In general, men judge more by sight than by touch. Everyone sees what is happening but not everyone feels its consequences.

—Niccolò Machiavelli[1]

▌ Introduction

On March 3, 1991, police pulled over Rodney King and two other passengers in Los Angeles. Most Americans saw how that incident ended. LAPD officers beat King senseless with metal batons. Many will remember that police fractured King's face and legs. How many remember the number of times police fired electric stun weapons at King during the incident? How many can say how much shock passed through his body as he lay on the ground?

From the start, the King incident was about the sudden remarkable visibility of police violence captured, by happenstance, on amateur video. As the Christopher Commission stated, "Whether there even would have been a Los Angeles Police Department investigation without the video is doubtful, since the efforts of King's brother, Paul, to file a complaint were frustrated, and the report of the involved officers was falsified."[2]

Even a careful viewer of the amateur video would not see the police using electroshock. Sergeant Stacey Koon tased Rodney King thrice, twice prior to when the video started running and once in the course of the video. *To tase* means to use a Tommy A. Swift Electric Rifle (T.A.S.E.R). Tasers fire two darts trailed by long wires. Once the darts catch onto the clothing or body, the operator depresses a button, releasing electric charge from the batteries along the wires to the target. Koon's Taser model possessed two dart cartridges. Koon lodged the first pair of darts on King's back and the second on his upper chest. Each discharge delivered short pulses of 50,000 volts, eight to fifteen pulses per second.[3]

The pain was not trivial. The California Highway Patrol officer said King was "writhing."[4] LAPD officer Timothy Wind stated that King "was shouting incoherently from the *pain* of the taser."[5] Even Koon, who was nine feet away,

declared, "He's groaning like a wounded animal, and I can see the vibrations on him."[6] While Officer Laurence Powell beat King on video, Koon depressed the button a third time, draining whatever charge was left in the batteries.[7] This was not a trivial discharge either. LAPD recruits knew that whoever touched a tased victim would also "get zapped. They don't become unconscious . . . they just go down."[8] Officer Ted Briseno claims that he intervened at this point to stop the beating. Koon and Wind believe that "Briseno wasn't trying to stop the violence; he was trying to prevent the TASER charge from hitting Powell and Wind."[9] At any rate, the third tase didn't subdue King, and the beating continued.

If these beatings led to the Los Angeles Riots of 1992, the multiple high-voltage shocks barely impinged on public consciousness. Indeed, what would have happened if King had suffered no fractures, only the mere burn of the Taser? At the trial, the defense produced Dr. Dallas Long to contest whether there even was a burn scar. As Koon puts it, "Rodney King had no burn; a TASER dart doesn't leave one."[10]

A democratic public may be outraged by violence it can see, but how likely is it that we will get outraged about violence like this, that may or may not leave traces, violence that we can hardly be sure took place at all? A victim with scars to show to the media will get sympathy or at least attention, but victims without scars do not have much to authorize their complaints to a skeptical public. A trial can focus on the specific damages of a beating—where did the blows alleg-edly fall? Were the strikes professional, necessary or neither?—but what pre-cisely can a trial focus on with electric shocks that leave few marks? Some argue we are desensitized to violence we see on the evening news, but about violence we can't see—even when its effects lie before our eyes, shaping very flow of traffic on our streets—we cannot reflect, much less react.

This book explores the disturbing implications of the truth that we are less likely to complain about violence committed by stealth. Indeed, we are less likely even to have the opportunity to complain. I use "we" deliberately, refer-ring to people of modern states, and especially democracies. Dictators generally have no interest in violence that leaves no marks; intimidation can require that they leave bloody traces of their power in every public square. We may think that most clean tortures came to us from Hitler or Stalin, but we would do well to look closer to home.

For wherever citizens gather freely to review public power or name violent injustice, we are also more likely to see covert violence. In democracies, the police, the military, and the secret services are constrained by constitutions and monitored by judges and internal review boards, by a free press, and by human rights organizations. Officers, agents, and soldiers who decide that brutality is required, of their own accord or with quiet encouragement from above, will put a premium on "methods which cause suffering and intimidation

without leaving much in the way of embarrassing long-term visible evidence of brutality."[11]

The logic of this dynamic, of the incentives and disincentives created by the tensions between authority and public monitoring, is certainly thought-provoking in itself. This book goes further, arguing that, historically, public monitoring and stealth torture have an unnerving affinity. It is a relationship, moreover, that has been aided by the modern technologies that, put to other uses, make our lives physically comfortable, even pleasurable. I seek to show that where free elections have gone, where monitoring agencies have set up shop, and journalists have taken to the streets and airwaves, they have been followed by electric prods and electroshockers, tortures by water and ice, drugs of sinister variety, sonic devices—and also by methods that are less technical, but no less sophisticated or painful; the modern democratic torturer knows how to beat a suspect senseless without leaving a mark.[12]

But this book does more than describe complex patterns of torture techniques and offer explanations for their distribution. *Torture and Democracy* is also designed as an accessible and reliable sourcebook for citizens. No one these days is particularly surprised that torture has its supporters even in democracies. Since September 11, 2001, American officials have acknowledged using well-known coercive techniques on prisoners, and some influential Americans have justified torture in certain cases.[13] And since Abu Ghraib, the world has become familiar with iconic images of American torture. Most people, though, don't know about the painful but clean tortures that now characterize so much policing around the world. And few would recognize the torture of the Hooded Man of Abu Ghraib or its effects if police used this procedure on someone in their neighborhood.

If global monitoring of torture is to succeed in eliminating these clean tortures, citizens need to understand clearly what these techniques are, where they come from, and what they do. Being able to talk intelligently about these techniques is not simply a cognitive ability that promotes better research on torture, but a necessary civic skill. Citizens who cannot speak competently about cruelty are unable to protect themselves against tyranny and injustice.

Historical Claims

The bulk of this book is devoted to establishing a set of historical claims. These claims describe patterns in the way torture techniques have appeared worldwide over the last few centuries. They are claims of fact, based on the best available evidence, whatever I, or others, make of these claims. The main factual claims of this book are the following.

There exist many painful physical techniques of interrogation or control that leave few marks. I call these *clean* techniques in contrast to *scarring* techniques of torture. Clean techniques are not psychological techniques. A paddle or a fist applied to the body leaves marks if used one way, but not if used another way. Both strikes involve harsh physical blows, and it is deeply misleading, if not deceptive, to call a clean blow a psychological procedure and a scarring blow a physical one.[14]

Clean techniques are physical tortures. The vast majority of clean techniques are not technologically sophisticated. They involve everyday instruments that people commonly have at hand for other purposes (see appendix A).

Most of these techniques appeared first in military punishments, especially among British lists of punishments; in the context of American slavery; in penal institutions; or during policing and military operations in French and British colonies. Virtually all the techniques that appear in conflicts in Afghanistan, Iraq, Algeria, and Northern Ireland, as well as in prisons in France, England, and the United States, are descended from these procedures or subsequent variants.

There is a long, unbroken, though largely forgotten history of torture in democracies at home and abroad, a history in which these techniques were transmitted stretching back some two hundred years. This claim restates the previous paragraph using the conventional designation of France, England, and the United States as the main democracies of modern history, especially prior to World War II.

The alternative claim would be that authoritarian states invented and distributed these clean techniques. However, prior to and during World War II, clean torture techniques rarely appear in other countries notorious for torture, including Russia, Germany, the Austro-Hungarian Empire, and Japan, or their colonies. When they do, they are just as quickly forgotten. However one conventionally designates these states—whether one calls them monarchies, dictatorships, fascist or communist states, totalitarian or authoritarian states—these states are not conventionally or consistently designated as democracies before or after World War II.

By the late twentieth century, the clean techniques that first appeared in the main democracies can be found in countries around the world. In addition, new coercive and clean techniques appeared alongside them in various countries throughout the world. There are, of course, still other techniques of torture that do leave marks, and there are fewer reports of these by the late twentieth century than there were previously.

Moreover, torturers tend increasingly to use clean torture techniques in conjunction with each other. I call this tendency *clustering*. This clustering occurred first in the torture of modern democratic states in the early twentieth

century and only rarely in authoritarian torture chambers. By the late twentieth century, the similar clustering begins to appear among authoritarian states, although democratic torturers remain, by far, the most consistent users of clean techniques.

Lastly, clean techniques do not cluster randomly, but appear in predictable combinations. I call these predictable combinations *regimens,* or more commonly *styles* of torture. For example, torturers tend to commonly use electrotorture in combination with various water tortures, a style I call French modern after its first consistent users.

