99.htm>>[accessed 22 October 2022].

⁵ Herman Melville, *Moby Dick* (Penguin Classics, 2003).

what happens in the novel. The extent to which the indeterminate nature of the plot and its insistent criticism of post 9/11 cultural politics effectively critique the assumption of guilt that precedes so-called 'justified' revenge and torture will be examined. The novel uses irony, black humour and satire to refer to the post 9/11 cultural politics drawing a deliberate connection between the torture that may or may not have happened in the novel and the decision to use the 'so-called' enhanced interrogation techniques after the terror strikes.

Showing that emotional immediacy is passed for rational discourse in the post 9/11 context will reveal how this has resulted in the stark contrast between the historical realities of oppression and its mythic/fictional representations. In order to do so, the thesis will expand on Alex Adam's argument that narratives use the ticking bomb scenario 'to generate an emotional response in favour of torture' by analysing how affects achieve this.⁶ Rational debates about the validity of torture exclude the manner in which emotions shape their discussion. Adams refers to the emotionally convincing nature of pro-torture representations, but the role of affect in the torture debate is not his central concern. The affective appeal of torture can be understood by drawing out the relationship between the values privileged in the Western genre and the ones espoused in the pro-torture position to show how they create the opposition between national security and justice by evoking certain emotional frames. This relationship between affect and the emotional intelligibility of the honour code in the Western and the revenge plot is inextricably linked with questions of agency and power. Both the Western and the revenge narratives construct and dramatise the opposition between the individual and society. It is often achieved by empowering the individual to either act in favour of or against society. The model does not allow for imagining productive forms of collective or social agency. Thus, interpreting Everett's style for highlighting the relationship between individual agency and revenge

⁶ Adams, p. 25.

produces a new understanding of torture. In addition to this, the limitations of analysing torture in symbolic terms will be outlined.

Everett's novels such as *God's Country* (1994), *Wounded* (2005) and *Watershed* (1996) have been noted by critics for their take on the Western genre. His work deliberately evokes and then subverts the formulaic genre conventions to go beyond the ethical possibilities of the typical American Western fiction.⁷ Ishmael's beliefs about society reshape our understanding of the opposition between the individual and the society present in the Western and the revenge narratives. The Western genre and the revenge plot show the failure of social agency by representing a weak or evil society in order to justify the hero's revenge or the fight against the villain. This is contrary to the significance of social agency in the historical conquest of the West and the invasion of Afghanistan and Iraq. These endeavours have depended on the collaboration of many individuals and were achieved through industrialisation, mechanisation and the use of sophisticated technology, but the Western genre fiction and films favour representations of the heroic power of the individual and rarely represent collective forms of agency. The processes of power that determine social and political relations are systemic, asymmetric and diffuse but the cultural representations of these events rely on the heroic code present in the revenge plot and the Western genre. The code dramatises the conflict between institutional justice systems and revenge as an interpersonal dispute which is resolved resulting in narrative closure.

Kyle Wiggins, in analysing how 20th and 21st century 'reinterpretations of the revenge genre' grapple with the difficulty of challenging systemic power, observes that the revenge novels resolve this difficulty by having the protagonist pin the responsibility for injury on an

⁷ For more on this see Leland Krauth 'Undoing and Redoing the Western', *Callaloo*, 28:2 (2005), pp. 313-32 <<https://www.jstor.org/stable/3805653>> [Accessed: 19 September -2022]; Michael K Johnson, 'Looking at the Big Picture: Percival Everett's Western Fiction', *Western American Literature*, 42:1 (2007), pp. 27-53.

individual who symbolically represents the perpetrators of the injustice because it is impossible to locate tangible and concrete individuals who have personally wronged the protagonist.⁸ Similarly, in *The Water Cure*, Ishmael tortures Reggie who symbolically represents Ishmael's frustrations about losing his daughter, his inability to create art, George W Bush's post 9/11 policies, the limitations of interpretation, foundations of knowledge, the limits of language and philosophical paradoxes, but he may or may not have harmed his daughter. The absence of Reggie's connection to anything he represents, combined with his silence creates an unsettling effect shifting the analysis to the perpetrator.

Everett's experimental form deliberately misspells and cancels out words tending towards anti-language making it impossible to empathise with the conventional hero's quest for justice through revenge. The indeterminate plot makes it difficult to connect Reggie's torture with Ishmael's daughter's brutal fate, thus his decision to violate Reggie is not justified in the narrative. The revenge variation of the Western romanticises the hero's preference for wilderness over the domestic world. The narrative constantly evokes Everett's desire to leave the domestic space but due to a lack of courage, he ultimately fails. The novel evokes and then subverts the values that form the basis for justified revenge by including stylistic elements such as contradictions, and grammatical and syntactical errors. These will be discussed later in the chapter. The unruly style of the narrative and the evocation of the Western's honour code work together to symbolise the contradiction between the values that are romanticised in the myth of the American West and the reality of how the West was settled. As discussed in Chapter 2, the symbols of the Western myth are commonplace in war rhetoric in America and George W Bush relied on their affective power to justify the GWOT.⁹ In order to analyse the interplay between the myths of the American West and the post 9/11 cultural and political context, the

⁸ Kyle Wiggins, 'The New Revenge Novel', *Studies in the Novel*, 45:4 (2013), pp. 675-692, (p. 676).

⁹ Stephen McVeigh, *The American Western* (Edinburgh University Press, 2007), p. 216.

following section of the chapter will briefly introduce the conventions of the Western genre before delving into the form of *The Water Cure* and its critique of the values espoused both by the Western genre narratives and pro-torture justifications.

The American West and the post 9/11 political rhetoric

‘You’d be surprised the things you can solve with a gun.’

Legendary outlaw Dr John Henry ‘Doc’ Holliday
in the Western 'Doc' (dir. Frank Perry, 1971).

The Western genre of films and fiction are wide ranging in their treatment of the frontier myth.¹⁰ The genre embodies this myth in the form of the individual’s triumph over wilderness through adherence to a strong inner moral code. The conflict is created by pitching the hero’s innate morality against the legal code enforced by the forces of civilisation.¹¹ Like the superhero genre analysed in the previous chapter, the Western establishes a binary opposition between natural morality (innate, pure, and superior) and civilised/institutionalised forms of justice (law, institutions such as courts and governments), where the natural/inner moral worth is privileged over the civilised/institutionalised forms of justice.¹² The hero figure prefers action to language and when he speaks he does so through epigrams.¹³ Everett’s evocation of

¹⁰ According to Richard Slotkin this myth views America ‘as a wide-open land of unlimited opportunity for the strong, ambitious, self-reliant individual to thrust his way to the top’. See: Richard Slotkin, ‘Introduction’, *Regeneration through violence: the mythology of the American frontier, 1600-1860* (Wesleyan University Press, 1973), p. 5.

¹¹ For more on the treatment of the conflict between law and morality see André Bazin, ‘The Western, or the American Film par excellence’, in *What is Cinema?*, 2, ed. by André Bazin, Jean Renoir, François Truffaut, Dudley Andrew and Hugh Gray (University of California Press, 2005), pp. 140-148.

¹² Scholarship on the genre has traced this conflict of values to the division between the European culture and emerging American identity (see Richard Slotkin) as well as the significance of the context of building the western frontier that required the presence of a variety of people forming ripe grounds for a conflict of values (see Will Right, *Sixguns and Society: A Structural Study of the Westerns*, (University of California Press, 1977), p. 7. A detailed discussion of the historical and literary roots of the frontier myth and its evolution is out of the scope of this chapter.

¹³ Jane Tompkins, ‘Women and the Language of Men’ in *West of Everything: The Inner Life of Westerns* (Oxford University Press, 1992), p. 49.

philosophical paradoxes that are reduced to absurdity in the novel satirise this trope. The relationship between the clipped dialogue of the Western and Everett's playful use of language and philosophical paradoxes will be analysed later in the chapter. The ethical code of the genre views language as corruptible, legal justice as ineffective or absent, and the community as incapable of solving their own problems without help from a lone wolf outsider figure. Given the absence of social agency represented by the failure of collective institutions, the hero cannot find justice through mechanisms of law and order. Thus, he seeks vengeance rather than striving for justice through democratic means and in so doing restores the moral order in the narrative. This upholds the notion that retributive justice is more effective than the legal justice system.¹⁴

Justice in the Western and the revenge genres is synonymous with vengeance and is understood in purely affective terms, that is, as the balancing of injuries. The Western genre has been noted for dramatising the contradictory attitude towards violence as both essential for justice and as a disruptive and immoral force. This often plays out in the genre as the conflict between Christian and pagan attitudes towards violence where Christian morality always condemns violence and the goons, villains and outlaws are portrayed as animalistic, chaotic and driven by personal gain. The Christian characters are driven by their love for God and the criminals by their greed for money. It is significant to draw attention to how these values are affectively coded through the genres' treatment of good and bad traits because the hero's choice re-evaluates the opposition between good and bad values. The hero rejects the Christian moral framework, the legal structure and the criminal code. This allows him to reimagine the opposition between good and bad values and establish his morality as better than the Christian view of non-violence and the extreme self-interest of the criminals. Will Right argues that the hero is able to achieve this by establishing himself or herself as the individual who possesses

¹⁴ Later Western films tend to blur the boundaries between the hero and villain and question the dominant moral code of the Western genre. For more see Peter Krapp, 'Unforgiven: Fausse Reconnaissance', *South Atlantic Quarterly* 101:3 (2002), pp. 586-607.

superior ability and deserves exceptional status. In so doing, it follows the core ideology expressed in war rhetoric and the superhero genre, that is, one person with exceptional moral worth will successfully use excessive power to defend and uphold the cherished values of society.

The hero's exceptionalism justifies his choice of violence as the last resort, but he opts for brutality only if he is pushed far enough and exercises it with good judgement and perfect moral restraint. Moral restraint refers to emotional control, thus the resolution of the conflict relies on the hero's capacity to regulate negative affects such as anger. The scenario takes it as a given that emotions will not affect the hero's judgement. This façade gives the hero the right to act in place of justice allowing him to transform the negative affects of loss and injury that frame the injustice into positive ones of safety from the threat posed by the villains. Thus, a particular idealised code for using violence is legitimised. Robert Warshow examines the moral code of the Western and asks 'What does the Westerner fight for?'. He reads the need to restore law and order as the 'opportunity' that gives the hero the chance to fight. According to Warshow, the hero himself refrains from defending his choice by asserting that 'he "has to do"' it and thereby avoiding an explanation.¹⁵ Interpreting this cryptic defence of the hero, Warshow argues that beneath all the artifice that leads to violence, ultimately, the hero is interested in defending his image, because 'he fights not for advantage and not for the right, but to state what he is, and he must live in a world which permits that statement'. The hero's form of knowing is affectively marked because he 'doesn't need to think or talk; he just knows'. Drawing attention to affect clarifies the function of the absence of an explanation, that is, to defer the justification of the hero's actions to the emotional urgency of the dramatic situation. Speculation is deterred further as the hero 'is in a state of grace with respect to the truth'.¹⁶

¹⁵ Robert Warshow, *The Immediate Experience* (Harvard University Press, reprinted 2002), p. 110.

¹⁶ Jane Tompkins, p. 52.

The hero's knowledge is given a divine dimension. In this way, the notion of justice remains in the physiological or felt experience of the hero. This experience is kept private by denying its entry into language, preventing engagement with the hero's choice and maintaining his exceptionality by creating an aura of mysticism. Affectively, the hero is marked as superior. The action of the plot where the hero's judgment of the guilty does not falter in fulfilling the audiences' and readerships' expectations and the hero's ability to restore law and order reinforces his superior moral worth. His choice of action is justified through emotional immediacy and the audience's knowledge of the conventions of the genre. In the figure of the hero, justice takes a symbolic and affective shape, which is also communicated through the hero's race and body language. In classic Western films and novels, the hero tends to be white, strong, tall and physically capable of fighting and winning in combat. The hero's racial status stands in for his moral purity.

The absence of a discussion about violence relies on the anti-language trope to disguise that the hero's actions are emotionally motivated rather than being chosen after the serious moral predicament is explored. This reinforces the notion that violence is necessary and inevitable and the possibility of negotiating and resolving the conflict between values peaceably is excluded by undermining the role of language as a mode of expression. Blurring the line between the hero and the villain is one example of how the later Westerns tend to problematise the black-and-white conflict of values. In 'Violence Begets', Lee Clark Mitchell argues that the heroes in the later films (1960s) abandon the honour code present in the genre and act as paid mercenaries.¹⁷ The genre goes through the cycle where heroic ideals and the honour code are idealised, then critiqued for their inherent hypocrisy through parody and become self-reflective through the hero-villain figures and then are revitalised and returned to

¹⁷ Lee Clark Mitchell, 'Violence Begets', *Westerns: making the man in fiction and film* (Chicago, London: University of Chicago Press, 1996), p. 224.

authenticity. Still, these various takes on the honour code present in the genre still accept the superiority of the moral framework of the classic Western. The blurring of lines between the hero and the villain continues to retain the assumption of innate morality which serves as the basis for the hero's psychological conflict. For instance, Peter Krapp examines the film *Unforgiven* for its 'radical reevaluation of economic and political justifications in the genre'. He notes that the hero-villain Munny in the film is tormented by '[h]is conscience' which 'makes [...] killing, unlike most such scenes of retribution in a conventional Western, a torture for him'.¹⁸ Munny's torment in *Unforgiven* is only possible if he uses the moral framework of the classic Western to judge his own actions as bad. Thus, even a 'radical reevaluation' assumes the primacy of the code.

In *The Water Cure*, Everett chooses a victim-perpetrator as the protagonist who tortures indiscriminately, completely abandoning the moral framework that underpins this heroic ideal. In this manner, the narrative undermines any possibility of heroism through violence. By setting up the narrative as a revenge story in the West and then refusing to meet the genre obligation of justified revenge, the novel interrupts the process through which violence is legitimised in the genre. When Ishmael's daughter, Lane, is kidnapped and murdered, the narrative does not seek to establish Reggie's guilt before Ishmael kidnaps and tortures him. The deliberate refusal is represented by the minimal and vague details offered by the narrative about the identity of the suspect and the reasons for not prosecuting him, thereby, undermining potential justifications for the violence that ensues. This strategy subverts the genre convention of making violence necessary through an absent, corrupt and/or lenient system of justice. The previous chapter showed how both *The Dark Knight* and *Inglourious Basterds* utilised this convention to support Batman's and Aldo Raine's quests for justice. In contrast, Ishmael refuses the hero's quest by kidnapping 'Man Y' when he cannot find 'Man X' because he needs

¹⁸ Peter Krapp, 'Unforgiven: Fausse Reconnaissance', *South Atlantic Quarterly* 101.3 (2002), pp. 586-607.

to fulfil his desire for vengeance rather than finding the culprit and restoring the moral order by turning revenge into a form of retributive justice.¹⁹ In short, Ishmael violates Reggie because he can and not because he has a higher moral purpose. The causal link between the crime and justified punishment is broken making justice impossible. In this way, Everett's creative choices go beyond Tarantino's experiments with narrative and form to question the myths of the American West.

In the novel, the narrative and the individual fail rather than institutions, which inverts the Western genre narrative pattern where the individual triumphs over failed institutions. This is executed by Ishmael's use of nonsensical language that refuses to convey exact meanings, denying the possibility of attaching a higher moral purpose to Ishmael's actions and is achieved through the use of fragmentary form. The Western genre's assumption that the hero's innate or natural morality endures in the face of failed systems of law and order is exposed and consequently undermines the emotional immediacy of the myths of the American West. In this way, Everett challenges the assumption of innate morality that permits the heroic individual to make the right choice which remains unquestioned in the dominant narratives of the frontier myths (the old Westerns) as well as the later Westerns. These representational choices show the failure to imagine social agency even though they effectively critique revenge's justified status.

Subverting the conventions of the Western allows the ethical ambiguity of the genre to surface and makes it possible to engage with the moral predicament of choosing violence over other means of responding to conflict. Bush's public rhetoric post 9/11 evoked American exceptionalism by referring to the mythologies of the Old West, which are inextricably tied to the ethical code present in the genre, in order to assume a higher moral purpose which justified the violent retaliation in the form of the GWOT. The move relied on an already accepted cultural vocabulary that justifies violence, deterring the analysis of the call to bring democracy

¹⁹ *TWC*, p. 39.

to the whole world. This, coupled with the atmosphere of fear and grief, would have made it difficult for the public to challenge the symbolic pull of the political discourse. For example, Susan Sontag's resistance to this imagery is visible in her response to the terror strikes which opens with '[t]he disconnect between last Tuesday's monstrous dose of reality and the self-righteous drivel and outright deceptions being peddled by public figures and TV commentators'.²⁰ Her rejection of the political rhetoric was widely criticised for being apathetic towards the victims of the strikes because she did not address the impact of the tragedy on the victims sufficiently when she highlighted the deficiencies in the government's response to the attacks.²¹ This may be true, however, it does not undermine her criticism. Yet, she was denounced, and her critique of the government was dismissed at the time. Hence, the affective mood generated by the terror strikes and the symbolic pull of the Old West made certain responses to the attacks unacceptable. Thus, analysing the subversion of the genre code in *The Water Cure* makes it possible to challenge the values that were evoked for engaging with the moral predicament faced by the American public and government officials in the aftermath of the terror strikes. The ethical dilemma was frequently articulated as the choice between ensuring national security and striving for democratic freedoms/human rights. Pro-torture arguments, as mentioned in Chapters 1 and 2, justify torture on the grounds that it increases national security by providing intelligence that would otherwise be impossible to obtain. Part I of the thesis has dismantled the premise of this argument, but the construction of this choice merits analysis with respect to the Western genre to examine the emotional hold of such oppositions.

²⁰ John Updike, Jonathan Franzen, Denis Johnson, Roger Angell, Aharon Appelfeld, Rebecca Mead, Susan Sontag, Amitav Ghosh, and Donald Antrim, 'Tuesday, And After: New Yorker writers respond to 9/11.', *New Yorker*, 16 September 2001 < <https://www.newyorker.com/magazine/2001/09/24/tuesday-and-after-talk-of-the-town> > [Accessed 5 April 2023]

²¹ Dwight Garner and Jennifer Szalai, 'Dread, War and Ambivalence: Literature Since the Towers Fell', *New York Times*, 3 September 2021 < <https://www.nytimes.com/2021/09/03/books/911-anniversary-fiction-literature.html> > [Accessed 5 April 2023]

The Water Cure demonstrates the moral ambiguity involved in choosing violence by challenging traditional realist expectations of fabula and syuzet allowing Everett to subvert the story logic that justifies violence through plot action in the Western and references to *Moby Dick* enrich the theme of revenge in the novel. The fragmentary form of the narrative undermines the possibility of a meta-narrative that can support an overall good. Instead of resolving the ambiguity present in the contradictory stance towards violence within the Western genre, the novel seeks to draw attention to it. Ishmael's self-contradictory monologues and a deliberate refusal to establish details about the suspect's guilt, rather than confirming Reggie's guilt, create uncertainty about it. In so doing, the structure of the Western is inverted where the faith in the legitimacy of the hero's violence is confirmed by the plot. The first-person narrative perspective, the stream-of-consciousness style and the indeterminate plot add to the ambiguity about Reggie's guilt. For instance, the phone call relating the information about the suspect, Reggie, reveals 'the asomatous, disembodied voice' informing Ishmael that 'the criminal, the scoundrel, the transgressor' who may or may not have killed his daughter 'had been secured', yet the proof necessary for his prosecution is described as '[s]omething about DNA. Something about possible circumstantial evidence'. Thus, the details of the phone call are left vague, but Ishmael has also stated that 'I do not have a telephone, so her [Sally Lovely's] calls to me [him] here on the mountain amount to her showing up'. The contradiction is further emphasised by Ishmael's admission regarding the phone call about the suspect that '[n]one of it rang in any intelligible way, or rang at all for that matter'.²² In this way, narratorial unreliability to the extent that a simple plot point about the telephone is difficult to establish leads to indeterminacy, disrupting the cause-effect relationship between guilt, and the justified nature of vengeance and sympathy is elicited for the victim rather than the aggressor.

²² *TWC*, p. 26.

This is also done at the level of grammar. In a fragment where Ishmael is torturing Reggie, Everett refuses to use punctuation and thus the sentence reads: '[y]ou my friend my friend bound to be a problem a problem bound once a child and too bad you're not one now [...] is this too tight?'.²³ The use of the indefinite article in 'a problem a problem' and the play on the word bound makes it impossible to ascertain whether Reggie is the person who violated Lane or if the repetition of 'a problem' is a sign of Ishmael's psychological distress. The fragment ends with Reggie bound despite his potential innocence. The novel contains two separate fragments that describe Ishmael dropping off Reggie after torturing him, but it is difficult to determine if both are about a single trip. Given that it is impossible to know if Reggie was kidnapped and tortured twice, or whether two different individuals were tortured, kidnapped and released by Ishmael, the indeterminate nature of the plot intensifies the horrific nature of Ishmael's actions.²⁴ Ishmael's unreliable narration undermines any rationale that could be attached to his actions. This challenges the assumption that the hero will be able to show emotional restraint which forms the guiding principle of the hero's innate morality and ensures that he adheres to the honour code of revenge only when the perpetrator's guilt has been established. In rare exceptions, the depiction of the honour code in the Western and the revenge narrative is questioned in spite of the guilt of the perpetrator. In both narrative modes, it is common to view the act of revenge as wrong only when the suspect is innocent. It implies that the reader may have found Ishmael's need for revenge justifiable if Reggie's guilt could have been believable. By highlighting the significance of innocence in condemning violence, the narrative questions our attitudes towards the guilty. In refusing to portray Reggie as either innocent or guilty the novel includes questions about the treatment of those whose guilt is undecidable, hitherto seldom represented in the revenge plot and the Western genre.²⁵ The

²³ Ibid., p. 22.

²⁴ Ibid., p. 213 and p.113.

²⁵ For example, in the torture scene on p. 79 Ishmael attributes guilt to Reggie, however, on p. 160 Ishmael narrates how he falsely associated guilt with Reggie and kidnapped him.

novel draws on the trope of madness in the revenge plot but refuses to use insanity to defend Ishmael's actions. The fragment is in first-person where Ishmael denies the pathological identity of 'socio- or psychopaths, for they have an excuse, a plea to damage', even though his daughter's rape and murder led to the exploration of his desire to torture.²⁶ Knowing 'full well the evil and depravity of their [his] actions', Ishmael, unlike Batman or Munny (in *Unforgiven*), remains unbothered by this 'most alarming' knowledge and continues to inflict pain. It undermines the values and justifications present in well-established genres. Drawing on Ishmael's psychosis, the narrative expresses his grief and pain but refuses to portray his mental ill-health as a justification for his criminal behaviour. The psychosis can account for the fragmented form but, ultimately, the choice of characterisation explores the capacity of language to represent pain and torture and test the limits of coherent storytelling. By choosing to portray the victim-perpetrator rather than a hero or a hero-villain, the narrative frames the nature of morality as external rather than internal. This will be analysed below with respect to Ishmael's relationship with Sally Lovely and Bucky Paz. Everett's formal experimentations expand the boundaries of how the problem of justice is articulated both in the old and later films in the Western genre as well as in the revenge plot.

Everett also undermines language as a mode of knowing by drawing attention to the nature of language through paradoxes. He refers to philosophical paradoxes such as Zeno's paradox of motion and Ship of Theseus to question the assumption that language is a reliable medium for understanding the nature of reality. In the following fragment, Kidder begins describing Theseus's paradox only to refuse a serious engagement with the problems posed by it and then he simply states his own position on identity. In so doing, he creates ambiguity about the identity of the man he tortures, whom he calls Reggie, W or Art. The renaming deliberately draws attention to the power he has over him, with W being an obvious reference to George W

²⁶ Ibid., p. 149.

Bush. This element of the novel sinks into political satire, perhaps, expressing Everett's anger towards Bush's policies. In the fragment, Kidder begins posing the following paradox to Reggie whom he has kidnapped and begun torturing

If I replace this house completely, one board at a time, will I have a new house at the end or the same house with new lumber? You have all new skin and hair from when you were a child, your blood is new, the cells that make up your organs have been replaced, but you're still you, aren't you?²⁷

The paradox aims to establish the element of identity that remains stable over time. Kidder begins to form an answer to the problem posed by eliminating 'it's not how you appear and it's not what you're made of and it's not what you're called. So, what is it?' while violating Reggie. This juxtaposes the rational world of philosophy and the grim nature of torture. Kidder, then, abandons the paradigm of the paradox by asserting that 'we never change'. It creates a jarring effect and shows that Ishmael's madness and ability to reason are both an artifice and he can choose to reason or abandon it. The solution offered by Kidder reveals more about Reggie's position on Ishmael's torture plank than it does about the paradox. Reggie cannot move in time because he is tied up and his experience of time and space is under Kidder's control. Thus, any change that Reggie feels is an illusion created by his experience of torture because he is 'not moving ahead through time, not walking through space, not growing and shedding'. Kidder can even 'change your[his] name when' he desires and so he becomes the one who defines Reggie's identity.²⁸ In so doing, Kidder demonstrates the power he has over Reggie's body, where the torturer controls every aspect of the victim, including the meaning of torture. The narrative deliberately draws attention to Reggie's lack of guilt. Ishmael links the philosophical paradox regarding identity to the lack of evidence against Reggie in the following instance:

²⁷ *TWC*, p. 144

²⁸ *Ibid.*, p. 127.

You are not the man you were when we met, not the same man you were before I first tied you up to that plank. You are not the same man who raped and murdered my little girl. Even though you are, you are not.

Ishmael conflates this concern with gathering evidence and confirming guilt to imply that if it is impossible to ascertain what makes us who we are then it does not matter whom he tortures. Reasoning in such a manner forces the reader to ask whether Reggie's guilt would have made this scene bearable. Viewing the thorny concept of identity in this way shifts the notion that identity is a relatively stable concept to one that is ambiguous. Perversely, this rationale is used for torturing Reggie in the scene. By using the paradox as a rationale and glazing over the torture technique, the passage frees the justification for torture from the ticking bomb hypothetical and the torture of the guilty, making the absurdity of violence evident. The ambiguity regarding Reggie's guilt opens up questions about the torture of the guilty. Alex Adams argues that much of the debate about torture does not answer 'the question of whether it is appropriate to torture the guilty'.²⁹ He critiques the '[f]alse positive' narrative of the film *Rendition*. In the film, an innocent character, Anwar, is tortured. Adams points out that 'the false positive narrative dramatises a position with which it is difficult for anybody to disagree: If it is useless to torture somebody, they should not be tortured'. He further explains that this does not respond to the question raised by '[t]he ticking bomb scenarios' which usually centres around torturing the guilty.³⁰

The undecidability of Reggie's guilt in the narrative undermines the reasoning that culpability necessitates torture, critiquing the certainty with which the revenge plot and the Western assume guilt, which guarantees punishment. At the same time, the ambiguity introduced by Everett's use of the paradox in the novel also highlights the troubling nature of

²⁹ Adams, p. 137.

³⁰ *Ibid.*, p. 140.

language as a means of making meaning and the fragment ends with the question ‘Who are you?’, nullifying the significance of Reggie’s identity in Ishmael’s decision to torture. Thus, Everett’s victim-perpetrator exposes the ambiguous nature of the Western hero’s rejection of non-violence by introducing scepticism about language itself, questioning the capacity of discourses like law that rely on language for upholding justice. In so doing, Everett challenges how the Western hero redraws the meaning of the good/bad opposition present in the ethical code of the Western genre. The choices of Ishmael challenge both the violence of the Western hero and the capacity of language to advocate for justice. As examined in Chapter 2, the torture memos exchanged between the Office of Legal Counsel (OLC) and the CIA interrogators exploited the difficulties in representing pain in language to redescribe torture techniques such that they could either be passed as harsh interrogation tactics or responsibility for it could be denied.

Unlike the heroic code of the Western, the decision to go to war in Iraq and the treatment of prisoners in black sites do not reflect the moral and emotional restraint of the Western hero. Bush, while commenting on his response to 9/11 in his memoir, noted that he was not motivated by revenge. Nonetheless, the emotional impact on the former president is visible as he recounts in his memoir that even though his ‘first reaction was outrage’, he wanted ‘to project calm’.³¹ Whereas, former Secretary of Defense Donald Rumsfeld was ‘stunned’ when he saw the smoke and fire coming out of the World Trade Center and he was still in the Pentagon when one of the planes crashed into it.³² Both immediately responded to the terror strikes by assuming that America was at war. Given their reactions, it would be erroneous to undermine the affective power of the terror strikes and its impact on the decisions taken by both Rumsfeld and Bush as well as other public and government officials, the army, and the intelligence community who

³¹ George Bush, ‘Day of Fire’, *Decision Points* (New York: Random House, 2010) EPUB.

³² Donald Rumsfeld, ‘The Agony of Surprise’, in *Known and Unknown: A Memoir* (New York: Sentinel, 2011) EPUB.

were also reeling from the effects of the terror strikes. The scale of the attacks was tremendous, but the response to the strikes could have been framed in more reasonable terms.

The affective power of the heroic code evoked in the cultural and political discourse after the attacks is subverted in *The Water Cure* by references to the opening and ending of *Moby-Dick*, signalling the failure of the code. By drawing on the novel, *The Water Cure* also highlights that the revenge plot is ultimately about holding someone accountable. The narrative self-consciously evokes a villain who is monstrous enough to rape and murder a child, but then refuses to identify or bring this monster to justice, denying closure in the narrative. Furthermore, a suspect is tortured. This undercuts Bush's public declarations of hunting Osama bin Laden down and bringing him to justice. Ishmael's desire for revenge is fulfilled, leading to more senseless violence, echoing the ending of *Moby-Dick* where pursuing revenge also ends in the destruction of Pequod, leaving a sole survivor, Ishmael. The character-narrator in *The Water Cure* is also named Ishmael but he is Ishmael Kidder, indicating an ironic tone and reinforcing narratorial unreliability. Thus, humour deflates Bush's political rhetoric at the time. Moreover, Ahab's death at the end of *Moby Dick* can be read as a failure of the honour code commonly upheld in the revenge genre. This also denies any way of vindicating Ishmael Kidder's violent and despicable actions and the narrative distances itself from the code of the traditional revenge plot. In *Moby-Dick*, the whale symbolism has famously invited many readings. When read as a reference in *The Water Cure*, both the whale and Reggie become the recipients of anger, hatred and frustrations of Ahab and Ishmael Kidder respectively. It represents the failure of Ahab's and Kidder's agency in the face of circumstances that cannot be repaired. Ahab cannot replace his leg and Kidder's daughter will remain dead.

The novel relies on postmodern characterisation, deviating from the traditional realist understanding of flat and round characters. Rachel Greenwald Smith points out that usually

postmodern characters are misperceived as affectively flat due to their lack of depth.³³ Ishmael Kidder presents with a wide affective range, although there is no illusion of depth. This effectively undermines the individualism present in the Western genre and revenge narratives. Ultimately, it highlights the failure of individual agency in overpowering natural forces and systemic problems respectively. Although, *The Water Cure* is not able to imagine an alternative to individual agency. The Western and the revenge narrative, like the broader crime genre, are concerned with seeking justice.³⁴ As noted by Timothy O Lenz, the crime genre in American culture often dramatises the problem of justice and law through the individual hero or villain, who relies on their merit or failures. This manner of representation frequently ignores the systemic nature of such issues. It also echoes Bush's characterisation of Osama as pure evil, diverting attention from understanding terrorism as a structural problem. Similarly, the focus on the individual in the revenge plot and the Western genre has the effect of side-lining social agency.

This is mirrored in *The Water Cure* where the attention given to Ishmael Kidder, his loss and Reggie's torture effectively critiques the ethical code of the Western and the revenge narrative, but the narrative fails to imagine an alternative. When Bush uses the imagery of the Old West to reconstruct the concept of the nation, he evokes the idea of a weak society in need of an exceptional individual. When America's position is understood in this way, the country assumes the exceptionality required for leading the rest of the world into democracy. This kind of rhetoric undermines the collective nature of democratic societies. The emotional power of this myth overlooks the significance of social agency and constructs individual agency in purely affective and patriarchal terms. *The Water Cure* critiques the affective power of the post 9/11 rhetoric by deflating the type of masculinity propped up by the frontier myths. Crucially,

³³ Rachel Greenwald Smith, 'Postmodernism and the Affective Turn', *Twentieth-Century Literature*, 57:3/4 (2011) pp.423-446.

