
on torture

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The Tortured Tongue

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The pain that torture inflicts on its victims is instrumental. It is a means to an end. One way to conceive this end is from the point of view of those who condone torture and justify it in the name of security. Such people ask us to believe that torturers inflict severe pain on their victims in order to force them to divulge information: precisely the sort of information that could save the lives of those on whose behalf the torturer punishes his victims. Yet, the extent to which torture can help secure this community from the dangers posed by the victim of torture and his/her associates is questionable. As a means of information gathering, torture is notoriously unreliable. Victims of torture may confess to whatever the crimes –whether real or imagined—of which their torturers accuse them simply out of a desire to make the pain that they are suffering cease and go away. Torturers themselves are perfectly aware of the unreliability of the information that they gather, which is why they often must verify its accuracy. Regardless of the outcome of this process of verification, torturers will always find reasons to continue torturing their victims: if the information is accurate, they will torture again with a renewed sense of confidence in their ability to gather useful information; and if the information is inaccurate, torturers will punish

their victims with a renewed sense of urgency and vengeance. Given the unreliability of torture as a means of information gathering and given also that, as a consequence of this unreliability, torturers create their own reasons for continuing to inflict pain on their victims, the claim that torture is conducted in order to gather information seems rather specious.

When we reconsider this claim from the perspective of the victims of torture, we can discern how torture uses pain as a means to an altogether different end. From this perspective, torturers inflict severe pain on their victims in order to get them to think, say, or do things that violate who they have become thus far in life. That is: torturers torture in order to humiliate their victims. The pain that torturers inflict on their victims is meant to break down their victim's loyalties both to themselves and to their communities. In other words, torturers inflict pain on their victims in an effort to compel them to speak *in other words*. From the point of view of the victims, these other words constitute a language that contradicts their own language; they are words that only their enemies would speak; so when the victims of torture are forced to speak this language, they in effect are

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forced to speak the language of treason and betrayal.

Victims of torture are, in this sense, involuntary traitors. They are people who have been forced to betray themselves and their own people. The physical, mental, and emotional pain that victims of torture are made to suffer is intended to push them to the breaking point. What breaks at this point is loyalty. Henceforth, the victims of torture must live with the knowledge that they have become traitors: enemies to their community; enemies to themselves. But it is not as though torture completely breaks down all loyalty in those victims who it manages to turn into traitors. Involuntary traitors are left with one kind of loyalty: loyalty to the trauma inflicted on them. They remember how, under the duress of excruciating pain, they were forced to think, do, and say things of which they will forever feel ashamed. The shame of involuntary treason perpetuates the pain of torture by assuring that the victims of torture replace their loyalty to self and community with a profound distrust of their integrity as individuals and as members of a community. Convinced that they are untrustworthy, the involuntary traitors that torture creates feel that they must bear the weight of their shame alone.

Torture aims to shame its victims and turn them into traitors because treason creates rifts in communities; it fragments them; and breaks them down. Torture is a way to divide and conquer the enemy. But torture is limited in its ability to shatter the ties of loyalty that bind communities together. It can create involuntary traitors only on an individual basis; it can humiliate its victims only one at a time. As a way around this limitation, regimes of torture have often sought to make torture into

a public spectacle: some examples of this are the Autos de Fe celebrated by the Spanish Inquisition; the witch-burnings in Salem, Massachusetts; or, more recently, the public executions of heretics by the Taliban. When torture is made the centerpiece of public spectacles such as these, it serves as a threat to all who witness it. In such instances, torture merges its power to utterly humiliate and shame individuals with censorship's power to humiliate and shame entire communities.

Censorship generalizes the shame felt by the involuntary traitors that torture creates. It does this by threatening violence against and imposing silence on those who might otherwise denounce the regime of torture. Those who obey the censor's command to keep silent internalize the threat of violence that underscores that command; thus, they are made to share in the shame of involuntary treason that torture forces on its victims. When the victims of censorship obey the command to say not a disparaging word about torture, they also become involuntary traitors; their silent complicity betrays the victims of torture. This is why regimes of torture often align themselves with regimes of censorship: torture creates involuntary traitors who are, in turn, betrayed by the victims of censorship. Together, torture and censorship generate a culture of treason.

Of all the cruel and inhumane punishments that make up the torturer's repertoire, there is one in particular that demonstrates the extent to which torture and censorship work in tandem to generate this culture of treason. This punishment is elinguation, or the mangling, twisting, turning and eventual removal of the tongue. The tongue matters to torturers and censors because it is the principle organ of speech, and of articulated positions of

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either loyalty or betrayal. As such, elinguation involves more than the literal removal of the tongue; it also represents a metaphorical removal of language and community from the self. It both literally and metaphorically displaces the victims of torture and censorship from their preferred communities of speech.