Over the course of a century, then, torture changed worldwide, the kind of sweeping change that is rare with any method of violence. As time has gone by, torturers, on their own or at the direction of others and for whatever reason, seem to have turned more and more toward techniques that leave few marks. This follows from the broad arc of history just described, whether or not one concludes, as I argue, that stealthiness is what makes these clean techniques desirable to torturers. It is possible, of course, that these techniques have some other quality in common besides leaving few marks, and this is why they are used more frequently. I consider this possibility in appendix B, but that is not critical to the factual claim here. The only claim made here is that leaving few marks is *one* quality all these techniques obviously have in common and around which they may be grouped for purposes of analysis, even, if upon further analysis, this is not the only common element.

Lastly, and in short, police and military in the main democratic states were leaders in adapting and innovating clean techniques of torture. French colonial police, for example, developed what became the dominant form of electric torture for forty years, torture by means of a field telephone magneto. They pioneered this clean technique in 1931 in Vietnam, before the Nazis came to power.

This claim is agnostic on how other countries ended up with these techniques and by what route they arrived, if indeed they came from the outside. It does not imply a specific explanation for how torturers around the world came by the techniques they currently use, for example, the CIA did it. All it states is that the techniques that are now commonly used in interrogation rooms and prisons around the world had their roots in the main democratic states.

Puzzles and Cautions

The main historical claims of this book raise some specific, intriguing puzzles. These puzzles include: Why did these techniques first appear in the main democracies and not in other states, democratic or otherwise? Why and how

did these techniques migrate from these states to states around the world? And why was there a priority on this class of techniques? Was the reason the evident quality they have in common leaving no marks or some other quality? Regardless, why did this quality become so desirable worldwide in the late twentieth century?

In what follows, I review solutions to these puzzles, some plausible and others unconvincing, and offer my own answers. But before I proceed, two preliminary notes are necessary to explain how I plan to go about doing this in the course of the book.

First, I take my time in offering discrete, disciplined histories of each clean torture, starting with electrotorture, and moving on to techniques involving whips and sticks, water, ice, spices, sleep deprivation, positional and restraint tortures, clean beating, exhaustion exercises, noise, and drugs. Historical "data" comes in certain patterns, and the process of explanation cannot start until one has arrived at a reliable set of claims about the patterns the data forms, identifying what is worthy of explanation. And unfortunately, most explanations of torture, much less torture technology, have relied on misleading and unreliable data—a matter I will document repeatedly in the course of this book.

Getting the patterns right, specifying claims about the shapes of these patterns, is important to any further research, and to see this pattern requires doing the disciplined idiographic studies of techniques. The torture techniques are the protagonists, if you like, of this book, and it is very hard to catch more than glimpses of them as they move from place to place and thus to establish their existence and dispersion. This accounts for this study's 3,400 notes involving approximately two thousand sources in fourteen languages—only a small part of what was actually consulted—covering everything from well-known events, from Vietnam and commercial slavery, to more obscure activities, for example, French prisons in New Guinea and outposts of the Foreign Legion in North Africa or barely known sideshows of World War II where Hungarians tortured Slovak prisoners or Romanians set upon residents of Odessa. Behind each chapter lies a detailed tabulation of techniques, for example, of Gestapo torture by place and year.

All this takes time and care, evaluating alternative factual claims until the pattern is as clear as it can be for the moment. And nothing emphasizes the danger of hastily reaching for theory as the final section of every chapter at the heart of this book (chapters 3–24). These sections, typically entitled "Remembering X and Y," remind the reader of familiar and important factual histories that turned out to be false or misleading in the course of the chapter. Repeatedly, I describe patterns that others have asserted (for example, M.R.D. Foot's assertion that electrotorture was invented by the Nazis), commonly believe (Pavlov was responsible for brainwashing), or are widely trumpeted (torture

worked reliably to produce accurate, timely information during the Battle of Algiers) only to show how these historical claims are overstated, misleading, or simply false.

There is, then, a difference between "clean" and "dirty" data, and the problem with most explanations of torture hitherto has been their exclusive reliance on misleading histories. One factor that repeatedly muddies the waters is national memory of torture in various countries. The focus on writing the history of techniques, rather than nations, is deliberate in this respect. I took the unit of analysis as the technique, not the nation, because it serves as an antidote to misleading national memories. Knowing the actual global distribution not only shows how specific national narratives of the history of torture techniques are misleading or simply sometimes conveniently false, but also offers some insight into the way social memory works.

This should not be taken as a rejection of discrete cases studies based on nation-states. The book draws on such studies, and my first book, *Torture and Modernity: State, Society and Self in Iran*, was precisely such a study.[15] But what has long been needed is a large-scale study of the sort I have undertaken, one that puts the local studies in a broad context, draws attention to what kinds of accounts exist elsewhere beyond the horizons of specific area specialists, and brings together in one place what can be known about the history of torture techniques. That is a daunting exercise, and I do not claim it cannot be improved upon.

But what I do claim is that area specialists who focus exclusively on specific nations are at risk of error. I can say this from experience, as my first book, like so many others, accepted certain theses about the origins of torture techniques unthinkingly, theses that proved to be mistaken when I finally learned the specific histories of various techniques. This was a painful realization, not simply from a scholarly point of view, but because it cut against an inherited folklore born out of national trauma that, as a younger man, I absorbed as fact. And as this book shows, in chapter 24 and elsewhere, area specialists are equally vulnerable to this, repeatedly blessing a *folklore* of torture with social scientific legitimacy, simply because they took preconstructed memories as *facts* about patterns of torture.

Second, my approach to explaining the puzzling patterns that emerge from the various histories is going to be more speculative than some might prefer or demand. This is a necessary result of the material that is available for this study. The empirical material I use for the idiographic studies is both too rich and too fragmentary to allow for precise, validated causal claims. By too rich, I mean it comes from so many countries, so many different writers, and in so many styles, guises, and emotional hues (from coldly technical to blatantly cruel, cruelly disingenuous, and literally tortured) that it can be very hard to understand many

of the facts in their own contexts, let alone systematically compare them or
subdue them under neat hypotheses. By too fragmentary, I mean that I'm often
piecing together stories whose most pertinent facts may never come to light,
not least because they may have been deliberately obscured or suppressed.

This does not mean that the facts of the history of torture technology are
unmanageable or that explanations are impossible, but that one must pay atten-
tion to what is achievable. This is why I do not think it wise to try to prove each
of my explanations beyond the shadow of a doubt or to explain with fine-grained
precision what all the relevant causal mechanisms are behind the spread of
torture. What I do offer are provisional claims, plausible in light of what can
be known, and I show as well how alternative accounts are, at least as far as can
be determined, implausible.

I present these provisional explanations and alternative accounts as empiri-
cal patterns emerge from the historical narrative. This is a necessary conse-
quence of the approach I have taken, namely, to provide a plain-language narra-
tive for ordinary educated readers. But here I will sketch broadly some of my
main arguments, and in appendix C, I itemize my explanations analytically and
list the reasons I reject alternative accounts.

The Priority of Public Monitoring

To reprise briefly, the main historical claims of this study are that there is a long
history of torture in the main democracies, that the priority in these cases
was on techniques that left few marks, and that democratic police and military
were innovators in this area in that techniques they first used appear in many
places today around the world. Clean tortures and democracy *seem* to go hand
in hand.

But *why* do clean torture and democracy appear to go hand in hand? This
is an important puzzle (though by no means the only one suggested by the
data). My explanation for this pattern generally is this: *Public monitoring leads
institutions that favor painful coercion to use and combine clean torture tech-
niques to evade detection, and, to the extent that public monitoring is not only
greater in democracies, but that public monitoring of human rights is a core value
in modern democracies, it is the case that where we find democracies torturing
today we will also be more likely to find stealthy torture.*

What makes covert coercion valuable is that allegations of torture are sim-
ply less credible when there is nothing to show for it. In the absence of visible
wounds or photographs of actual torture, who is one to believe? Stealth torture
breaks down the ability to communicate. The inexpressibility that matters here
is the gap between a victim and his or her community. Stealth torture regimens

are unlike other torture procedures because they are calculated to subvert this relationship and thereby avoid crises of legitimacy.

This explanation is logical, but it also fits the available evidence for the most part. Usually, wherever we see these clean techniques in the twentieth century, typically they are in the context of intensive public monitoring—either by churches, the press, politicians, the public, or international organizations. And that is why clean coercive techniques typically show up in democratic states. When we watch interrogators, interrogators get sneaky.