³⁴ This chapter does not treat the Western or the revenge narrative as a crime genre because the primary concern is not with classifying types of narratives. These genres tend to have overlapping concerns and themes.

the honour code in the revenge plot becomes a site where affect and agency stick to one another, constructing a national body politic with the heteronormative norms of sex and marriage, which rely on traditional gender roles and racial hierarchies. According to Jane Tompkins, the honour code of the Western genre constructed the myth of the American West as a form of masculinity in response to the 19th-century European feminine culture. In her view, the masculine is encoded with the patriarchal roles and responsibilities of the protector and provider that mark the white male character as the agent of justice. In the post 9/11 context, Stephen McVeigh notes that George W Bush relied on the repertoire of the images of the Western genre movies to declare the GWOT.

Time and again in speeches delivered in the wake of 9/11, Bush depicts himself as the courageous cowboy who must inspire, guide and protect America during this time of unparalleled crisis.³⁵

When answering questions about Osama bin Laden in an interview, Former President Bush referred to an ‘old poster out West that says Wanted: Dead or Alive that’s what we want. We want justice’. He repeatedly described the terrorists as ‘beyond comprehension’ and highlighted that ‘there’s no rules’ and ‘they [terrorists] have no borders’.³⁶

Everett, in using the Western genre tropes and the references to the post 9/11 political response to the terror strikes, draws historical connections between the history of the Western settlement and the invasion of Afghanistan. This creates a continuity between the values of the honour code of the myth of the American West and the virtuous spirit that drove the actions of the Bush-era government after the strikes. The framework evoked by these images is entrenched in the dark history of genocide and colonial conquest which is transformed into neo-colonial domination of the Middle East after the attacks. For instance, the public was told

³⁵ McVeigh, p. 216.

³⁶ AP Archive, ‘President says US wants bin Laden “dead or alive”, *YouTube* <<https://www.youtube.com/watch?v=pxGvSfAHmwc>> [Accessed 1 January 2023]

that the war in Iraq was necessary to prevent further terror strikes, however, the war plans were drawn up long before the strikes and some officials in the executive branch viewed the invasion of Iraq to remove Saddam Hussein as the proper ending of the Gulf War.³⁷ Similarly, Rumsfeld was struggling to find support to increase the military budget before the strikes. The personal motives that drove the political actions when joined by the imagery of the mythic West borrow the old hierarchical system that entitles the white male to dominate land and systems of economic production whereas native Indians, women and children are relegated to the margins just as they are dismissed in the narratives. In popular fiction and film, this is often done by necessitating the hero to leave the home that forms the domestic space, thus leaving women and children outside the main focus of the narrative. Affect, like language, is a site of ideology. It compels reliance on historical and cultural codes for interpreting the hero's affective state via a repertoire of symbols and bodily expressions encouraging reading the narrative of action and triumph positively in terms of a successful conquest, whereas the decimation of native Indians and other marginalised peoples is overlooked.

Sara Ahmed in *Cultural Politics of Emotion* argues that our contact with 'others' is mediated by a network of affects circulated through cultural and historical memories. Good emotions are permitted but bad emotions are caused by the Other/enemy.³⁸ The focus on the success of the Western settlement to reinforce the belief that America will also succeed in the GWOT works to marginalise negative affects like fear, pain, guilt, loss and suffering that also drive the desire for action. This narrative of agency and victory depends on transforming the negative feelings of fear and threat into positive states of courage and bravery. In the revenge variation of the Western, vengeance is about overpowering the villain/wrongdoer, relieving the hero's felt experience of pain. The journey then becomes one of thrill and excitement. The

³⁷ Gordon Corera, 'Shock and War: Iraq 20 Years On', BBC Radio 4, 3 March 2023 <
<https://www.bbc.co.uk/programmes/m001k0ch/episodes/player?page=2>> [Accessed 1 April 2023]

³⁸ Ahmed, p. 1.

direction of affect is negative to positive leaving the viewer with the feeling of triumph, closure and safety. Yet, the loneliness of the hero in the Western genre constitutes a negative affect and becomes the necessary sacrifice for his success, once again, removing the focus away from negative emotions. To provide an example, the story arc and ending of *The Searchers* follow this narrative pattern.

The relegation of women and children as well as negative emotions to the margins is necessary for creating the allure of the Western myth. The centrality of bravery, courage and self-determination in empowering individuals to forge the destiny they desire – manifest destiny – works to draw attention away from collective forms of agency. In essence, this is a myth of individual agency demonstrated by privileging action over thought. The myth works by sustaining the opposition between thought and action by pitching the individual against society. The removal of negative affect and the focus on triumph make positive emotions immediate, offering a partial account of the conquest. Drawing on this framework, the classic Western relies on constructing emotionally intelligible oppositions to reduce the complex nature of revenge and justice. The emotional range of the narrative in *The Water Cure* includes rage, frustration, excessive grief and dark humour. The inclusion of these affects challenges the straightforward transformation of negative affects into positive ones, which is usually present in classic Western narratives. The modernist techniques make it difficult to conclude what has taken place in the story world. Unlike the style of the Western genre and the revenge story, this approach creates confusion resulting in a lack of closure.

The narrative in *The Water Cure* shows how Ishmael's domestic space collapses, represented by the breakdown in language, it allegorically signals the disintegration of the masculine code of honour on which the mythic West rests. Thus, the destruction of language stands in for the disintegrated, suffering self and is aimed at both the dismantling of the heroic code and the frontier myth turning the anti-language trope of the Western against the ethical

framework of the genre. The novel refers to both the actions of the Bush administration and native Indians, connecting the political evocation of the mythic West with the historical reality of the Western settlement. Ishmael visits Taos Pueblo and describes an exchange between a native Indian and a couple as the pair photographs the native Indian, paying him first five dollars and then ten. Through disnarration, Ishmael imagines how the native Indian would have spoken [i]n his best Native voice, you white people must learn that guilt has a fixed price; it is not negotiable'. Ishmael adds,

[o]f course he didn't really say that, and it's not even clear to me that his eyes said it. In fact, I'm quite certain that if I had stepped in to supply those words he wouldn't have understood them at all, but they were there, in the air, in the creek.³⁹

The tension between the novel's evocation of the frontier myths and the historical treatment of the native Indians is palpable in the guilt brought to the surface in Ishmael's narrative. This is described after the reader has been informed that Reggie is tied-up in Ishmael's basement. The narrative deliberately connects the abandonment of the mythic values romanticised in the Western genre with the palpable guilt of the genocide of the native Indians and Reggie's torture. The novel demonstrates that the virtuous character represented in the Western genre is divorced from the historical reality of the Western settlement. Drawing the links between the two instances also refers to the long history of justifying violence in ambiguous circumstances.

Everett plays with the possibilities of language and representation in the novel by using a series of fragments that do not possess thematic unity, posing problems for literary interpretation. The subversion of the anti-language trope is also extreme in some instances. This is reflected in a refusal to obey rules of grammar and coherence to the point where interpretation becomes impossible. For example, one fragment in the novel reads:

³⁹ *TWC*, pp. 108-9.

Jerkgin Habermas rejlected Fraud or soak the storky glows. Perchaps on a
 coolefin oddning when the restled plages of chaste studies in a particularly
 annoidal way or evelyn rowmanic wale. Treble in his omasum? Behut are tall
 sexions parerga? At any rake, his sadunction by Pigyjay and Kohdberg
 retempting to deconfinger Fraudian theirway to despict and remarkate a
 [...] ⁴⁰

Here, the use of language suggests that Ishmael Kidder is under the influence of alcohol when he is attempting to write. It might lead one to dismiss this passage as utter nonsense, but it can also be interpreted to a degree by fixing some of the grammatical errors. ‘Jerkgin Habermas’ is most likely a reference to Jurgen Habermas, ‘Pigyjay’ could be Piaget, ‘Kohdberg’ may imply Kohlberg, and ‘Fraud’ is probably a reference to Freud but the meanings of ‘coolefin’ and ‘oddning’ do not reveal themselves as easily. At best, one can guess that the passage is some kind of commentary on Habermas’s critique of Freud and how he uses Piaget and Kohlberg’s framework to develop his critical approach. This is not sufficient for shedding light on the specific meaning of these references with respect to this passage or the text in general. In such instances, the novel tends to resist any interpretation at all and breaks down into absurdity. It can be understood as an attempt to challenge our faith in language as a framework for constructing knowledge. The novel is also full of references to pre-Socratic philosophers and pokes fun at the scholarly attempts at analysing what the philosophers believed by interpreting their meaning from cryptic fragments. Such techniques satirise literary scholarship that does the work of interpreting Everett’s fragmentary novel as well. Even if this is an attempt to critique language as a framework for understanding reality, it fails to offer an alternative.

The novel also evokes the conventions of the Western through the plot line that tackles Kidder’s move away from California to Taos, New Mexico, the deterioration of his relationship

⁴⁰ Ibid., p. 94.

with his wife Charlotte and the confrontation with a gang of drug dealers. Ishmael Kidder describes his 'dissatisfaction' with his life in 'chirpy, lightsome California'. The narrative employs disnarration to show what 'could've happened' in a typical Western narrative by depicting how the news report of a snowstorm in Denver triggers him to imagine his escape from the triviality of his life in California.⁴¹ In this daydream, Ishmael, like the Western hero, finds satisfaction in 'helping fearful motorists who wanted only to get home to their families', however, unlike the Western hero who uses his gun to defend the townspeople, Ishmael would just 'put chains on their tyres'.⁴² His relationship with his wife Charlotte deteriorates and his journey to the West begins. In contrast to the Western hero, whose thoughts and feelings occupy the space of the adventure and are action-oriented, Ishmael's thoughts never leave the domestic space. He recounts the breakdown of his marriage, meditates on his suffering and obsesses over his daughter's murder. In this way, even though Ishmael moves away from the domestic space, the domestic remains at the thematic centre of the narrative. Moreover, Ishmael's occupation as a romance novelist ensures that he is constantly coming up with stories about a happy domestic life, subverting the masculine code of the Western. As mentioned in the introduction, Arin Keeble observes that the post 9/11 novel has been noted for its preoccupation with the domestic space, and this choice has been criticised for overlooking the geo-political context of the terror strikes. The 9/11 domestic novel tends to depict the attacks allegorically through the domestic plot. The invasion of the home shapes the domestic trauma, which is analogous to the national trauma of the 9/11 terror strikes. The characterisation of Ishmael as an obsessive, alcoholic romance writer suffering from psychosis allows the novel to use the domestic plot for criticising post 9/11 political rhetoric in general and torture in specific. *The Water Cure* draws on this approach by including Lane's rape and murder that forms the domestic trauma in

⁴¹ Gerald Prince, 'The Disnarrated', *Style*, 22:1 (1988), pp.1-8, (p.3).

⁴² *TWC*, pp. 134-5.

the novel and critiques the political response post 9/11 by emphasising Ishmael's failure in fulfilling the masculine role of protecting his daughter, which is analogous to the failure of national security that resulted in the terror strikes.

Ishmael's refusal to speak with Charlotte, once again, evokes the anti-language trope of the Western. When he addresses the reader, he simply wallows in misery. Unlike the Western hero, when Ishmael uses the epigrammatic or cryptic manner, it undermines his heroic status. For instance, when he remarks, 'we know what good talk is, unless of course you have no concern with standards of truth, talk offered to minimize what I had done by examining my own suffering and comparing it to the suffering of others', he simply descends into self-pity echoing that language is an inefficient means of achieving any tangible goal.⁴³ The emotional immediacy of the myths of the American West is challenged by including negative affects in the representation of Ishmael's feelings rather than using the plot action to aid in the interpretation of the statement. In addition to this, Ishmael Kidder invents a love affair as the reason for wanting a divorce but his 'description [of the love affair] to friends of the [romantic] encounter' failed to sound credible.⁴⁴ This subverts the convention where the hero privileges impactful action resulting in the meaningful production of justice, whereas language is undermined as a tool of betrayal and evasion. In contrast, Ishmael is not superior, his actions do not translate into the production of Justice, and his exceptional status is not justified. Even though he is a novelist, he is unable to use language either to betray Charlotte or to speak the truth through his desire for creating art. Ishmael adopts a female persona called Estelle Gilliam to write his romance novels. He is most successful through his feminine persona. Such a strategy inverts the masculine code of the Western, thereby, undermining the value systems that form the basis of the myth.

⁴³ Ibid., p. 138.

⁴⁴ Ibid., p. 125.

Ishmael is not able to rely on masculine modes of production to provide for his family. He also needs to protect his male ego from his feminine alter ego Estelle Gilliam, so he ensures that his success is hidden from his family and friends while also concealing that he is a man from the public. This legitimates his status as a romance novelist in the marketplace that expects adherence to heteronormative gender roles. Thus, through irony, the novel critiques the symbolic evocation of the masculine code in Bush's post 9/11 rhetoric. By questioning the masculinity championed by the Western, the novel challenges the values on which the GWOT was declared. Unlike the Western hero, Ishmael's move away from California has not freed him from the comfortable, mechanised society that the Western hero figure normally finds respite from. Instead, he remains trapped by the demands of his reader and publisher. Sally Lovely, his literary agent, continues to dictate his choices. For instance, when he wants to write a tragic ending for his romance novel, she pushes him to rewrite it.⁴⁵ Ishmael, thus, continually sacrifices his desire to create art at the expense of his mental well-being to avoid a life of financial hardship.

In contrast to Sally, Bucky Paz, the sheriff, refuses to impose any ethical demands on Ishmael for resolving the conflict over a water pipeline with the local drug dealers. When the Sheriff refuses to 'to be the law',⁴⁶ Ishmael does not resort to the honour code. This, once again, raises the question of the treatment of the guilty and undermines the notion that innate morals guide in the absence of external systems of justice. By drawing a comparison between Bucky Paz's ethical framework and Ishmael's choice to torture Reggie, the novel implies that Ishmael tortures because his country permits him to do so.⁴⁷ Implying that he would not have acted on the desire, if there were consequences for his choices. For example, Ishmael goes to the extent of creating a feminine persona, hiding his occupation from his neighbours and obeying the

⁴⁵ Ibid., p. 67.

⁴⁶ Ibid., p. 118.

⁴⁷ Ibid., pp. 104-5.

rules of genre because of Sally. His choices demonstrate that he is capable of following rules when they are imposed.

The novel shows underrepresented motivations for Ishmael's decision to torture Reggie, challenging the manner in which the Western creates and sustains the good/bad opposition. It contains two fragments about the discussion between Bucky Paz and Ishmael written in different styles, revealing Ishmael's attitude towards law and justice. Ishmael is more afraid of being imprisoned than apprehensive about using violence against the drug dealers. The first fragment about the conflict over the pipeline in the novel draws on the Western convention of short, clipped dialogue with little detail and offers vague reasons for Bucky's refusal to uphold law and order. This refusal to provide a litany of reasons removes the justification that usually compels the Western hero to action. It also interrupts the transformation of shock or loss into vindication. The fragment that appears afterwards is written in the first-person narrative style. The novel juxtaposes the plain, simple, and short dialogue that offers limited information about Ishmael's conflict with the second fragment where language is used to explore Ishmael's perspective on the issue, thereby, reveals details of his character.⁴⁸ The short dialogue is equated with vagueness and deficit rather than bravery and courage, whereas the second fragment contains longer sentences that offer more context for understanding Ishmael's outlook. This points to the limitations of the anti-language trope in providing an insight into the conflict between justice and revenge. The technique also reveals how relying on the symbolic and affective results in reducing the complexity involved in exploring how to be just.

The first exchange between Ishmael and Bucky is depicted in dialogue form, separated by colons without an explicit narrator. The explanation or justification for Ishmael to take the law into his hands is reduced by the sheriff to the notion that '[n]obody would blame you [him]

⁴⁸ I am using first and second to signal the sequence of the fragments.

if you [he] shot somebody trying to steal gold out of your [his] house'. The Sheriff's comparison between stealing water and stealing gold from Ishmael's house goes unquestioned and thus, Ishmael has permission to shoot at the drug dealers.⁴⁹ While reminiscent of the clever and short dialogue form of the Western genre, here the style simply asserts Bucky Paz's 'American way'. In contrast, the first-person narrative perspective in the second fragment is used explicitly to add a layer of meaning to the discussion about the drug dealers. The style of narration juxtaposes the reductive position expressed in the first fragment with the use of narrative perspective in the second fragment, conveying meaning through irony.

In the first exchange, the readers do not know why Ishmael is afraid. Whereas, in the second fragment, Ishmael describes Bucky as 'fat and upstanding', satirising his opinion, even though, the rest of the dialogue between them shows that Bucky 'might be looking the other way'.⁵⁰ Ishmael is also more concerned with the impact of Bucky Paz's stance on him rather than the larger issue of justice. Ishmael wants to know if Bucky Paz will charge him if he shoots the drug dealers. The fear that Ishmael experiences in the previous fragment is with respect to his own vulnerability to legal prosecution. It conveys the deficiencies of Ishmael's character and the Sheriff's bias against the drug dealers and a lack of interest in upholding the law. Thus, using language rather than relying solely on symbolic and affective modes of representation emphasises the significance of thinking for analysing complex issues of social justice in this instance. Everett is also quick to point out the limitations of language just as he is critiquing the limited use of language in the Western genre. This will be discussed later in the chapter.

Ishmael is able to take the law into his hands only due to Bucky's refusal to treat the drug dealers as humans who deserve justice because they are guilty. Before the sheriff knew that Ishmael is a romance novelist, he was also treated with suspicion. The sheriff and Sally

⁴⁹ *TWC*, p. 118.

⁵⁰ *Ibid.*, p. 156.

Lovely do not believe that Ishmael is capable of committing a wrong because of his profession. This also proves Ishmael's theory that '[t]he man [he] torture[s] is not [him], but he is a member of the set of individuals that are capable of a crime of which [he] [is] incapable'.⁵¹ Ishmael even tells the Sheriff that there is 'a man tied up in [his] basement' but the Sheriff, like Sally, laughs at this.⁵² The confrontation between Ishmael and the drug dealers escalates when they break into his house while he is in the basement torturing Reggie. Ishmael decides

to kill them [...] not because they were intruding, not because they were threatening [his] life, but because they were going to find [him] out, they were going to disturb [him] in [his] intimate business, the busy business in [his] basement with which [he] was so busily busy.⁵³

This explanation thwarts the heroism that privileges the innate capacity of the Western hero for choosing the right path and his need for self-preservation that becomes the justification for violence is criticised. The scene also laughs at what constitutes self-preservation because Ishmael does not offer explanations that would usually satisfy the criteria for self-defence in fiction. He is not protecting his land and the safety of his home and family is not at risk. He shoots at the drug dealers over a water pipeline that feeds the zinnias in his garden, and he does not want to be exposed as a torturer.⁵⁴ It parodies the stakes that legitimate the violence in the Western genre. It also challenges the do-or-die scenarios of the Western and inverts the morality that sanctions violence, undermining the honour code that underlines the myth of the American West.

Drawing on the genre conventions of the Western and refusing to offer credible motivations for Ishmael's decision to take the law into his hands undercuts the emotional immediacy that legitimates violence. In this way, the emotionally compelling justification that

⁵¹ Ibid., p. 40.

⁵² Ibid., p. 156.

⁵³ Ibid., p. 172.

⁵⁴ Ibid., p. 82.

relies on self-preservation as a valid motivation for overpowering the enemy in the traditional Western narrative is questioned. The causal relationship between justification and the act of revenge is broken, revealing that the processes through which guilt is established are complex and deserve careful analysis such that guilt is not presumed. It is not necessary to establish Reggie's culpability because Ishmael simply wants to punish someone. The narrative turns away from the suspect to the torturer. This shifts the view that guilt and morality are innate and challenges the individual's capacity to act heroically in place of justice or even justly. The use of language and characterisation subverts how the hero's credibility is established in the classic Western, challenging the manner in which the genre sustains the good/bad binary.

In the Western genre, Christian restraint and the use of language and law are criticised for confusing the ideal with the reality of the story world. This incongruity is bridged by the heroic figure who has a unique perspective informed by the immediacy of his experience. According to Robert Warshaw, the hero knows what is right and no other explanation is necessary. The plot action supports this view as mentioned earlier. Similarly, the post 9/11 popular culture used the ticking bomb scenario to privilege the superiority of the interrogator's innate moral compass for renegotiating the opposition between justice and law which was frequently dramatised as the opposition between American values and national security. For instance, the popular TV programme *24*, mentioned in the introduction, shows the transition of Jack Bauer from a family man at the beginning of season 1 episode 1 into a lone wolf, who sacrificed his domestic life to preserve the fabric of American society. The narrative situation no longer involves the myth of settling the Western frontier but rather the fantasy of achieving absolute security from terrorist threats. Nevertheless, the opposition between good and bad drives the action in both of the myths. The conflict between the Christian ideal of compassion and villainous self-interest has mutated into the clash between the demand for national security and the need for democratic freedoms/human rights that is resolved by highlighting the

superiority of the hero's instinct for justice. The legal ideal of human rights replaces the Christian compassion for all of humanity and is perceived as unrealistic in the story world where the cost of preserving the human rights of the guilty is portrayed as increasing the risk to the safety of innocent people. Similar to the Western genre where Christian compassion does not win over the self-interest of the villain, human rights fail to protect the overall community. In this renegotiation of good/bad values, human rights are reconfigured as red tape and become a vulnerability to be weaponised by terrorists and corrupt government agents. Thus, the conflict between security and law is dramatised through the good/bad opposition where human rights in obstructing justice are reconfigured as a common bad rather than a common good. This creates a false opposition between human rights and the law's capacity to uphold justice. Chapters 1 and 2 showed how the ticking bomb hypotheticals employ dramatic tension in constructing scenarios where torture can resolve the crisis between the law's capacity for justice and the needs of national security. As demonstrated in Chapter 3, in films like *The Dark Knight* and *The Inglourious Basterds*, even though police/vigilante coercion, violence and torture are sometimes critiqued, the opposition between human rights and security/law is not called into question fully.

Warshow's notion that '[t]he Western hero is necessarily an archaic figure; we do not really believe in him and would not have him step out of his rigidly conventionalized background' became defunct when Jack Bauer stepped out of fiction and caught the fascination of the popular imagination.⁵⁵ While the classic Western genre denies human rights to the Indians using the colonial paradigm of the white man's burden, the neo-colonial frame

⁵⁵ Robert Warshow, p. 124;

Bill Clinton in an interview with Tim Russert said that he would sanction torture in a 24-like situation, but he changed his position later on. See Tim Russert, 'Meet the Press with Time Russert', *YouTube* <<https://www.youtube.com/watch?v=CvoFmvcV1ug>> [Accessed 7 April 2023]; The Daily Dish, 'Scalia and Torture', *Atlantic*, 19 June 2007 <<https://www.theatlantic.com/daily-dish/archive/2007/06/scalia-and-torture/227548/>> [Accessed 7 April 2023]

repositions human rights as an obstacle by Othering the terrorist. The heroic values form the basis of this process of Othering and dehumanisation. The Othered status of the terrorist is established by exaggerating the terrorist's capacity for evil. The principle of equality evident in human rights is shown to be inadequate in the face of an enemy as vile as the terrorist. This marks the terrorist as a unique threat who cannot be held accountable by using the Western value system, which assumes goodness and innocence until proof of guilt has been established. The hero's exceptional ability to torture and get the truth out of the terrorist becomes a sign of his inner strength and a mark of his superior sense of morality. When innate morality is espoused as a more just method for resolving the conflict between justice and law, marginalised communities are rarely shown to be at risk of senseless violence.

When this story logic is commonly depicted in popular cultural representations of torture, it uses increasing amounts of force disguised as the power to extract information to establish dominance that moves the plot forward from a place of insecurity, fear, and heightened threat to safety and security from the threat. The audience's suspension of disbelief works to buy into the fiction that torture works so that the story can conclude. The transition from extreme threat to complete security achieves catharsis at the level of the plot and affect. When torture is used in the interrogation scenes to move from threat to security, the narrative requires the sacrifice of the guilty terrorist in order to save millions of lives. It forces an unfair evaluation between the life of one person and the life of many people. The torture scenes in *The Water Cure* do not offer this sense of security by denying closure. This is coupled with a delay in offering resolution at the level of each scene in the novel. It is hard to tell whether the descriptions of what happens in the story are about the same scene cut up and scattered in between the digressive style of narration or if the various segments are partial representations of multiple scenes. The novel links torture with institutional license. It indicates that rather than the absence of relevant means of justice, institutional license is the cause of torture in the novel.

Moreover, the novel broadens the range of motivations for torturing people by dropping the façade of a rationale for Ishmael's actions.

The difference in treatment between the guilty and the innocent is critiqued in the pipeline plot, a staple of the Western genre. In the shooting scene, Ishmael has a gun with which he plans to scare the drug dealers who want to divert the water supply. Ishmael 'fired into the air' to terrify the drug dealers who end up running 'into each other'.⁵⁶ Ishmael's advantageous position 'on the hill' and his domination of the land with his gun is in contrast with the drug dealers who have 'stones to divert the flow' of the water. Ishmael's safety is not at risk and the first-person narration adds to this dominant position by excluding all other perspectives and showing that this confrontation is about ridiculing the drug dealers. Ishmael commands them to '[m]ake chicken sounds!'. This reinforces the disparity in power through the asymmetry in perspective, position in the woods and the contrasting moods, associating power with Ishmael and reducing the drug dealers to humiliation and fear. Ishmael thinks that he has successfully devalued them because '[o]ne of them' made chicken noises. Such a strategy inverts the Western genre's code of honour, which dictates that one does not fight an unarmed man. To illustrate, the narrative in *24* exaggerates the terrorists' power by showing him or her nearly succeeding in their goal of killing millions of people, which disguises the asymmetry of power between the terrorist who has no power to protect themselves against Jack Bauer's assaults. In the absence of this code of honour to make sense of torture, the abhorrence of the act becomes visible. This section has analysed the novel's subversion of the code of the Western in order to dismantle the values that inform the justification of torture. The next part of the chapter will draw on Elaine Scarry and Sara Ahmed to read the representations of torture in *The Water Cure*.

⁵⁶ *TWC*, p. 138-09.

You'd be surprised the things you can solve with torture

Popular cultural representations of torture often depict torture as a method for extracting information from a reluctant prisoner, which results in improving the security of people. The values in the West that propagate violence as a solution to injustice are reimagined in popular fiction post 9/11 to prop-up torture as a heroic method of preventing innocent people from an untimely death. Elaine Scarry argues that torture involves the performance of power through theatricality that masks the truth of the pain that the victim is experiencing and converts it into the fiction of state power.

First, pain is inflicted on a person in ever-intensifying ways. Second, the pain, continually amplified within the person's body, is also amplified in the sense that it is objectified, made visible to those outside the person's body. Third, the objectified pain is denied as pain and read as power [...]⁵⁷

As mentioned in Chapter 2, Scarry calls this transformation 'mime of power'.⁵⁸ She further explains that the questions the torturers ask and the answers they receive serve to propagate the torture and the victim is given the notion of false agency, that is, they can stop the torture if they comply. The torture scene where Batman brutalises Maroni in *The Dark Knight* and the instances where the Basterds torture Nazis and other suspects in *Inglourious Basterds* utilise this format. This is contrary to the reality of torture where '[t]he question whatever its content, is an act of wounding: the answer, whatever its content, is a scream'.⁵⁹ In *The Water Cure*, Ishmael speaks and the questions he is asking are not expected to be answered by Reggie who remains silent. In this manner, the novel reveals Ishmael's awareness of Reggie's pain and his own powerlessness in the face of his daughter's death. Thus, the interrogation scenes invert the

⁵⁷ Scarry, p. 28.

⁵⁸ *Ibid.*, p. 45.

⁵⁹ *Ibid.*, p. 46.

paradigm of conventional torture scenes, recovering pain from the theatricality of power. For example, the following fragment describes waterboarding:

take an inventory of your body, realize that there are no, external anyway, parts missing, you are bleeding from no place, you bear no bruises or other marks, realize, in other words that I have left no sign of my presence, no sign of our connection, no sign of my art, my business with you, realize that you don't know who I am, don't know where you've been, don't know anything, but you do have a vague recollection, one from long ago, on a cool night, of my face, my [...] ⁶⁰

The passage draws attention to Reggie's body, which symbolically represents the difficulty in expressing pain in language by not offering a vocabulary of wounds and scars to prove torture. The emphasis on Ishmael's mental and emotional state inverts the conventional paradigm of the interrogation scene that begins with questions about the crime and demands more information. The prisoner usually resists at the beginning eventually capitulating to the demands of the interrogator. This also serves as a critique of the Bush era administration's use of waterboarding because the fragment mentions 'W', which is a reference to George W Bush. The passage criticises the Bush administration's position post 9/11 that waterboarding only simulates the feeling of drowning without posing a life-threatening risk to the prisoner as well as being an effective method of gathering intelligence.

It suggests that the absence of bodily injury and the difficulty in understanding the pain caused made it possible to argue that waterboarding was simply a harsh interrogation technique. George W Bush maintains that '[t]he new techniques proved highly effective'. He also constructs the opposition between American values and security by highlighting that he had to make a 'choice between security and values' and that he was 'unwilling' to 'accept a greater

⁶⁰ Ibid., p. 212.

risk that the country would be attacked'.⁶¹ As mentioned in Chapter 2, this choice is an artifice and was only possible because the effectiveness of torture techniques was misrepresented to the executive branch of the government and the failure of the government officials to analyse the information being provided to them. When claiming that enhanced techniques were effective, Bush did not acknowledge the findings of the Select Committee Review on the use of enhanced interrogation techniques, which has shown that the harsh tactics did not lead to new information. The novel by choosing the method of waterboarding as a method of torture undermines the Bush era rhetoric regarding enhanced interrogation techniques.

Scarry opines that the torturer is able to continue the torture because of the gap between the realities of the torturer constituted by a lack of pain and that of the victim, which is composed of 'world-destroying' pain.⁶² This gap, according to her, results from the nature of pain which is difficult to represent due to its deeply subjective nature. Those at a distance from the experience of pain, therefore, find it difficult to believe in the truth of this experience. She stresses that if the torturer knew that the victim was in pain, then they would stop. Yet, the revenge plot represents processes through which causing pain is legitimised. Kyle Wiggins notes that the logic of vengeance permits 'pain for pain'.⁶³ This complicates Scarry's notion regarding the torturer and the tortured, which does not account for situations where torture works as a method of retribution. Moreover, Scarry's analysis is on state torture where revenge may not appear to be an obvious motivation. Chapters 5 and 6 will show how characters question the possibility that revenge is a motivation for instigating torture otherwise sanctioned by the state.

The logic of revenge is affective, and the question of injustice is resolved when pain has been exchanged and accounts settled. In such a framework, Ishmael's pain resulting from

⁶¹ George W Bush, 'War Footing', in *Decision Points* EPUB.

⁶² *Ibid.*, p. 29.

⁶³ Kyle Wiggins, p. 677.

the loss of a child forms a valid premise for torture. With this understanding, Ishmael's knowledge of Reggie's pain should constitute a positive affect because it can be read as justice. However, the unconfirmed status of Reggie's guilt interrupts this transformation of pain into the positive emotions associated with getting justice. Indicating that the onlooker's capacity to see the pain of a person depends on the onlooker's affective state, the onlooker's relationship to the subject and the victim's subject position. Ishmael implies that his own bias towards killing has motivated him to torture Reggie. Furthermore, Ishmael chooses to torture him because he is a member of a 'lowly' group.⁶⁴ He notes that Reggie may be an alcoholic and possibly unemployed, whereas Ishmael is a comfortably middle-class novelist. During the torture, Ishmael '[w]ith [his] vengeance eyes burning the horizon' wants to 'satisfy [his] desire' for torture.

In the following torture scene, Ishmael is the threat to Reggie rather than the other way around. This reverses the ideological paradigm of torture represented in interrogation scenes invested in 'aligning subjects with collectives by attributing 'others' as the 'source' of our feelings', namely fear and hatred.⁶⁵ For instance, in the interrogation scenes in the TV show *24*, viewers are compelled to see the terrorist as a larger threat than Jack Bauer is to him. This is simply not true because Jack Bauer is the one with the power to hurt the suspect, even though he does not completely control the prisoner's will to provide information. The TV series conflates pain with power reinforcing the notion that Bauer's ability to hurt the prisoner will result in compliance and truth. The anti-torture rhetoric in films analysed in Chapter 3 maintains this power dynamic. In *The Dark Knight*, the Joker is a bigger threat to Gotham than Batman. Likewise, the plot action in *Inglourious Basterds* depicts Hans Landa as a bigger threat than Aldo Raine to the values and norms of American society.

⁶⁴ *TWC*, p. 40.

⁶⁵ Ahmed, p.1.

According to Sara Ahmed emotions are not simply inside us or outside us, rather they shape us from inside out and outside in. The gap that Scarry identifies between the torturer and the victim does exist, but it is not one where the torturer cannot imagine the victim's pain. Rather, it is one where the relationship between the torturer and the victim is 'shaped by past histories of contact'. This contact between the subject and the object 'may depend on histories that remain alive insofar as they have already left their impressions'.⁶⁶ The imprint thus formed guides the contact between the subject and the object. In the case of the torturer and the victim, this has already been shaped by suspicion, hatred, fear and anger, forming an affectively complex dynamic. The intricacy of this relationship is visible in Ishmael's torture methods, narrated in different styles in separate fragments. In the following fragment, Ishmael is waterboarding Reggie, and like the torture memos, we can only see him from the torturer/interrogator's perspective.