It is easy enough to understand how this punishment satisfies the desire of the censor to impose a treasonous silence on his victims. It achieves in explicit terms what censorship normally achieves only in implicit terms. Less obvious is how this punishment satisfies the torturer's desire to force his victims to speak the language of betrayal. But it does so too in the sense that the silence it imposes makes the victim of elinguation complicit with the language that the torturer speaks. No longer able to contradict his torturer, the victim of elinguation is ashamed to feel the space that his tongue once occupied in his mouth filled with the filth of censorship's silence.

This image of the tortured tongue is an apt metaphor for how the discussion on torture has been carried out recently here in Washington, DC. Our tongues –although not literally removed from our mouths, have been forcibly twisted and turned, such that we now speak on torture in a language that contradicts the language in which we have traditionally spoken of both torture and censorship. That language is intimately tied up with the liberal tradition. It is the language in which US constitutional law articulates prohibitions on torture and formulates the equal rights of citizens; this language of enlightened liberalism is also the language in which the Geneva Conventions and The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment articulate international

prohibitions on torture and formulate the equal rights of all humans.

At issue in this language of enlightened liberalism is the idea that freedom must be balanced against solidarity. This balance is never easy to strike, and requires constant vigilance. Such is the case, in great measure, because the language of liberalism does not conceive of either freedom or solidarity in simple terms. Rather, it conceives them each as a dynamic yet delicate balance between positive and negative aspects. As concerns freedom, our positive freedom to realize ourselves and our life projects is limited negatively by other people's freedom from coercion. As such, we are generally prepared to accept our freedom from coercion as a necessary limit that is imposed on our freedom to do with our lives as we please. Likewise, as concerns solidarity, our right to associate with others positively on the basis of shared characteristics, values, or interests is limited negatively by other people's right to not have such associations forced on them. For this reason, we are generally willing to accept the idea that our common humanity should act as a negative limit on the prerogatives of our positive circles of solidarity.

When it is applied to questions of torture and censorship, the inherent logic of this language establishes an analogy where Torture: Solidarity :: Censorship: Freedom. According to this reasoning, no positively defined circle of solidarity (such as a tribe, an ethnic or religious community, or a nation) can trump the negative solidarity that is constructed on the basis of all of us having nothing in common aside from the fact that we are members of the same species. This negative solidarity imposes a limit on freedom by prohibiting torture as a violation of our human dignity. As concerns the

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positive solidarity that censorship constructs by imposing silence, the logic of enlightened liberalism suggests that it is limited by our freedom from coercion. This negative freedom imposes a limit on solidarity by prohibiting censorship, which is conceived as a violation of our freedom to grow into full-fledged individuals who think and speak for themselves.

The Bybee and Gonzales memos, which the Bush administration prepared in 2002 in anticipation of the US invasion of Iraq, turned this logic on its head. The new Bush-speak on torture inverted the terms of enlightened liberalism's prohibition analogy, replacing the negative relationships between torture and solidarity on the one hand and censorship and freedom on the other with positive ones. As opposed to Torture: Solidarity :: Censorship : Freedom, the new discourse on torture proposed that Torture: Freedom :: Censorship: Solidarity. According to this logic, torturers are the ultimate expression of freedom; and censors are the ultimate creators of solidarity. The positive freedom enjoyed by torturers knows no limits; it is neither limited by the victim's negative freedom from coercion nor by the negative solidarity that ties torturers to their victims insofar as they are both human beings. Much the same can be said about the censors who this new Bush-speak on torture empower. The positive solidarity that these censors construct by imposing silence knows no limits; it is neither limited by the negative solidarity of those with whom the censors have nothing in common except their humanity, nor is it limited by the negative liberty from coercion of the victims of censorship. Failing to acknowledge any of these limits, the positive solidarity that these censors create is as narcissistic as it is jingoistic. Indeed, the trouble

with this overly-positive notion of solidarity is that it has led some Americans to embrace a sense of patriotism that would require all Americans to identify positively with torturers, and opposed to identifying at least negatively with their victims.

I trust my comments have made clear the extent to which this new language on torture, and the censorship that accompanies it, openly contradict the traditional language of enlightened liberalism on which our and all other modern democracies are based. Insofar as we acquiesce to use this new language or fail to denounce the silences it imposes, we run the risk of becoming involuntary traitors and sharing in the shame that now permanently marks the lives of those "enemy combatants" who have been tortured on our behalf, ostensibly in order to secure our freedom and affirm our solidarity.

The outcome of the recent Presidential election here in the US suggests that a majority of the American public has now decided to reject the new language on torture that was devised in secretive meetings and became policy without even the slightest public debate. Perhaps this majority favors a return to the more traditional language of enlightened liberalism. I hope they do not. For if the Bybee and Gonzalez memos prove anything, it is that the language in which we have traditionally formulated our prohibitions on torture is too weak; the negative limits we have traditionally imposed on freedom and solidarity have proved to be malleable, twistable, and torturous. We do need stronger language in which to prohibit torture and censorship while at the same time affirming our solidarity as a species. My hope, although it is not terribly audacious, is that this symposium today serves as a first step in that direction.