It is not possible to prove beyond a shadow of a doubt that monitoring is the sole source for the emergence of clean torture techniques in democracies. In fact, some histories of torture techniques show that tortures that left few marks had other purposes besides preserving legitimacy in the face of public monitoring of human rights. For example, American slavers developed paddling and bucking because they knew buyers would conclude scarred slaves were a disciplinary problem and not purchase them. Obviously democratic monitoring of human rights had nothing to do with that! What mattered more in this case was the monitoring of potential buyers, which gave slave dealers incentives for using clean techniques. But when police adopted these techniques in the United States, then, yes, based on everything else we know, it is reasonable to believe that their concern was to mislead the public and others, as the Wickersham Report makes amply clear. At any rate, they weren't trying to sell their prisoners to others, so we know *that* was not the reason.

Arguing that public monitoring alters the behavior of state violence workers is not a contentious claim. Most state violence can be committed in ways that draw little or no public attention. Scholars have registered the trend toward stealthiness in how states control street protests, ethnic conflict, and war. They have documented techniques (nonlethal weapons, smart bombs) that states use to sustain legitimacy while dispensing with their opponents quietly.[16] My explanation differs from these only slightly. I maintain that states, especially democratic ones, turned to covert torture earlier than they turned to stealth in other kinds of violence, and torture by stealth spread more widely and involved a greater variety of techniques.

In advancing this monitoring hypothesis, I'm turning away from two alternative ways of framing the puzzle of clean torture and democracy, one that thinks of democracy far more boldly than I do (the regime type hypothesis) and one that is skeptical that there are any real democratic states in the world at all (the ruling elite hypothesis).

Why not say that democracy, not monitoring, explains the pattern of clean torture? This would also seem to fit the pattern of available evidence. After all, public monitoring exists in democracies, not authoritarian states. Democratic states have a free press, human rights groups, and governmental institutions for

public accountability, so why not state that democracy causes stealth torture? Let me call this the *regime type* hypothesis.

Certainly several of the main historical claims of this study support this hypothesis, especially those pertaining to the nineteenth and early twentieth centuries. In this case the pattern of torture techniques (clean/scarring) maps onto regime type. But this explanation fails to account for the historical pattern of the late twentieth century, when authoritarian states also adopted techniques that left few marks. Nor does it explain conditions where democratic states do not adopt clean techniques, for example, in some colonial conflicts. Indeed, in many cases, there are extensive intrastate variations in the pattern of torture across geographic areas and over time whether in democratic or authoritarian states. Regime type is a favorite variable among political scientists, but it is too crude a device to explain these variations.

But maybe I have too utopian a view of public monitoring, especially in democracies. Can it really be that torturers care about what church groups and the press think? Those skeptical of this explanation may advance a proposition of their own. They may argue that democratic states are ruled by an elite who, for whatever reason, want to hide their exploitative state in the guise of a democratic government and so order lower-level agents to be stealthy and not make a mess.

There are, indeed, cases where this does appear to be the case. Some elites in the main democracies, particularly political elites, occasionally tacitly or overtly endorse torture, and this often reflects a class distinction. But the main point is this is not really an *alternative* hypothesis. For if the difference between democratic and authoritarian states is that democratic elites want to wear a mask to disguise their tyranny, then one must ask why. And that brings one back to the fact that they believe they are being watched and judged by others in how well they respect human rights, and they believe at least a thin veneer of legitimacy is necessary, one that includes stealth torture.

All that is at stake in the ruling elite hypothesis is this question: *who* is it that insists that torturers should be stealthy, the lower-level agents or the higher-ups or international agents (e.g., the CIA, corporate elites)? This is an empirical question with no universal answer. As the various histories show, the demand for stealth can come from anywhere within institutions, from the head of state and the general to the lowly policeman. When there is evidence for who decided on stealth, I indicate as much, but the evidence is often inconclusive, sometimes pointing to lower-downs and sometimes pointing to higher-ups. This is unfortunately one of those instances where the information is so fragmentary that there is unlikely ever to be adequate evidence to settle the question.

However, the matter is different when it comes to the choice of specific techniques, and here one does get some insight into the world of torturers.

Admittedly, we do find some politicians and institutions issuing lists of torture techniques to interrogators—for example, Secretary of Defense Donald Rumsfeld's orders to military interrogators or CIA manuals—listing a range of techniques that leave no marks. These are rare cases. As chapter 20 indicates, even when politicians authorize torture, there is little evidence of top-down systematic training in specific techniques in the history of modern torture. This is not definitive proof that elites do not have a hand in training because, as I argue, they may prefer backroom apprenticeships that leave no trace.

What is certain, though, is that wherever one finds explicitly approved training in torture techniques, one finds regularly that the interrogators go beyond the approved regulations. As chapters 21 and 23 show, there are several slippery slopes in torture, and one of them is that torturers innovate and introduce new techniques that rapidly become routine. Even if higher-ups *in all cases* really were the people who pushed for stealth and instituted the training, lower agents take things into their own hands fairly rapidly. Torturers appear to be far more independent than is suggested by those who make modern torturers out to be functional appendages of an unholy alliance between big business and big politics. Distinguishing between situations that slip rapidly out of hand and covertly directed operations is always a tricky business, but there are more than enough cases, especially in domestic policing of neighborhoods, to show that torturers do turn to stealth torture on their own.

Variations among States

The historical claims of this study generate a pattern that suggests democracy and stealth torture techniques go hand in hand. The monitoring hypothesis suggests that public monitoring shapes how police and military interrogators behave. It predicts that where public monitoring is present, torturers favor covert coercion, and when it is absent—say in a frontier war or in an authoritarian state—violence, including torture, will be more overt. This proposition is logical and fits the available evidence for the most part.

But there are apparent exceptions to this explanation arising from my main historical claims. These exceptions constitute tests of the monitoring hypothesis. The question here is not whether the monitoring hypothesis is logical or fits the available evidence pertaining to the main democracies, but whether it also works to explain the apparent exceptions better than alternative accounts.

Sometimes, for example, one finds techniques that leave no marks in the absence of public monitoring of human rights, as in the case of American slavery. In these cases, their original adoption was rooted in various religious, educational, moral, medical, or commercial norms not related to the monitoring of

human rights. This is especially evident in chapters 12–14. What matters in these cases is not their origin, but why police and militaries adopted and adapted them at particular times and places, and here, it often appears they adopted clean techniques to evade detection or public controversy about rights violations. What appears as an exception in this case is not.

But there is a more important exception of this sort. One important historical claim of this study is that authoritarian states paid little attention to techniques that left few marks in the early twentieth century but many came to adopt these techniques by the end of the twentieth century. Of course, this was not true everywhere. Some states, for example Saddam Hussein's Iraq or Kim Il Sung's North Korea, persisted in using overt, brutal torture. But in many other cases, police and military interrogators seemed to tilt toward torture techniques that leave few marks. Such authoritarian states do not have a free press, autonomous human rights groups, or governmental mechanisms for public accountability such as elections or an independent judiciary. So why would they care whether torture leaves marks or not?

There are two related puzzles here. First, why did authoritarian states in the early twentieth century not use clean techniques, and what explains the few exceptions when they did? And why did authoritarian states in the late twentieth century adopt torture techniques that left few marks? Again, in these cases, I argue that the presence or absence of monitoring made a critical difference.

On my account, it is hardly surprising that authoritarian states did not bother with clean tortures in the early twentieth century. These states were far less accountable domestically and internationally for the violence they performed, and so there was no percentage in using techniques with no marks. What mattered most was whether the torture was painful; whether it left marks or not was a curiosity. In some rare cases, and I document as many as I can find, interrogators consistently used techniques that left few marks. The most famous examples pertain to some prisoners during the various Soviet show trials in the 1930s, but there are others less well known, such as the Nazi treatment of Swedes who aided the Polish Resistance during the war.

When one explores the circumstances around these cases, one finds that for particular reasons, the prisoners in these cases were drawing international attention. Why one case drew international attention while another did not is difficult to say, but when they did, states judged this attention jeopardized their international image or alliances, and it is not too hard to speculate, as historians who document them do, that this is why torturers literally pulled their punches. During the Soviet show trials in the 1930s, for example, defendants had to appear, with no visible signs of torture, to avow their crimes spontaneously before foreign journalists. To this end, Stalin's NKVD favored a procedure involving sleep deprivation, continuous interrogation, and positional tortures dubbed

"The Conveyor," and it is reasonable to conclude that it preferred these techniques because it aimed to be stealthy.