The subject, I prefer the term to *victim*, has trouble breathing and becomes fearful (a rather mild word in this circumstance, but it serves to underscore my detachment from the reality of my action) that he will drown [...].⁶⁷

Ishmael uses the term 'subject' much like the style of language in the torture memorandum for John Rizzo discussed in Chapter 2, which uses the term 'individual'. Both of these terms work similarly to dehumanise Reggie and Abu Zubaydah respectively. Ishmael is observing Reggie's reactions to waterboarding while calling attention to how the language he is using serves to distance him from the reality of Reggie's suffering. Likewise, a memo sent to John Rizzo, the Deputy General Counsel, describes the goal of another coercive technique called 'facial slap', which is to 'induce shock, surprise, and/or humiliation'.⁶⁸ The memo further describes the Wall Standing torture technique to be used on Abu Zubaydah as follows:

⁶⁶ Ibid., p. 7.

⁶⁷ *TWC*, p. 33.

⁶⁸ Ibid., p. 2.

Wall standing is used to induce muscle fatigue. The individual stands about four or five feet from a wall, with his feet spread approximately to shoulder width. His arms are stretched out in front of him, with his fingers resting on the wall. His fingers support all of his body weight. The individual is not permitted to move or reposition his hands or feet.⁶⁹

The term ‘subject’ and ‘individual’ serve a similar purpose, that is, to use the tone of objectivity to evoke impartiality, whereas the biases and assumptions about the torture victim are ignored. Ishmael in highlighting his preference for this term over ‘victim’ shows how language is involved in the processes of dehumanisation. Since the style in the torture scene and the memo is akin to objective or scientific writing, recovering the feelings of hatred and anger from the descriptions of violence becomes difficult. In this way, the choice of narration from the torturer’s perspective is also akin to the interrogators’ comments available in the declassified memos that were used for seeking permission to use enhanced interrogation techniques.

In a different fragment, the novel uses sounds in the torture scenes to evoke both fear and fun, showing the presence of contrary emotions at once. The fragment describes how Ishmael comes down to his basement with a mug of coffee in hand singing ‘Reggie Reggie bo-feggie banana fanna fo feggie’.⁷⁰ This is a reference to the song ‘The Name Game’ by Shirley Ellis, which evokes the mood of joy, fun and play.⁷¹ The upbeat tone is juxtaposed with the gruesome content of Ishmael’s limericks creating a chilling effect. These accuse Reggie of raping and murdering his daughter, evidencing Ishmael’s suspicions. The stark contrast between the cheerful tone set by the song, the accusatory content of the limericks and Reggie’s palpable silence in Ishmael’s torture chamber work together to create a horrific effect. By using affects like fun and fear, pleasure and horror together, the scene conveys the fear, horror and

⁶⁹ ‘Memorandum for John Rizzo’ (2002), p. 3.

⁷⁰ *TWC*, p. 78.

⁷¹ Shirley Ellis, ‘The Name Game’, from *The Name Game* (Congress Record Corp., 1964).

pain that Reggie must be feeling, while also revealing Ishmael's pleasure in torturing Reggie. The ellipsis at the beginning of the following torture scene '[...]another protracted, ear-splitting tear' suggests continuity with previous fragments, showing how torture distorts the experience of time.⁷² The fragment implies ripping off the skin through sound but subverts this expectation by supplying the sound of tape. The use of senses provides a visceral alternative to the usually spectacular representation of torture.

Ishmael is aware of Reggie's pain when he tells him to '[f]ollow the pains, follow the tap tap tap on your[his] face', but he connects this awareness to his own experience of the trauma of his daughter's gruesome murder.⁷³ He expresses his feelings of intense pain as 'the freezing pit that is my stomach, my daughter's voice...'. The feeling of pain when described as a cold abdomen conveys the experience of agony through sharing bodily discomfort and the undesirability of the experience. This description of the embodied experience of pain further communicates its meaning by suggesting its immovable nature and its association with the daughter's voice conveys both Ishmael's pain of loss and also serves as a reminder of his failure to protect her, implying his guilt. The example shows how the affective experience of pain when brought into language holds the potential for sticking to other affects like guilt, revealing that when affect, a pre-linguistic experience, enters language, it can gain additional meaning or be reshaped completely. This process shows the presence of multiple affects like pain of loss and guilt at the same time, and in Ishmael's case, the association between pain and guilt results in his choice to torture. The intimate awareness of his own feeling state causes him to gloss over Reggie's 'pale forehead wrinkle' that is forming in response to his method of torture.⁷⁴

The novel refuses to give Reggie a voice by denying him a back story and showing his fear and discomfort through Ishmael's perspective. In so doing, it juxtaposes Reggie's silence

⁷² *TWC*, p. 69.

⁷³ *Ibid.*, p. 21.

⁷⁴ *Ibid.*, p. 69.

with Everett's torture techniques completely occupying the narrative space. Everett uses onomatopoeia to describe the motion of his weapons to create a visceral effect: '[s]lash slash whack whack cut cut'.⁷⁵ The sounds dominate and take over the destruction of Reggie's body. The first-person narrative can only draw attention to Ishmael's weapons and torture methods, leaving the readers to imagine his pain.

Everett depicts interrogation scenes where Ishmael evokes philosophical paradoxes, therefore, demonstrating the absurdity of torture. Instead of asking Reggie questions about his daughter, Ishmael uses Zeno's paradox to demonstrate that Reggie cannot escape.

Zeno, Zeno, Zeno. The number of points between you and the door is infinite. Infinity equals infinity, and so the door is as far away as the moon. Still, if we both started walking right now, together, at the same time, I'd make it to the moon before you made it to the door.⁷⁶

This fragment draws attention away from Reggie's body to Ishmael's state of mind. In so doing, Ishmael's psychosis becomes the subject of narration, once again, inverting the question-answer structure of the interrogation scene. Reference to Zeno's paradox, while Reggie is being tortured, shows the disconnect between the torturers' questions and highlights that the prisoner may not be able to provide answers. The juxtaposition of the philosophical and psychotic nature of Ishmael's musings with Reggie's violated body demonstrates the senseless nature of violence.

Ishmael is not engaging with Zeno's paradox of motion to shed light on the axioms of mathematics that resulted in the paradox, rather he draws on it to critique the paradigm on which Zeno constructs his hypothesis. Mathematically and philosophically, Zeno's paradox has been refuted several times. Everett holds a bachelor's degree in philosophy, so it is reasonable

⁷⁵ Ibid., p. 83.

⁷⁶ Ibid., p. 46.

to assume that he would be aware of the scholarly debates on Zeno's paradox. Everett does not intend to engage with the paradox because he has decided to equate two types of infinities in the quotation above and this is mathematically inaccurate. The fragment also refers to the unruly nature of language when Ishmael plays with linguistic paradoxes, declaring that '[a]nswers lie'. The narrative self-consciously acknowledges that '[t]he limits of any piece of fiction are like the ubiquitous musings of Zeno, dismissible yet true, superficially simple but persistently gnawing and troubling'.⁷⁷ All of this together would suggest that Everett is not drawing on the paradox to refute it. Rather, he is highlighting how ambiguities introduced by abstraction become a problem for arriving at concrete solutions or answers. It is the abstract nature of Zeno's mathematics that leads to a false conclusion. Similarly, Everett insists that language's abstract nature also contains the capacity for false conclusions. Thus, Everett demonstrates a suspicion about language's capacity for revealing truths. This reveals language's ability to both work as what Scarry calls creative acts of human self-extension as well as having the capacity for unmaking the human world through false conclusions.

As mentioned earlier in the chapter, Ishmael refuses to use a disturbed childhood as an excuse for either Reggie's perceived actions or his own. While this severs the cause-effect relationship between guilt and torture, it has the effect of reducing Reggie to 'pure body', that is, the novel fails to provide any information about Reggie that would help the reader in recognising him as a human being. The fragments that detail Ishmael's kidnapping of Reggie describe him as a type rather than giving him the impression of depth.⁷⁸ Ishmael, through the first-person narrative, has the power to humanise Reggie but he conflates providing Reggie with a sympathetic past with excusing his actions. This version of Ishmael's explanation for torturing Reggie assumes that he has committed the rape and murder of his daughter, although

⁷⁷ Ibid., p. 25.

⁷⁸ Ibid., p. 167.

the novel never confirms this aspect of the story. The narrative conveys the injustice of torture, but it is only able to do so by dehumanising and silencing Reggie. This raises the issue of humanising the guilty without excusing the horror of their actions. Chapters 5 and 6 will investigate how narrative techniques can achieve both of these goals. Ishmael refuses a diagnosis of sociopathy or psychopathy, and this also prevents the reader from sympathising with him. While the absence of using realist characterisation succeeds in undermining the individual agency present in the Western and revenge narratives, this strategy alone fails to humanise the torturer. This manner of representation critiques the values that lead to systems that allow torture, but it does not offer a new understanding of the experiences of those who have tortured prisoners as a result of institutional norms. The implication of monstrosity beyond reason holds the potential for interpreting torture as a moral failing rather than understanding it simply as a problem of institutional norms.

The novel criticises the actions of George W Bush and the post 9/11 emergence of pro-torture opinion by ridiculing the code of the Western genre. Nevertheless, this method does not reveal how one might come to a point where torture is seen as an acceptable choice by a reasonable individual. The novel also refers to the torture in Guantanamo in the form of a common joke: Canadian, Australian and American ‘spooks-in-training’ have been asked to ‘*Find a deer*’.⁷⁹ The Canadian and the Australian return empty-handed and the American returns ‘with a rabbit’ who will confess to being a deer. The joke shows that to avoid the pain of torture prisoners will say exactly what the torturer wants to hear. The joke also attacks the torturers who refuse to see a rabbit for a rabbit. This works to both critique torture and the American troops and agents. The narrative reveals the truth that torture is a desperate measure resulting from Ishmael’s frustration and helplessness regarding his daughter’s death.

⁷⁹ Ibid., p. 65.

The novel displays the theatricality involved in the act of torture through the play of language and Ishmael's use of poetry and paradoxes. This, however, is largely achieved by emasculating Ishmael. The inversion of the masculine code in this way reinforces the understanding of power as a form of masculinity. Ishmael's profession and acknowledgement of his inability to protect his daughter can be read as his failure to live up to the masculine ideal. This criticism upholds the masculine-feminine gender code even though it is able to critique the masculine code of the West. Furthermore, it can be argued that reading representations of torture symbolically as solely a critique of government action is in itself an act of dehumanisation. The present reading of the novel draws attention to Reggie's pain in order to humanise him, even though he has not been given a voice in the narrative. The choice of narrative perspective, Ishmael's psychosis, absurdity, satire and the use of philosophical paradoxes in the novel's criticism of post 9/11 cultural politics work together to show the irrational, flimsy nature of the justifications for torture, but the narrative is unable to give voice to Reggie.

Ishmael is only able to imagine a predatory voice looking at his daughter, but the man trapped in his basement remains silent. Reggie's pain is relegated to the imagination while the violations done to his body are made visible along with Ishmael's pleasure. The disturbing effect created by using poetry and a jovial tone in some torture fragments shows Ishmael's pleasure but prevents a sympathetic response. Together with the lack of justification, guilt and subversion of the revenge plot, the injustice of torture becomes starkly visible. In this way, the novel questions both the solely rational basis of pro-torture arguments as well as the story logic that lauds it. Furthermore, Ishmael's dilemma is not about torturing Reggie but regarding his conflicting desire to create art and to sustain himself financially, thus the narrative refuses to engage with the question of justice in the novel. Therefore, Ishmael's monologues occupy this crisis and the tragic loss of his daughter leaving out debates about the morality of his desire for

revenge and his use of torture. This is portrayed simply as wrong and not as a dilemma at all. Moreover, the form of the novel draws attention to its fictional status. For example, it is possible to conclude that Ishmael is a romance novelist pressured by his literary agent, Sally, to write within the conventions of the romance genre and in his frustration and inability to create art, he is writing 'My Chosen Torture' and Reggie is a character in this novel. In so doing, the narrative refuses to offer a singular meaning that can be satisfactorily attributed to this violence.⁸⁰ Invoking scepticism about what happens in the novel, the narrative denies any conclusive reading. The indeterminacy of the fabula allegorically undermines the certainty expressed by the Bush-era administration post 9/11.

Reggie's guilt, or the lack thereof, does not prevent his torture. The narrative explores the complexities of representing pain when including torture, which is not used to further the plot. Unlike popular genre fiction where the opposition between innate morality and law/institutional justice sustains the opposition between human rights and justice, giving the hero an exceptional status; *The Water Cure* breaks this opposition, revealing its constructed nature. In so doing, the novel demonstrates that the degree to which both these goals are viewed as oppositional results from generic conventions. The terror strikes resulted from institutional failure, frequently used in the Superhero and the Western genres to justify excesses of power. The post 9/11 revival of the Old West imagery offered a familiar vocabulary, deployed, strangely, to denounce institutional failure, attributed to the democratic manner of achieving goals, and to reinforce public faith in fascist forms of institutional power like privileging secrecy and surveillance over democratic freedoms. *The Water Cure*, in creating a dialogue between high and low forms of fiction, expands the moral frames available in both forms of fiction, questioning the official post 9/11 rhetoric. The following chapter will comment on the cultural politics of GWOT by drawing attention to a dramatisation of the Kashmir conflict

⁸⁰ Ibid., p. 70.

between India and Pakistan in *Shalimar the Clown*, adding a historical perspective to the post 9/11 political discourse.

The Water Cure challenges Scarry's position that the awareness of pain will result in stopping torture, by showing how Ishmael, the character-narrator is keenly aware of Reggie's bodily experiences. The first-person narration is usually associated with providing access to the character's point of view, shaping the narrative. The novel combines this technique with an indeterminate plot, showing how torture is motivated by the desire to cause pain and that it cannot be justified. This unusual combination illustrates the manner in which the gestural capacity of language can be used to depict pain in representations of torture. In Chapters 2 and 3, the third-person narrative with multiple focalisation will demonstrate how pain can be framed ethically in such depictions. Chapter 2 will explore the ways in which narrative technique can offer an ethical lens and, at the same time, display pleasure and satisfaction in revenge and torture. In so doing, Scarry's insights on the inexpressibility of pain and the role of narrative mediation in thinking about the ethics of representing torture will be examined further. Chapter 6 shows how *The Wasted Vigil* historicises the 9/11 terror strikes and points to the Soviet-US conflict in Afghanistan as the beginning of the GWOT. Exploring the themes of revenge, representations of torture and narrative technique, the chapter analyses how symbols can effectively communicate pain. Like *Shalimar the Clown*, the novel repairs the historical erasure in which the 9/11 terror strikes were viewed as a rupture by the Western governments and peoples. Both novels explore the desire for revenge through characters who are actors of the state, bringing together the theme of personal revenge with state torture. Chapter 6 will engage with Ahmed's concept of affect in-depth to show how affective encounters in *The Wasted Vigil* determine whether pain is visible such that it can be stopped. The potential of counter-narratives in resisting ideologically inflected modes of legitimating violence will be

examined by drawing a relationship between acknowledging the Other's pain and discovering personal agency.

Chapter 5: Revenge and Torture in *Shalimar the Clown*

Acts of violence in Rushdie's *Shalimar the Clown*¹ (2005) unfold as mechanisms of domination in the backdrop of rising fundamentalism. The protagonists of the novel, filled with vengeance, daydream about torture and relish the thought of the Others' pain. The narrative explores the theme of revenge to show how pleasure is bound up with torture. The representations of torture in the novel question the premises of the ticking bomb hypotheticals by dramatising personal motivations for torture. The characters in the novel, like the government officials who were responsible for using torture, do so indiscriminately and for personal reasons. The torturers are not stoic figures who know precisely how much pain to inflict, rather they suffer from perceptual difficulties or other mental aberrations. In this way, the narrative weakens justifications for torture but like *The Water Cure*, it is unable to give voice to the victims. Torture in the narrative leads to the destruction of a plural society in Kashmir rather than resulting in a safe, secure and free society. In exploring how an army official, Hammir, is motivated by revenge to torture suspected terrorists, the novel demonstrates that state-sanctioned torture can simply be used to cause pain. Comparing Hammir's decision to choose torture for gathering intelligence with the circumstances surrounding the detention of prisoners in the rendition programme post 9/11 reflects how the depictions of torture in the novel reveal real-world political conditions more closely than the ticking bomb hypotheticals. In so doing, the analysis will show how the motivations to torture the guilty and the innocent stem from a wide range of emotional needs that may have nothing to do with intelligence gathering and preventing terrorist attacks. The political tensions that lead to thinking about human rights and national security as having opposing aims reflect wider political conditions that inform the choice to torture. The representations of torture will be analysed after positioning the novel in

¹ All the following references to the novel are abbreviated to *STC*, pages used.

the field of post 9/11 literary criticism, discussing the broader political context depicted in the novel and showing how it embodies the friction between human rights and national security .

Shalimar the Clown is a novel where ‘worlds’ are in ‘collision’, both teleologically and geographically.² In the novel, characters travel long distances. The elliptical treatment of the 9/11 terror strikes, enables the narrative to engage with other moments of historical violence and unchecked abuses of power, placing the terror strikes within the longer historical trajectory of the Cold War. This draws attention to the ways in which colonial legacies and neo-colonial interests have shaped the border troubles in the global south and fuelled terrorism worldwide. By implication, the narrative places the excesses of power after 9/11 terror strikes, the holocaust, the training of the mujahideen during the Soviet-US conflict and the militarization of Kashmir together. Debjani Ganguly notes that *Shalimar the Clown* brings the focus on Kashmir as ‘one of the epicentres of global terrorism’ and the impact of fundamentalism on Rushdie’s ‘authorial consciousness’ in transforming him from a ‘postcolonial novelist into a world novelist’.³ Arin Keeble observes that the early novelistic response to 9/11 terror strikes took a ‘domestic turn’. *Shalimar the Clown* ties the domestic plot to global politics while referring to the attacks briefly. To illustrate, the narrator encourages the misrecognition of the 1993 attempted bombing of the World Trade Centre as the 9/11 attack by introducing it simply as ‘[a]fter the bombing of the World Trade Centre’ and only later pointing out the ‘eight years’ after which this attack would be recognised as ‘the first bombing’. The delay allows for an overlap between the two bombings emphasising their interconnectedness and challenging the unique and surprising elements that were first attached to the tragic terror strikes.⁴

² Jack Livings, ‘Salman Rushdie, The Art of Fiction No. 186’, *The Paris Review*, 174:47(2005), 107-143, (p. 110)

³ Debjani Ganguly, ‘From Midnight’s Child to Clown Assassin’, in *This Thing Called the World: The Contemporary Novel as Global Form* (Duke University Press, 2016), pp. 110– 131 (p. 111).

⁴ Anis Shivani, “‘Look at the World as It Is’: An Interview with Sir Salman Rushdie”, *The Georgia Review* (2012) < <https://thegeorgiareview.com/posts/look-at-the-world-as-it-is-an-interview-with-sir-salman-rushdie/> > [Accessed 17 January 2022]

In the novel, Max Ophuls, an American counter-terrorism chief, is murdered by his Kashmiri driver, Shalimar the Clown. The narrative revolves around his murder, at first, mistaken for a political assassination but later revealed to be a revenge killing. Max and Shalimar are connected by their love for Boonyi. She was Shalimar's wife and Max's Kashmiri mistress when he was serving as an American ambassador in India. Max and Boonyi have an illegitimate daughter known both as India and Kashmira. Shalimar's desire for revenge drives the narrative and leads to Max's assassination in LA, facilitated by the political tragedy in Kashmir, India. The political instability in Kashmir provides Shalimar with the opportunity to join a terrorist training camp and develop the skills necessary to assassinate Max. Shalimar has links with terrorism, yet he joins the group due to personal rather than political reasons. The terrorist training camps are represented as modern, global, organised and collaborative with chapters in various countries. The novel does not examine these relations in detail, but this challenges the assumption that the terrorist is an irrational religious fanatic. The relationship between instability and torture by minor characters such as the Indian army officer, Hammir, and a group of unnamed torturers will be discussed later in the chapter to show the range of motivations for torture. The novel also describes the political and emotional landscape that creates the conditions in which people resort to terrorism in its description of terror training camps, both causing the political conditions in Kashmir as well as resulting from it. Additionally, the cyclical nature of violence is reinforced by the theme of revenge through references to other texts. This will be touched upon towards the end of the chapter.

Anabella Pitkin in a review of Rushdie's novel notes the use of 'ironic allegory' in the treatment of the theme of terrorism. According to Pitkin, its 'descriptions' of 'tumultuous emotional states' and its tendency towards 'generalizations' leads to 'oversimplification' in

some aspects of the narrative.⁵ She is astute in observing Rushdie's tendency to reduce terrorists and fundamentalists to cartoonish depictions, but narrative mediation tends to complicate rather than simplify the myriad political issues in Kashmir. In order to understand how the conflict between national security and democratic freedoms results in political violence, the asymmetric power relationship between the torturer and the victim will be assessed. Moreover, Ganguly notes the conflict between Rushdie's adoption of 'liberal democratic and secular values' and the external threat posed by 'postliberal and nonsecular' forces such as Khomeini's Fatwa.⁶ Drawing out the tension between these values with respect to both the Kashmir issue and the post 9/11 political rhetoric will problematise the view that the conflict is between secular and religious values. Rather, by scrutinising the undemocratic nature of secrecy demanded by national security, this reading shows how our attitudes differ towards secular and religious forms of violence. In so doing, the chapter investigates the tensions that divide rather than unite, and oppress rather than liberate individuals. The torture that resulted from the US government policy is an example of secular forms of violence and challenges the problematic division between 'Us' and 'Them' that was evoked in the post 9/11 political discourse and frequently critiqued for its reductive nature.

Shalimar the Clown is an important novel in what is now considered post 9/11 fiction due to its publication in 2005 when Bush's popularity was fading, Rushdie's complex political stance on the GWOT and the impact of the 9/11 terror strikes on him as a writer.⁷ While the political context of 9/11 has received much attention, the novels that self-consciously engage in dialogue with the politics of the time have been overlooked with respect to their depiction of torture, that is, how techniques of representation frame torture and what role this plays in

⁵ Annabella Pitkin, review of Salman Rushdie, *Shalimar the Clown* (2005), *Journal of International Affairs*, 61.1 (2007), pp. 257–62 (p. 261).

⁶ Ganguly, p. 111.

⁷ 'Bush and Public Opinion', *Pew Research Centre*, 18 December 2008 <<https://www.pewresearch.org/politics/2008/12/18/bush-and-public-opinion/>> [Accessed 26 July 2023]

Rushdie's deliberate attempt at writing about the processes of destruction.⁸ Even though it is well established that torture has no value for gathering information, questions about its efficacy remain restlessly ingrained in the cultural landscape through popular fictional representations of torture. After the terror strikes, the definition and the efficacy of torture were hotly debated. Examined in Part I of the thesis, the ticking bomb scenarios used to debate the ethics of torture in the public discourse wrongly pitch protecting the human rights of a prisoner against saving millions of lives. The hypothetical assumes that torture will result in preventing the deaths. Chapter 1 of Part I questioned this assumption and showed how torture will result in a random outcome as well as worsening the existing mechanisms of gathering information. The torture memos that detail how CIA interrogators and lawyers in the DOJ created the distinction between harsh interrogation tactics and torture also incorrectly assumed that aggressive methods of interrogating the suspect will be effective in foiling terror attacks. These beliefs led to accommodating methods of torture within the ambit of the normal procedures of interrogation.⁹ When governments declare exceptional circumstances, these violations occur even though the premise on which torture happens is erroneous at best and fictional at worst. It is important to question the premises on which torture is debated. *Shalimar the Clown* challenges these premises by showing how characters use torture as a mode of vengeance. In the novel, torture functions as a method of domination and intimidation. Analysing the relationship between the wounded body, pain and representation will challenge the beliefs that underpin the emotional intelligibility of the ticking bomb scenario.

Rushdie's work with PEN, participation in anti-torture protests in 2005 and continuous engagement with issues of human rights clearly indicate an anti-torture stance. Yet, some of the torture scenes in the novel silence the victims. This is not to suggest that authorial intention

⁸ Livings, p. 111.

⁹ Greenberg, p. xvii.

translates unproblematically in any representation of the wounded body, rather the aim is to highlight the difficulty of depicting the person in pain.¹⁰ Portraying pain and accounting for human rights violations are significant aspects of depicting torture in fiction. Considering power relations when depicting the wounded body is significant for understanding the stakes of such representations. Should we place it at the centre of the discussions about torture? What makes us unable to respond to this act/form of wounding in a productive manner? Do we need to draw attention to the pain experienced by the tortured individual? What is the effect of the absence of pain from such representations? What are the limitations of reading torture as an allegory for state power? The aim is to expose how the narrative in *Shalimar the Clown* mediates the complexities of imagining, looking, hearing and writing about the Others' pain. The characters in the novel express gratification, pleasure, satisfaction or/and relief as they entertain the desire to torture or/and when they do in fact torture, thereby challenging the belief that torture can be used with emotional restraint to gather intelligence. This sheds light on the appeal of torture by showing the affective motivations behind using torture as a method for vengeance. Such impulses are neglected in pro-torture arguments. The extent to which the novel's style might ethically describe both someone's pain and the potential that this pain may be an incentive for continuing rather than stopping torture will also be discussed later. Whether the listener's inaction comes from language's incapacity to express pain or the immediacy of their own experiences over those of others, it is necessary to theorise compelling ways of representing the pain of the wounded in torture scenes.

Pain, Pleasure and Torture

Elizabeth Dauphinée argues that it is important to examine the ways in which we circulate violated bodies. She 'asks us to consider the possibility that pain is not an interior, private state,

¹⁰ Abdulrazak Gurnah, 'Introduction', in *The Cambridge Companion to Salman Rushdie*, ed. by Abdulrazak Gurnah (Cambridge: Cambridge University Press, 2007), pp. 1-8 (p. 7).

but a shared and sharable phenomenon that is expressible and accessible in a fully social and intersubjective way'.¹¹ Her argument is limited to the visual medium and takes up the issue of looking at images, particularly the infamous Abu Ghraib photos. Images, according to her, 'flatten' the relationship between the onlooker and the person in the photograph such that there is 'no ethically pure way to circulate' them.¹² This relationship unwittingly repeats the pattern of power that the onlooker has over the meanings that can be attached to the image in a similar manner to the torturer who has absolute power over the victim. Ethical purity may not be possible in such instances. Nevertheless, literary representations can offer an alternate medium for examining this relationship because narrative techniques have the potential to unflatten this dynamic. Literary form is more open to the possibility of layering violent imagery with a multiplicity of meanings in an effort to resist such violence, especially when torture becomes a part of a narrative about destruction.

The novel shows that the felt experience of pain is affectively complex and the person listening to this pain may not be able to understand it, posing problems for representations of torture where the interrogator is depicted as the one with the power to extract the information from the prisoner at any cost. These depictions rely on the interrogators' heroic qualities and the capacity to be in control in high-stakes scenarios. Such representations often depend on the ends justify the means argument, reflecting the logic of the pro-torture justifications mentioned in Chapter 1. Anti-torture rhetoric must go beyond challenging the premise that torture works and aim to represent the random outcomes possible when torture is used to weaken pro-torture justifications. The understanding of torture that informs such justifications neglects the affective complexity of pain. To ethically represent the wounded and show the miscarriage of

¹¹ Elizabeth Dauphinée, 'The Politics of the Body in Pain: Reading the Ethics of Imagery', *Security Dialogue*, 38:2 (2007), pp. 139-55, (p.153).

¹² *Ibid.*

justice, it is necessary to revisit Scarry's complex analysis of pain. She uses the aversiveness of pain as the main characteristic of the affect.

If to the person in pain it does not feel aversive, and if it does not in turn elicit in that person aversive feelings toward it, is not in either philosophical discussions or psychological definitions of it called pain.¹³

This limits the meaning of pain to aversiveness in her analysis of torture. Michael McIntyre critiques the understanding of pain in this manner by addressing how one person's pain can be a pleasure to another. Therefore, restricting the definition of pain to aversiveness and limiting the examination of torture to the person in pain overlooks the complex dynamic between the torturer and the prisoner. The representations of torture in the last chapter show how Scarry's assumption that the torturer continues the infliction of pain because of the absence of knowledge about this pain ignores the possibility that the torturer might enjoy this infliction. Whether torture is state-sanctioned, the motivations of the torturer may be personal rather than only political. This blurs the distinction between the private and the public, complicating the understanding of the torturer as someone who is able to be an impartial and effective instrument of the state. In agreement with McIntyre's critique of Scarry that pleasure can be derived from the pain of the prisoner, this analysis pays attention to how pain and pleasure are bound up in representations of torture meant to critique it as a method of interrogation.¹⁴ Picking apart the motivations for inflicting pain involves the consideration of other possible responses to the subjective experience of pain, including the potential of voyeuristic pleasure. It is possible that the torturer is not only aware of the pain they are causing but their sense of power also rests on this awareness, which forms the basis for the objectification/fetishisation of the victim and the continuation of the torture. The knowledge of pain can, therefore, serve as an important motive

¹³ Scarry, p. 52.

¹⁴ Michael McIntyre, 'Rethinking *The Body in Pain*', *Subjectivity*, 9 (2016), pp. 381-398, (p.381).

for torture. It becomes necessary to frame the wounded body in a manner that is amenable to empathic rather than sadistic looking while also taking into account the potential of pleasure in torture. In *Shalimar the Clown*, characters not only enjoy torturing prisoners but also continue this gratification through reading documented reports about torture.¹⁵ The extent to which the narrative technique resists complicity with the sadistic desire involved in the act of looking will be assessed in-depth.

By showing that visible pain can motivate torture, this chapter will complicate Scarry's assumption that 'the relation between expressing pain and eliminating pain' is crucial for stopping torture.¹⁶ Scarry uses examples to show how a representation can point to its own failure in order to convey pain. She relies on using the creative possibilities of language in literature for communicating the immediacy of pain because it is necessary for people to believe in Others' pain in order to stop it. Such strategies may not work in contexts where the degree or nature of pain is crucial to getting justice such as the need for verification in legal and medical contexts rather than literary. While literary representations may use language to express physical pain and enable a larger and more creative vocabulary that may help in either legal or medical contexts, it is not necessary to convey the 'immediacy' of pain to encourage an anti-torture position in culture. This is because people already believe that the person who is being tortured is in pain. In fact, the reason torture is believed to be effective is the assumption that a person would do anything to avoid the infliction of unbearable pain. Drawing on Sara Ahmed, this chapter argues that rather than conveying pain accurately in order to secure the hearer's belief we need 'to learn how to hear what is impossible' to gain an empathic understanding of the Others' pain.¹⁷ Shifting the attention to the one hearing the pain will limit

¹⁵ Dauphinée, p.145. Here Dauphinée argues that any act of looking at photographs of torture objectifies the prisoners' pain.

¹⁶ Scarry, p. 11.

¹⁷ Ahmed, p. 35.

the voyeuristic potential present in the asymmetric power relation involved in circulating images and texts portraying the wounded. The possibility of communicating pain opens when it is understood as intersubjective rather than a private, unsharable experience. In *Shalimar the Clown*, the narrator guides this intersubjective relationship between the characters and the readers, tempering the readers' gaze. This argument acknowledges that the readers are free to read the text however they choose, and this is not offered as a solution to the problem. Rather, it is an attempt at creating a dialogue about the ethics of paying attention to the Others' pain.

Shalimar the Clown mediates the person in pain, the torturer and the reader through a narrative device, conveying an ethics of looking at both the motive for torture and the person in pain, showing the futility of torture for gathering intelligence. Representing the immediacy of pain is not necessary for including a code of ethics that opens avenues for considering the person in pain. This is significant because the fact of causing pain was removed from the legal language that enabled torture post 9/11 by renaming it and presenting the withdrawal of civil rights as necessary for protecting against external threats. As a response to this phenomenon, it has become important to demonstrate the pointlessness of inflicting pain as a useful method of interrogation. In this context, it is essential to recognise that pain is an unreliable means of gathering information.

Scarry's work exposes the nature of physical pain while also being deeply concerned with the mechanisms of power, that is, the ways in which pain is transformed into a theatrical demonstration of an unstable state's power. Chapter 2 demonstrates how the theatricality of power is significant for performing stability rather than providing security. Scarry's analysis of the structure of war and torture shows that both of these processes of injuring Others exclude descriptions of pain when they are evoked. She discusses the manner in which the 'fiction of power' manifests through torture during interrogations. Her analysis reveals the following mechanisms that come into play during torture: the falsification of the motive for torture is

established by the torturer through repeated questions, the fictional importance of the question that accompanies torture is emphasised and the questioning assumes that the tortured person has the power to stop the torture when in truth they are absolutely powerless and in absolute pain. This process also involves the falsification of agency, confirming Scarry's observation that torture is a form of absolute power exercised with the sole purpose of employing theatrics to intimidate and disempower the population it is trying to dominate. Chapter 2 outlined how these elements are couched in the language of emergency, national security, counterterrorism, war and secrecy. Likewise, in *Shalimar the Clown* when the village of Pachigam in Shirmal is under threat from terrorists, similar security concerns are used to justify torture, which is then used to dominate the population. In this context, the fictional importance of torture is abandoned to reveal that it is a weapon of war mobilised under the guise of national security.

Scarry shows that torture is legitimised by removing the reality of pain and injury from the political discourse. This is visible both in the naming of the provisions which gave the special powers to the army in Kashmir and the renaming of torture in the post 9/11 political discourse. The tensions between democratic freedoms and national security/secrecy aided the removal of torture from the political discourse. The post 9/11 government policy silenced the potential victims of torture by weaponising the language of law. As mentioned earlier, torture was lawfully included during interrogation by renaming it so that the full meaning of what is being sanctioned is easily overlooked. Torture methods were relabelled as enhanced interrogation techniques and clean torture methods like waterboarding were introduced. Such techniques leave no physical injury, and the body is no longer able to evidence torture through visible scars. This makes proving torture harder and limits access to justice. In so doing, the evidence was erased both on the body of the wounded and in the description of the wounding technique. The dictionary meaning of enhance is 'to improve the quality, amount, or strength

of something'.¹⁸ The word does not carry the connotations of torture. It simply means making an existing method better. It draws attention to the technique and its objective in the interrogation process while removing, silencing and destroying the body it indicates from the discourse. Therefore, the legal justification for torture in the United States depended on making the complicated process of sharing pain more difficult by removing the wounded body from the public discourse and by offering new descriptions and conditions for the processes of wounding in the legal discourse. In Kashmir, this was done by introducing the Armed Forces Special Powers Act (AFSPA). The term, like enhanced interrogation techniques, disguises the fact that government officials have been given the power to cause pain. The torture debate about the difference between torture and coercive tactics also reflects this. The argument that waterboarding is not torture depends on the lack of visible violence.¹⁹ It enabled the use of torture as a weapon of war by both the United States and India. In both instances, democratic governments took a totalitarian form. Such exclusion of pain extends to the lack of discussion about historical pain caused and endured during conflicts between neighbouring communities, making it harder to foster peaceful collaborative political relations post-conflict. The destruction of pluralism in Kashmir represented in the novel depicts how the suppression of historical pain paved the way for torture, further silencing the subject and providing opportunities to instigate the vulnerable.

Scarry's concerns regarding excesses of power, as noted in Chapter 2, are also visible in her writings such as *Thermonuclear Monarchy* and *Thinking in an Emergency*.²⁰ To reiterate,

¹⁸ Entry 'Enhance' in *Cambridge Online Dictionary*, n.d. <
<https://dictionary.cambridge.org/dictionary/english/>> [Accessed 10 November 2022]

¹⁹ Eric Weiner, 'Waterboarding: A Tortured History', *NPR* (3 November 2007)<<https://www.npr.org/2007/11/03/15886834/waterboarding-a-tortured-history>> [Accessed 18 November 2022]

²⁰ Elaine Scarry, *Thermonuclear Monarchy: Choosing Between Democracy and Doom* (New York and London: WW Norton & Company, 2016);
—*Thinking in an Emergency* (New York and London: WW Norton & Company, 2011).

both works examine the concentration of power or the perils of absolute power whether in the executive branch of the government to unleash nuclear weapons or the decision to go to war, and propose distributing power through active public engagement as a solution.²¹ This reading of *Shalimar the Clown*, like Chapters 2 and 3, will show how the affective mood that precedes the use of excesses of power draws on the urgent need to squash a threat to downplay the importance of thinking. It will expand the understanding of torture beyond the context of securing borders and show how it precedes the violent domination of a population. The novel dramatises the contradictory demands of urgency which compels action without thinking and the degree of thinking involved in legitimating violence as evidenced by the novel's inclusion of reports, orders and discussions between army officers and politicians about the degree of violence to be used. The public discourse usually overlooks how habitual violence is bureaucratic and well thought out. When the assumption that a particular threat poses a great risk does not correspond to reality, it legitimates unnecessary violence more often than preventing damage. In the novel, this habit results in the destruction of a plural society. Torture, in the narrative, is an example of a habitual response to an increased perception of threat, thus questioning the habit of misevaluating threats and responding with absolute force. Bringing pain into the political discourse of societies with a shared past of conflict and violence is crucial to sustaining harmonious relations. By analysing the destruction of Kashmiriyat in the novel, this chapter shows that plurality depends on including ethical ways of framing historical pain as well as the wounded in the political discourse.

The inclusion and exclusion of particular emotions in framing terror strikes/threats shape how we engage with affectively powerful events like emergencies. Scarry observes how excluding pain is crucial to the affective environment that precedes decisions about war. She

²¹ The point of mentioning this is to argue later that the tension between security concerns and absolute power favours the use of absolute power, and so, the people cannot act as a check and balance against the potentially absolute exercise of power due to secrecy.

places the population at the centre of decision-making when it comes to war just as she puts the wounded body at the centre of the discussion about torture. Where one might gloss over injury during an ongoing war, her work argues that the act of injuring should be represented as a conscious, intentional choice rather than an inevitable one. The shift in understanding war as an option and as the responsibility of the citizens rather than the government alone changes the affective orientation towards the decision, creating a language of agency for the people who have the power to injure, but not necessarily for those who are the object of injury. Scarry's focus on the power to injure puts the wounded body at the centre of discourse albeit, from the perspective of those looking, seeing and deciding; those who, ultimately, possess the power to injure others. This might push the wounded body to the centre of the discussion but the injured very much remain the object of the discussion rather than the subject. Moreover, concerns to do with national security justify secrecy and guarantee the exclusion of the public from key decision-making processes. It results in giving a few government officials the power to act without the need for public engagement with issues that directly concern the people. This was demonstrated by the authorisation of black sites and the sanction of torture in the post 9/11 political climate. The need for secrecy complicates the processes that rely on the distribution of power to act as a check against singular exercises of power.

Scarry's analysis of torture is relevant to the arguments presented in this chapter because the mechanisms of excluding pain from political discourse she has analysed in her work shed light on the processes used both during the post 9/11 political context and post-independence militarisation of Kashmir. Her analyses regarding power and pain have been reconsidered due to both their continued relevance and the significance of the changing nature of warfare.²² Exploration of warfare is beyond the scope of this chapter, but the tension between

²² Kevin McSorley, 'Predatory War, Drones and Torture: Remapping the Body in Pain', *Body & Society*, 25:3 (2019), pp. 73-99;

freedom and security as it pertains to the exercise of absolute power will be addressed. Furthermore, Rushdie in *Shalimar the Clown*, imagines an idyllic plural society and walks us through its destruction. His idealised view that pluralism is a means of including forms of criticism such as ‘disrespect, ridicule and disparagement’ and his refusal to let ‘Islamic leaders in our countries to demand that their faith be protected against’ does not address how plurality should frame the issue of historical pain.²³ Secular forms of violence can be viewed as democratic, even though public participation is not necessary for going to war, whereas religious forms of violence are viewed as authoritarian. Democratic nations such as India and the United States demand a similar subservience to authority when it comes to the complex mechanisms of national security, deterring public scrutiny of their approaches to managing threats. In an interview with Sarah Gerard, Scarry describes *Thinking in an Emergency* as a book that asks, ‘Well, what is this seduction that lets us believe the executive office when it conjures up this aura of emergency?’.²⁴ While issues to do with national security are complex, it is important to look at the ways in which this faith in the government leads to unlawful imprisonment and interrogation. This pillar of democracy was broken during the US’s response to the terror strikes and India’s retaliation to terror threats, making it harder to form harmonious relations with marginalised people. Before delving into the stakes of representing torture in fiction, a brief discussion of how torture was framed in discourses of counterterrorism will show how excluding pain legitimises violence.

Leila Dawney, ‘Affective War: Wounded Bodies as Political Technologies’, *Body & Society*, 25:3 (2019), pp. 49-72.

²³ Eric Follath, ‘Terror Is Glamour’, *Spiegel International*, 28 September 2006
<<https://www.spiegel.de/international/spiegel-interview-with-salman-rushdie-terror-is-glamour-a-433969.html>>
[Accessed 17th January 2022]

²⁴ Sarah Gerard, ‘On Thermonuclear Monarchy: An Interview with Elaine Scarry’, *The American Reader*, n.d.
<<https://theamericanreader.com/on-thermonuclear-monarchy-an-interview-with-elaine-scarry/>> [Accessed 17th January 2022]

Freedom, Security, Torture and Indefinite Detention

During the GWOT, the US used its rendition and detention programme to imprison suspects indefinitely and denied access to proper due process. Using an example of the common circumstances surrounding the unlawful detention of a prisoner in a black site, the motivations for detaining and torturing suspects will be questioned. The analysis shows how the felt experience of suspicion with respect to a particular prisoner can be misguided even when the goal is to increase national security. Torturers, unlike the imagined heroic figure of the torturer, do not think about detention, intelligence and national security in rational terms. *Shalimar the Clown* reimagines this figure giving a more complete set of motivations and assumptions that guide the torturer during an interrogation. Examples of torture in the real world do not happen in ticking bomb scenarios, thus invalidating the framing assumptions of the hypothetical. Creating a dialogue between real-world torture and the novelistic torturer will challenge the notion that the torturer can inflict pain objectively and rationally leading to new, otherwise, unobtainable information.

The circumstances surrounding prisoners detained under the rendition programme show that national security and secrecy were used to protect the torturers rather than the people of the nation. Thus, it is imperative to question the threat posed to national security. In practice, circular logic was frequently used to detain prisoners in the absence of proper mechanisms of justice. Many of the torture methods were implemented to humiliate the prisoners rather than to gather intelligence. Complete information about the role of those involved in sanctioning torture continues to be held secret and protected by concerns about threats to national security. American Civil Liberties (ACLU) lawsuit requesting the release of documents regarding the torture programme was denied in 2015, however in 2016, the CIA released more than 50

documents in response to the lawsuit filed under the Freedom of Information Act (FIOA).²⁵ The ACLU report investigates the circumstances surrounding the death of Gul Rahman who froze to death because of a torture method designed and employed by James Mitchell and John “Bruce” Jessen. The method was intended to humiliate prisoners suspected of having information that posed a threat to national security. As reported by the ACLU, “[t]he documents reveal that Rahman was brutalised in part because his torturers decided that complaining about his torture was a form of resistance and he needed to be ‘broken’”. ACLU also mentions ‘a draft letter from the CIA to the Justice Department –ccing Mitchell—concluding that the torture they intended to inflict on another detainee Abu Zubayadah ‘normally would appear to be prohibited under the provisions’ of the Torture Act, a federal law against torturing people. The draft letter is a ‘request’ that the attorney general ‘grant a formal declination of prosecution’ for torture.

These reports reveal that the purpose of torture was humiliation, aimed at destroying the individual. The paper trail documented by ACLU and the torture memos indicate that torture was conducted by government officials on a large scale in a systematic manner to dominate a population. The need to avoid prosecution shows that the torturers were aware of what was being done to another human being. The ACLU reports that Mitchell, Jessen and their CIA collaborators ‘knew that what they were doing was wrong and illegal. They talked about seeking a get-out-of-jail-free card for torturing people, and then discussed how to make sure their victims were silenced forever’.²⁶ The torturers were not only aware of the illegality of their actions but were also using pain and humiliation as a method of breaking the prisoner to guarantee compliance. Whether these methods resulted in new information was doubted

²⁵ ‘ACLU FOIA Request: Torture FOIA 2015’, ACLU, 2015 <<https://www.aclu.org/letter/aclu-foia-request?redirect=letter/torture-freedom-information-request>>[Accessed 17th January 2022]

²⁶ Ibid.

even by those involved in the programme. As reported by HuffPost, another document colloquially known as the Panetta Review document, containing essentially summaries of the torture program run by the CIA between 2002 and 2006, reveals that agents within the CIA were not sure of the efficacy of their torture methods and kept this information from the Congress.²⁷ The assumption that torture works in gathering new intelligence led to gross human rights violation post 9/11. Therefore, it is necessary to question the efficacy of torture. Chapter 1 of Part I of the thesis has challenged the idea that the torturer can inflict pain in a controlled manner such that new information can be obtained. As emphasised earlier, it becomes impossible to question the actions of a government where transparency is not guaranteed. Thus, it is necessary to reiterate that many agencies such as Human Rights Watch (HRW) and ACLU have pointed out that in numerous situations where prisoners were tortured the evidence for increased security is inconclusive or absent. The proof of violation of human rights is clear and much of the evidence that can conclusively outline the processes that enabled this has been redacted, thus silencing the wounded, tortured and vulnerable.

Questioning the processes of detention, interrogation and the treatment of suspects is necessary to ensure that people are not detained without cause. The incompatibility between the secrecy demanded by national security and the transparency required by democratic justice systems cannot be resolved. Still, it is necessary to make available transparent avenues to challenge government action. As Scarry has noted, the fact of injuring or wounding has, ultimately, been overlooked in the public discourse, and the need for safeguarding civil rights has been seen as secondary to national security. Exaggerating the degree of conflict between human rights and national security sustains such assessments. Part 1 has argued that this

²⁷ Ali Watkins, 'The Other Torture Report: The Secret CIA Document That Could Unravel The Case For Torture', *HuffPost*, 22 Dec 2014 < https://www.huffingtonpost.co.uk/entry/panetta-review-cia_n_6334728 > [Accessed 17th January 2022]

incompatibility is often dramatised in the Superhero and the Western genre fiction and evoked in the ticking-bomb hypotheticals in public discourse, which depict torture as a quick method of saving millions of lives. Such representations discount that organising torture is a slow and bureaucratic process. The potential of the novel form to question such a cultural vocabulary for justifying torture will be explored. In addition, the absence of civil rights is more pronounced for some sections of the population than others. Often, the populations more adversely affected by such legal provisions continue to either be from or have religious or ethnic links to the global south. In this respect, these mechanisms reproduce the power relations established during colonialism. Scarry's statement about how the deeply subjective experience of physical pain continues to be confronted by the hearer's doubt acquires a more complex meaning. In that, the hearer is likely to doubt some sections of the population more than others.

Part I of the thesis unpicks the degree of incompatibility between due process and civil rights. These mechanisms serve as important checks and balances for ensuring the quality of the information gathered. Transparency allows members of the public to question police and government action serving as an important countercheck to excesses of power. The secrecy required by certain aspects of defence and security means that people from outside governmental institutions have little or no power to challenge the actions being discussed. The conflict between secrecy and democratic freedoms is complex and Rushdie has reversed his own position on the balance between freedom and security. For example, he saw the 9/11 terror strikes as an attack on 'freedom of speech, a multi-party-political system, universal adult suffrage, accountable government, Jews, homosexuals, women's rights, pluralism, secularism.'²⁸ In short, the freedom to live in harmony is under attack. Prior to 9/11, Rushdie wrote that in the struggle 'between terrorism and freedom [...] we must always err on the side of freedom'. After the terror strikes, he reverses this position to 'in turn for freedom's partial

²⁸ Salman Rushdie, *Step Across This Line: Collected Nonfiction 1992-2002* (Vintage, 2003), p. 393.

erosion, we have a right to expect that our cities [...] will be better protected [...]’. However, finally, he acknowledges that he ‘failed to foresee the eagerness with which Messrs. Ashcroft, Ridge, etc., would set about creating the apparatus of a more authoritarian state’.²⁹ From these reversals, it can be inferred that it is important for Rushdie to keep ‘free societies safe – safer – from terrorism’ as well as from the threat of turning into a totalitarian mode of governance.³⁰ These shifts reflect Rushdie’s continued commitment to freedom, even though he has also been a victim of a terrorist attack recently. This shows that the tension between democratic freedoms and the secrecy demanded by national security is complex and cannot be settled with easy answers.

Kashmiriyat, Historical Pain, State Violence and Torture

Understanding freedom and national security as competing goals destroys pluralism in Pachigam in *Shalimar the Clown*. The incompatibility between these two is dramatised by showing how the Indian army in Pachigam is stationed to weed out terrorism but it also targets dissenting individuals. The distinction between criticism of the military presence or government action and terrorist activity dissolves, leading to the annihilation of a plural society. The meanings of freedom and security change in this part of the novel with the arrival of the army. Security begins to mean controlling public opinion, and freedom becomes a cry for independence. The different characters in the novel see the threat of terrorism as external, but ultimately, the threat turns out to be internal – the radicalisation of the dissenting voices of the people of Pachigam. The people of the village felt cornered both by the presence of the Indian army and the rising fundamentalism. The presence of the military and the threat of terrorism negatively impacted the local economy, which was supported by entertainment like fairs, plays, and food banquets, representing unique aspects of the village culture. The presence of these

²⁹ Ibid., p. 391.

³⁰ Ibid.

hostile forces resulted in poverty and fear, creating the condition in which the population became vulnerable to radicalisation. All this is worsened when the issue of historical pain is overlooked, buried, undermined or simply wished away by the different characters. The community ties in Pachigam are truly broken not by the continued presence of the army but when the faith and harmony between Hindu and Muslim characters are destroyed due to their inability to discuss the pain caused by previous histories of violence. This leads the characters to accept the divisions between the communities as a threat to their own existence. The novel reflects these tensions as the political crisis in Kashmir gains momentum and characters like Pyarelal (Boonyi's father) who have believed in the comingling of Hindus and Muslims struggle with their faith in coexistence. In the novel, the failure of the state to protect its citizens catalyses the failure of the concept of pluralism to unify the community.

Kashmiriyat is an idealistic celebration of the notion of pluralism. Pyarelal is a meat-eating brahmin. Boonyi, a Hindu, marries Shalimar, a Muslim. Boonyi and Shalimar's wedding is possible because '[t]here is no Hindu-Muslim issue' in Pachigam.³¹ Yet, when Pyarelal's cousin Pandit Gopinath Razdan visits him from Srinagar he 'disapprovingly' tells Pyarelal that his kitchen 'was a Muslim kitchen'.³² Furthermore, 'the new arrivals' attending Boonyi and Shalimar's wedding 'were openly scornful of the sarpanch's ecumenical scheme'.³³ The rumours that begin on the day of Dussehra represent competing ideologies that reinforce divisions within this plural vision by distorting truth and playing into the fears of the people. Although Pandit Pyarelal imagines the Kashmiri ideal and is aware of the pre-colonial violence between Hindus and Muslims, the notion of Kashmiriyat is based on the repression of historical pain. Plurality, without addressing pain ethically, leads to division amongst the people of Pachigam. Pyarelal, the village sarpanch, and Abdullah Noman, Shalimar's father, have been

³¹ *STC*, p. 110.

³² *Ibid.*, p. 103.

³³ *Ibid.*, p. 112.

old friends who share the ideal of Kashmiriyat. Yet, ‘the word azadi[freedom]’ creates insurmountable differences between the two. Abdullah Noman supports freedom from both India and Pakistan as a solution to the continued presence of the Indian army and fundamentalist groups. He believes that freedom will allow them to preserve their Kashmiriyat.

Pyarelal thinks that ‘the word’ meant ‘something more like danger’.³⁴ He mentions the precolonial violence between Hindus and Muslims, but he expresses fear rather than articulating pain. He is ‘afraid that what is beginning now will make Sikandar’s time look peaceful by comparison’.³⁵ In the face of imminent danger, Pyarelal’s optimism gives way to pessimism.

Maybe Kashmiriyat was an illusion [...] Maybe tyranny, forced conversions, temple-smashing, iconoclasm, persecution and genocide were the norms and peaceful coexistence was an illusion.³⁶

The shift in Pyarelal’s view is significant because it overlooks historical pain, and it does not implicate the Indian army in allowing the persecution of Hindus to continue but confirms his fear of his neighbours. The incapacity to address pain is most clearly visible in Shalimar’s grief at Boonyi’s betrayal, which festers and turns into the desire for revenge. Boonyi’s symbolic death does not relieve Shalimar’s pain. The reading of Boonyi and Shalimar’s marriage as a metaphor for Hindu-Muslim unity shows that Shalimar’s desire for revenge on Boonyi is shaped by the legacy of historical violence. Boonyi’s betrayal can be read as a result of a pain she is unable to express. Her yearning remains undefined but her addiction to sedatives and excessive eating can be interpreted as the need to medicate her unnamed pain. Her betrayal leads to Shalimar’s grief. Both Noman and Pyarelal fail to prevent the murders of Max and

³⁴ Ibid., p. 250.

³⁵ Ibid., p. 294.

³⁶ Ibid., p. 239.

Boonyi even though they try to show Shalimar that revenge is not the answer. Revenge is delayed only because Shalimar is bound by an oath to wait until Noman and Pyarelal die. The failure of plurality is dramatised through this domestic drama. The repression of pain also enables the exaggeration of the degree of violence between Hindus and Muslims.

Appeals to diversity and tolerance as a mode of resistance are no longer sufficient to protect the people of Pachigam because the painful history of violence between the Hindus and Muslims has been repressed. ‘The love of Boonyi and Shalimar the clown had been defended by the whole of Pachigam, had been worth defending, as a symbol of the victory of the human over the inhuman, and the dreadful ending of that love’ symbolises this irreparable rift.³⁷ Rushdie opines that the destruction of a tolerant culture that was true of Kashmir became true of much of the world after the 9/11 attacks. Not only that, but the pillars of secularism, once destroyed, turned against secularism in its attack on Muslim peoples everywhere. Kashmiriyat in the novel was built on the idealisation of Hindu-Muslim unity that fails to reflect the reality of conflict and divisions between the two communities. In the context of India after partition – this idealised façade was a significant mode of resistance against the continuation of colonial divisive politics. In the novel, Pyarelal muses ‘Who tonight are the Hindus? Who are the Muslims?’.³⁸ This manner of building an inclusive community excludes pain from the political discourse and results in the festering of historical grievances. The destruction of Kashmiriyat reflects the inadequacy of the secular ideal Pyarelal upholds because the reality of historical grievances needs to be addressed rather than overlooked. The lack of dialogue in the novel results in the continuation of Hindu-Muslim violence in Kashmir, just like the next chapter will pick apart the avoidance of dialogue between Casa and Marcus, which contributed to violence

³⁷ Ibid., p. 238.

³⁸ Ibid., p. 71.

in the narrative. The old-fashioned notion that discussions about pain will do further violence does not appear to have prevented conflict in both of the novels.

The novel criticises the lack of Indian military intervention by emphasising the presence of ‘six hundred thousand Indian troops in Kashmir’ when ‘the pogrom of the pandits was not prevented’. The Indian military was passive in its efforts to stop this persecution just as it was active in singling out and persecuting Muslims. The novel raises the question ‘[w]hy was that[...]the government did not provide shelter or relief or even register their names, why was that’, interrogating the role of the Indian government’s decisions during this period.³⁹ This portrayal puts the responsibility of the pogrom on both the culprits and the Indian government. It demonstrates that the post-independence government was adopting violent measures to pitch the Hindus against the Muslims in order to establish control over Kashmir. Furthermore, the shift in Pyarelal’s attitude reveals that both the nature of divisions and unity (Kashmiriyat) within a community are imposed. Where divisions/differences exist, they need to be acknowledged without being demonised. Both imposing a homogenous unity, or a heterogeneous comingling are inadequate responses to difference. Pyarelal’s use of meat in food is seen as a betrayal of his religion by his cousin. In the novel, Pachigam is idealised as the only place whose character is different and outsiders such as Pyarelal’s cousin do not understand this utopian manner of existence. Moreover, Pyarelal wanted to create something new altogether – where cultures borrow from one another and transform each other. Although, this is not possible without dialogue about pain. Bulbul Fakh, the Islamic fundamentalist, reframes this pain to mobilise and transform it into anger. Characters like Pyarelal’s cousin, Bulbul Fakh and Gopinath are satirised by Rushdie, but all of them recognise something in the social fabric of Pachigam that Pyarelal, Noman and perhaps even Rushdie fail to see. The lingering, festering and troubling legacy of historical violence undermines their ability to

³⁹ Ibid., p. 296.

celebrate difference. This leads to the continuation of violence and conflict and the destruction of these competing ideologies in the novel is represented by the destruction of the bodies of different characters. In Pachigam, the pain of the people who are being attacked by unseen threats is utilised by radical forces in order to mobilise them to anger and terrorism. The process also involves excluding the Others' pain. Torture follows a similar dynamic and takes place in political conditions dramatised in the depiction of Pachigam, where the immediate threat posed by the prisoner, or the dissenting population is privileged over the pain being caused to them. Perversely, in such instances, causing pain to the prisoner/dissenting population is seen as necessary for survival. The following section will analyse the figure of the torturer and show how the novel is able to bring the wounded in representations of torture.

The Unreliable Torturer

In *Shalimar the Clown*, torture is included in three overtly political contexts in the novel – the militant invasion of Kashmir in 1989, India's army occupation of Kashmir and Max's parents' detention in the Nazi camps during the war. Torture in this novel occurs both inside and outside the interrogation room but away from the ticking bomb scenario. This break from the popular culture trope of the ticking bomb shows how torture is used as a weapon of war aimed at the destruction of peoples. The use of torture in the novel becomes clear in the part of the novel called 'Boonyi' set in the village of Pachigam in Kashmir. The section of the novel traces the 1947 invasion of Kashmir by Kaibili militants and the Indian army's effort to protect the people of Kashmir at the request of the then Maharaja of Kashmir. In this section, torture coupled with scarcity of information is used to intimidate the population.

A minor character, Sopor, is tortured by the invading Kaibili hordes. The narrator describes Sopor, the man crucified by the Kaibili militants, as the 'simple shepherd' who had misdirected 'the Kaibili horde'.

When they (the militants) found out that they had been deceived they retraced their steps, found him, crucified him in the dirt of the crossroads where he had misled them, let him scream for a while to beg God for the death that wouldn't come quickly enough for his needs, and when they were bored of his noise, hammered a final nail through his throat.

We see Sopor's tortured body through the eyes of 'the appalled villagers of Pachigam and Shirmal'.⁴⁰ Torture in this scene has a twofold purpose – to punish Sopor for his act of resistance and to intimidate the people of Kashmir. The torturers find Sopor's 'scream' boring after a while implying that perhaps they were entertained by it until that point.⁴¹ This complicates Scarry's analysis of the 'colossal' 'distance between' the torturer and the prisoner's 'physical realities'. She contends that

the prisoner is in overwhelming physical pain while the torturer is utterly without pain; he is free of any pain originating in his own body; he is also free of the pain originating in the agonized body so near him. He is so without any human recognition of or identification with the pain that he is not only able to bear its presence but able to bring it continually into the present, inflict it, sustain it, minute after minute, hour after hour.⁴²

Scarry's understanding of the torturer overlooks the degree of emotional investment and complicity the torturer might have in causing pain to the victim. For example, Sopor's torturers are entertained by his pain. Like Ishmael, Percival Everett's character-narrator in the previous chapter, Sopor's torturers relish causing him pain. The distance between 'their physical realities' is marked by the torturers' awareness of the pleasure derived from the victim's pain.

⁴⁰ *STC*, p. 85.

⁴¹ *Ibid.*, p. 86.

⁴² Scarry, p. 36.

They fail to find empathy or compassion despite their awareness of Sopor's pain. Instead, their feeling of boredom, that is, the end of their own pleasure succeeds in stopping the torture. The choice of focalisation silences Sopor's pain by highlighting how his body serves as the medium and the message of the competing power. He is punished for not giving legitimacy to the militants. Sopor's body is not only destroyed but also weaponised and mobilised in symbolic terms to signal the potential destruction of others.

In paying attention to the processes of destruction, the narrative unwittingly represents the torturer's pleasure at the expense of depicting Sopor in sympathetic terms, depriving him of agency, and reproducing the logic of violence it is attempting to critique by excluding discussions of pain. In this way, drawing attention to fear and intimidation – tools of power – can reveal the function of torture, yet silence the victims. The exercise of power is made possible by denying the reality of pain; thus representations need to uncover such pain when depicting torture. McIntyre's critique of Scarry's argument that 'those who inflict pain do so unawares' is visible in this instance because pleasure serves as a motivation for torture.⁴³ Making it necessary to frame the wounded body in a manner that is amenable to empathic rather than sadistic looking while also taking into account the potential of pleasure derived from the Others' pain in torture. In the novel, characters enjoy torturing prisoners and continue this gratification through reading and circulating documented reports about torture.

According to McIntyre sadism must be scrutinised because it involves pleasure derived from the power to compel obedience. This power is not always problematic but 'even its benign exercise typically entails difficulty or discomfort for those expected to obey'. He points out that the sadist seeks pleasure from 'only the masochist's somatic and affective response' as opposed to a masochist who derives pleasure from 'both the interplay of pain and pleasure and

⁴³ McIntyre, p. 381.

the sadist's somatic and affective responses to her pain and pleasure'.⁴⁴ The sadist's pleasure comes from their feeling of what McIntyre calls 'the power of requital, including requital through torture'.⁴⁵ The pleasure from this kind of power is visible in each act of revenge in the novel. The Kaibili horde mentioned above finds pleasure in the power to punish Sopor for a wrong. They were misdirected so they exacted their revenge. Similarly, this form of pleasure comes alive as Hammir, an Indian Army Officer, desires revenge after Boonyi spurns his advances and the satisfaction he feels from imagining the crackdown on the village of Pachigam. Rushdie in an interview with Lewis Gropp explains 'The phrase of "crackdown" that the Indian army uses really is a euphemism of mass destruction. And rape. And brutalisation. That happens all the time. It's still happening now'.⁴⁶ Thus, Hammir welcomes the government's order as an opportunity to torture with impunity.

The introduction of President's Rule provided security personnel with unrestricted powers. Their amended code of criminal procedure immunized all public servants, soldiers included, against prosecution for deeds performed in the line of duty. The definition of such deeds was broad and included destruction of private property, torture, rape and murder.⁴⁷

He is motivated to 'descend on Pachigam in force'. He had decided that 'Pachigam would suffer for Boonyi Kaul's insulting behaviour, for metaphorically slapping her better's face'. In Hammir's case, the crackdown on Pachigam is personally motivated and governmental license provides fertile grounds for him to act on his feelings. Similarly, in Chapter 4 Ishmael points to governmental license for enabling revenge through torture. Likewise, the government agents

⁴⁴ Ibid., p. 388.

⁴⁵ Ibid., p. 391.

⁴⁶ Lewis Gropp, 'Interview with Salman Rushdie: Kashmir, Paradise Lost', *Qantara.de*, 12 October 2009 <<https://en.qantara.de/content/interview-with-salman-rushdie-kashmir-paradise-lost>> [Accessed 27 July 2023]

⁴⁷ *STC*, p. 290.

in *The Wasted Vigil* use torture under the cover of secrecy. These novels use the victim-perpetrator subject position to portray the torturer, showing how their histories of violence determine whom they torture and why. The torturers' complicity in using state-sanctioned methods for seeking the Others' pain is acknowledged in such representations, challenging the heroic figure of the rational torturer that emerged in popular film and TV after the terror strikes. The revenge narrative justifies causing pain by outlining the magnitude of the wrong, which is satirised in the text. To give an example, Hammir's sense of victimhood stems from Boonyi's lack of romantic interest in him. His feelings of betrayal are petty and his vengeance disproportionate. Shalimar the Clown and Kashmira/India are also represented as victim-perpetrators. Like Ishmael, their sense of victimisation comes from the loss of a loved one. Shalimar loses his wife Boonyi to Max, Kashmira/India's father and Boonyi's illicit lover. Kashmira/India feels hurt because Shalimar assassinates her father. The desire for revenge in the novel stems from interpersonal and familial relations. Unlike, the early 9/11 novels, which were confined by the domestic setting, these novels use the broken home as a way of including the wider geo-political relationships. The shattered family unit serves as the reason to leave the enclosed setting and travel away from the domestic while simultaneously remaining preoccupied with the loss of the family and home.

In *Shalimar the Clown*, the home is broken both from within and outside. The Indian Army occupies Indian territory. Authorised by the President's rule which removed accountability from investigative processes and made due process unnecessary, Hammir goes into the homes of people to kidnap, interrogate and torture them. The ironic tone of the narrator points to the consequences of enforcing AFSPA, layering Hammir's eagerness 'to take his gloves off' with critique.⁴⁸ Hammir could not act on his feelings when 'retired Sikh cultural administrator and celebrated horticulturalist Sardar Harbans Singh' had been protecting

⁴⁸ Ibid., p. 289.