In the early twentieth century, international monitoring of human rights abuses, including torture, was sporadic and selective, as I explain in chapter 1. This situation changed appreciably by the late twentieth century. International human rights monitoring came of age in the 1970s. Certainly, by the 1980s, one can speak of a global human rights regime. In this context, even authoritarian states came to appreciate the value of appearing to conform consistently to such an agenda, especially when foreign aid and legitimacy depended on it. The exceptions to this rule—international pariah states such as Hussein's Iraq or Sung's North Korea—prove the rule. Let me call this the *universal monitoring* (UM) hypothesis.

The UM hypothesis has relatively distinct boundary conditions. It pertains to the pattern of torture only after the formation of a global human rights consensus, enforced by numerous international and national auditors of human rights practices, one that formed roughly in the last three decades of the twentieth century. This kind of consensus is called an international regime, that is, a set of implicit or explicit norms, principles, and decision-making processes that states set up to monitor certain issues in international politics. I make no global claims about the power of monitoring in the period before the formation of this international regime, for example, that the League of Nations or the International Anti-Slavery League constrained the behavior of torturers. Indeed, I hold the opposite view. Before the 1970s, global human rights monitoring was so weak, if it existed at all, that, generally speaking, scarring torture flourished worldwide outside of the main democracies, and it was only in rare cases where states pulled their punches and for highly particular reasons, as I have mentioned.

If the formation of a global, human-rights-monitoring regime drove interrogators to turn to covert coercion, then one would expect a worldwide trend toward clean procedures in its wake. And in fact, the discrete histories of torture techniques repeatedly show a surge in the scope of clean procedures in the 1970s and 1980s. This is most evident in the case of electrotorture (chapters 7 through 9), but it also appears to be the case with many other techniques as well. Moreover, clean techniques tend to cluster around authoritarian states most closely allied with the main democratic states (the United States, the United Kingdom, and France).

This is highly suggestive, but not definitive, and there is another way to explain the timing of these empirical variations. Noam Chomsky and Edward Herman argue, for example, that elites in the United States distributed torture techniques to their authoritarian allies around the world in the 1960s and 1970s. On this account then, the United States distributed clean torture techniques

worldwide. Let me call this a *universal distributor* (UD) hypothesis. Chomsky and Herman's UD hypothesis appears to explain why clean techniques spread without referencing human rights monitoring or a global human rights regime as a principal driver.

But that isn't quite true. For this version of the UD hypothesis suggests that a ruling elite (in this case with an international empire) cared about public monitoring too and so trained lower-down agents to use clean techniques. In other words, the difference between the American empire and the Soviet was simply that elites wanted a façade of legitimacy. In that case, monitoring did matter. The only debate here is *to whom* monitoring mattered more—the American elites, the political elites of the client countries, or the lower-downs doing the torturing.

Again, this problem is too shrouded in secrecy to determine with certainty which agent cared more. Consider, for example, the case of an officer in Mobutu's Zaire who stopped his soldiers from beating a prisoner with sticks saying, "It will leave scars and we will get complaints from Amnesty International."[17] It is unlikely this officer had any direct connection to Amnesty. It's possible he knew his immediate superior didn't want a mess, or that he had a circular directly from Mobutu's office on the subject or he was in touch with the local CIA adviser who told him to cool it. The truth is we are unlikely ever to know. All we can say for certain is that *he* cared about international monitoring. It's possible other people around him did too, but who more so than others is anyone's guess.

But there is reason to believe that the United States did not distribute clean techniques to its allies worldwide in the 1970s as a matter of policy. One test is simply this. If the United States really had done so, one would expect a fair degree of continuity in the kinds of clean techniques used. But, as I demonstrate in chapters 8 and 9, such continuity is hard to find, especially outside of Latin America, and even within this zone of American influence, the variations are too great to suggest a single source.

Moreover, even if Chomsky and Herman are right, their hypothesis is a partial one at best. It does not explain the pattern of torture in states like South Africa, which even they concede were not part of the U.S. orbit of influence. Nor does it explain the persistence of clean tortures in the Soviet Union, for example, the notorious Soviet psychoprisons.

Another possibility is that clean tortures were far more widespread before the 1970s than is commonly supposed. Some clean tortures definitely preexisted universal monitoring, but if they were more widespread than is documented here, then the historical pattern I describe is illusory, the effect of better documentation that has become possible with the formation of a global human rights regime after the 1970s. Documentation of torture has certainly improved

tremendously since the first global audit in 1973. However, there is little historical evidence that these techniques were widespread before the 1970s, and typically when they appeared, they occurred mainly in democratic states for reasons I have already described.

Lastly, the UM hypothesis may overemphasize international legitimacy at the expense of domestic legitimacy. After all, authoritarian states also need to have some support, however slim, from domestic constituencies. Maybe these states turned to clean tortures to win over those a bit squeamish about overt scarring torture.

But, for better or worse, prison stories do not describe torturers worrying about what other citizens might think as they torture prisoners. Indeed, torturers usually had no trouble finding relatives, neighbors, and friends of prisoners and torturing them in the presence of their captives. Occasional anecdotes suggest that torturers worried more about what international monitors might report rather than a breaking story in the evening paper. The story of the Zairian officer is typical. And logically one would be inclined to say that international monitoring matters more for authoritarian states, whereas for democratic states, domestic monitoring is probably as important. But this cannot be proven with certainty based on the available evidence.

Variations within States

The historical claims in this book generate another set of puzzles more difficult to explain, and these pertain to variations in the pattern of clean and scarring techniques *within* states. British colonial police, for example, showed less concern for cleanliness in torture in Kenya in the 1950s than the Criminal Investigation Division (CID) did in Mandatory Palestine fifteen years earlier. French troops used highly visible tortures on Moroccans in the 1920s, a far cry from the cleaner techniques the French Sûreté used on the Vietnamese in Saigon in 1931. In some cases, the same agents preferred different techniques in different places during the same conflict. French troops in Algeria used far more scarring techniques on the frontiers than they did in the main cities, and a similar contrast appears between tortures that Israeli troops use on the Lebanese frontier and those that appear in the densely populated West Bank.

Some anecdotal evidence suggests that the *quality* of monitoring is what accounts for this difference. As one Israeli soldier observed, on the West Bank, "You need a lawyer next to you all the time," whereas in Southern Lebanon "there aren't hundreds of regulations."[18] Monitoring is more frequent in urban areas, it is logical to assume, and soldiers and police know so. Similarly, the Wickersham Report argues that American police in the 1920s were more likely

to change how they behaved if they anticipated institutional monitoring (judges, prison doctors) rather than external monitoring (the press for example) (chapter 3). And British colonial documents indicate that administrators knew that the Anglican Church was monitoring violence in Mandatory Palestine and that the Nazi press was eager to make the most of any overt British violence in its propaganda to Arabs in the Middle East (chapter 14).

Perhaps the most suggestive evidence that the type of monitoring matters comes from the lives of doctors who treat torture victims (chapter 19). Doctors emerged on the front lines of monitoring because they had a specialized set of skills to diagnose the use of some clean techniques. Prison doctors can sink or save a stealth torture operation (as in Northern Ireland in the late 1970s), as can doctors on the outside (whether in a city or a foreign country). As these doctors did their work, torturers abandoned one set of techniques (drugs, for example) for others. Others harassed and tortured health professionals. Maybe all health professionals are radicals, or hunting doctors is better sport than hunting human rights lawyers, but this is unlikely.

What seems more likely is that *someone* inside a torture apparatus is responsive to developments in the kind of monitoring. Usually, prisoners identify their torturers as thus responsive, but this could be an effect of their condition. They only have access to their torturers, not to those who command them. One can list qualities that might affect the potency of monitoring: whether it is frequent or infrequent, comprehensive or scattered, conducted from a distance or proximate, internal or external to the institution, domestic or international, based on local knowledge or conducted by foreigners, and the type of specialization (e.g., medical or lay evaluation). Only more detailed case studies will be able to say which matter more.

National Styles of Stealth Torture

The extent of monitoring may explain *why* torturers turn to or away from clean techniques, but it does not explain *how* they torture. Torturers show distinct preferences for this or that clean technique. Explaining these preferences presents a different set of puzzles.

Take electric torture. Why is it that the French style in electric torture spreads around the world, while other no less painful or clean instruments, notably the Argentine *picana eléctrica*, languish for decades? Why do British colonial police rarely use electricity in interrogation? What explains variation in clean torture techniques between states?

Torturers also show distinct preferences during specific periods. For example, between 1973 and 1984, South African torturers favored forced standing,

a well-known positional torture. Forced standing occurred in two-fifths of all cases. Between 1985 and 1989, torturers changed their style. Forced standing faded to a distant one-sixth of all cases, while electric torture and near asphyxiation occurred in nearly half of all cases.[19] Whatever the reason for this variation, it cannot be because forced standing was more scarring than these other techniques.

This book covers dozens, perhaps hundreds, of cases of innovation and adaptation in torture. As these cases pile up, readers will recognize that some common explanations for *how* torture persists cannot adequately explain the shifting patterns of techniques, most notably those that appeal to culture, ideology, and efficiency.

It is not enough to say that torturers favor such and such a technique over time because it stems from the country's cultural legacy. Some techniques, it is true, are closely associated with a country's past, but this does not explain their persistence. Take for example the *falaka*, an old Middle Eastern technique that involves beating the soles of the feet with a rod or cable. While the rod does not break the skin of the victim's soles, it causes excruciating pain along the length of the body and causes the feet to swell enormously. It is not surprising that Turkish police favored it. What then explains the fact that they seemed to abandon the *falaka* rapidly in the early 1990s for techniques involving slabs of ice? Or what explains the fact that, in the 1970s, the *falaka* appeared beyond its customary range, in countries where it had never been used before? Culture and tradition may explain where a technique comes from, but they are too gross to account for intrastate and interstate variations.

The same considerations apply to ideology. Sometimes it appears that variations in ideology map onto the pattern of techniques. For example, in the 1970s, electrotorture reflects the fault line of the Cold War, appearing on the "Free World" side but not often on the Communist side (chapter 9). Communists had their own set of clean techniques (most famously, the notorious Conveyor technique) (chapter 3). In their famous analysis of Communist interrogation practices, Harold Wolff and Lawrence Hinkle argue that the Communists favored the Conveyor technique because Communism strongly opposes overt physical violence.[20]

Perhaps, but there is far greater variation in states that share common ideologies than at first appears. For example, many Eurasian states shared a common ideology ("Communism"), but varied greatly in the techniques they used (chapter 15). Many, such as Romania, abandoned the Conveyor technique for brutal scarring techniques. Others abandoned torture altogether. And the Soviets abandoned the infamous Conveyor technique in the 1940s for warehousing dissidents in psychoprisons in the 1960s (chapter 19).

Similarly, maybe all Latin America and Central American states in the 1970s shared a common "National Security Ideology"(NSI), as is sometimes argued. But this common ideology would have a difficult time accounting for why Argentines favored the *picana eléctrica* or electric cattle prod, the Chileans the *parilla*, or electric grill, and Brazilians the field telephone magneto (chapters 8 and 9).

Some ideologies may require or justify stealthy violence, but they appear useless in explaining the choice of techniques. There are of course variants of Marxism and possibly NSI, but splitting ideologies apart to fit patterns of torture is a notoriously subjective enterprise. Maybe Khruschevism has a deep relationship with the psychoprison just as Stalinism does to the Conveyor technique. But the obstacles to making a persuasive link here are so daunting as to offer a plausible reason to explore alternative explanations.

This brings up the matter of efficiency. Some might hold that police after all are practical people and they favor what gets the job done. It is tempting to think then that considerations of efficiency explain why torture varies over time within a state and between states. Now efficiency is an empty concept in itself; one has to specify a goal before the term takes on meaning. Traveling by bicycle or car may be more or less efficient depending on whether the goal is speed or better air quality.

In torture, the main criterion for efficiency is usually the painfulness of the technique. Consider, for example, sound chambers like the "House of Fun" installed in Dubai Special Branch Headquarters by a British firm. Marketed as "prisoner disorientation equipment," it is a "a high-tech room fitted with a generator for white noise and strobe lights such as might be seen in a disco, but turned up to a volume capable of reducing the victim to submission within half an hour."[21]

We would expect to find such an efficient technique installed widely, if not in squeamish democratic states at least in authoritarian states. Devices like the House of Fun are rather rare; such techniques appear in only a few countries over the past forty years—Portugal, Brazil, the United Kingdom, Israel, and Serbia. On the other hand, electric torture is global. It is the Esperanto, the international language, of torture.[22] Here then are two techniques, both scientific and painful, but one succeeds whereas the other does not. What explains, then, why some efficient techniques succeed or fail? To say that the technique is efficient is clearly not enough.

Torturers, and sometimes those who analyze them, maintain they favor "scientific" methods that are laboratory tested. Very few techniques that dominate the world of torture today come from laboratories. Low-tech tortures, like the *falaka*, are far more common that scientific tortures like the House of Fun.

In case after case, we find availability, habit, and memory shape how torturers choose. Torturers often choose instruments that are available in the station house or in nearby enterprises (cattle prods from stockyards). In many cases, torturers favor devices integrally linked to their routine duties, making it difficult to deprive them of it. Would you really deprive us of field telephones, gas masks, and riot control sticks? In other cases, they favor devices that are multifunctional, a tub or a hose. There is only one way to use the House of Fun; human rights activists have an easy time identifying it, and torturers would have a hard time justifying possessing it. Why bother with something that expensive when plastic bags are readily available for near asphyxiation?

Availability, linkage, and multifunctionality go some way toward explaining how torturers select their tools. Institutional settings also shape these choices. Institutions seeking prospective information about the future favor techniques that generate pain quickly, whereas those seeking coerced confessions about past events tend to select techniques that may take considerable time. When there is no urgency, why not resort to days of sleep deprivation and forced standing until the confession comes (chapters 2 and 3)?

Above all, torturers, like all human beings, remember what was done in the past. They share stories, recalling terrifying things done in other times and places. These memories have roots in family histories, schoolboy horror stories, and boot camp gossip. Often these are traumatic memories of what was done during a war or nationalist struggle. In the 1990s, Turkish police abandoned the *falaka* just as human rights doctors developed techniques that could identify the *falaka*'s effects up to six months after its use on a prisoner. Police turned to laying prisoners on slabs of ice, a technique harder to identify, but also one with a fairly unique history in the Mediterranean region. The British or the Turkish Cypriots used it on Greek Cypriots in the 1950s, as did the Bulgarians on their prisoners, and in the 1960s, the Greek junta used it on its dissidents (chapter 13). There are three reports of ice torture from elsewhere in this period (South Africa in the 1970s; the Philippines and the Soviets in Afghanistan in the 1980s). But it is hard not to suspect here that one is observing the power of local gossip as enemies imitate enemies. At any rate, culture, ideology, and scientific efficiency are poorly situated to explain this pattern of diffusion.

In some cases, the memories run deeper. They embrace common meanings, the collective traumas that shaped the narrative of a nation. What is the worst thing that you remember being done to you? Remember that and do it to this person. Sometimes, these memories are so terrible that torturers studiously avoid a technique that will associate them with past oppressors. This does not mean they won't torture; they only torture using things that are similar too, but not identical with, those of *their* torturers. You see, they seem to be saying, I'm not one of them. Such memories constitute intersubjective norms among

torturers, institutional norms if you like. For example, during the two Vietnam
wars and the Franco-Algerian conflict, French, South Vietnamese, and Ameri-
can troops used electrotorture; indeed, reports of electrotorture came to symbol-
ize these wars (chapters 7 and 8). After the conflicts were over, Vietnamese and
Algerian interrogators and guards tortured during the next three decades, but
avoided using electrotorture. In both countries, they turned to electrotorture in
the 1990s, not using a magneto (the classic technique) but with stun guns and
prods (chapters 8 and 9). Perhaps in some cases, a generation must pass before
a technique returns, and even then not in its original form.

One striking empirical pattern that emerges from the data is repeated clus-
tering of clean techniques in predictable ways in various countries or regions,
what I call "styles of torture." As all the techniques leave few marks, there is no
obvious reason why one technique is matched up regularly with another. Some
of these conventional bundles have well-known names, such as the Soviet Con-
veyor technique or the Israeli *shabeh*. Others I have named in order to highlight
the predictable clustering and mark its first occurrence. For example, the style
of torture American forces used in Iraq and Afghanistan derived from two vener-
able traditions of torture, French modern and Anglo-Saxon modern. Styles per-
sist not only across time in a country, but also appear in torture in other coun-
tries, some of them allies and some of them enemies of the original innovator.