Pachigam. This changed ‘[a]fter the capture of Anees Noman, the son of the sarpanch of Pachigam’, and Hammir ‘signed the document of authorization and the cordon-and-search crackdown teams moved out on the double’.⁴⁹ The novel shows how the withdrawal of such measures leads officials to cast a wide net, destroying the homes of people. There is little to gain in the way of information or curtailing terrorism as mentioned in Part I of the thesis. In fact, the increasing Army presence and fundamentalism leads Shalimar’s brother Anees to join the Kashmir liberation front.

Hammir’s psychosis and failure of perception could be read as a personal failing responsible for the misuse of governmental powers, but the satirical tone implicates the government. After the 1965 war, Hammir’s perceptual distortions aggravated: ‘[w]hat was hearing? What was taste? [...]’. The Kabailis had left 14 years ago and Hammir completely disoriented asks: ‘Where was the enemy? Give him an enemy and let him fight. He needed war’.⁵⁰ His perceptual difficulties and the recognition that there was no enemy reveal that torture was meant to assert state power, critiquing the usefulness of ‘crackdown’. The logic for stopping ‘pussyfooting and namby-pambying and mollycoddling and pitter-pattering around’ is ridiculed as the narrator explains how the cadets call him Kachhwaha (turtle/tortoise), going against Hammir’s desire to be called the Hammer of Kashmir.⁵¹ This devalues his authority and his ambitions for Kashmir. His psychosis and personal motivations make him an unreliable torturer. This representation of the torturer counters the type of heroic, rational figure assumed by the ticking bomb hypotheticals. Hammir minimises the importance of protecting the rights of people by describing these procedures as overprotective, ineffectual and effeminate. His preference for torture reveals a disregard for a thorough investigation. He only offers his belief that humane methods do not work. Hammir’s perceptual difficulties imply that his sadistic

⁴⁹ Ibid., p. 307.

⁵⁰ Ibid., p. 101.

⁵¹ Ibid., p. 291.

impulses can be read as unusual, thereby undermining the critique of institutionalised torture. The choice of focalisation used for depicting abuse during the crackdown places Hammir's sadistic pleasure within an ethical framework, critiquing the government rather than the individual.

The visual medium may appear more competent than the narrative form for effectively making pain visible. Elizabeth Dauphinée argues that using images to make pain accessible involves dehumanisation and objectification of the victims of torture. She suggests that the medium 'flattens' the relationship between the onlooker and the person in the image. This is because the mode of the image only captures the 'disconnected bodies' of those in pain and appeals to our capacity of 'observation', limiting our ability to generate a response rooted in empathy. While Dauphinée argues for analysing the 'ethics' of circulating images depicting the reality of torture, this study shows how narratives can challenge the asymmetric power relationship between the onlooker and the person in the image. The asymmetry results from the fact that the onlooker has power over the meanings that can be attached to the image in a similar manner to the torturer who has absolute power over extracting information or a confession from the victim. The onlooker and the torturer have the ability to extract meanings whereas the tortured do not have the capacity to speak. This chapter agrees with Dauphinée in that there is 'no ethically pure way to' represent the wounded body, but literary representations offer an alternative medium because of their potential to unflatten this dynamic by adding the 'how, why and with what effects' to the narratives about such imagery and opens the possibility of resistance.⁵²

For instance, the form of the novel allows for the inclusion of motives, justifications, and texts such as reports. The narrator traces various historical circumstances leading to torture,

⁵² Ibid., p. 149.

creating a dialogue between the representations and the excesses of power within the narrative space. Hammir finds the reports of the crackdown on Pachigam ‘particularly satisfying’. He ‘closed his eyes and ate with relish the scenes he conjured up, drawing nourishment from the details’. Hammir is very much aware of his own pleasure when he is reading about torture in these reports. Despite this, the reader is not invited to join Hammir’s gaze, because he is satirised by the narrator for enjoying obscene acts of violence. Hammir’s pleasure in reading these documents is filtered through the narrator’s critique of them. Like Ishmael in Chapter 4, Hammir’s actions are not redeemable. Unlike *The Dark Knight* and *Inglourious Basterds*, the narrative excludes a heroic purpose or plausible motive for revenge that could help the reader sympathise with Hammir. Rather, Hammir enjoys the ‘automatic presumption of guilt’ as he ‘experienced a smooth, ovoid feeling of satisfaction, even vindication’.⁵³ The term vindication shows that Hammir feels assured that he knew ‘the essentially sneaky and subversive nature of the Kashmiri Muslim population’.⁵⁴ This presents a range of motivations that have little to do with information gathering, security concerns and terrorism and lays bare the sadistic motivation behind the desire to torture.

The victim is caught between screams that go unheard and silenced because they can only voice what Hammir already believes to be true. The presumption of guilt dictates what Hammir chooses to believe. This is similar to the treatment of prisoners in black sites post 9/11. As mentioned earlier, Gul Rahman and many other prisoners were similarly detained without due process. Like the CIA interrogators, Hammir is motivated to extract information at any cost. Gul Rahman’s circumstances and the extent of his mistreatment are not being compared here. The attitude of the CIA interrogators and Hammir is worth a comparison because it reveals a similar form of tunnel vision and circular logic. Hammir refuses to recognise pain

⁵³ Ibid., p. 291.

⁵⁴ Ibid.

even when the victim is ‘blinded in one eye’. This is treated as ‘an obvious lie, an attempt to blame the investigators for a previously existing condition’. The reality of the prisoner’s pain is denied by accusing him of moral failing. Even when the prisoner loses consciousness it is ‘to avoid questioning, so when he woke up they chastised him again’.⁵⁵ Here, the disconnect between the torturer and the victim is formed by how Hammir encounters the prisoner. His own positive feelings come from the knowledge that his prejudice has a basis in reality and this frees him from blame. Drawing on Ahmed’s analysis of ‘the bogus asylum seeker’ who ‘evokes the figure of the ‘bogey man’ that ‘does not have a fixed referent’, this chapter argues that cumulative hate justifies torture.⁵⁶ The affective dimension of the justification for torture is evident in Hammir’s reasoning.

The narrative, thus, challenges Hammir’s feelings of hatred by poking fun at the army’s systemic use of ‘crackdown’ by emphasising that ‘accidents could happen. And, in fact, the level of violence accidentally rose. There was talk of accidental shootings, accidental beatings, the accidental use of cattle prods, one or two accidental deaths’. Bulbul Fakh, an extremist, had chosen to stay in Shirmal so ‘everyone was suspect’. Interrogations ‘were not marked by the gentleness of the questioners’.⁵⁷ Thus, hate rather than driving out fundamentalism motivates the army to massacre a population it was charged with protecting. The narrative voice and focalisation layers Hammir’s gaze with irony, making his actions nonsensical and laughable, undercutting his power to add meanings, motivations and justifications for torture as well as discouraging the reader from sharing his point of view. This allows the reader to imagine the tortured prisoner’s pain, even though the prisoner remains silent. In so doing, the narrative

⁵⁵ Ibid., p. 292.

⁵⁶ Ahmed, p. 47.

⁵⁷ *STC*, p. 130.

makes available both the problematic realities of the pleasure of torture and the silenced pain of the tortured.

Hammir's crackdown is a reference to the abuse of Kashmiris under AFSPA. The act does not legalise torture as a method of interrogation, rather it withdraws human rights protections that prevent abuses of power by changing the legal status of a region to 'disturbed area'. In this region, the army has the power to 'arrest without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest'. Moreover, processes that hold personnel accountable for wrongful convictions, accidental shootings and any harm done during interrogation are also revoked. Thus, victims are silenced because they do not have access to the legal justice system if they are residents of a 'disturbed area'. Effectively, the army is given powers as if we are at war with our own population. In this way, the normal protections offered to citizens in a democracy are withdrawn and the population lives under threshold conditions. As a result, they do not have protections offered under the usual democratic workings of the country. Until 2016, Army officers had legal immunity for their actions because 'no prosecution, suit or other legal proceeding shall be instituted [...] against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act'.⁵⁸ This has previously given authorities the power to act under suspicion with no incentive to gather sufficient evidence for their actions. Proof of torture and abuse of powers for personal gain was released in the public domain through Wikileaks.⁵⁹ Jason Burke for *The Guardian* reported key findings:

⁵⁸ 'The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990: Act No. 21 of 1990', 10 September 1990

<https://www.mha.gov.in/sites/default/files/The%20Armed%20Forces%20%28Jammu%20and%20Kashmir%20%20Special%20Powers%20Act%2C%201990_0.pdf> [Accessed 27 July 2023]

⁵⁹ 'Wikileaks: India 'tortured' Kashmir prisoners', *BBC News*, 17 December 2010 <

<https://www.bbc.co.uk/news/world-south-asia-12014734>> [Accessed 26 November 2022]

[t]he most highly charged dispatch is likely to be an April 2005 cable from the US embassy in Delhi which reports that The International Committee of the Red Cross (ICRC) had become frustrated with the Indian government which, they said, had not acted to halt the "continued ill-treatment of detainees". The embassy reported the ICRC concluded that India "condones torture" and that the torture victims were civilians as militants were routinely killed." [...] "Numbers add up to more than 681, as many detainees were subjected to more than one form of IT [ill-treatment]," the cable said. [...] The abuse continued, they said, because "security forces need promotions," while for militants, "the insurgency has become a business".⁶⁰

This reflects Rejali's insight on how competitive brutality becomes a means of professional advancement. Here, the degree of violence committed becomes the measure of success, rather than the quality of information collected. Once again, demonstrating that removing legal protections leads to bad information. In July 2016, the Supreme Court of India made it possible to enquire into any deaths caused by armed officials under AFSPA. Nonetheless, the Act continues to be in force in Jammu and Kashmir.⁶¹ As explored by Agamben in his work *Homo Sacer*, a population is subjected to violence and camp conditions are achieved when they are excluded from the protections offered by the rule of law.⁶² The withdrawal of protections continues in India but it was corrected by the US by removing the exceptions to the application of the Torture Act that were introduced post 9/11.

⁶⁰ Jason Burke, 'WikiLeaks cables: India accused of systematic use of torture in Kashmir', *Guardian*, 16 December 2010 <<https://www.theguardian.com/world/2010/dec/16/wikileaks-cables-indian-torture-kashmir>> [Accessed 27 November 2022]

⁶¹ Krishnadas Rajagopal, 'SC ends impunity for armed forces', *Hindu*, 8 July 2016 <<https://www.thehindu.com/news/national/SC-ends-impunity-for-armed-forces/article14478391.ece>> [Accessed 27 November 2022]

⁶² Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press, 1998).

Shalimar the Clown shows how real investigative work was neglected in the absence of protective mechanisms and proof by tautology reigned. Gathering intelligence or corroborating information gained from interrogation became unnecessary, especially when genuine investigation methods were replaced with torture. The starting assumption that the prisoner is lying and once tortured will tell the truth does not work because it fails to address the criteria for knowing when the prisoner is telling the truth. The usual practice of interrogation requires the prisoner to talk as much as they can about a subject, and whatever they reveal is verified by conducting an investigation outside the interrogation room. When the victim is hurt, they are too afraid to speak. They are required to guess what the torturer already believes to be true and confirm this belief. This is visible during the crackdown on Kashmir in the novel.

Village Z came under crackdown and the headmaster of the school was picked up, a bastard by the name of A. He stood accused of being a militant. He dared to lie and deny it [...] to be assisted towards the truth. He was beaten, obviously. Then his beard was set on fire. Then electricity was offered to his eyes, his genitals and his tongue.⁶³

In this instance, the presumption of guilt drives torture. As Scarry points out, the torturer's question is pointless because the torturer assumes that the prisoner is lying. In the torture scene above, there is no mention of a metric for detecting lies or truth. The torturer either wants the prisoner to confirm their hypothesis or obtain new information. Either way, torture as a means of truth will result in bad information because the prisoner is likely to guess and give the answers that will stop the torture. If the torturer does not confirm the new information outside of the torture room, then there is no way to know if the new information is accurate. In many instances, such extreme treatment would not even leave the prisoner capable of coherent

⁶³ *STC*, p. 292.

speech. Torture, then, only results in a lot of unusable information if the prisoner is able to speak and makes it difficult for the interrogator to separate fact from fiction, or it results in an unconscious or incoherent prisoner. It is likely that the torturer would assume that the prisoner is withholding information when faced with bad intelligence or little to no information and resort to more torture. Scarry shows that torture is about domination and destroying the prisoners' sense of self. The fact that the prisoner is answering is significant for the torturer because it highlights the torturers' perception of control over the prisoner.⁶⁴ She further argues that the torturers' question is a mere artifice that justifies the use of violence and she refers to torture as the 'mime of power' because it is a way in which the state intimidates a population.⁶⁵ In the novel, the distorted reasoning carried out by Hammir who suffers from perceptual disturbances undercuts this 'mime of power' but the victim's pain is silenced completely. As Hammir imagines the torture described in the report, he takes control of the story and twists the events to fit his reasoning. The presumption of guilt dictates what Hammir wants to believe.

This is also observed in the abuses of power post 9/11. The details of the report about the rendition and detention of the German Citizen Khalid Al-Masri show how such reasoning works to destroy people. He was 'wrongfully' identified as 'an al-Qa'ida terrorist'. During the ensuing interrogation, it was

quickly concluded that he was not a terrorist. Most importantly, the purported connections to the al-Qa'ida operative in Sudan, which served as the underpinning for the rendition, were tenuous, circumstantial, and produced no further incriminating information. Nonetheless, the two Agency officers primarily involved in al-Masir's rendition justified their commitment to his

⁶⁴ Scarry, pp. 28-9.

⁶⁵ *Ibid.*, p. 45.

continued detention, despite the diminishing rationale, by insisting that they know he was “bad.”⁶⁶

The investigators justified the detention by ignoring information that contradicted their firmly held belief about the prisoner. In fact, contrary evidence was used to strengthen their confidence in their hypothesis. The report details that the agency took two months after this discovery to release Al-Masri and during this time he was neither informed about his status nor allowed to contact his family. In short, the officials wasted two months on an innocent person. There was ‘no evidence’ of ‘physical abuse’, however the lack of information and isolation resulted in a mental state characterised by depression, desperation and ‘thoughts of suicide’.⁶⁷ Furthermore, lower courts were able to dismiss an ACLU lawsuit for justice for Al-Masri’s wrongful detention dating 2005 on grounds of national security.⁶⁸ Rendition based on little to no evidence was not an isolated instance, and in many cases, resulted in abuse. The ACLU currently hosts a ‘Torture Database’ of over 100,000 documents released by the government about torture under the Detention, Rendition and Interrogation Programme.⁶⁹

The response to the terrorist threat after 9/11 and in Kashmir involved conflating an increase in the perception of national security with a decrease in civil rights protections. This formed the basis for introducing legal frameworks that led to sanctioning torture. In both cases, it enabled the abuse of populations because the perception of increased national security depends on mechanisms that necessitate the withdrawal of human rights protections. It was

⁶⁶ ‘Report of Investigation: The Rendition and Detention of German Citizen Khalid Al-Masri (ACLU-RDI 6513)’, *The Torture Database*, 14 August 2015, p. 8.

⁶⁷ *Ibid.*, p. 9.

⁶⁸ ‘Secret Documents Describe Graphic Abuse and Admit Mistakes’, *ACLU*, 14 June 2016 <<https://www.aclu.org/press-releases/cia-releases-dozens-torture-documents-response-aclu-lawsuit>> [Accessed 28 November 2022]

⁶⁹ *The Torture Database*

<https://www.thetorturedatabase.org/search/apachesolr_search?filters=tds_cck_field_doc_release_date%3A%5B2016-06-01T00%3A00%3A00Z%20TO%202016-07-01T00%3A00%3A00Z%5D&release_date_from=06%2F01%2F2016&release_date_to=06%2F30%2F2016&advsearch=1> [Accessed 28 November 2022]

brought about in the US by creating legal justifications for torture in secret and under the guise of national security just as it was brought about in Kashmir through the special powers given to the army. In both cases, this was argued as necessary for fighting terrorism, but it was not made clear how violating human rights results in increased national security. When instances of indefinite detention and torture are analysed, it becomes clear that human rights protections often result in better interrogation practices leading to improved quality of information, thus the conflict between human rights and national security is incorrectly exaggerated in favour of abandoning such protections.

If torture is not likely to lead to actionable information, then what purpose does it serve? The representation of torture in *Shalimar the Clown* sheds light on the political purpose of torture: to intimidate and demoralise the victim on whose silence the fiction of state power rests, whether it happens in Kashmir or Afghanistan; the reasoning holds. The objective is not to fight militancy or terrorism but to force the political legitimacy of one regime over another. Hammir symbolises the Indian state's actions and thus, this representation works to critique the state's use of torture allegorically. The ironic treatment of Hammir's psychosis as disoriented and mad offers a commentary on the state rather than depicting it as a personal failing shifting the weight of responsibility from the individual to the institution. This challenges the 'few bad apples' argument that formed the dominant response to the atrocities committed in Abu Ghraib. Narrative mediation interrupts the asymmetry of the power relationship between the state and its populace, the onlooker and the object, and the torturer and the tortured, critiquing the power relations that produced the violence. Furthermore, pain represented in this way is sharable without conveying its immediacy. It also 'unflattens' the complex power relationship described by Dauphinée and prevents direct access to pain, undermining the voyeuristic potential of looking.

In contrast to an image which freezes the moment of torture, the form of the literary novel allows for the presentation of moments leading up to the torture and the moments that follow. For instance, when Anees is tortured and murdered for fighting for Kashmir's independence, the narrative describes the grief that his mother experiences when she discovers the marks of torture on his dead body and is inconsolable when she spots his missing hand. The absent hand symbolises the creative aspect of life because Anees excelled at crafting wooden miniatures.⁷⁰ While Anees literally ceases to be human, his mother notices the missing limb, reminding the reader of his creative potential. Hinting at the lost possibility – that in different circumstances he could have continued whittling away.⁷¹ Scarry describes how the spectacle of wounding can obscure the person beneath it. This problem of making the pain visible without dehumanising the person is resolved here. The narrative represents the creative potential of life as absent. When the signs of life have disappeared from the body, the site of the wound and the humanity of the person are separated, limiting dehumanisation. The horror of the wound is presented through Anees's mother's grief. Thus, the narrative's attention to his mother's sense of loss calls upon a much more imaginable pain – that of the loss of a child, eliciting an empathic response from the reader. Anees's pain is not made immediate but signified through reference to other affects – Firdaus' horror and grief. This implies another horror, that of the normalisation of systemic violence. The two men who deliver Anees's body refuse to share in both Firdaus and Noman's grief. They lack the vocabulary to interpret their pain as pain and continue the cycle of injustice by killing them. Their horror and grief are replaced by their screams. The juxtaposition of the emotional states – apathy and grief/horror – mediated by the narrator conveys the ethical frame/gaze with which the reader is encouraged

⁷⁰ *STC*, p. 106.

⁷¹ *Ibid.*, p. 307.

to see this scene as an act of senseless violence, weakening any justifications for the torture and murder of Anees or his parents.

When Shalimar is in prison for the assassination of India/Kashmira's father, she writes letters to him. She is very much aware of Shalimar's pain and would 'gladly' cause it. Scarry argues that '[w]hatever pain achieves, it achieves in part through its unsharability, and it ensures this unsharability through its resistance to language'.⁷² She observes that this leads to a reliance on metaphors to communicate the experience of pain. These include names of weapons. Expressions of pain that include the wounded body communicate pain, whereas the same metaphors when shown in the process of wounding express the fiction of power. Pain and power are linked through this metaphor. Scarry's argument shows that the desire to injure uses the unstable metaphor of a weapon. This can be utilised to represent both absolute power and pain. Absolute power is achieved by separating 'the weapon' 'from the site of the pain' and the subjective experience of pain is depicted by 'retether[ing] it to its referent in the body'.⁷³

In the novel, India/Kashmira uses this unstable metaphor to describe her letters as 'spears' and 'poisoned arrows'. Shalimar describes his pain as 'jabbing hot shafts into his brain'.⁷⁴ India/Kashmira has had the 'occasional power of second sight'. Due to this extraordinary ability, she is able to torment Shalimar without being physically present in his prison cell. Her form of torture also leaves Shalimar's body intact as opposed to Anees's. Shalimar is imprisoned under usual laws, whereas Anees was arrested when AFSPA was in force. Those around Shalimar respond to his pain both because of the absence of physical wounds and the presence of laws that safeguard his rights. He is seen as a person in pain rather than an object by those around him. Thus, Shalimar's scream is heard, unlike Sopor's. While

⁷² Ibid., p. 4.

⁷³ Rachel Ablow, 'An Interview with Elaine Scarry', *Representations*, 146, (2019) pp. 112-134, (p. 118).

⁷⁴ *STC*, p. 374.

enclosed in the letter, India/Kashmira's reasons, justifications and voyeuristic gaze are concealed from those who watch Shalimar struggle. To these onlookers, his experience of pain is visible. So that, where the letters express the intent to injure, those who hear Shalimar 'often screaming' are compelled to ease his pain. He is medicated with 'a high dosage of the tranquillizer Zanax'. The narrator describes this as 'a highly disturbed condition'.⁷⁵ In this portrayal, the split between the desire to injure and the experience of pain enables Shalimar's scream to be heard, believed and responded to. India/Kashmira's voyeuristic impulse is mediated by magic realism. This narrative technique ties together both the voyeuristic desire to torture and Shalimar's pain, enabling empathy and compassion towards Shalimar because his personhood is not destroyed. In the narrative human rights do not protect Shalimar from Kashmira's vengeance, because of her powers. Yet, his portrayal in empathic terms is crucial because he is a victim-perpetrator. He has carried out missions for terrorist organisations. Still, the narrative is able to depict his pain with compassion, leaving the courts to judge his actions against Kashmira/India's father. Though, a functional justice system is not able to prevent Shalimar's escape from prison.

In the novel, narrative mediation, coupled with irony, ties the wounded object to a moral/ethical frame. India/Kashmira's desire for revenge is framed by the Chorus's ironic tone where 'the toothless old ladies' 'in their dark cassocks' swayed 'grinding her hips' and her landlady 'Olga Volga' resembles 'a giant peeled potato' when she declares that 'there was no justice but revenge'.⁷⁶ In this way, the desire for revenge is ridiculed in the novel. Furthermore, India/Kashmira has access to institutional means of justice where she confirms Shalimar's guilt. Thus, her desire for the 'Revenge League[...]who would [...]tear [Shalimar] to bloody bits, who would take his life from him slowly and with pain' is layered through irony and

⁷⁵ Ibid., pp. 374-5.

⁷⁶ Ibid., p. 327.

humour.⁷⁷ India/Kashmira wants to watch Shalimar in pain and desires a slow death that prolongs his experience of pain. This expresses sadistic pleasure in having absolute power over Shalimar just as Hammir wants absolute power over Boonyi and Pachigam. Moreover, the narrative critiques the desire for personal revenge while implying that institutional justice may be possible. For example, in the end, Shalimar is trapped in Kashmira's bedroom with police surrounding the building, indicating that he would either be killed by Kashmira or captured by the police.

Comparing India/Kashmira to Clytemnestra as she was 'grief maddened' shows that the cycle of violence is inherited. This foreshadows the ending – where India/Kashmira and Shalimar are locked in a cycle of violence with an arrow hanging in the air. The narrative constantly covers up India/Kashmira and Shalimar's grief and this unexpressed pain is transformed into the desire to kill at the end of the novel. The ironic tone limits the critique of the themes of justice and revenge by excluding the characters' painful personal histories as well as overlooking painful feelings resulting from historical and political injustices. It is unnecessary to make painful experiences immediate in any context, but it should not be completely erased. In this instance, although we know that the character's motive for revenge is driven by loss, the ironic tone does not allow for the expression of pain as pain. This cuts off an avenue where painful experiences can be expressed and resolved in dialogue and shows that unexpressed pain leads to violence. The ending of the novel is ambiguous, where India/Kashmira and Shalimar are locked in a cycle of violence with an arrow suspended between them. The narrative does not make it clear whether vengeance is successful or institutional forms of justice will prevail.

⁷⁷ *Ibid.*, p. 331.

Kashmira's view of Max, her father, transforms him from a resistance hero to 'part-terrorist'. He served in 'some hot zones' when he was 'a senior spook, in the Mideast, the Gulf, Central America, Africa and Afghanistan'.⁷⁸ This challenges Max's status in the novel as heroic. In so doing, the novel places the horrors of the holocaust next to the abuses of power in Kashmir and during the aftermath of the 9/11 strikes. The novel uses the revenge narrative and the domestic plot to weave together the abuses of power with the desire for vengeance. The cyclical nature of both historical violence and personal revenge is questioned and viewed as a form of injustice. The novel opens with Max's murder and closes with Shalimar and Kashmira with weapons drawn. This ending is problematic because the novel is able to question forms of retributive justice, but it is not able to fully imagine a condition in which institutional forms of justice prevail. Both Shalimar and Kashmira believe that they are justified in avenging their wrongs, even though, the narrator disagrees with them. The narrative is unable to imagine a form of justice independent of violence. Both revenge and torture are motivated by retributive forms of justice and in failing to explore a different possibility, the narrative implies the continuation of these violent forms of revenge. The temptation to correct wrongs with violent means leads to repetitions of cycles of injustice rather than justice. The imagined gratification and relief that Kashmira, Shalimar and Hammir experience traps them in a cycle of injustice, which is in motion at the end of the novel.

Narrative mediation in *Shalimar the Clown* has provided a strategy for representing those in pain and the desire to cause such pain by using the narrator to embody an ethical frame. The novelistic form can undermine the voyeurism involved in the desire for torture and revenge by refusing to support forms of violence. Hammir, Kashmira and Shalimar are acutely aware that they want to cause pain and enjoy it. By creating a dialogue between literary representations of torture and documented instances of real-world practice, the

⁷⁸ Ibid., p. 335.

chapter shows how Scarry's notion that the torturer would stop if they were aware of the prisoner's pain is inadequate in this context. Building on this, the next chapter exposes how and why a particular character's subject position determines whether their pain is visible to others in the story world. Like *Shalimar the Clown*, the real-world instances of torture demonstrate how human rights protections are withdrawn with the knowledge that the population is being made vulnerable to imminent violence.⁷⁹ Given that the interrogators were not only aware of the prisoner's pain but wanted to use the legal processes to commit human rights violations reflects the manner in which such protections should continue to be supported by the legal framework. As mentioned in Chapter 3, popular cultural discourses often show how terrorists like the Joker in *The Dark Knight* use human rights protections to delay/cause harm to the population at large. In contrast, the documented uses of national security for hiding gross violations of human rights and avoiding accountability rarely find a place in popular cultural narratives on terrorism and torture. Taking up the themes of historical pain, political violence and revenge, and providing a longer historical timeline for the 9/11 terror strikes, the following chapter will complicate the understanding of the terrorist as an irrational figure and the torturer as a heroic and rational being.

⁷⁹ Greenberg and Dratel, p. xvii.

Chapter 6: Political Violence, Torture and Pain

The Wasted Vigil (2008) is a poetic testimony to the historical, economic and cultural destruction of Afghanistan. The novel revolves around, Marcus, an Englishman who has lived in Afghanistan most of his life, Lara, a Russian woman who has come to Afghanistan looking for her brother a Soviet soldier who went missing during the US-Soviet conflict, David, an ex-CIA agent turned gem-miner and Casa, a jihadist. The paths of these characters intersect as each seeks refuge in Marcus's house. All of them have experienced loss due to the US-Soviet conflict, the civil war and the GWOT in Afghanistan. Nadeem Aslam uses the novel to explore the question '[c]an a superpower go into a country, play its geo-political game — as the US did in the 1980s when it supported the mujahidin — and then leave and expect there not to be consequences?'. He critiques 'the USA and Saudi Arabia' for 'funding the Afghan mujahidin' with 'billions of dollars' worth of weapons'.¹ Aslam stresses the significance of questioning this decision because it positions the decades-long instability in Afghanistan as the backdrop for the 9/11 terror attacks. He employs this strategy to challenge the notion that 9/11 was a rupture event, and thus, questions its unique status.

In an interview with Sunil Sethi, he describes the importance of understanding the complex histories that led to the terror strikes:

I wanted to write about Afghanistan because I thought Afghanistan had been forgotten. That sounds like a strange statement because Afghanistan is in the news everyday; how can it have been forgotten? But it is in the news everyday for what it is doing to the rest of the world [...] what the world did to Afghanistan over the past thirty years [...] [that] doesn't seem to be at the forefront of people's mind. For example, when 9/11 happened, the reaction

¹ Raza Naeem, 'Interview: Nadeem Aslam', *Newsline Magazine*, n.d.
<<https://newslinemagazine.com/magazine/interview-nadeem-aslam/>> [Accessed 15 April 2022]

in America was: Who are these people, why do they hate us? It was as though that moment was an aberration. [...] I wanted to write a novel which went back thirty years and explained how we have arrived at the current political and moral chaos that we see every time we pick up the newspaper.²

Aslam, in the above quote, brings up the ‘hate’ that was attributed to the terrorists by the West through the cultural and political discourse about the terror strikes. His novel answers the concern ‘[w]hy do they hate us?’ by complicating the attachment of ‘hate’ to the terrorists, Casa and Bihzad (Imposter).³ He situates the terror attacks within a wider history, interrupting this process of affective association used for justifying the GWOT as a rational response to the irrational, ignorant and inexplicable actions of the Islamic terrorists. The portrayal of the terrorist as a victim-perpetrator opens up the space for making new affective associations with the figure of the terrorist, the 9/11 terror strikes and the invasion of Afghanistan. The wider historical and political context will be examined in this chapter to delineate the relations of power at work before delving into the stakes of representing torture. This will aid the analysis of the relationship between Othering and the larger mechanisms of power in justifying torture.

The novel challenges the attribution of hatred to the Other by tracing the lives of characters who have been torn apart from their families and livelihoods because of the political instability caused by the various conflicts in Afghanistan. The chapter analyses how the novel represents pain, memory and violence in its representations of torture and the figure of the terrorist. This accentuates the significance of paying attention to pain in discourses where it is not the subject. In the novel, Marcus is separated from his daughter Zameen and she, in turn, is separated from David and her son Bihzad due to armed conflict. Exploring the

² Sunil Sethi, ‘A Conversation with Nadeem Aslam’, *India International Centre Quarterly*, 35:3/4 (2009), pp. 348-361 (p. 350).

³ Bihzad (Imposter) refers to the character Bihzad who shares the same name as Marcus’s lost grandson and is using this to deceive David and Marcus into believing that he is Marcus’s lost grandson.

profound sense of loss experienced by these characters draws attention to the impact of the loss of common forms of knowledge, including cultural and familial history in shaping the relations of power in the novel, symbolised by his separation from both Zameen and Marcus. The characters find each other in the hopes of discovering what happened to their lost loved ones. Loss, thus, becomes the glue that can hold people together like Lara and Marcus. They can only be connected to their loved ones by remembering them just as Afghanistan's history is consistently revived in the narrative through recall because wars have affected other forms of recording and circulating historical and cultural events and meanings. In this way, the novel works against the neo-imperial erasure of history by employing a narrator who uses affective language to yoke the past with the present. In the narrative, Casa's encounter with different accounts of Afghanistan's past or Islam does not undo the impact of erasure in shaping his belief system. Casa's indoctrination leads him to reject new knowledge, strengthening his faith in martyrdom. In his paranoid world, it is only possible to forge a meaningful connection with God in the afterlife. This sheds light on both the significance of giving voice to silenced histories and the difficulty of creating a dialogue with someone who is deeply indoctrinated. In the novel, Casa is unable to learn, and his indoctrination is not only built on historical and cultural erasures but also ensures that he avoids challenging his belief system. The novel proposes knowledge as a solution to Casa's resolution to be a suicide bomber. Characters like Marcus and Dunia believe that Casa's opinions are ignorant. This representational strategy constructs a false opposition between knowledge and violence/passion. The opposition obscures the paradoxical goal of challenging beliefs without alienating the Other. This will be discussed later in the chapter.

The critical scholarship on the novel has ranged from addressing how it frames personal and collective trauma to challenging the Western conceptions of extremism by

analysing the character, Casa.⁴ There is no ambiguity about Casa's identity in the current critical scholarship on the novel. Arguing that Casa, the terrorist, might be Marcus's lost grandson, the present discussion will extend this field of scholarship. The ruptured relationship between Casa and Marcus will be read as an allegory for the historical/cultural rupture between Afghanistan's past and present. Reading Casa as the lost Bihzad will reveal how cultural erasures benefit both the American neo-imperialistic ambitions and Islamic fundamentalism. Marcus and Casa's inability to find/recognise Bihzad will also be analysed as a critique of the methods of gathering intelligence as well as challenging David and Marcus's charitable impulses. Analysing the extent to which this reading makes Casa's life grievable will shed light on the relationship between the desire to punish and the subject position of the person in question. The novel imagines the terrorist as a product of wider geopolitical relations creating an understanding of the motivations of the individual actors. This does not lead to complete sympathy for the characters who occupy the victim-perpetrator position in the narrative. Showing how grievability is tied to the affective experience of justice/injustice will critique the relations of power at work in shaping the mechanisms of justice available to Casa/Bihzad.