If the choice of technique is entirely arbitrary and random, one would not
expect to find national styles of torture. But since they do exist, they need to be
explained. My explanation for these persisting styles takes seriously the notion
that torture is a craft, not a science (chapter 21). When explaining why regional
craftsmen differ in the way they make clothes, one might consider habit and
training (this is how we do it here) and availability (we do what we can with
what we've got). In the case of national styles, it is plausible to consider histori-
cal memory (the old sergeant tells me this is how the Nazis did it), habit and
training (this is how we do it here), and availability (torturers do not have a
great deal of time for experimentation, particularly in a crisis, and they reach
for well-known techniques).

These are reasonable expectations, but they cannot be proven with cer-
tainty. And it is frankly impossible to do an ethnographic study of torturers on
the job. Nor can one say which of the various factors, availability, habit, or
historical memory, matter more. But this explanation is logical, fits with what
we know about how some techniques stick together, and is more plausible than
variables that point to the state (ideology), modernization (scientific torture),
or tradition (culture). These are far clumsier when it comes to explaining why
styles develop, persist, and disappear.

If this craft apprenticeship hypothesis is correct, then there is a learning
pattern in torture that deserves some reflection. One important historical claim

of this study is that torture has changed worldwide, a sweeping change that rarely occurs in methods of violence. But this change is perhaps all the more remarkable in this case for its reliance on hidden networks and subterranean social memory.

War, for example, also changed over the twentieth century, but it did so before our eyes. States may obtain or produce poison gas, atomic weapons, or napalm covertly, but the Somme, Hiroshima, and Vietnam publicly advertised what they should aim for. Modern torture offers no similar universal public reference. Some national styles did briefly draw world attention (most notably the Five Techniques of Northern Ireland and the "brainwashing techniques" in the Korean War (chapters 3, 13, 15, and 18), and some torturers here and there tried to imitate them. But in general, there was no *Janes Torture Weekly*. For most of the century, torturers communicated by ancient methods. Techniques spread through backroom apprenticeships, networks of whispers, and the enabling power of knowing glances and averted eyes. The transformation of torture involved innumerable complex events, many almost lost to modern memory—even to those who have made it their business to monitor torture in the contemporary world. The enormous power of social networks is, in this respect, thought-provoking.

Torture and Democracy

Explaining *how* torture happens is a fairly reliable check on misleading and mistaken stories of *why* torture happens. That a country received Nazi advisers does not mean that its torture techniques came from the Nazis; one has to check, and what one often finds is that analysts moved too hastily from their favorite account of *why* torture happens to an erroneous and misleading account of *how* torture happened. In the various discrete histories, I repeatedly show that it is dangerous to collapse an explanation of *how* torture happens into *why* it happens. Higher-ups may authorize torture and caution police and soldiers to leave few marks, but torturers choose, and explaining these choices means paying attention to the details. Paying attention to the "know-how" throws into question some favorite modern stories about torture (see, for example, "Hell Is in the Details" in chapter 2).

Of course, one should not neglect the question of *why* torture happens, particularly in democratic contexts. This puzzle deserves its own explanation. Why is it that some democratic states torture, while other do not? Can one specify conditions under which torture appears in democratic states?

Let me sharpen this puzzle further. The demand for torture has not waned over the last forty years. At a 1996 conference on abolishing torture in Stock-

holm, Amnesty International's researchers reported that "torture is as prevalent today as when the United Nations Convention against Torture was adopted in 1984."[23] Three years later, at a similar conference in Chicago, Amnesty's Eric Prokosh suggested that torture is as widespread today as at the time of Amnesty's first Campaign against Torture in 1972. Nigel Rodley, the UN special rapporteur on torture, conceded this might be true, though he asserted that the situation would be far worse if there had not been so many treaties, truth commissions, and newspaper stories.[24]

For those who thought the end of the Cold War, the fall of many dictators and juntas, and the spread of democratization would reduce torture worldwide, this is bitter news. During the Cold War, one could comfort oneself that torture persisted mainly because many states that practiced it, Communist or capitalist, were authoritarian. But evidently regime type does not explain why torture persists or not. The puzzle is no longer, "Does torture persist after the Cold War?" (it obviously does), nor, "Is torture compatible with democracy?" (evidently they can coexist). It is, rather, "How is it that democracy and torture can coexist?"

When I began this book, this puzzle was largely neglected, but today, the danger appears to be to take the answer to this puzzle as self-evident. One might think that the demand for torture in democracies arises mainly during national emergencies. It is easy to imagine that, in war or in the face of terrorism, an imminent threat might lead some to endorse torture and many others to turn a blind eye. This would explain why some democracies turned to torture, for instance the French in Algeria, the British in Northern Ireland, or the Israelis on the West Bank. It would not explain many cases where analysts have documented systematic torture in democracies when an objective or perceived national threat was absent. These cases include such places as Japan, Brazil, the Russian Federation, democratic South Africa, and some American cities, notably Chicago and New York.

There are three ways torture appears in democracies that correspond to these sketches—the national security model, the civic discipline model, and the juridical model. In some cases torture occurs because a national security bureaucracy overwhelms the democratic institutions that were designed to control it. But in other cases, the demand for torture arises out of two other factors: unsound judicial practices and public fear of crime or perceived breakdown in civic order. Police, either on their own or with tacit consent, set about torturing to create safe streets. They hand criminals over to judges with confessions extracted through torture, and they administer curbside justice on marginal populations (transients, aliens, or addicts). In other cases, the demand comes not from local neighborhoods and police but from the judicial system. Some judicial systems value confessions inordinately, and police have strong incentives to secure them by any means.

The models identify important preconditions for torture in democratic states, but these conditions do not obtain in every democracy. These conditions are necessary, but not sufficient for torture to occur. A national security crisis might lead to various massacres but not torture. Police may use psychological tricks, rather than torture, to coerce confessions. The models only indicate that torture has an elective affinity to such conditions, that is, that it is highly probable that torture will appear under these conditions. Pressing beyond this for a fine-grained causal account of the necessary *and* sufficient conditions is currently not possible given the fragmentary knowledge of the empirical cases.

Few empirical cases are as clean as the models. In chapter 2, I review all the known cases of torture and democracy from Athenian democracy to the present, showing the ways they are similar to and differ from the models. The models, in this respect, highlight elements of empirical cases that might be missed otherwise, and more than one model may apply to one empirical case. The empirical cases in turn point to additional elements that sustain torture in democratic contexts. For example, once police seek confessions by any means, they become less skilled at other investigative tasks, and this in turn makes them rely on torture even more. Likewise, hostility between ethnic groups can exacerbate the tendencies set loose in the various models.

Does Torture Work?

The three models of torture in democracies correspond roughly to the three main purposes of government torture: to intimidate, to coerce false confessions, and to gather accurate security information. But do these techniques work?

Certainly, no one can doubt that coercive interrogation techniques can serve to intimidate or generate false confessions in many cases. The heart of the matter is whether an organization can apply these techniques (torture, coercion, "torture lite," call them what you will) scientifically and professionally to generate true and reliable intelligence, intelligence that is qualitatively superior to standard police techniques. That question is at the core of part V.

Despite public denials, the U.S. government's answer to this question appears to be yes in practice. In 2001, reports started describing new American interrogation techniques in the war on terror often dubbed "stress and duress."[25] By 2004, reports confirmed American torture in prisons in Iraq, Afghanistan, Guantánamo, Cuba, and elsewhere.[26] The public debate that has followed the war on terror has assumed the techniques work, and what is left to consider is whether to use them.

There is currently no official report that answers the question, "Does torture work?" No General Accounting Office report weighs how information

from "stress and duress" interrogations compares to other intelligence activities (e.g., informers, fingerprinting, and electronic intelligence) in foiling, or failing to foil, terrorist activity. There is no U.S. Army report on what impact these techniques have on the professional behavior and military organization. If the government knows, this knowledge is undoubtedly classified.[27]

What we do know is that these techniques have a history, one that is presented in great detail in part IV. Many of these techniques date back to British, French, and German military punishments in the late nineteenth century, some to American police practice in the 1920s, and some to Soviet practice in the 1930s. We also know something of how these techniques came to be used for interrogation purposes in the late twentieth century.

We also know that, in previous conflicts, militaries have held that torturing for true intelligence can be done professionally, scientifically, and productively. Torture advocates point to the Battle of Algiers in particular, in which French paratroopers dispensed with a terrorist organization in one year with the aid of, among other things, brutal torture (chapter 22).

In the 1990s, many French torturers have written memoirs describing what they did in Algiers. These accounts, not yet translated into English and written by those who did the actual torture, undermine the self-congratulatory accounts that French generals offered after the battle. They explain that there is no "science of torture," nor could there be, given the complex nature of pain; that practicing torture deprofessionalized soldiers; that it fragmented French military institutions; and that the intelligence torture produced during the battle was inferior to work done by informers and other policing activities.

These statements correspond to what we know indirectly about torture from numerous disciplines, from clinical psychology to policing. Hitherto, this material has been too scattered, and I bring all this material together in one book (chapters 21 and 23). This material suggests three points quite strongly. First, torture has not one slippery slope, but three. Torture increasingly takes in more suspects than those approved, leads to harsher methods than are authorized, and leads to greater bureaucratic fragmentation. Moreover, these slopes are slicker and sharper when people are seeking urgent information about the future than when they are securing false confessions about crimes in the past. Lastly, accuracy in torture is exceedingly poor, in some cases less accurate than flipping a coin, and the key successes in gathering information in known cases come from other methods, most notably cultivating public cooperation and informants.

The Battle of Algiers is a textbook illustration of all these points. Indeed, if we go through the entire battle event by event, we find only two instances in which one could say torture generated true, critically timely information, and how one judges what success means in these cases is open to considerable interpretation. Until scholars can give us a more detailed account from the Algerian archives, that is where things stand.

If this is true of the Battle of Algiers, where soldiers used painful water and electrical tortures, it is likely just as true for American "torture lite." The Battle of Algiers—not the movie, but the event—is not the startling justification of torture that it is often taken to be. Nor do other testimonials, offered by torturers in other times and places, bear the weight of historical scrutiny. We live in an age where we substitute movies and storytelling for memory.

It is not then just interrogators whose acts and judgments about torture arise from social memory and the recollection of trauma. We are similar. Memories of collective trauma shape powerfully how we have come to evaluate torture since the World War II. Just as there are myths on the right, there are myths on the left that reinforce a belief that torture works. *The Battle of Algiers*, one might recall, was a left-wing movie; it played to packed audiences in the 1960s that cheered the FLN guerillas.

Memory is not just a great repository of knowledge of times past; it is also a great city in which it is easy to get lost. Many times writing this book I followed well-known memories of torture down broad avenues into blind alleys. As I wrote each chapter, I came to understand that how we remember torture is as much a part of the story I am telling as the actual mapping of the torture techniques themselves. Too often the problems that arose in the mapping arose not from what was done, but from *what was subsequently said* about what was done. Some of us, more than others, are in a position to confront the practice of torture today, but, as I argue in chapter 24, all of us have the responsibility to attend to what we say about torture and to appreciate how important it is to take proper care of our memories.

Who Cares?

The empirical *claims* and theoretical *explanations* in this study raise questions about accepted theses in several disciplines. Let me call these theses disciplinary *interventions*, because they answer to the notorious "Who cares?" question. Not every chapter in this manuscript pertains to these disciplinary interventions. Here, I orient those with specific interests to the relevant chapters, sketching the accepted thesis and indicating ways in which the results of this study challenge them. I'll start with those disciplines that explore the causes of violence (political science, history, sociology) and moving then to disciplines that examine the meaning of violence (philosophy and cultural studies).

International human rights regimes do shape state behavior (chapters 9, 20–24). Simple political realism insists that liberal norms rarely coerce states because in the end, maintaining state power is more important than respecting rights. Short-term advantage trumps political sociability. There are, no doubt,

state leaders who believe this. The leaders of Myanmar and North Korea do not care what Amnesty International might say about torture in their countries. In such regimes, torturers value techniques for their painfulness.

Yet today such states are the exception, not the rule, as simple realism would predict. If, as I argue in this book, there has been a global transformation in the means of torture, this is partly because international norms of acceptable behavior are far more robust than is commonly acknowledged.[28] This is a more complex political realism. Most states perceive the advantages of at least appearing to respect human rights. Even repressive states know that bad publicity and human rights monitors can undermine the legitimacy, commerce, and foreign aid on which they depend. These states are caught between their desire to repress "outside the law" and their obligations, juridically codified or externally demanded, to do so without torture.

Stealth torture is one practice that helps states bridge this gap. Political scientists have rarely paid attention to torture in contrast to war, a central preoccupation of international relations.[29] Perhaps they should. Most wars today are civil or secessionist wars, and many involve torture. Watching how torture is conducted in these conflicts may indicate a leadership's susceptibility to international norms. The turn to stealth torture, as well as increases or decreases in its usage, are relevant indicators. This turn indicates that leaders conceive state interests on a broader register and are seeking to integrate themselves, however ungracefully, into the international system.

Moreover, in its broadest sense, this book offers states good reasons to avoid torturing prisoners, quite apart from the prudential considerations of international aid and illegitimacy. Institutionalized torture is the farthest thing from political realism; indeed, it is downright foolish in some cases. The most effective ways of exercising violence and gathering information depend on public cooperation or at least willing informants. Political wisdom suggests that observing human rights habitually in the exercise of violence has benefits far beyond what states can achieve by means of torture. Does this mean that what begins merely in fear leads to routine political sociability over time? Perhaps. The difficulty is that states that torture do not accumulate information on their torture, nor do they analyze its corrosive effect on state power. Indeed, they have strong interests in avoiding such analysis. This is, in part, a perverse effect of the robustness of international norms today: To avoid bad publicity, if not trials before an international criminal court, states keep knowledge of torture classified and hidden from public assessment. Regrettably, many factors still help simple realists fool themselves and others and allow torture to flourish yet another day.

No single nation is the primary, original distributor of modern torture technology (chapters 3–9, 15, and 24). Many people believe that a single nation is the main source of torture training and technology today; this is the universal

distributor (UD) hypothesis. For some, this universal distributor was the Soviet Union; for others, Nazi Germany; and for yet others, the United States. Chomsky and Herman's account of U.S. torture described above is just one variant of the UD hypothesis. Unquestionably, the United States and the Soviet Union did shape torture in their zones of greatest influence, Latin America and Eastern Europe respectively, and in Brazil and East Germany in particular. However, beyond these zones, the evidence for the UD hypothesis falls off markedly. Within these zones, states like Argentina, Chile, China, and Romania developed instruments and techniques not used elsewhere in the region.

The UD hypothesis cannot easily explain such regional variations. Since the Nuremberg trials, human rights monitors have held to an important axiom: uniformity of techniques indicates uniformity of intention. When the same practices appear in different places and times within a given country, in the cases of individuals who are unknown to each other, it is hard not to conclude that there is a deliberate state policy to torture. When one finds that other states adopt the same practices, especially states that have established military relationships and receive financial aid, one knows one has identified a distributive network.

However, most versions of the UD hypothesis do not look carefully at the torture techniques themselves. They simply follow the cash and military brass from the principal state to its satellites, substituting this approach for the hard work of studying interstate and intrastate variation in torture techniques. Even Chomsky and Herman, who advance the most sophisticated version of the hypothesis, look only at American military aid and training, not at the specific torture techniques that the aid recipients actually used. While following the cash and the brass can complement a careful mapping of torture techniques, these methods cannot be substitutes for it. Following *only* the cash and the brass generates misleading and often mistaken claims about the origins of torture techniques.

Similar objections can be raised against other UD hypotheses, for example, that the Nazis invented and distributed electric torture or that modern or stealth torture begins with the Stalinist Conveyor technique. In these cases, analysts do not document the incidence, geographic range, and details of a technique or compare it to similar facts about other Nazi or Soviet techniques. Too often, they identify a practice as exemplary when it was in fact limited in range or highly unusual or simply unadaptable to democratic policing. They overstate how much the Nazi and Soviet regimes contributed to the arsenal of clean tortures, passing over the influence of other states that had been using these techniques for years before the Nazis and Soviets even existed. If we could not see how democratic regimes shaped the history of modern torture, this was sometimes because we could not tell the forest from the two tallest trees in it.

Torture is a craft, not a science (chapters 18–21). In the early 1970s, Tim Shallice and John McGuffin warned that laboratory techniques were transforming torture into a science, a claim uncritically repeated by several recent writers.[30] But the last thirty years have not borne out this warning. The tortures at Abu Ghraib do not express an American science of torture and training, for torture worldwide still has all the characteristics of a craft apprenticeship. What torturers do is turn to what is available, what is habitual, what they can get away with, what they have heard from others, what they remember, and what they can learn by imitating others. Most torturers, with the exception of the Greek and the Brazilian, do not report receiving formal training in torture. Even CIA interrogation manuals begin with the proposition that good interrogation technique cannot be taught by manual; manuals are only helpful in reminding one what mistakes should be avoided. These, contrary to popular belief, are a legion. Torturers have to struggle with inadvertent death, decreasing sensitivity of damaged bodies, unconsciousness (which wastes considerable time), failures in timing, and variations in personality that are bewildering. None of this offers much evidence of a science of torture.