The novel represents terror groups and depicts two instances of suicide bombing along with scenes of torture. The narrative reveals how prolonged conflict has made violence

⁴ For more see Naeem Inayatullah, 'Pulling threads: Intimate systematicity in "The Politics of Exile"', *Security Dialogue*, 44:4 (August 2013), pp. 331-345; Amir Khadem, 'Cultural Trauma as a Social Construct: 9/11 Fiction and the Epistemology of Communal Pain', *Intertexts*, 18:2 (2014), pp. 181-197; Alla Ivanchikova, 'Imagining Afghanistan in Deep Time: Nadeem Aslam and the Aesthetics of the Geologic Turn', *MFS Modern Fiction Studies*, 63:2 (2017), pp. 288-311; Mrinalini Chakravorty, 'A Vigil Wasted? Notes on the Ruin Sublime', *Contemporary Literature*, 60:3 (2019), pp. 370-401; Alex Houen, 'Reckoning Sacrifice in "War on Terror" Literature', *American Literary History*, 28:3 (2016), pp. 574-595; Eóin Flannery, 'Internationalizing 9/11: Home and Redemption in Nadeem Aslam's The Wasted Vigil and Colum McCann's Let the Great World Spin.', *The Journal of the English Association*, 62:238 (2013), pp. 294-315; Oona Frawley, 'Global Civil War and Post-9/11 Discourse in The Wasted Vigil', *Textual Practice*, 27:3 (2013), pp. 439-57.

a common feature of economic activities. For example, tape recordings of the torture of Soviet soldiers are bought and sold as entertainment in the local bazaar. The novel juxtaposes Lara's affective experience of grief due to the loss of her brother Benedikt during the US-Soviet conflict with the affects that result from entertainment to reveal the horror of torture. The narrative situates these instances of violence as a product of the US-Soviet conflict and the civil war in Afghanistan, providing a somewhat sympathetic portrait of the victim-perpetrators. Critics like Samuel Thomas and Nouri Gana are concerned with texts ranging from *Terrorist* (John Updike, 2006) to films like *Paradise Now* (2005) and examine their representation of the figure of the suicide bomber. They discuss the ethical implications of portraying the suicide bomber in sympathetic terms because such depictions can rationalise the use of violence against populations. In so doing, such portrayals run the risk of reinforcing the logic of oppressors. They have not discussed the ethical implications of representing suicide bombers in *The Wasted Vigil*. Peter C Herman has examined *Terrorist* and noted that *The Wasted Vigil* is one of the few post 9/11 works of fiction that represents the 'justifications for terror in ways that invite, if not sympathy, then understanding'.⁵ The thesis builds on this framework where an empathic reading of the Other, when understood in terms of the effects of geo-political relations, becomes a way of both examining the pain of the Other and placing them within the broader relationships of power. Reflecting on the permeability of the national borders of the modern state, it presents a counter to the understanding of the terrorist as an external threat that attacks the oppressive regime from the outside. The novel shows how the terrorist is very much a by-product of the dominant power structures. The task of recognising the Others' pain is concerned with restoring legitimacy to the concerns of the terrorist or the Other rather than redeeming their violence. The narrative similarly humanises David who resorts to torture, but positions him within the larger

⁵ Peter C Herman, 'Terrorism and the Critique of American Culture', *Modern Philology*, 112:4 (2015), pp. 691-712 (p. 693).

apparatus of power. In so doing, the novel offers a critique of both the individual and the state while showing how or why these characters are compelled to make/resist problematic choices. The characters within the novel are also engaged in reading one another. The narrative shows that seeing the humanity of the Other and the capacity for violence towards the Other is intimately connected with and dependent on the relationship between representation and reading. The novel outlines how dehumanisation enables violence, nevertheless, humanisation does not simply result in stopping the violence. The task of repairing the ways in which we relate to Others is complex.

Drawing on Ahmed for reading Casa as the lost Bihzad reveals that we recognise someone's pain when a 'likeness' between ourselves and those in pain has been established. Ahmed assesses excerpts from Aryan Nation and Christian Aid to show how communities arrange themselves as groups of people aligned against Others by establishing a 'likeness' based on identifying a similarity in appearance and/or proximity. She further argues that in such communities a bond of love depends on conflating idealised values with certain characteristics of people. These values are not inherent to the idealised group, rather we attribute these values to them by circulating patterns of affective associations repeatedly. Loving others becomes a way of creating and perpetuating idealised values. This generates positive affects and becomes a method of loving our idealised future self that we hope to create when life is lived in accordance with these values. Such an act is based on excluding those whom we perceive as lacking in these idealised values. She uses the example of the terrorist and the bogus refugee to expose the role of hate in strengthening the love for the nation. Associating affects with values in such a manner is visible in Bush's post 9/11 speeches mentioned in Chapter 2. The speeches use language to attach love to freedom and democracy, claiming them as American ideals. In contrast, hatred, tyranny and irrationality are associated with al Qaeda and Osama bin Laden. Building on this, the following chapter

will evaluate how reading Casa as Bihzad shifts this hateful encounter between the West and the Islamic terrorist by complicating questions about Casa's lineage. Showing how and why Marcus does not consider the possibility that Casa can be his lost grandson, Bihzad, reveals the power relations at work in the text. This reading has implications for Ahmed's argument regarding the power relations that guide seemingly loving and inclusive acts of charity. Affective associations that reinforce divisions can seep into apparently 'liberal' attempts at charity that work in similar ways to the far-right politics of exclusion. To illustrate, David and Marcus are driven by a desire for inclusivity and charity, yet they fail to provide meaningful aid to Casa. They, unwittingly, dehumanise Casa even though they are attempting to attend to his wounds and are keenly aware of the need to humanise and understand the Other. In so doing, the complex ways in which dehumanisation works to exclude Others in liberal discourses of politics will become visible.

The narrative deliberately draws attention to the wounded, and it is necessary to ask whether this mediation is open to empathic readings. In the novel, the symbolic expression of pain through wounded objects such as pierced books and hacked-down trees makes the felt experience of pain sharable. Exploring how such symbolism imagines new ways of humanising rather than obscuring the personhood of the wounded will open up ways of resisting the voyeuristic impulses present in any act of framing the injured. The experience of pain felt by the characters involves assuming the agency to communicate. These characters, rather than articulating how they were acted upon, enact the experience of pain that drives their awareness of being wounded. The symbolism reflects the immeasurable pain they experience rather than being quantified, absorbed and repurposed by 'the language of power'. Such expression still does not guarantee that this pain will be heard such that it becomes possible to alleviate it. The person in pain or those speaking on behalf cannot simply rely on expressing pain imaginatively so that others come to believe that it is necessary to stop it.

Drawing together Scarry's analysis of pain and Ahmed's arguments regarding affective associations, this chapter will show that we need to read for pain in discourses of violence. It is necessary to outline the role of representation and interpretation in shaping our understanding of pain because we do not always encounter pain as pain. Pain can be encoded as power, self-righteousness and justice. Still, through a commitment to reading for pain where it may not be visible or where it may be absent, we can aim to alleviate it or prevent it. The asymmetric power relationship between the person in pain and the addressee needs to be interrupted such that some of the weight of the responsibility for relaying information is shifted from the communicator to the addressee. The relationship between dehumanisation, grievability, pain and justifications for torture will be made clear by evaluating how the former CIA agent David and the secret agent James evaluate the pain of their respective Others. Analysing how and why they were compelled to justify their decision to torture and/or resort to violence will shed light on the range of motivations for torture and question the premises on which such justifications rest.

Casa's choice to become a suicide bomber is shown to be the result of the West's decision to disregard Pakistan's preference for training Islamic fundamentalists against the Soviet Union. It led to the destruction of competing ideologies changing the dominant cultural practices in Afghanistan. His disconnection from his family of origin marks the gaps in his memory about his lineage and symbolises the larger cultural and historical erasures, making him vulnerable to extremist ideologies. Reading such gaps in Casa's memory allegorically will show how erasures in cultural memory justify the GWOT on both sides – the militants and the support for the war in the US. This reading of the novel shows how the narrative structure enables a deeper understanding of the effects of the colonial and neo-colonial interventions to offer new ways of seeing the scale of Afghanistan's loss due to

decades of continuing conflict – where the cultural discontinuity experienced by Afghanistan’s people becomes the rupture event rather than the 9/11 terror strikes.

In drawing parallels between Casa (the terrorist) and the CIA agents/contractors, this chapter shows similarities in the line of thinking between the terrorists and the security officials, blurring the distinction between secular and religious forms of violence. Freeing this pattern of thought from specific ideologies shows the structural similarities between the two, revealing that the terrorist and the security official are the effects of similar mechanisms of power. It also works to demystify the subjectivity of the terrorist and the torturer as unimaginable, unspeakable or beyond the limits of narration. This is not to say that some aspects of the experience of being a terrorist or a torturer will remain beyond narration.

Is Casa the lost Bihzad?

In the novel, Casa does not remember his name or how he found himself in the various orphanages and refugee camps, but he has a single memory of his mother. David’s memory of the first time he met Zameen and Casa’s memory of his mother bear striking similarities and can be read as the same event experienced by both David and a young Casa. This instance is recounted twice in the narrative, from both David’s and Casa’s perspectives. Casa describes his mother when he is persuading Bihzad (a character who has the same name as Marcus’s lost grandson) to park a truck carrying a bomb in front of the school funded by David.

When I was a child I had knocked over a basket of silk embroidery threads, probably belonging to my mother. That’s the only thing I remember of her. The threads suddenly unspooled along the floor in many vibrant lines and then went out of the open door and down a staircase.’ He fell silent and then said through a sigh, ‘Yes, that’s the only thing I remember.’⁶

⁶ *TWV*, p. 68.

Later in the narrative, David recalls how he met Zameen for the first time

In Peshawar a ruby had suddenly materialized at his feet one day at dusk. He leaned closer because of the lack of light and saw that it was a sphere of embroidery silk. There were others around him. Emeralds. Sapphires. Opals. They had leapt out of the door at the top of a staircase a few yards from him, unravelling as they came in a waterfall and then a river of loveliness. A young woman stood there holding the other end of the red filament that was in his hand, and for a few seconds they had remained linked by it, looking at each other. Pure distilled life, a beautiful child behind her was stretching his body in a high-armed yawn, his shirt rising up to reveal his navel.⁷

David describes his memory of encountering the colours of the embroidery in detail, whereas Casa only remembers this incident in broad brushstrokes, a child's memory. Casa recalls the vibrancy of the colours but guesses that the embroidery silk might have belonged to his mother. In contrast, David's work with gemstones colours his expectations and he sees vibrant jewels before realising that they are embroidery silk threads. The descriptive labels attached to the silk threads vary in these two instances, but both of them recall a woman, embroidery silk threads and how they fell from a basket down a staircase. Casa does not remember David, but David remembers a young boy and a woman. He identifies this child as Bihzad and the woman as Zameen. The similarities in the memory recounted by both David and Casa strongly indicate that the young Bihzad became Casa. In the novel, memory becomes the parchment on which the long historical and cultural records survive, where war has affected the dominant aspects of religion and culture that are in circulation. If the person carrying the memory 'vanishes without passing it on' like Zameen then 'it's like the wing of

⁷ Ibid., p. 78.

a library burning down'.⁸ In the novel, Casa represents Afghanistan's present and Zameen, his mother, symbolises its past. Casa's unfamiliarity with his own lineage is in the form of a rupture from the long history of Afghanistan revealing that in the absence of anyone to remember the cultural legacy of Afghanistan will be lost forever.

Casa's recollection shows that his childhood memory is marked by absences – lack of a connection to his mother, implying the absence of inherited knowledge of self, culture and history. In the novel, multiple meanings/interpretations are passed down in the form of familial heritage. Thus, it is dependent on the survival of the familial unit. Breaking down the domestic space in the narrative allows the novel to use the domestic plot to expose the impact of wider geo-political relations on the lives of individual characters. Zameen sees the world through the knowledge passed down to her by Marcus and Qatrina. This is also true for Dunia, who lives in Marcus's village Usha and is the village doctor's daughter. The absence of inheritance and shared common knowledge makes Casa vulnerable to radicalisation because he remembers his time in the Jihadi camps and has almost no memory of Zameen. Hence, the thread of knowledge between Bihzad/Casa and Zameen has been overwritten by the 'blue, green, red and yellow wires' that now surround Casa/Bihzad and this link explodes in ending both Casa/Bihzad and David's life when Casa/Bihzad chooses to carry out the suicide attack. Aslam uses the domestic plot, which is a common feature of what is usually considered as the post 9/11 novel, in a strikingly different manner. The novel allegorically explores how cultural erasure manifests through familial separation as in the case of Marcus's lost grandson and how it shapes Casa/Bihzad's decision to go through with the suicide bombing. The figure of Casa/Bihzad represents a complex palimpsest space of sorts, symbolising the silenced lost alternatives within culture obliterated due to the continuous destruction of the country. The unspeakability of this loss lies in the fact that it cannot be

⁸ Ibid., p. 228.

retrieved because it is lost even to memory. The narrative juxtaposes Casa/Bihzad's absence of a shared cultural memory by imbuing the wounded landscape of Afghanistan with the histories and memories of empires, religions and art. In this way, we begin to see Afghanistan as a place with a rich heritage. Alla Ivanchikova argues that Aslam's depiction of Afghanistan challenges representations of the place 'as a landscape of extinction'. She observes how Aslam's aesthetic form uses 'geological and archaeological details' constantly excavating Afghanistan's past and making it present.⁹ Representing Afghanistan in this manner makes the act of remembering necessary for the continued survival of its historical past. This contrasts what has been lost in the past with what is absent in the present, making the always already destroyed image of Afghanistan meaningful but also foreshadows the possibility of its permanent death in the realm of cultural memory. Casa/Bihzad represents a generation of Afghanistan's youth separated from their family at a young age, making them susceptible to indoctrination and exploitation.

Given this atmosphere of conflict and familial separation, when Casa/Bihzad is found injured in the perfume factory why do Marcus and David fail to even pose the question – is Casa the lost Bihzad? Both Marcus and David, having never experienced the loss of their entire families at a young age, are unable to estimate what a child lost at four years old would be able to remember. They both assume that they will be able to find Casa/Bihzad if they ask for information about anyone named Bihzad. The strategy is based on a false premise – that Bihzad would have remembered and kept his name. As pointed out earlier, the only memory Casa/Bihzad has is that of the threads falling out of his mother's basket. Marcus and David's faulty assumption leads them to exclude anyone not named Bihzad from their search. The search for Bihzad is futile because the assumption that Bihzad would have remembered his name is wrong. This is analogous to intelligence-gathering methods because the

⁹ Ivanchikova, pp. 292-3.

premises/assumptions for framing the investigation need to be robust. It becomes more clearly visible when the novel shows how Casa/Bihzad concludes that suicide bombing is the path to God, the former FBI agent David reconsiders the repercussions of his past decision to use torture and the FBI agent/contractor James justifies torture during American presence in Afghanistan post 9/11. The assumptions that fail to question Casa's identity and occupation will be discussed before delving into the pattern of thinking that leads to violence in the novel. The name Bihzad works as the primary clue about the lost grandson. Part of the problem with finding Bihzad is that Marcus and David do not know whom to expect when they look for people who use the name Bihzad. The name fails to create expectations regarding who Bihzad is; he could be anyone, yet they do not expect him to be a terrorist. Being able to construct this set of expectations is important because the paradigm of the search acts as a filter for capturing Bihzad.

In the novel, trust and suspicion are dependent on the complex interaction between methods of questioning and community membership of the character. Characters form communities based on sharing common forms of knowledge which creates 'likeness' through which members of a community forge a relationship of belonging. This is apparent in the formation of a shared community between Marcus, David, Lara, Zameen, Qatrina and Dunia, and another type of community between Casa, Nabi Khan and his supporters. Ahmed argues that the positive alignment within a particular community can be forged by attributing negative affects like hatred to Others. She points out that far right groups transform their hatred of the Other into an alignment with 'the imagined subject' who can rally under 'the love of white' which 'supposedly explains this shared "communal" visceral response of hate'.¹⁰ This form of alignment is clearly visible in Ahmed's analysis of the far-right, however this is not as evident in the ways in which Marcus and David have formed a

¹⁰ Sara Ahmed, p. 43.

community based on the love of knowledge. It becomes visible when the name Bihzad and the burn scar become the ‘likeness’ through which David and Marcus hope to find the lost grandson. The relationship of ‘likeness’ masks the absence of knowledge regarding Casa, just like forming a community under whiteness masks the absence of knowledge regarding the Other.

Casa no longer bares the ‘likeness’ through which he would have been recognisable as Marcus’s grandson. To give an instance, when Casa, Marcus and David are having tea, the narrator conveys that Casa felt touched by their kindness so he tells David that he should ‘be careful about flying. [...] In case the Jews repeat the attacks of 11 September 2001’. The novel is ambiguous about this particular belief held by Casa because he has links with al Qaeda, and he appears to be ignorant about the 9/11 terror strikes. To this, Marcus, ‘somewhat animated, abruptly voluble’ declares ‘Look at the three of us here. Like a William Blake prophecy! America, Europe and Asia’.¹¹ There is much scholarship on William Blake’s poetry and illustrations. Critics often disagree about the ways in which his works are preoccupied with revolutions and what these reveal about concepts like freedom from oppression, the slave trade and so on. Only two of his works are entitled ‘Prophecy’, that is, *America: A Prophecy* and *Europe: A Prophecy*. The former poem is concerned with the American Revolution and the latter is about England’s attempts at resisting the influence of the French Revolution. Given the common theme of freedom from oppression, Marcus’s addition of Asia to America and Europe appears hollow. Blake’s works express the need of all humans to be free from oppression and servitude, whereas Marcus’s reference to Blake masks his discomfort at Casa’s belief. Later in the novel, when Casa accuses Marcus of being a bad Muslim for keeping a giant head of Buddha in the perfume factory, the narrator

¹¹ *TWV*, p. 216.

explains that Marcus and David did not know ‘how to react to Casa’s words’.¹² Marcus’s attempt at an idealised plurality is clearly born out of discomfort regarding the ‘unlikeness’ between his historical knowledge and Casa’s ignorance which provokes this alignment. His refusal to dialogue with Casa in both instances confirms his ‘unlikeness’ to Marcus and David. Ahmed argues that

[...]through forms of identification that align this subject with this other, that the character of the loved is produced as ‘likeness’ in the first place. Thinking of identification as a form of alignment (to bring into line with ourselves—the subject as bringing into line’) also shows us how identifications involve dis-identification or an active ‘giving up’ of other possible identifications [...] Such a ‘giving up’ may also produce the character of the hated as ‘unlikeness’ [...] The effects of the circulation of objects of hate are hence retrospectively evoked as the origin of hate (‘I hate them *because* they are unlike us’).¹³

This form of alignment in terms of the feelings of hate is evident in the novel when Casa and James encounter their respective Others. Whereas, in Marcus’s encounter with Casa, this can be identified as discomfort expressed as a celebration of difference and a coming together of different continents. By refusing to challenge Casa, Marcus and David enable Casa’s ignorance. The transformation of a negative affect into a positive one masks the distinction between the well-intentioned desire to include Casa and the truth of his exclusion. In refusing dialogue, Marcus ‘align(s) this subject with this other’ and this solidifies in the separation signified by the three continents.¹⁴ The coming together enforced by Marcus is based on a type of faux inclusivity that continues to use the method of identification of like with like in

¹² *TWW*, p. 229.

¹³ Ahmed, p. 52.

¹⁴ *Ibid.*, p. 52.

terms of types of knowledge rather than skin colour or religious similarities. When Casa is read as Marcus's lost grandson, he can be viewed as the coming together of the three continents. He is the son of Zameen and Benedikt and the grandson of Marcus and Qatrina. He is a descendant of Europe, Russia and Afghanistan. Ultimately, then, in refusing to entertain the possibility that Casa could be Bihzad, Marcus reinforces the notion that 'the character of the loved is produced as likeness'. Reading Bihzad as Casa disrupts the alignment proposed by Marcus. Thus, revealing that inclusivity, as practised by Marcus, constructs differences where they may not be present. The method leads Marcus and David to ignore the distinction between socially constructed differences and genetic differences. The far-right groups similarly conflate the two. The novel in blurring this distinction uses dramatic irony to reveal the constructed nature of difference, expressed as relations of likeness, built on the exclusion of the Other. In this way, the constructed nature of inclusivity, based on similarities, can be imposed upon vastly different cultures. In this case, Casa is being excluded at the level of dialogue in this scene, and more generally, in the narrative, he does not have access to systems of justice because he occupies a suspect position, whether from the perspective of the American government agents in Afghanistan or from that of Nabi Khan. For instance, James, the secret agent/ contractor questions Casa's occupation and other members of Nabi Khan's group have reason to distrust Casa because they saw him take money from an American, David. The paranoia dramatises the world of counterintelligence constituted by double agents and secrecy in the novel. Marcus and David entertain concerns about Casa's beliefs but are unable to recognise the ill will behind them. It represents the two ends of colonial thinking regarding the Other, one marked by extreme suspicion and exclusion, whereas the other is characterised by the guise of inclusivity expressed as a reluctance to question certain beliefs and practices.

The asymmetric power relations become visible when Casa enters the charitable relationship with David and Marcus, where he becomes the receiver of charity, and they are the givers. The failure to establish a relationship of ‘likeness’ with Casa helps both Marcus and David in achieving their ideals of inclusivity and charity while continuing to exclude Casa at the level of dialogue. Choosing to overlook Casa’s beliefs results in further denying him access to knowledge. According to Ahmed, ‘charitable discourse of compassion more broadly shows us that stories of pain involve complex relations of power’.¹⁵ She analyses a letter written by Christian Aid to show how language has been used to describe the pain of a distant Other in order to ensure that the reader of the letter feels good about their participation in the act of charity. This encodes a relationship of power between the reader and the writer of the letter and the person in pain being described by the letter. It is important to note that the role of those who read the person in pain becomes significant when addressing the pain of the marginalised as they are likely to enter discourse through those who read/represent them. According to Ahmed, this kind of discourse can generate sadness ‘about their suffering’, but, this ‘ensures that they remain the object of’ the feelings of the reader.¹⁶ In the novel, Marcus and David represent the liberal, inclusive characters who welcome the Other in their house, yet when Marcus and David read Casa’s pain, it stems from how they feel about themselves rather than Casa. The deep-rooted nature of their hesitance towards Casa’s ‘unlikeness’ becomes clear in instances where Casa’s prejudicial knowledge conflicts with Marcus and David’s knowledge of the world. This throws Casa’s as well as Marcus and David’s values into question. Marcus wishes to express sensitivity and tolerance towards Casa but practices this by refusing to challenge his views. David hopes to change Casa’s mind when he is in the middle of carrying out a martyrdom attack and Dunia openly expresses disdain for the Taliban in front of Casa. None of these modes work to persuade Casa, revealing the

¹⁵ Ibid., p. 22.

¹⁶ Ibid., p. 21.

complexity of the task of deradicalisation and showing that if dialogue is to become a means of persuasion, then it needs to be informed by the experiences of those radicalised. When Casa questions Marcus regarding the Buddha's head in the perfume factory claiming, 'that only a bad Muslim would remain unconcerned by this thing', Marcus chooses to end this conversation by asking Casa to not 'say such things'. The refusal to challenge Casa masks the anxiety regarding Casa's ignorance and takes the form of the speculative question '[w]ho knows how the boy ended up with these opinions?'.¹⁷ The query remains unanswered; David does not inquire about Casa's past, and they simply become more careful with him. Understanding sensitivity in this way is not new for Marcus who recounts that Qatrina 'would have gently but firmly challenged' such beliefs and attitudes rather than accommodating problematic convictions.¹⁸ The discomfort that accompanies the attempts to include Casa reveals the truth of his exclusion.

When Casa thinks that Marcus is 'disrespecting the Holy Book' by continuing to keep the idol in the perfume factory, Marcus defends his actions by arguing that 'Muhammad had personally saved portraits of Jesus, Mary and Abraham' as well as by providing more information about '[t]he Koran itself' which 'says that the race of djinns belonging to Solomon had decorated his cave with statues'. When this results in a 'pained' expression on Casa's face, Marcus decides to 'say nothing more on the subject'.¹⁹ The difficulty in ethically responding to the Others' pain is evident when Marcus stops in response to Casa's pain, rather than finding a way to create a dialogue with him. When Casa finds out that Marcus's hand was cut off by the Taliban as a punishment for theft, he simply hopes that '[m]ay Allah keep us all on the correct path'.²⁰ Both David and Marcus refuse to challenge Casa's beliefs showing that they are moved by Casa's physical wounds, but they are not comfortable

¹⁷ *TWV*, p. 230.

¹⁸ *Ibid.*, p. 229.

¹⁹ *Ibid.*, p. 220.

²⁰ *Ibid.*, p. 231.

creating a dialogue with him. This exclusion reinforces a relationship of power between the West (Marcus and David) and the East (Casa). Hence, Marcus and David respond to Casa's pain but through bonds of charity that divide them into the West and the East in a benevolent hierarchy, thus they fail to listen, be curious about him and establish a dialogue. Highlighting Casa's lineage questions this division and, at the same time, reveals the power relations involved in acts of charity. If Marcus and David had treated him as their equal, then they would have tried to challenge his views. To illustrate, Marcus critiques Lara's views with respect to money and Lara questions David's faith in the myth of America. The power relations involved in the act of charity between Casa and Marcus/David excludes the subject from the discourse of knowledge whilst providing aid. In so doing, they also overlook opportunities for forming new communities based on dialogue and inclusivity. This analysis of the relationship between David, Marcus and Casa reveals that the act of giving charity can maintain the power relations that produced the pain in the first place.

This, ultimately, critiques both Marcus and David's imagined celebration of pluralism. Power relations continue to dictate not only whose pain we respond to, but also how we choose to alleviate it. Casa's body may be healed but the impact of the civil war and continuing conflict on his relationships with community and knowledge remain afflicted. Additionally, these asymmetric relations of power show how the inequality within the charitable approach prevents meaningful engagement with Casa. The hesitant dialogue between Marcus and Casa reveals that Marcus is only able to challenge Casa's beliefs in a limited manner. Casa's exclusion from the discourse is akin to the way in which the Christian aid letter analysed by Ahmed describes the people in pain who are being brought into discourse for their potential capacity to produce good feelings in the readers of the letter. Thus, this reading extends Ahmed's arguments regarding charitable relations to include seemingly beneficial and positive attempts at charity, underpinned by a liberal worldview in

the novel. The seemingly inclusive attitude of liberal political discourses has the potential for including Others to empower the rescuers/helpers rather than engaging in acts of rescuing and helping that empower the Other. This continuity between the indisputable exclusion of the Other present in far-right attitudes and the value of inclusivity practised by 'so called' liberals reveals that the work of humanising the Other even when the intent is charitable requires careful critique. As argued by Ahmed, the nation remains a white subject whose task is to include Others. The Other in this dynamic is positioned as always in need of inclusion rather than simply being a political subject who belongs to the nation. Torture becomes the most evident form of this pattern of asymmetrical power relations. Marcus remains in Afghanistan because he hopes to find Bihzad. Reading Casa as Bihzad challenges assumptions about power relations involved in inclusive acts of charity, and it shows that Marcus can only hope to find his own 'likeness' in Bihzad. Although the narrative is able to undermine the idea that a terrorist's life should be worth less by showing similarities between religious and secular forms of violence, the reader is only able to grieve Casa as the lost Bihzad. This reading reinforces the notion that in order to be grievable, a 'likeness' must be established. Although the novel makes the circumstances that may lead to the path of terrorism plausible, it is only able to challenge the ways in which the figure of the terrorist is grievable in a limited manner.

In the novel, third-person narration with multiple focalisation enables access to the thoughts and feelings of Marcus, David and Casa. The reader encounters Marcus and David's hesitation when Casa expresses his beliefs as well as witnessing Casa's confusion when he is forced to contend with new information. For Casa, this results in an existential crisis rather than shifting his beliefs. Dunia, the village teacher, who has fled Usha to seek safety in Marcus's house while waiting for her father to return from the city, expresses her disdain for Casa's opinions openly as well as criticising both the Taliban and the American presence in Afghanistan. Casa avoids exploring the questions such views raise about the Taliban and his

version of Islam. Although he struggles with Dunia's criticism of the Taliban when he 'sees that her features are in turmoil', he is able to see that '[t]hese men have distressed her', acknowledging that this must be 'adding to her consternation and panic [...] having had to flee Usha.'²¹ It shows that Casa can empathise with someone who does not follow his version of Islam. The representation adds vulnerability to the figure of the Jihadist, subverting the notion of the inhuman terrorist. At the same time, when Casa discovers that Dunia has gone missing, he wants to believe that '[i]f she is blameless Allah Himself will find a way to save her'.²² He views himself as 'infected' and fights against the ways in which Marcus's 'house is unhinging him, asking him to look into mirrors he shouldn't'.²³ Unable to resolve the contradiction between what he remembers, aware of what he does not and what he encounters, Casa struggles between ideology and instinct. He intuitively knocks on the door informing everyone of Dunia's absence and goes on the search, but the mark of ideology remains as he continues to question his actions. When Casa chooses to listen and respond to Dunia's pain, he is able to resist ideological conditioning. However, he oscillates between the two. Thus, the moment of recognition of the Others' pain can also become the moment of agency for the listener. Eventually, Casa chooses to be a martyr, thus the challenge to his views ends up solidifying his ideological conditioning.

The association of empathy with Casa is not stabilised in the narrative because of his failure to question his indoctrination. Casa views human rights as a way to escape harsh punishment. He has been taught to weaponise other people's kindness and compassion. Casa's treatment of Marcus, David and Dunia shows that exploiting such positive affects also presents the possibility of affective reorientation. When Casa asks David to be careful, he wanted to express concern for his well-being in response to the compassionate treatment he

²¹ Ibid., p. 334 and p. 375.

²² Ibid., p. 395.

²³ Ibid., p. 395.

had received. Casa alternates between his desire to express compassion and exploiting David's kindness. This is visible in his attitude towards David's car. He is willing to steal David's car if it helps him build trust with Nabi Khan, but decides against it because of the likelihood that his plan will fail and put him at risk. Yet, he would take action to protect David's car in case someone attempts to steal it. In this representation, even though Casa is seen as a threat, unlike the Joker or Hans Landa, he has not been reduced to an ideologically driven terrorist whose motivations are beyond narration. The narrative explains how Casa became a Jihadist. Casa expresses his desire for connection when he shares the bird's nest with others in Marcus's house, later regretting that he revealed what he believes to be his true self. His attraction to Dunia is also a sign of this desire. Casa's feelings of confusion leading to a crisis create the realist illusion of depth. This literary strategy is able to set up the expectation for the possibility of change and deradicalisation, but the narrative does not fulfil this expectation. These representational choices associate fear with Casa but undermine the attachment of both hatred and sympathy to him. It successfully represents the threat posed by fundamentalist attitudes when they go unchallenged but does not dehumanise the extremists. The narrative, unlike representations of Hans Landa, the Joker, Ishmael and Hammir in previous chapters, attaches multiple affects to Casa and creates the illusion of depth through his characterisation, which counters the dehumanisation that commonly accompanies the objectification of the Jihadist/evil character.

The novel attempts to suture the gap in the knowledge about Afghanistan resulting from 25 years of war, challenging the view that Afghanistan is already reduced to rubble. The constant conflict in Afghanistan has created an absence in the cultural imagination of the West, and, once again, it has made it possible to view the people of Afghanistan through colonial and prejudicial lenses. The narrative calls these prejudices into question through James's character who fails to separate Islamic fundamentalism from Arab people. The

narrative portrays the Arab shop owner ambiguously, but James blames him for choosing to view ‘only al-Jazeera or the Islam channel’. As a result, he reveals his own bias in critiquing the man’s wife and daughters for not accepting his fiancée’s invitation ‘to a music recital’. He asserts that these prejudicial beliefs are not an issue for him ‘but when your beliefs lead you to start planning the mass murder of Americans – of your fellow Americans – you have to be stopped. By all possible means’.²⁴ The manner in which James confuses a conservative Arab man with the terrorist reveals the source of James’s fear – his inability to tell them apart. This also represents an incapacity to create a dialogue with people like his Arab shop owner. In so doing, the novel reveals how exclusion and Othering work to dehumanise and refuse dialogue with the Other. James’s attitude demonstrates that it is not possible to reason with an Other unwilling to learn or show curiosity about American culture. The view attributes characteristics like unchangeability and irrationality to the Other. Such characteristics also become the reason for torture in the interrogation scene involving Casa. Likewise, Chapter 2 analysed memos requesting approval of torture techniques, which also involved the attachment of similar attributes to KSM, resulting in the decision to torture him. The novel, in evoking the expectation that Casa may be able to question his attitudes, points to the possibility of dialogue. Moreover, the focus on the historical processes that shape the attitudes held by both James and the Arab shop owner shows how strategic historical and cultural erasures, some as irrecoverable as Casa’s childhood memory, shape such beliefs. In this way, the narrative undermines the affective attachment of hatred, fear and suspicion to Others.