Since George Orwell wrote his chilling story of modern torture in *Nineteen Eighty-Four*, we have come to fear that torturers might harness the powers of science. Indeed they have, but not in the way Orwell imagined. Torturers like devices that cause intense pain or save them labor. They appreciate advances that allow them to revive victims for further torture. They have come to appreciate techniques that leave less visible damage. What neither science nor technology has been able to do is offer generalizable and universal rules for breaking victims, and there are good reasons to believe that this will never happen unless the nature of pain itself changes. The belief that torture is becoming ever more scientific is rooted in general preconceptions about technology and progress, not in the empirical study of torture instruments. Torturers may cloak themselves in the mantle of science, but this does not make them so, any more than wearing a white lab coat makes one a scientist.

How well torture technology spreads depends on the strength of the sociotechnical network that carries it forward (chapters 8 and 10). While most torture instruments are local and homemade, a few are technologically sophisticated, including electroshock devices and devices, like the House of Fun, that draw on sensory deprivation studies. Much that pertains to these devices is shrouded in government secrecy; so much has been lost in war, so many stories remain untranslated, that one can understand why we know more about the diffusion of hybrid corn in Iowa than we know about how these techniques spread. The latest books on torture instruments, mainly by English authors, break little new ground in this respect.[31] They illustrate devices with

gruesome, glossy pictures and fascinate readers with accounts of how horrible these instruments feel.

What these books do not do well is explain why one sophisticated device fails and another spreads rapidly. They pass over instruments, such as John Lilly's sensory deprivation flotation chamber, that terrified CIA volunteers wonderfully, but found the wrong kind of consumers, not police in authoritarian states, but New Age resorts throughout the West Coast. They do not discuss the many electric devices that never made it, or had incredibly slow starts, or failed to leap the barrier from customary use to police torture.

Social scientists conceptualize innovation and diffusion as a sequence of events in which a technology moves from the world of science to the social and political realm. This sequence begins with identifying a basic need; then doing scientific research to make sure the device works; and then marketing the useful device to society. Then society responds by resisting or adopting it.[32]

The story of electric stun technology, the most successful technology in this book, does not fit this pattern. From the start, the social side of the equation (which theoretically comes last) was integral to the science of stun. John Cover, the inventor of the Taser, organized networks that were simultaneously social and technological. He worked simultaneously on the social side (locating or creating needs; organizing existing or anticipated consumers) and the scientific side (identifying new materials, shaping new connections, conducting different tests); whenever he changed an element on one side, he had to reassemble elements on the other. After assembling several such socio-technical chains, Cover found one that was stable enough to support the Taser. Once the network was stable, other stun devices were developed in the classical form (invention to diffusion) and floated across the network as if the devices were powered by their own inherent utility. There was, however, nothing magical about stun guns.

Whether a device succeeds depends on how strong or weak the network is.[33] In stun technology, we find a chain of agents, human and material, that have to be kept together for the device to work. Multifunctionality and linkage serve to bring more and more allies into a network, stabilizing it against opposition. When the links in the chain are strong, held together by many allies, one can speak of "social resistance" to what looks like inherently useful technology. If the chain is missing a link, if the connection is imperfectly made, if the allies desert or fail, if the technology stands on its own—no matter how sophisticated it is, no matter how many political needs it might satisfy—the technology becomes junk. This, as I will show, is the fate that overtook technology based on sensory deprivation studies.

To know one's pain is to be able to describe it to oneself and others (chapters 2, 11, 17, 19, 20)*.* This book shows repeatedly that communities treat victims

that have marks of violence upon their bodies entirely differently from those who have no marks to show. In 1939, Mordehy Petcho, a member of the Jewish guerrilla group Irgun, lay in a cell after being tortured by the British CID. He describes how an old Arab brought food. As he could not eat, the Arab fed him, and when Petcho felt sharp pains, the old man asked to lift the blanket. Then he saw the bruises and "cursed the English as the worst of savages."[34] One can scarcely imagine a stranger scene in which a Palestinian Arab and an Irgun supporter bind themselves in common recognition of each other's humanity. Sixty years later, Palestinians had a hard time appreciating the suffering Israeli positional torture effected on their own relatives, and the Israelis denied torture had happened at all, since it left no marks. It took hard work for people to learn how to read the bodies that were subjected to *shabeh* technique, to question state power and accord respect to its victims.

These events tell us more than the fact that surviving stealth torture is a lonely, miserable experience; they help us understand more clearly that pain is a complex sensation, with cognitive and linguistic components. As Ludwig Wittgenstein observed, we do not have direct access to our pain, if what is meant by this claim is preverbal access to that damn sensation X that fills my mind and drives out the world.[35] Even knowing this sensation, calling it "pain" to oneself, requires some understanding of how to use concepts competently. Such linguistic competence occurs against the background of a common form of life and does not make sense without it.

If pain really did drive one into prelinguistic silence, prisoners would be unintelligible to themselves; phrases like "This hurts!" would make no sense to them, becoming merely babble. Unless they go mad, most prisoners do not lose their ability to recognize and use pain-related language even in their agony. Indeed, torture victims draw sustenance from their pain. Even in their darkest, isolated moments hanging on a hook, their pain roots them powerfully in communities of which they are a part.[36] What they lose in pain is only the ability to express themselves to others. When torturers turn to covert torture, they deliberately induce a breakdown in one's ability to show one's pain to others, stripping their words of the marks that give the speaker credibility. How horrible to be unable to use words in ways that elicit acknowledgment, to be unable to explain, to be uncertain, as in the case of some victims, even about what one has experienced.

This is not, however, how cultural theorist Elaine Scarry describes torture in her important account. For Scarry, torturers reduce victims to a prelinguistic silence. They succeed because of "the inexpressibility of physical pain." "Physical pain does not simply resist language, but actively destroys it, bringing about an immediate reversion to a state anterior to language, to the sounds and cries a human being makes before language is learned." Pain destroys one's world, and, in that silence, torturers impose the myth of the state's legitimacy. The

prisoner's pain is "perverted into the fraudulent assertion of power, that the objectified pain is denied as pain and read as power."[37]

Being unable to express pain does indeed have political consequences, but it would be a mistake to confuse the empirical inability to say or think when one is in pain with a philosophical claim that pain is a preverbal sensation, a sensation that has some quality that, in principle, makes it inexpressible. To be sure, pain may drive one into silence, for example during hard work ("Shut up! I'm holding this file cabinet!"). It may drastically shrink one's world, as in torture, forcing one to concentrate on the intense biological effort of getting by. But pain is not an object the torturer makes within me, a sensation to which only I have certain access ("You can't understand *my* pain!").[38]

To know I "have pain" is to invoke linguistic and social conventions that help us make sense of what words mean. The difficulties arise when the conventions we count on to express ourselves breakdown, as they do in stealth torture. The sociologist Veena Das, writing on mass rape in during the partition of India, observes that when we think of pain as Wittgenstein does, we free ourselves "from thinking that statements about pain are in the nature of questions about certainty or doubt over our own pain or that of others. Instead, we begin to think of pain as asking for acknowledgement and recognition; denial of the other's pain is not about the failings of intellect, but the failings of spirit. In the register of the imaginary, the pain of the other not only asks for a home in language, but also seeks a home in the body."[39] Stealth torture denies precisely this home in the body, tangling the victims and their communities in doubts, uncertainties, and illusions.

Scarry is right to draw attention to the importance of expression in torture, but this book distinguishes more carefully between different kinds of inexpressibility that follow from torture. The inexpressibility that matters politically is not the gap between the brain and the tongue, but between victims and their communities, a gap that is cynically calculated, a gap that shelters a state's legitimacy.

Still, eventually communities respond; citizens learn to hear torture victims and read their bodies. Here again Scarry's solution is misleading, at least from a political philosopher's perspective. What enables us to reconstitute our ability to speak with each other about pain is an activity different from capturing pain in works of art, stories, statues, and other objects of worldly making. What it takes is something fundamentally more powerful and fragile, the ability to create a common political space.[40] When the old Arab reached across that prison cell, lifted the blanket, and read Petcho's body, for a brief moment he and Petcho occupied such a space. Such reading has become much harder in modern times, and, consequently, the spaces in which we can appear before each other in our pain have become more scarce. Here, then, is a small offering toward literacy for our times.