Examining the wider geo-political relations sheds light on how the characters come to see torture and suicide bombing as reasonable options. The narrative is morally ambiguous with respect to how such erasures result in violent choices such as torture and suicide

²⁴ Ibid., p. 329.

bombing on both warring sides. The novel does not portray torture and suicide bombing as an Islamic or American evil but, rather, presents such options in terms of their perceived strategic importance. This foregrounds how forgotten histories are shaped by competing empires and the way in which this works to further the agenda of both the US's imperial ambitions and Islamic fundamentalists' desire for power. Through erasures, the empire, ultimately, marks the limit of the agency that each character can exercise by making certain choices unthinkable. This is prominent in the case of David, James and Casa. Casa, who is educated in 'martyrdom mission camp' and learns from books such as Fidayee Hamlay – 'Martyrdom Attacks', becomes embarrassed and confused by David's kindness when he takes him to the hospital in Jalalabad and pays his medical bill.²⁵ David's compassion challenges Casa's affective orientation of hate and suspicion. Although, he is still preoccupied with concerns for his own safety.

Crucially, the prejudicial knowledge acquired by Casa refers to the books produced by the US Agency for International Development (USAID). Mahmood Mamdani points out that the US administration funded an 'entire network of schools' to train for 'a religious liberation war' because it feared that 'nationalist Afghani organisations might make peace with the Soviets. These schools circulated textbooks contained troubling propaganda against the soviets written at 'the University of Nebraska' funded by USAID. These books also advocated against negotiations creating 'an alternat[ive] to the state ideology in Afghanistan at the time'.²⁶ Even though, 'AID dropped funding of Afghan programs in 1994', these textbooks remained in circulation mutating with the changing rulers 'even after the Taliban seized power in 1996'.²⁷ It was only after the United States invaded Afghanistan post 9/11

²⁵ Ibid., p. 371.

Ibid., p. 190.

²⁶ Mahmood Mamdani, 'Secular Roots of Radical Political Islam', *Turkish Policy Quarterly*, 4:2 (2005), pp. 105-112, (p. 112).

²⁷ Joe Stephens and David B. Ottaway, 'The ABC's of Jihad in Afghanistan* Courtesy, USA', *Washington Post*, 23 March 2002 <<http://emperors-clothes.com/news/abc.htm>> [Accessed 10 November 2022]

that UNICEF got involved and worked towards destroying and reshaping these books. It is similar to the role eradicating and rewriting cultural narratives played during the colonial period. It aimed to control the choices Afghanistan could make – namely siding with the Soviets. Here, the individual's agency was shaped by creating gaps in cultural memory to control the natives' range of choices, always bent towards the option that would benefit those in power. This is further naturalised by reviving colonial conceptions of the Afghan individual as an innately hardy tribal (in the pejorative sense of the word) or as a natural warrior. The warrior was very much trained by Pakistan, Saudi Arabia and the West. The novel shows how Casa is trained in Pakistan-Occupied/Azad Kashmir in mujahideen camps structured on the US-era training camps created to counter the Soviets.

It undermines the dominant view that fundamentalism is an inherent problem within Islam. The novel does not romanticise Islam as a peaceful religion but rather, paints a complex picture by showing how orthodox views regarding education and women are of concern for practising Muslims. This serves to show that the external support of the mujahideen impacted how the conflict between these attitudes played out. The terrorist training camps produced to meet the geopolitical needs of the US were also used to promote the political and religious ideologies supported by Pakistan and Saudi Arabia while the threat of Islamic fundamentalism was undermined by the West. The novel's epigraph quotes an interview by Zbigniew Brezinski who referred to the mujahidin as '[a] few agitated Muslims', downplaying their capacity to impact geo-political relations as well as situating the needs and interests of the West above other peoples and cultures. However, post 9/11 these Othered Muslims acquired a more threatening status. As mentioned in Chapter 2, Nivi Manchanda demonstrates how this position is encouraged in the West by analysing a museum exhibit previously displayed at the National Army Museum in London. The exhibit depicts

‘[a]n Afghan schoolbook, which uses bullets and Kalashnikovs as counting tools’ to show how normal war is in Afghanistan and why the West must intervene.²⁸ The fact that USAID funded, and the University of Nebraska developed the syllabus for the book on display is not mentioned. The novel fills this silence by revealing the difference between the Koran and the war propaganda mentioned above by introducing Casa through focalising on another character also called Bihzad. He is pretending to be Marcus’s lost grandson because he is in need of money. This necessity also takes him to Casa for work. In this scene, Bihzad (imposter) notes that Casa ‘begins to read aloud verses from the Koran – not always accurately’.²⁹ Thus, the dialogue between Casa and Bihzad (Imposter) draws links between the novel’s historical context and the processes of the production of Casa’s Koran. This forms the counternarrative to the West’s denial of their complicity in shaping the Jihad. In this scene, Casa wants Bihzad (imposter) to park a truck outside David’s school and set off a bomb. Bihzad (imposter) is assured that the bomb would go off after the school children have left to alleviate his reluctance regarding murdering school children.

Bihzad (imposter) realises that he has been set up as a martyr only after he leaves the farmhouse. He thinks that he should ‘swerve and try to disappear down a side street, try to dismantle the bomb’.³⁰ Despite that, he is unable to act for fear of being captured and tortured. The visceral responses to seeing and knowing about the practice of torture shape Bihzad’s (imposter) reaction to the task given to him by Casa. The narrative evokes sympathy for Bihzad (imposter) by depicting his fear of torture and dramatising the difficulty of choosing between torture and martyrdom. The feeling of sympathy is not stabilised because he chose to commit an act of terrorism for financial reasons, even though, he did not intend to be a martyr. In this way, the narrative conveys both his complicity and victimhood. These

²⁸ Nivi Manchanda, ‘Introduction’, in *Imagining Afghanistan: The History and Politics of Imperial Knowledge* (Cambridge: Cambridge University Press, 2020), p. 1.

²⁹ *TWV*, p. 64.

³⁰ *Ibid.*, p. 69.

subject positions are intimately tied to the cultural and historical knowledge in circulation and whether this knowledge allows affective attachment of fear and hatred to the respective Others. To give an example, Casa knows to fear Marcus and David, and James Palatine knows to distrust Dunia and Casa. Ahmed uses the example of a child's emotional reaction to a bear to evidence that the child's response of fear towards the bear is not spontaneous rather '[t]he child must 'already know' the bear is fearsome'. This is because

[w]e have an image of the bear as an animal *to be feared*, as an image that is shaped by cultural histories and memories. When we encounter the bear, we already have an impression of the risks of the encounter, as an impression that is felt on the surface of the skin. This knowledge is bodily, certainly: the child might not need time to think before she runs for it. But the 'immediacy' of the reaction is not itself a sign of a lack of mediation. [...] So fear [...] is a matter of how child and bear come into contact. The contact is shaped by past histories of contact, unavailable in the present, which allow the bear to be apprehended as fearsome.³¹

Ahmed argues that it is not necessary for a child to have the memory of an encounter with the bear in order to feel fear when they come across the beast. She is using this example to demonstrate that even in the absence of the memory of a prior instance common forms of cultural knowledge shape our encounters with Others. The role historical and cultural erasures play in shaping fear and hatred becomes evident in the novel. For instance, when Casa uncovers Zameen's photograph he 'is overcome with revulsion' and 'drops it back into the pit' because he has been taught that 'Allah forbids photography'.³² The single memory of his mother is not enough for him to recognise Zameen as his mother.

³¹ Ibid., p. 7.

³² Ibid., p. 285.

Bihzad's/Imposter meeting with Casa is primarily shaped by his memories of war and hunger. He found community in the orphanages he lived in by agreeing to take on the familial role of a brother for a girl he met there. He fell in love with a girl but was rejected due to poverty and this informs his thinking regarding the 'task' he has agreed to take on. The word 'task' normalises the activity of terrorism and frames it as another option to earn a livelihood. Bihzad might not be ideologically conditioned like Casa, but he is willing to deceive Marcus and David and kill for money. This is fuelled by a deep sense of shame attached to his experience of

[p]articipating in some battle when he was about ten years old, Bihzad had seen a fire break out in the long dried grasses of the meadow where the dead and the dying lay. He remembers feeling ashamed because his pangs of hunger had increased with the smell of roasting meat.³³

Bihzad (Imposter) is ashamed and horrified by the thoughts of cannibalism, which stem from extreme poverty and starvation. Casa reminds Bihzad (Imposter) of his time in Bagram prison with the aim of moving him to anger. Bihzad, however, had intense religious experiences in the prison where 'he had felt very close to Allah [...] everyone spending every minute in prayer, the environment there much more spiritual than anything he has been able to find on the outside'. In Bagram, he had a dream where Christ visited him and 'apologised for the Christians who had incarcerated Muslims in various locations'.³⁴ This affective experience shapes his resistance to Casa's attempt at indoctrination, but this does not prevent him from accepting the mission. Whether or not Bihzad has encountered the West or the Americans *per se* as evil, he has certainly felt that his religion is the reason for his persecution. Yet, Casa's attempt to move Bihzad (imposter) to anger fails. Bihzad (imposter) was primarily motivated to carry out the strikes because of poverty, but he continues with the mission even after

³³ Ibid., p. 60.

³⁴ Ibid., p. 65.

discovering that he will blow up with the truck because he has been implicitly threatened with torture twice. He knows that Nabi Khan is revered for skinning ‘a Soviet soldier with his own hands’. Later, he watches an old man, a former employee who had disappeared ‘some years before’ being ‘pulled out by the chain around his neck’ because ‘[t]here is a chance he is an informer’.³⁵ Bihzad (imposter) ‘knows the punishment for betrayal. With a funnel and a length of tubing they’ll pour acid or boiling water into the man’s rectum. That and much more [...]’.³⁶ In this instance, the fear of torture rather than anger towards Americans prevents him from abandoning his mission. Torture, thus, functions as a method of domination and intimidation.

The scene described above shows how Casa is attempting to earn Bihzad’s (imposter) loyalty to the cause by playing on his emotions and using his personal history to move him to anger. Perhaps, Casa needs to convince Bihzad of the ideological significance of carrying out the terror attack against David because this is a set-up, and Bihzad (imposter) may realise that he is going to die when he is on his way to David’s school. Casa’s attempt at indoctrination fails because he assumes that Bihzad would have felt anger at his treatment at the hands of the Americans and must blame them. Still, Bihzad does not blame the Americans, but the fear of torture keeps him from giving up the mission. The scene also marks the limit of individual agency. Bihzad (imposter) understands that his neighbour falsely claimed that he had links with al Qaeda because of dire economic circumstances but fails to connect it to wider political issues. In a way, Bihzad’s blindness regarding geo-political workings makes his resistance to Casa’s attempts at indoctrination possible. Bihzad’s (imposter) being set up in the novel then functions analogous to Casa’s ‘choice’ to return to Nabi Khan and join the struggle against the West. Casa also fails to see through Nabi Khan’s pretentious support of the Islamic cause. It shows that the absence of knowledge results in violence. In so doing, the

³⁵ Ibid., p. 65.

³⁶ Ibid., pp. 66-7.

narrative constructs a false opposition between knowledge and violence. The third-person narrative with multiple focalisation reveals that Marcus and Dunia hold similar positions. Additionally, both Bihzad (imposter) and Casa understand the American presence in Afghanistan in the 'Us versus Them' terms. As mentioned in Chapter 2, Michael Scott Doran has highlighted that part of Osama's strategy was to provoke the US into a military response which could then be mobilised to support his war against the West. The novel shows how both the US's interventions in Afghanistan and Osama bin Laden's political agenda have shaped the way in which Bihzad (imposter) and Casa respond to the American presence in Afghanistan as a West versus Islam issue. It can be contrasted with how Nabi Khan and Gul Rasool, the two warlords fighting over power in Usha, Marcus's village, respond to the Americans. They pre-date the US-Soviet conflict and engage with the Americans to advance their personal agendas. Gul Rasool and Nabi Khan's families have been fighting for control over Usha for generations. Familial inheritance legitimates their struggle for power. Whereas, both Casa and Bihzad were children when they were caught between the US-Soviet conflict and the ensuing civil war. As a result, they do not know their families or were orphaned.

This is the second time that Bihzad (imposter) has been set up by his fellow countrymen. A neighbour falsely accused him of links with Al Qaeda for a reward of \$5000. Poverty and the need for employment made Bihzad (imposter) vulnerable to being set up twice. His experience of war and starvation at the tender age of ten shows that his human rights have been violated. It also functions as a critique of the US's Rewards Program which allowed paying the local people in Afghanistan in exchange for information. The prisoners held at Bagram were not given a trial, allowed to see the evidence on which they were being held and, according to Human Rights First, most of the evidence on the prisoners was

hearsay.³⁷ The informants' words were being taken as factual evidence and used for imprisoning people. The novel, thus, shows through Bihzad (imposter) that poverty would have led the people to betray their neighbours for money. The manual given to the soldiers on the Rewards Program does not cover the role of poverty in motivating people to turn on their neighbours.³⁸ This is also dramatised to show that counterterrorism measures and intelligence gathering are complex mechanisms and solutions like a reward for giving the information do not work as expected in the absence of due process and a functional justice system. This demonstrates that human rights protect those vulnerable, ensure that the guilty are apprehended and increase security for all of us by forging collaborative relationships. The narrative breaks the opposition between human rights violations and national security by showing how Bihzad's (imposter) early childhood experience of being a child soldier and starvation makes him economically vulnerable, leading him into Casa's set-up.

Using multiple focalisation, along with positioning these details before the bomb explodes killing school children, allows access to Bihzad's (imposter) inner life. The narrative choice creates a contrast with the findings of the police search which revealed that Bihzad (imposter) had been previously suspected of having links with Al Qaeda and imprisoned at Bagram. The statement released by the terrorist organisation claiming that he was '[a] passionate servant of Allah's confirms that he was a radical terrorist.³⁹ Access to Bihzad's (imposter) perspective puts this evidence into question. Thus, the narrative challenges straightforward associations between being a prior prisoner and being guilty of terrorist activity. Rather than proving Bihzad's (imposter) guilt, these statements provoke

³⁷ 'Detained and Denied in Afghanistan', *Human Rights First*, 3 April 2011 < <https://humanrightsfirst.org/library/detained-and-denied-in-afghanistan-2/> > [Accessed 28 July 2023]

³⁸ 'Money As A Weapon System Afghanistan (MAAWA-A)', in *Commander's Emergency Response Program*, March 2012 < <https://info.publicintelligence.net/USFOR-A-MAAWS-2012.pdf> > [Accessed 28 July 2023]. For more see Renanah Miles Joyce and Brian Blankenship, "'Money as a Weapons System": The Promises and Pitfalls of Foreign Defense Contracting', *Policy Analysis*, 892 (2020) < <https://www.cato.org/policy-analysis/money-weapons-system-promises-pitfalls-foreign-defense-contracting> > [Accessed 28 July 2023]

³⁹ *TWV*, p. 76.

scepticism regarding the allegation. Furthermore, the third-person narrative with multiple focalisation makes the grief of a parent who had lost her two children visible while creating scepticism regarding the parent's desire 'to know why the Americans had released that criminal from custody'. Bihzad (imposter) was not guilty of committing terrorist acts at the time of his imprisonment. In this way, the narrative reveals the relationship between grievability, guilt and justice. Bihzad (imposter) is guilty of the school bombing, but does this mean that his life is of a lesser value as compared to an innocent one? Being a former prisoner should not mean that the person is guilty.⁴⁰ The novel complicates the motivations for the attack itself – which is to gather funding for future activities and 'with the help of the ISI' to use 'Usha as a base'.⁴¹ This reveals both the complex motivations that drive individual action and challenges the view that the terrorist is an ideologically driven and irrational individual. The third-person narration allows the reader to imagine a whole range of circumstances and chance events leading up to a particular terror strike as well as pointing towards a type of silence where Bihzad (imposter), who was set up as a terrorist, cannot speak. Those around him will never know how he died and will continue to misread his death. The narrative does not allow an unquestioning attachment of sympathy to Bihzad (imposter) because his actions resulted in the death of children. He could have chosen to blow himself up in an empty field. The narrative creates ambiguity regarding Bihzad by showing his complicity and victimisation, thereby humanising him without excusing his actions. The reaction of the parents to the loss of their children shows how the awareness of the pain of the wounded as well as a keen sense of personal loss can be mobilised into anger. This is an affectively complex space, in that, it is not only painful but also results in anger and helplessness. The complex experience of loss, when combined with cultural and historical erasures, makes individuals vulnerable to justifying extreme options.

⁴⁰ Ibid., p. 97.

⁴¹ Ibid., p. 62 and p. 191.

In the novel, gaps in knowledge shape the beliefs that drive the characters' complicity. These erasures also underline the belief in the myth of security or the myth of the caliphate. The absence of knowledge necessitates faith and limits a character's agency. All the facts about David's school's bombing are not knowable by everyone and this absence is filled by trust in institutions like the prison. It works similarly to David's faith in America's capacity to build a new Afghanistan and Casa's belief that a stronger faith in religion will guarantee a win for him and his people. Belief becomes the reason that Casa is not likely to question Nabi Khan's goals. David is able to question his actions only in retrospect. The limit of agency in these instances is marked by the character's capacity to overlook the pain of the Other. Recognising the Others' pain can shift the characters' affective orientation, enabling them to resist ideological conditioning. It reveals the complex relationship between pain and agency.

The historical backdrop of the novel exposes how David, James and Casa are linked by the aims of American imperialism. Casa's training is a remnant of the training the US provided to the mujahideen; he works for Nabi Khan who is involved in a dispute regarding Usha with Gul Rasool who is supported by the Americans in spite of having murdered a Western journalist in the past. Nabi Khan is seeking funds from ISI who are supported by the Americans. Making clear distinctions between the opposing sides becomes impossible. This challenges the 'Us versus Them' rhetoric of the Bush era admin. In this way, the narrative places the suicide bomber and the torturer within the same mechanisation of power. It allows the novel to challenge the emotional intelligibility of the justifications for torture. The narrative entertains a popular pro-torture sentiment through James Palatine's character, who believes that they will torture us, so we should torture them. His decision to torture does not reveal new information but rather results from his prejudicial beliefs. These narrative choices

work with the novel's attempt at shifting the affective orientation towards the terrorist, but they do not lead to a wholly sympathetic portrayal of the characters who choose violence.

Both Marcus and David fight the limits of what they can think by attempting to form counternarratives. Marcus and Qatrina recognised that there was a 'residual shortcoming to their knowledge' and decided to 'teach themselves about history and religions, about paintings and music'.⁴² Marcus 'wants, the tears of one side fully visible to the other'. Like '[b]oth sides in Homer's war [...] weep freely in complete sight of each other'.⁴³ Marcus desires what Scarry recommends, that is, to make pain visible in the discourses of war. By supplementing the gaps in his knowledge through a wide range of books Marcus acquires the position that seeing the Others' pain with empathy is the solution to the violence of empires. As discussed earlier, he is hesitant towards responding to Casa's worldview, even though, he is at ease when attending to his painful wounds. Thus, indicating that the subject position of the person in pain plays a significant role in making the person who is in pain visibly human. In contrast, David is both critical of and complicit with the United States. He is able to understand the full scale of his actions as he recounts his time as a CIA agent in Afghanistan. An older David is able to view his past actions critically. Even when Lara confronts him regarding his role in the US-Soviet conflict, he is unable to grapple with the full meaning of his actions. This representational strategy successfully gives voice to the role of erasure in generating negative affects and shaping dehumanising beliefs about Othered individuals, but it constructs a false opposition between knowledge and violence. The narrative assumes that knowledge is a possible solution for deterring violent choices. The text uses the joke that Muslim brotherhood is known as the engineering brotherhood to make the point that 'literature, politics and sociology' have the potential for enabling resistance against indoctrination. This idealises knowledge and discounts that affect and propaganda are forms

⁴² Ibid., p. 356.

⁴³ Ibid., p. 426.

of knowledge. The historical suture achieved by the novel reveals the political dimension of Islamic terrorism as a systemic issue but fails to imagine politically motivated adherence to the principles of Islam by characterising Casa's crisis of beliefs as religious and Bihzad's (Imposter) as an economic one. In showing James and David's insistent adherence to different political ideologies, the novel draws similarities between religious and political ideologies, blurring the distinction between secular and religious forms of violence.

Why does the hearer doubt?

To explain how gaps in knowledge are related to the ethics of representing pain, justifications for torture and dehumanisation, this chapter will discuss Malalai, Gul Rasool's ancestor's quest for justice in relation to Elain Scarry's analysis of 'a language of pain'. She argues that the nature of pain is such that it lacks a referent in the external world. Moreover, the experience of pain is subjective, thus, when the person in pain describes their experience, the hearer finds it hard to believe the person. She demonstrates the significance of creative uses of language to show that verbal strategies can be used to successfully express pain ensuring the belief of the hearer. This is significant because Scarry stresses that accurate descriptions of pain have the potential to affect the hearer's belief. The burden of proof in this case belongs to the person in pain or to those speaking on behalf of such people. It does not sufficiently acknowledge the wide range of reasons that the hearer may, at first, come to doubt the person in pain. Here, instead of rules of language, Malalai is excluded by the rules of the legal system. To alleviate the pain or remedy the injustice, the experience of pain and injustice must be heard and believed by others.

The narrative draws on the feud between two local lords, Gul Rasool and Nabi Khan. They have been locked in a cycle of revenge since 1865 when, Gul Rasool's ancestor Malalai was raped. She was not able to produce the required number of Muslim witnesses to testify

and thus is not believed.⁴⁴ She was not only denied access to justice but also physically brutalised for having a lover. Malalai ‘despite the fact that her body was bruised and her collar bone cracked [...] tried to fell the trees’ that had witnessed the rape. She uses axes, saws and ‘even a small knife [...] to hack at the bamboos’. She is trying to convince the members of her community that she is ‘innocent’ but the legal system does not see her as adequately capable of speaking her truth. In her world, only four Muslim men can speak the truth in case of rape. Faced with this situation, she decides that she will ‘construct flutes out of bamboo stems’, so that ‘a flute’ is found ‘that would speak with a human voice—announcing the truth of the afternoon to the world around her’. Here, symbolic agency dramatises the paradox of inexpressibility of pain described by Scarry. Even though Malalai’s act of symbolic agency is a creative expression of her pain and need for justice, she is believed to be insane by the people of her community. There is a futility in this symbolism because we know that in the world of the novel, a flute cannot speak of the truth.

In terms of verbal strategies to express pain, Scarry argues that the image of a weapon becomes the external referent of pain. Accordingly, pain may be described as a hammer that was brought down on the person. In the instance mentioned above, Malalai seizes a series of weapons to carve a flute. This image externalises not only her pain (physical pain of beatings and rape, emotional pain of injustice) but also emphasises the limits of such an act of agency. It implies that even when a person in pain finds the language that can compel a hearer – the reason that the hearer doubts is not limited to the inexpressibility of pain. In Malalai’s case, for instance, that she speaks is not important because she cannot speak the truth, leading us to a different question – why does the hearer doubt? It points to structural and systematic limitations as the core problem, leading us away from the person in pain to the system responsible for it. The narrative does this by critiquing the legal system that finds that

⁴⁴ Ibid., p. 300.

‘[w]omen and infidels were forever plotting against the Muslim manhood’.⁴⁵ The instance draws attention to the specific position Malalai occupies within the community – that of someone who is not adequately capable of speaking the truth. She does not enjoy as many legal protections as a Muslim man in the community. She is, by virtue of her gender, likely to be treated with suspicion. Malalai is part of a system that denies her agency and treats her as less than a Muslim man. The process of subtraction of rights results in dehumanising and Othering her. These processes happen before the rape and contribute to the hearer’s doubt after the rape. Her pain is read as insanity, highlighting the significance of the cultural and historical modes of understanding and the role of the listener in seeing pain.

It is crucial to note that Casa occupies a similar subject position, in that, he has no access to a justice system. Casa is not innocent like Malalai, but they are viewed with suspicion in a similar manner. They are not deemed as reliable and trustworthy by those around them. This impacts the degree to which they are culpable in a given instance. Casa is a suspect because he is Afghan and Malalai is culpable because she is a woman. It is concerning because someone’s subject position should not determine their culpability, even though it is not insurance against committing criminal acts. They are both seen as people who can be punished or sacrificed because their lives are seen as less valuable than others. This draws a complex relationship between grievability and justice. Casa’s death is not mourned by anyone within the narrative, even though David attempts to stop the suicide attack and save his life. David sees value in Casa’s life, but he dies trying to save him. Malalai’s life is determined as unworthy simply because the legal requirement to prove her innocence is absurd. The difference between Malalai and the protections offered to a Muslim man shows the disparity between the worth attributed to Muslim men and women in the society of Malalai’s time. Judith Butler notes that

⁴⁵ Ibid.

Certain lives will be highly protected, and the abrogation of their claims to sanctity will be sufficient to mobilize the forces of war. Other lives will not find such fast and furious support and will not even qualify as “grievable.”

Malalai’s subject position opens her up to violence. The comparison between Malalai and Casa provokes us ‘to ask about the conditions under which a grievable life is established and maintained, and through what logic of exclusion, what practice of effacement and denominalization’.⁴⁶ If Casa were to engage openly in dialogue with David and Marcus, like Bihzad (imposter), he could be imprisoned in Bagram without a fair trial. He has links with al Qaeda, thus he may be risking indefinite incarceration and torture. This is not to say that he should not be punished for his role in the school bombing and David’s death, but to point out that he would not have access to a fair system. In drawing a comparison between Malalai and Casa, this chapter argues that the terrorist’s life should be grievable. This is not to suggest that we should be mourning terrorists. Rather, to draw attention to the relationship between the worthiness of life and the affective experience of justice. Violent, vengeful or extreme acts are often seen as justified when life is not grievable due to the norms of a particular culture. The relationship between pain and agency mentioned earlier might be a path towards challenging the given social norms of a culture.

Scarry uses the example of the invention of the McGill Pain Questionnaire which was created so that patients could report their experience of pain more accurately to argue that ‘necessary to the invention of this diagnostic tool (McGill Pain Questionnaire) was Melzack’s assumption that the human voice, far from being untrustworthy, is capable of accurately exposing even the most resistant aspects of material reality’.⁴⁷ Unlike the relationship between a doctor and a patient, the relationship between the Judge and defendant or the

⁴⁶ Judith Butler, *Precarious Lives: The Powers of Mourning and Violence* (Verso Books, Reprint Edition 2006), pp. 22-25.

⁴⁷ Scarry, p. 8.

interrogator and suspect is not driven by this assumption of trust. The ‘belief in referential powers of the human voice’ is affected by the political status of the speaking subject.⁴⁸ Thus, it is possible for a subject, as in Malalai’s case, to occupy a political position that makes them suspect, inadequate or incapable of speaking the truth. The subject’s political position impacts the degree to which we view the guilty as redeemable or punishable. Elsewhere Scarry argues that in representing pain we must ensure that the personhood of the person in pain is not lost or overlooked in the process. Like the status of the speaking subject, this argument does not take into account the position of the represented subject before the wounding experience. Viewing someone as a person rather than an object can depend on a relationship of ‘likeness’ as mentioned earlier in the chapter.

Perfume, Affect and Torture

The metaphor of the perfume in the novel explores the unstable relationship between the affects being expressed and how they are read. Perfume signifies the humane aspect of the characters. The narrative employs the metaphor of the house and the perfume factory to show the tension between processes of humanisation and dehumanisation. The house is seen as the body and the perfume factory as the soul. The soul stands in for the recognisably human quality. The house stands in for the human body and has six rooms where each one is dedicated to the five senses – sight, hearing, smell, touch, taste and the final room contained all the five senses combined together and ‘an interior dedicated to love, the ultimate human wonder’.⁴⁹ Aslam wanted the house to have a ‘soul’ in the form of

[...] the perfume factory, because the sense of smell is closest to [human] memory. So, I wanted that location to be the soul as it were, or the

⁴⁸ Ibid.

⁴⁹ Ibid., p. 13.

repository of the human memory, Afghanistan's memory. And in the factory, there is the head of a giant Buddha (which is Afghanistan's past).⁵⁰

Although perfume has the capacity to affect others it can also be affected by others. Thus, it connects some characters to their lost loved ones through sense memory, offering comfort and security but also poses a threat. The scent that travels and touches everyone in the novel can lead to perilous recognition of identity. Marcus's daughter, Zameen, is recognised by the village cleric as she was passing him when he was burying his wife after he had murdered her. To save his own skin, he blamed Zameen and her lover for the terrorist attack on the local school built by the communists in the village. At a different point in the narrative, she makes her presence known to her father by breaking the bottle of the perfume he had especially crafted for her. In this instance, the fragrance stands in for her identity and becomes a call for help. This fragrance also forms the premise on which David asks his colleagues to torture Gul Rasool for information about Zameen's whereabouts. When Marcus opens a book and a punctured perfume card drops from the pages, he experiences it as a 'bitter-sweet stab', a reminder of Zameen. The perfume survives long after the loved one is destroyed. It represents the possibility of affective reorientation that can both humanise or dehumanise people. Whether the characters see this humanity or lack thereof depends on their affective orientation towards the character shaped through the cultural, political and interpersonal context of the interactions between them. The metaphor then exposes the interpersonal nature of such contact, which holds the potential for becoming a site of agency that impacts the capacity of affect to move and shift and change meaning, when it comes in contact with Others. Thus, it becomes pertinent to think about the hearer of the pain/affect as much as it is important to consider the person in pain. Ethically representing the pain of such a person involves the responsibility to humanise them for perhaps an audience that does not

⁵⁰ Sunil Sethi, p. 351.

see them as human or as worthy of human rights. This implies that we need to be able to imagine such an audience. It is significant because the circulation of affect can change whether we encounter Others as subjects or objects. The novel, through the metaphor of the perfume, becomes a complex repository of affect and memory. It forms the shared discourse between Aslam, the 200 Afghan refugees he interviewed for the novel and his readers.⁵¹ Aslam drew on his visits to Afghanistan as well as his interviewees to imbue the streets of Afghanistan in his novel with these fragrances. The work itself becomes the medium of sharing this affective knowledge with the readers, thereby shaping the contact between the readers and Afghanistan, where the landscape of the country may be destroyed though the fragrance is preserved.

As argued in the previous chapter, torture depends on the knowledge that pain is being caused and anti-torture positions tend to denounce torture as an invalid method of information gathering. Yet, this argument does not fully take the mechanisms of dehumanisation that precede torture into account. Moreover, Scarry finds that auditory elements of torture like the prisoner's scream are ineffective in communicating pain fully.⁵² She argues that many visual representations of pain only depict a silent scream. Her analysis shows that screams without a sound communicate pain by conveying '[t]he very failure to convey the sound'. This embodies the quality of pain as that which 'engulfs the one in pain but remains unsensed by anyone else'.⁵³ As previously mentioned, the meaning of the painful gesture also depends on how the hearer is positioned to decode it. In the previous chapter, the possibility that the hearer can also find pleasure in the knowledge of someone else's pain was explored. According to McIntyre, the sadist's pleasure results from the '[a]uthority to compel

⁵¹ Raza Nadeem, 'Interview: Aslam'.

⁵² Scarry, p. 51.

⁵³ *Ibid.*, p. 52.

obedience'.⁵⁴ However, McIntyre limits the meaning of pleasure as sadistic sexual pleasure. In contrast, this analysis seeks to expand the range of pleasurable experiences to include activities that result in positive emotions. To illustrate, James Palatine experiences righteousness as he justifies his use of torture to David. James reasons that he 'did what needed to be done'. This assumes a sense of duty towards his country. It can carry other positive affects such as reinforcing James's sense of loyalty towards his country, forging what Ahmed might call a feeling of love for his nation. It highlights the affective dimension of justifications for torture. To this end, the contrast between David's reflective analysis of his actions and James's faith in torture as a fail-proof investigative tool will be done.

This will challenge the assumption that torture works because the prisoner will do anything to avoid the extreme pain they are being subjected to. It is also possible that the torturer might be motivated by pain avoidance. Justifications for torture assume that the torturer is motivated by rationality and is goal driven. The positive affective experience that accompanies torture includes a strong feeling of power to protect the people of a community. This positive non-sexual dimension of the potential range of emotions the torturer might experience is often overlooked. This is done by placing the torturer beyond the normal human range and representing them as heroic, and therefore, beyond the pleasure-pain matrix that informs the normal human being. It also positions the torturer's judgment beyond the normal range of ethics – they now have superior judgment and incorruptible ethical standards. The view that the torturer is not vulnerable to pain is encouraged, preventing them from being seen as questionable characters. In this way, the notion that their actions might have caused extreme pain to another human being is ignored. The possibility that they might have put national security at even more risk by turning a potentially compliant/cooperative suspect into a non-compliant prisoner decreasing the chance of gathering credible information is not

⁵⁴ McIntyre, p. 388.

considered. It can be argued that this is motivated by fantasies of having secure borders; a fantasy that became particularly powerful in the wake of 9/11. The torturer might also be motivated to avoid the negative emotional reality of betraying the country he or she is emotionally invested in being loyal towards and putting their community and people at more risk.

David's retrospective account of his actions as a CIA agent shows that he already has an anti-torture position when he is introduced to the readers, but this is because he knows first-hand that torture does not produce reliable information. As a result, he is able to criticise his past actions. He expresses disbelief at how the evidence of perfume was reason enough for him to sanction the torture of Gul Rasool. He 'was interrogated with David present but out of sight [...] All this based on something as evanescent as perfume. But he couldn't think what else to do'.⁵⁵ This reveals that the true motivation for torture is desperation. Even after torture, David is only able to find out 'partial truth' regarding Zameen.⁵⁶ At the time David believed that Gul Rasool would tell the truth because '[i]t was just a case of turning one of those trick bottles the right way up'.⁵⁷ Thus, after David finds out the truth about Zameen's death, he realises that torture does not work.

While, in this case, the narrative goes on to tell us that David has changed his view, especially in his confrontation with James regarding torture, but he continues to believe that allowing the Soviet bombings of a refugee camp during his time in Afghanistan as a CIA agent was the right thing to do. According to Lara, like her husband Stepan '[w]hen it came to what he called his nation, his tribe' David 'too suffered from a kind of blindness: he saw what he wanted to'.⁵⁸ Moreover, the CIA had 'learned of the bombing raid in advance' so they 'had arranged for journalists and television cameras from several major cities of the

⁵⁵ *TWW*, p. 187.

⁵⁶ *Ibid.*, p. 189.

⁵⁷ *Ibid.*, p. 188.

⁵⁸ *Ibid.*, p. 391.

Western and Muslim world to be present in Peshawar so that the news and images of the carnage would spread around the world'.⁵⁹ Furthermore, his attitude towards his complicity is similar to James's when he discusses torture with David. James defends torture as routine because 'military psychologists had subjected him to a regime of techniques in case he was ever captured by enemy states. Sleep deprivation, exposure to extreme temperatures, isolation, religious and sexual humiliation, and the procedure of simulated drowning known as waterboarding'.⁶⁰ James thinks that '[n]othing is being done to captured terrorists that wasn't done to the interrogators themselves. Nothing the body can't recover from'.⁶¹ This is laughable as the Taliban also treat their own with the same punishments as outsiders. It does not justify their actions. It is also a mischaracterisation of the torture that took place in black sites, which was more severe than the methods used in training. When David encounters Casa's torture, he has been blinded in one eye with a blowtorch. James justifies his actions because '[t]hese people have been trained in how to survive interrogation techniques. For some of them true jihad starts at capture. So we have to be extreme, go beyond their trained endurance'.⁶² P Sands calls this force drift, where the degree of force being used is increased and each rise is justified by arguing that the force applied previously was not enough.⁶³

When David points out that torture does not work, James says '[h]e told us the exact details of the raid that was promised in the Night Letter. The exact date. It's next week—next Thursday'. This is inaccurate because Casa has already revealed that 'he knows nothing beyond the vaguest details, not even the exact date' of the attack planned on Usha.⁶⁴ Thus, the information James has extracted is incorrect. James's encounter with Casa is already shaped by hatred. He believes that '[t]hey are the children of the devil. They have no choice

⁵⁹ Ibid., p. 172.

⁶⁰ Ibid., p. 276.

⁶¹ Ibid.

⁶² *TWW*, p. 411. Ibid., 276

⁶³ P. Sands, *Torture Team Uncovering War crimes in the land of the free* (Penguin, 2009).

⁶⁴ Ibid., p. 191.

but to spread destruction in the world'.⁶⁵ David's attempt to use the singular pronoun 'He' in order to refer to Casa, the individual, fails to reframe James's view of Casa as 'the child of a human' because David does not go beyond platitudes. As mentioned earlier in the chapter, this is because David has not made an effort to create a dialogue with Casa. The use of plural pronouns by James means that he is unable to see Casa as an individual. This solidifies and defines James's loyalty to 'the majority of the world, not just Americans'.⁶⁶ In so doing, James establishes his view of himself as the protector and saviour rather than the torturer. These positive affects also dominate the description of the brute form of torture taking place.

The novel deploys the third-person narrative with multiple focalisation to represent the pain of the Othered characters. When we encounter Casa's 'twisted' 'scream', we see it through David's perspective with some knowledge of Casa's point of view. Thus, David can hear Casa's scream, but James cannot. This places the reader in a predicament, fully aware that Casa is part of Nabi Khan's group, has participated in the school bombing and has been trained to be a martyr himself. In the story world torture does not work, thus the reader is not likely to support torture, but the reader also knows that Casa does not have information to give. It highlights the importance of determining not only whether one is affiliated with a terrorist group but also whether one has the information needed. Conflating the two leads to loss of time and resources, as it does in the scene. Casa's culpability raises the need for a fair and just system that can impartially determine the gravity of his role in these acts. Likewise, Lara can see the pain of Zameen's childhood lover, but David cannot. Moreover, the novel places Malalai in the same position as Casa and Zameen's lover. The similarities between David, Casa and James imply the refusal to see the pain of their respective Others. Before they injure the Other, their view of them has been overwritten by an ideology that closes off their capacity for empathy. Ideology obscures the person before the wound obscures the

⁶⁵ Ibid., p. 413.

⁶⁶ Ibid., p. 412.

wounded, making the first wound possible. In particular, David is able to respond empathically when it comes to Casa's wounds but would rather let Zameen's ex-lover die. Once again, this shows the role of the interpersonal relationship between Zameen and David in his decision to act as a bystander, collapsing the personal into the political.

The text shows that reframing the role of the readership/audience in bringing the body in pain into discourses about injuring, wounding, war and torture is necessary. In order to believe that the pain of a person is real, the addressee needs to look for pain in discourses where such readings may not be obvious or intended. The narrative explores how characters use symbols like pierced books to creatively represent their felt experience of pain. Thus, continually placing the onus for listening on those who, like David, witness the pain. The political status of the subject in pain can impact whether addressees of their pain will respond to them. Drawing attention to the significance of humanising those in pain is an important aspect of representations of torture that aim to alleviate those in pain. In *The Wasted Vigil*, this has been achieved through characterisation and the third-person narrative with multiple focalisation. The novel, unlike popular representations of the figure of the terrorist, shows how Casa, the jihadist, desires connection and love, and gives him a problematic moral frame. The text depicts the Others' pain by focalising on the characters who are able to recognise their pain when they witness it. For example, we encounter Casa's pain through David's perspective, and we notice Lara's shock at how David was willing to inflict the pain of death on the many communists without a thought. The technique, also used in *Shalimar the Clown*, is able to attach an ethical frame to the act of looking at the Others' pain. While the text shows Casa's pain, it also reveals processes of Othering which may acknowledge pain but are unable to fully humanise the Other. For instance, Marcus is unable to work out that Casa might be his lost grandson. In this way, the chapter is able to reveal the problematic forms of exclusion exercised by liberal characters, like Marcus and David, who are driven by

the need for inclusivity. In critiquing power relations in this manner, we are only able to grieve Casa as the lost Bihzad. Thus, we risk silencing what Casa has become. He is grievable through the lost possibility of the ideals and values that Bihzad could have had if he had not been separated from Zameen. In so doing, the narrative continues to link grievability and ‘likeness’.

Chapters 3-5 of the thesis challenge key assumptions about the rational, just torturer. To illustrate, Batman can barely keep his emotions in check when he uses force to coerce the Joker. Aldo Raine and the Basterds enjoy inflicting pain. Ishmael in *The Water Cure* and Hammir in *Shalimar the Clown* vengefully destroy the bodies of their victims. Chapter 6 adds to the discussion of the torturer as the victim-perpetrator by refusing to make a distinction between the torture carried out by FBI agents/secret contractors like David and James and the Jihadist Casa. Speaking back to representations of torture that rarely give voice to those silenced, tortured and wounded, *The Wasted Vigil* depicts the pain of those who are tortured and denied access to fair systems of justice. The text exposes the crippling nature of the fear of torture and reveals how little it takes for government agents like David to choose torture over other means of gathering information. In this way, the thesis moves from exploring those who argue for torture and excesses of power in the analysis of pro-torture justifications in public rhetoric and the torture memos to the affective realities of those who are affected by such decisions, making a case against torture.

Part III: Conclusion and Bibliography

Conclusion

The pro-torture position, as this study has demonstrated, is made emotionally intelligible by creating false oppositions between thought and action, and human rights and national security. This thesis has explored representations of torture with respect to the post-9/11 political context by creating a dialogue between texts such as inter-departmental memos exchanged between the United States Department of Justice (DOJ) and the CIA, common pro-torture arguments, ticking bomb scenarios, cultural texts like films, and literary novels. Investigating questions of form and genre, Part I shows how the framing of the terror strikes in dominant political and cultural discourses influenced the formation of certain types of attitudes and beliefs about torture and Part II examines how literary novels reveal the affective dimension of such justifications of torture.

By drawing on how the justification for torture is expressed in *Torture Papers* and some examples of philosophical hypotheticals, the political and cultural conditions surrounding the use of torture after 9/11 have been picked apart to articulate the implications of the complex ethical choices involved in depicting pain/affect in non-fictional portrayals of torture. Influential works such as Scarry's *The Body in Pain* meditate on the complexities of depicting torture by investigating the difficulty of expressing pain in language. Pain, in this theorisation, occupies a deeply subjective position and is thought to evade expression in language. Affect, likewise, is commonly understood as a prelingual experience that is hard to represent. The novels and films selected problematise such gaps between experiential reality and linguistic expression by using creative strategies for depicting the torturer and the prisoner, speaking back to the descriptions of the wounded in official government documents. In employing this theoretical framework, the research undertaken here departs from the

dominant theoretical influence of Giorgio Agamben's *Homo Sacer* Series, effectively utilised by scholars like Alex Adams. In his book, he analyses how representations of torture in film, TV series, and some literary texts shaped the torture debate. His work reveals moral flaws in the philosophical debates about torture and demonstrates how the ticking bomb scenario never occurs in the real world. Adams points out the tendency of anti-torture depictions to problematise the torture of the innocent, which fails to challenge the justifications for torturing guilty suspects.

As observed in Chapters 1 and 2, the pro-torture arguments in the post 9/11 political discourse are often about the torture of the guilty. The suspect's guilt signifies information needed to save lives and becomes another aspect of the emotionally compelling reason to support torture. Reading for pain in the torture memos and Bush's speeches to show how it is disguised as power challenges the urgency imposed by the ticking bomb hypothetical, arguing that safeguarding human rights can improve the manner in which intelligence is gathered and analysed. The urgent need for information to prevent more terror strikes and retaliation drives the justifications for the GWOT in Bush's speeches and torture in the memos. In both discourses, like revenge narratives, the knowledge of guilt motivates the desire to punish. Justice is a way to restore equilibrium by ensuring that damage is done to the aggressor. The victim gains power through retaliation. Assuming that the GWOT on the political stage and torture in the interrogation room will balance the scale of power between the US and the terrorists underpins the justifications for war and torture. The violence that ensues resolves the conflict between the desire to punish and its futility emotionally and redescribes it as a conflict between human rights and national security. The stakes are framed such that choosing national security over human rights protections is presented as a rational and logical move. Tracing the movement of this core ideology across fictional and non-

fictional forms reveals the role of narrative in representing torture as thinkable after the terror attacks.

Paying attention to characterisation and genre in *The Dark Knight* and the *Inglourious Basterds*, the thesis questions the limits of anti-torture rhetoric in popular culture, which relies on the guilt of the villain/evil figure to justify violence. Whether the films are overtly pro or anti-torture, the wider politics of the genres are revealed by outlining idealised values upheld by them and examining the extent to which these generic conventions sustain or/and critique the opposition between human rights and national security. The figure of the superhero can overtly support the State in the story world or, like Batman, work as an outlaw, undermining the humane treatment of suspects, to discreetly support the institutions representative of the State. In *The Dark Knight*, the failure of these institutions to apprehend the guilty and Batman's superior moral worth justify his excesses of power, including torture. In this respect, the wider politics of the film supports fascist forms of power even if torture does not always work in the narrative. In contrast, torture is frequently used to test the interrogator's hypothesis in *Inglourious Basterds*, but the film recognises the capacity of the medium to celebrate violence and exposes torture as an entertaining plot device. Batman can be viewed as a victim-perpetrator, whose very victimisation justifies his role as the protector of Gotham. The narrative vindicates his actions, transforming the victim-perpetrator into a heroic vigilante figure. *Inglourious Basterds* problematises acts of vigilantism by blurring the line between Hans Landa and Aldo Raine. Both films use the ticking bomb trope in different ways to show how thought and action are pitched as contrary choices. In Batman, action, that is, using mass surveillance to save the people of Gotham wins over thinking about the problems with such excesses of power. *Inglourious Basterds* represents thinking as an option for Hans Landa in a low-stakes dramatisation of the trope, where he can either let the war continue or negotiate how he is known for ending the war, escaping charges for his role

during the war. Aldo Raine, who is deeply invested in ending the war and scalping Nazis, can fail in his mission. At the end, Hans Landa is not held accountable by traditional justice systems. Aldo Raine brands him to mark his guilt. Both films punish the guilty using outlaw forms of justice. In this way, the critique of the heroic code in both films continues to undermine institutional justice systems, sustaining the opposition between thought and action and human rights and national security.

Since both pro-torture and anti-torture positions agree that the innocent should not be tortured, the texts chosen for analysis dramatise the figure of the victim-perpetrator to question the assumptions regarding the torture of the guilty suspect. In so doing, the novels are able to imagine possibilities of affectively resisting the pro-torture rhetoric and going beyond the anti-torture sentiment in popular culture. *The Water Cure* and *The Wasted Vigil* have been examined to understand the extent to which fiction problematises the conflict between human rights and national security, and pain and representation. The novels selected for analysis do so by complicating the relationship between guilt and the justification for torture in creative ways. Including pleasure and vengeance as motivations for the torturer, the narratives evoke a deep scepticism even when torture is used with the intent of gathering information and preventing terrorism. This presents an alternative to the heroic figure of the rational torturer who can inflict pain in a systematic manner. The pro-torture justifications that use the ticking bomb scenario rely on such a calm, calculating and efficient torturer for saving the lives of innocent victims. The novels in imagining a different kind of torturer question the framing assumptions of the pro-torture justifications. Torture, even when used by calculating characters, does not work in these novels to provide information. The suspects or torture victims succeed in deceiving the interrogator, thus the narratives undercut the power/control the torturer has over their victims. In *Shalimar the Clown* and *The Wasted Vigil*, the characters are also not able to use persuasive language to deter terrorists like

Shalimar and Casa from either becoming terrorists or giving accurate information. The narratives, thus, reveal the difficulty of dealing with a recalcitrant suspect and show how the person being tortured will say whatever the torturer wants to hear in order to stop the pain.

Torture fails because guilt is conflated with information. The texts explore how a person may be guilty, like Casa, and not have the necessary information, or a suspect may be guilty and have the necessary information, like Gul Rasool, and yet, not share it under torture. In this way, the novels, compared to the ticking bomb hypotheticals used to support torture, dramatise scenarios that resemble the conditions of emotionality and uncertainty present in the real world more clearly. The stakes of torturing suspects in the narratives are similar to the conditions faced by interrogators who had guilty suspects in custody after the terror strikes. As mentioned in Part I of the thesis, post 9/11 Zacharias Moussaoui was guilty of being part of al Qaeda and planning terror attacks, but the extent of his involvement in plotting the 9/11 terror strikes never became clear. Yet, frustrated agents were expressing their desire to torture him because he was uncooperative. These novels, in emphasising the failure of both persuasion and aggression in their representations of torture, leave the question of how to treat the recalcitrant prisoner open. This sheds light on the complexity of planning and interviewing suspects. All of the information available on the efficiency of interrogation tactics shows that torture worsens recollection, can potentially make a recalcitrant prisoner more resistant, and ultimately, damage the psyche and the body of the prisoner to a degree where they may not be capable of providing new information or result in their death. Studies of interrogation tactics have shown that it is key for a successful interrogation to allow the prisoner to talk freely without fear. Rapport-building is essential for cooperation and generating useful information. When investigators face a recalcitrant prisoner, they must entertain the possibility that their methods of approaching the prisoner may not be sufficient for cooperation and potentially change their investigation strategy. Popular representations of

torture do not capture this open and analytical nature of interrogations. The dramatic structure of the interrogation scene, which relies on suspense, raising the stakes for the interrogator and the suspect, and involves a conflict of interest between the two, does not offer a readily compatible frame for representing real-world practices.

Post 9/11 justifications for using torture are concerned with its potential for gaining new information in situations where all other means had been exhausted. The justifications work only if the assumption that torture will result in information is true. Questioning the premises of the ticking bomb scenario by using up-to-date scholarship on interview techniques and torture, this thesis has demonstrated that even in a situation where every other possibility has been ruled out, torture will result in a random outcome. Improving the chance of gaining good quality intelligence requires developing innovative interrogation tactics that do not use physical violence. More importantly, studies on torture, such as Darius Rejali's *Torture and Democracy*, have shown that regimes supporting the use of torture as a last resort, as in the case of the Algerian war or the GWOT, use it to abuse, intimidate and dominate the prisoners. As mentioned in the introduction of this thesis, a comparative historical analysis of torture conducted by Christopher Einolf reveals the set of conditions likely to occur when there is a rise in the use of torture. The pattern involves an increase in the perception of threat, whether the crime is heinous, and whether the suspect is considered a full citizen. The period after the terror strikes met these conditions. There was an increased fear of more terror attacks like 9/11 strikes, the scale of the attacks would constitute it as abominable and the terrorist group, al Qaeda, was considered stateless. Under these conditions torture becomes a more likely choice, and it was used in black sites. In this respect, 9/11 is not a unique moment in history in its use of torture. Given that torture requires a set of political conditions, the attention paid to the affective power of the justifications for torture in the texts analysed reveals the extent to which different historical

moments shape the emotional appeal for torture, making it appear like a reasonable choice. In addition, the novels reposition 9/11 within a broader historical period. This undermines the unique status of the terror strikes while bringing to the fore how democratic countries can choose to ignore human rights norms and employ torture. For instance, *Shalimar the Clown* shows how torture turns into a weapon used for the massacre of whole populations. The novel is concerned with the processes of destruction of Kashmir and reveals that torture can be used for punishment, revenge and intimidation. State-sanctioned torture in the narrative is carried out indiscriminately by an otherwise democratic nation, losing any meaning it has for information gathering or containing terrorism, perversely torture becomes a state-sponsored act of terrorism. Torture as a response to a heightened perception of terrorist threats resembles the 'pain for pain' logic of revenge narratives mentioned in Chapter 4 of Part I. When used pre-emptively, the heinous nature of the crime is often imagined rather than true. The narratives analysed play with the revenge plot by treating the desire for vengeance as obsessive and inexhaustible, which mimics the drive to torture in the interrogation room.

In these novels, narrative mediation depicts how and why torture is bound up with pain, pleasure and power by playing with the conventions of the revenge and the Western genres. The first-person narrative in *The Water Cure* and the third-person narratives with multiple focalisation in *Shalimar The Clown* and *The Wasted Vigil* are able to represent the deeply problematic and complex subjectivity of the victim-perpetrator making their point of view available without justifying or glorifying their actions. In *The Wasted Vigil* and *Shalimar The Clown*, torture fails because the victim-perpetrators like Hammir and Ishmael suffer from perceptual distortions and psychosis respectively. This has the potential to diffuse the critique of torture as a systemic problem, however both novels use these characters to comment on the senselessness of state-sanctioned torture, discouraging such a reading. In *The Wasted Vigil*, torture is carried out by sane characters and is a well-thought-out, reasoned

course of action. In so doing, the novels diffuse the means to an end argument for torture by exploring the consequences of the unreliability of both the method and the torturer. The narratives bring up the problem of questioning a recalcitrant prisoner but do not point to alternative possibilities of interrogation.

This thesis has argued that how we encounter the Others' pain is significant in determining whether we respond to the pain such that it can be stopped. To do this, representations of pain must be able to convey the felt experience of pain as undesirable but also challenge the rationale behind the need to cause the pain. The narratives demonstrate ways of undercutting the difficulty of communicating pain. The representations of torture in these novels show both the point of view of the victim-perpetrator and the mutilated body of the tortured. The first-person narrative in *The Water Cure* juxtaposes Ishmael's voice with Reggie's silence. The text represents both the torturer, his pleasure and Reggie's pain. Similarly, *The Wasted Vigil* and *Shalimar The Clown* use the third-person narrative with focalisation to include multiple characters' perspectives along with the narrators moral and ethical frames. This makes it possible to share the victim-perpetrators' desire, motivation and pleasure at the Others' pain as problematic, while also articulating the ethics for framing the act of looking. In *Shalimar The Clown*, the narrator shows how Kashmira and Hammir feel justified in their vengeful acts while depicting their decisions as unjustified. In so doing, the narrative undermines the potential of voyeuristic impulse/looking at the wounded. It also questions the logic of exacting pain within the revenge narrative.

In the novel, the concept of Kashmiriyat, an idealisation of secular values, is destroyed because of secular and religious forms of violence. The narrative shows how the plural ideal is based on suppressing discussions of the wounded, injured, and hurt body which is very much part of the reality of the historical conflict between Hindus and Muslims. The concept of secularism does not allow the discussion of such problematic historical

relationships whereas, the characters outside of Pachigham are aware that Hindus and Muslims are different and are invested in maintaining this distinction. The chapter touches upon the relationship between the wounded body, historical pain and secularism. Given Ahmed's insights on how our encounters with Others are shaped by histories of previous contact, it becomes necessary to examine pain in historical accounts of discourses of violence. Chapter 6 reflects on how these interact with one another, creating the ground for developing a deeper link between seeing pain and finding agency. In *The Wasted Vigil*, Casa, the Jihadist, recognises Dunia's pain and begins to question his indoctrination, although he is not able to break away from the conditioning. The moment of recognition paves the path towards agency that has the potential to undo religious indoctrination.

Reading for pain in discourses where it may otherwise not be visible is essential. Further research on how pain enters discourses of secularism and pluralism can offer useful frames for understanding how we should discuss violent histories and the ways in which it continues to impact relationships between communities of people who have a shared history of conflict. The present scholarship in the field is cross disciplinary and often critiques how the various transitional meanings of these abstract concepts inform notions of violence and tolerance in political and cultural discourses. For example, Priya Kumar examines the manner in which secularism alone cannot lead to the coexistence of Hindus and Muslims in post-partition India.⁶⁷ Her work reveals the modes through which literature and films narrate histories of violence, pain and suffering, making a case for long-lasting peace between Muslims and Hindus. Kumar has acknowledged the transformative potential of pain in her work. Likewise, Kavita Daiya elaborates on the role of film and fiction in exploring the pain and suffering of people during partition, and its appropriation in contemporary political and

⁶⁷ Priya Kumar, *Limiting Secularism: The Ethics of Coexistence in Indian Literature and Film* (Minneapolis and London: University of Minnesota Press, 2008).

cultural discourses in shaping and maintaining a gendered ethnic form of citizenship.⁶⁸ Still, the connection between recognising the pain of the Other and finding the agency to respond and go beyond the logic of Othering can be explored further to challenge the modes through which contemporary notions of citizenship determine the subject positions of the people who are denied such citizenship. The complex interplay between pain, secularism and pluralism can be developed to understand how friction between communities is shaped by competing political ends. The secular dream of coexistence, often derided by contemporary right-wing narratives of a Hindutva state, much like the politics of white supremacy observed by Ahmed, imposes tolerance on the rightful Hindu citizen who must, through virtue alone, ensure that the Muslim Other belongs to the nation. Even in narratives of inclusion, belongingness for the Muslim Other is contingent on the benevolent Hindu citizen. The role of the novel in exploring how affect shapes such violent histories is significant for understanding whether examining pain can offer new perspectives useful for creating a plural community in these contexts.

Both *Shalimar the Clown* and *The Wasted Vigil* reveal how committing acts of Islamic terrorism impacts the value we ascribe to the life of the offender, whereas violent actions undertaken in the name of the nation-state do not impact the grievability of such lives in the same manner. In the novels, *Casa*, *Bihzad (Imposter)* and *Shalimar* complicate the figure of the terrorist. The punishment these characters receive in the narratives questions how we evaluate the lives of Islamic terrorists compared to those committing secular forms of violence. Ultimately, these texts show how terrorism becomes a desirable choice but do not create sympathy for the characters by questioning the logic of the choices made. The novels create a dialogue between the reality of torture, and the representation of pain and wounding by showing the presence of multiple affects during torture. The narratives dramatise the

⁶⁸ Kavita Daiya, *Violent Belongings: Partition, Gender and National Culture in Postcolonial India*, (Philadelphia: Temple University Press, 2008).

interplay between pain, pleasure and power in the act of torture. Reading torture symbolically as a critique of state power runs the risk of dehumanising those who are tortured. This thesis has attempted to give voice to erased histories and silenced screams. Notwithstanding, any such attempt will always remain incomplete because representing Others' experiences is an infinitely complex task. Exploring the relationship between language, affect, grievability and representation can point to useful perspectives that demonstrate the ways in which affect carves the narratives of exclusion. It can shed light on the processes of exclusion used for withdrawing legal protections from those considered refugees or prisoners and ex-prisoners of Guantanamo and other black sites.

In this thesis, the relationships between citizenship and legal protections have been examined in terms of the subject position of the character. For instance, Chapter 6 compares how Malalai's position as a woman and Casa's as a jihadist determine what legal protections are afforded to them during a particular historical period. This approach frees the subject-object relations that frame torture from the specifics of the white subject and the Muslim terrorist, however it does not offer a nuanced perspective on how gender determines the modes of violence and marginalisation. Presently, research on gender and terrorism is a rich field of interdisciplinary knowledge on how patriarchal attitudes have informed the GWOT. For example, Sam Andrews examines the role of gender in framing post 9/11 counterterrorism policy in the UK and its relationship to gendered views of the figure of the terrorist.⁶⁹ Whereas, Sue Malvern and Gabriel Koureas assess whether depictions of the figure of the terrorist tend towards masculine.⁷⁰ The connection between patriarchy and torture has been largely considered with a focus towards women who are tortured in domestic or criminal settings by non-state actors. To this end, Jean Sarson and Linda MacDonald

⁶⁹ Sam Andrews, *Gendered Perspectives on Preventing Violent Extremism* (Bristol University Press, 2022).

⁷⁰ Sue Malvern and Gabriel Koureas, 'Terrorist Transgressions: Exploring the Gendered Representations of the Terrorist', *Historical Social Research / Historische Sozialforschung*, 39:3 (2014), pp. 77-81.

address the thorny issue of striving for justice for women who are tortured by non-state actors such as human traffickers.⁷¹ In recent years, research has paid some attention to the relationship between patriarchy and torture. Alex Adams has contributed to this field by examining torture scenes with a focus on their depiction of masculinity in the Bond novels by Ian Fleming.⁷² Such scholarship has evaluated the link between power and patriarchy in representations of torture post 9/11 to offer refreshing perspectives on the nature of modern state power. It can shed light on how gender politics frames the relationship of domination between the interrogator and the prisoner with respect to broader concerns regarding sovereign power and national identity. Further research in this direction, from postcolonial perspectives, with special attention to comparing and contrasting various subject positions, has the potential to demonstrate how excesses of power draw on the specifics of race, gender and ethnicity to mutate and oppress peoples across different historical periods.

This thesis has examined both the ethics involved in representing the wounded and the motivations behind the torturer's decision to inflict pain and suffering. Given that torture post 9/11 was a coordinated effort between the medical practitioners, lawyers and interrogators, future research on representations of torture needs to include a range of perspectives for understanding how and why torture is thought necessary from the perspective of different disciplines. Since the role of doctors is imperative in torturing prisoners, the scholarship on doctors who participate in torture is glaringly scant. The participation of doctors in torture post 9/11 has been recorded in the government report 'Summary and Reflections of Chief of Medical Services Participation in the RDI program' and a think tank report 'Ethics Abandoned' by the Institute on Medicine as a Profession

⁷¹ Jeanne Sarson and Linda MacDonald, *Women Unsilenced: Our refusal to Let Torturer-Traffickers Win* (Friesen Press, 2021).

⁷²

(IMAP) to show the extent to which doctors participated in the torture of prisoners.⁷³ Peter Jan Honigsberg reflects that the doctors were actively involved in developing torture techniques in Guantanamo Bay Detention Centre.

Physicians, nurses, medical technicians, and other medical personnel present at the torture had taken oaths “to do no harm.” Yet, they supervised the torture of others, or neglected to notice when people were intentionally harmed. The medical personnel worked to keep the prisoners alive and “safe.” They also participated in the collection of intelligence and in experimentation with techniques of torture.⁷⁴

Honigsberg’s account reveals the contradiction between medical ethics and the goals of torture. Books such as *The Medical Documentation of Torture* address the issue from a medical ethics perspective, advising doctors on how to evidence torture and explaining what they may be able to do for a victim while working under totalitarian regimes. Further scholarship regarding these concerns can view medical practitioners, lawyers and interrogators as professionals who are capable of either preventing or supporting the torture of both the innocent and the guilty. In this respect, examining the conditions that lead to resistance to and complicity with the practice of torture can enable frameworks for torture prevention. Amnesty International has documented that doctors may be involved in torture due to bureaucratic necessity, convinced by national security concerns, coerced or threatened to comply, institutional pressure and a lack of knowledge with respect to medical ethics.⁷⁵ Concerns about how to empower medical boards such that doctors can prevent torture have

⁷³ C06541727, ‘Summary and Reflections of Chief of Medical Services Participation in the RDI Program’; ‘Ethics Abandoned: Medical Professionalism and Detainee Abuse in the War on Terror’, *Institute on Medicine as a Profession* (2013).

⁷⁴ Peter Jan Honigsberg, ‘We Tortured Him’, in *A Place Outside the Law: Forgotten Voices from Guantánamo* (Boston: Beacon Press, 2019) EPUB.

⁷⁵ ‘Doctors and Torture’, Amnesty International (March 1, 2002) <<https://www.amnesty.org/en/documents/act75/001/2002/en/>> [Accessed 10 May 2024]

been raised.⁷⁶ The extent to which a rigorous understanding of medical ethics can prevent torture needs to be explored further. After the torture memos exposed the reality of enhanced interrogation techniques, the role of the doctors became apparent, but little was done to hold them accountable. Therefore, it is necessary to expand on the ways in which they can be held liable for participating in torture.⁷⁷ The role of the interrogators and lawyers in the aftermath of the terror strikes has been recorded to some degree in official reports, journalistic accounts and prisoner memoirs. Analysing the figure of the doctor in the torture room from a biopolitical perspective holds the potential for shedding light on the mechanisms of modern state power. Exploring the affective conditions of how and why doctors are compelled to heal prisoners in order to prolong their suffering will reveal more about the conditions in which torture becomes thinkable. Future research can investigate the role of fiction in shedding light on the conflict between the oath to do no harm and the goals of torture.

In this thesis, analysing the role of genre and affect has demystified the framing assumptions of the ticking bomb hypothetical, demonstrating that preventing torture can improve national security by having a more rigorous mechanism for testing information. Shedding light on the affective dimension of pro-torture justifications has shown that emotions play a significant role in the choices made by the interrogators. Both of these aspects of the research undertaken here can inform future research into what compels doctors to choose torture. The analysis of journalistic accounts and prisoner memoirs can inform and expand the research on how to support and persuade doctors to prevent torture. In so doing, the concerns raised in this thesis regarding the ethics of representing the wounded as well as understanding the subjectivity of the torturer will be developed further, enriching the current field of scholarship by providing insights into torture prevention strategies. Given that culture

⁷⁶ 'From the Chair', *Human Rights*, 30:2 (2003), pp. 17-18.

⁷⁷ Leonard Rubenstein, 'Accountability for medical participation in torture', *The Lancet*, 395:10240 (2020).

and policy shape one another, drawing attention to the marginalised aspects of research on representations of torture will lead to more effective policies that protect human rights and serve national security interests.

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